AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court for the District of Delaware on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
	1/6/2022	for the District of Delaware

PLAINTIFF	DEFENDANT
PERCEPT TECHNOLOGIES INC.	

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	US 8,696,113 B2	4/15/2014	Percept Technologies Inc.
2	US 9,010,929 B2	4/21/2015	Percept Technologies Inc.
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/841,141	03/15/2013	Scott W. LEWIS	5266P

CONFIRMATION NO. 6565

29141
Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

POWER OF ATTORNEY NOTICE

OC000000083960649

Date Mailed: 06/28/2016

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/14/2016.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

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**.

/tgebre/

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/841,141	03/15/2013	Scott W. LEWIS	5266P

CONFIRMATION NO. 6565

22883
Los Altos Law
Los Altos Law
P.O. Box 1024
Los Altos, CA 94023

POA ACCEPTANCE LETTER

OC000000083960689

Date Mailed: 06/28/2016

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/14/2016.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

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**.

/tgebre/

PTO/AIA/82B (07-12)
Approved for use through xx/xx/xxxx. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

POWER OF ATTORNEY BY APPLICANT

☑ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

OR

22883

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

Name Registration	Number	Name Registration	Number

Please recognize or change the correspondence address for the above-identified patent to:

☑ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name	Los Altos Law Inc				
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the Applicant:

☐ Inventor or Joint Inventor

☐ Legal Representative of a Deceased or Legally Incapacitated Inventor

☑ Assignee or Person to Whom the Inventor is Under an Obligation to Assign

☐ Person Who Otherwise Shows Sufficient *Proprietary* Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document)

SIGNATURE of Applicant for Patent

Signature		Date	5/2/14
Name	Scott Lewis	Telephone	[redacted]
Title and Company	President, Percept Technologies Inc.		

NOTE: Signature - This form must be signed by the applicant or applicant's representative in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms for more than one signature, see below *.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 1.11 and 1.14. This collection is estimated to take 3 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Electronic Acknowledgement Receipt

EFS ID:	26066440
Application Number:	13841141
International Application Number:	
Confirmation Number:	6565
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Customer Number:	29141
Filer:	Steven Akiba Swernofsky/Sarah Swernofsky
Filer Authorized By:	Steven Akiba Swernofsky
Attorney Docket Number:	5266P
Receipt Date:	14-JUN-2016
Filing Date:	15-MAR-2013
Time Stamp:	21:38:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	GeneralPOAPerceptTechSigned.pdf	546921 6f1013b9cb6cbea3901ca8d328413b2a6478d9c0	no	1

Warnings:	
Information:	

Total Files Size (in bytes):	546921

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/841,141	03/15/2013	Scott W. LEWIS	5266P

CONFIRMATION NO. 6565

IMPROPER CPOA LETTER

29141
Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

OC000000083552224

Date Mailed: 06/10/2016

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the power of attorney filed 06/03/2016. The power of attorney in this application is not accepted for the reason(s) listed below:

- The power of attorney is from an assignee and the statement required by 37 CFR 3.73(c) has not been received.

/dtvernon/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PTO/AIA/82B (07-12)
Approved for use through xx/xx/xxxx OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

POWER OF ATTORNEY BY APPLICANT

☑ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

OR **22883**

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

Name Registration	Number

Name Registration	Number

Please recognize or change the correspondence address for the above-identified patent to:

☑ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name	Los Altos Law Inc				
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the Applicant:

☐ Inventor or Joint Inventor

☐ Legal Representative of a Deceased or Legally Incapacitated Inventor

☑ Assignee or Person to Whom the Inventor is Under an Obligation to Assign

☐ Person Who Otherwise Shows Sufficient *Proprietary* Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document)

SIGNATURE of Applicant for Patent

Signature		Date	5/2/16
Name	Scott Lewis	Telephone	408 871 7843
Title and Company	President, Percept Technologies Inc.		

NOTE: Signature - This form must be signed by the applicant or applicant's representative in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms for more than one signature, see below *.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 1.11 and 1.14. This collection is estimated to take 3 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **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 *and select option 2.*

Electronic Acknowledgement Receipt

EFS ID:	25957921
Application Number:	13841141
International Application Number:	
Confirmation Number:	6565
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Customer Number:	29141
Filer:	Steven Akiba Swernofsky/Sarah Swernofsky
Filer Authorized By:	Steven Akiba Swernofsky
Attorney Docket Number:	5266P
Receipt Date:	03-JUN-2016
Filing Date:	15-MAR-2013
Time Stamp:	04:22:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	GeneralPOAPCPPerceptTechSigned.PDF	172477 6c875c49f7566a547ad76208b11744ad25b9e485	no	1

Warnings:	
Information:	

Total Files Size (in bytes):	172477

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
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National Stage of an International Application under 35 U.S.C. 371
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New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	04/15/2014	8696113	5266P	6565

29141 7590 03/26/2014

Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

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 Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Scott W. LEWIS, Las Vegas, NV;
PERCEPT TECHNOLOGIES INC., Las Vegas, NV

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

CROSS-REFERENCE TO RELATED APPLICATION

[0001] This application is a continuation-in-part and claims the benefit of priority to U.S. Patent Application No. 13/739,929, filed on January 11, 2013, entitled "DIGITAL EYEWEAR", which is a continuation application of U.S. Patent Application No. 13/078,589, filed on April 1, 2011, entitled "DIGITAL EYEWEAR", now U.S. Patent No. 8,353,594, issued on January 15, 2013, which is a continuation application of U.S. Patent Application No. 12/621,423, filed on November 18, 2009, entitled "DIGITAL EYEWEAR", now U.S. Patent No. 7,918,556, issued on April 5, 2011, which is a continuation application of U.S. Patent Application No. 12/029,068, filed February 11, 2008, entitled "DIGITAL EYEWEAR", now U.S. Patent No. 7,758,185, issued on July 20, 2010, which is a divisional application of U.S. Patent Application No. 11/245,756, filed October 7, 2005, entitled "DIGITAL EYEWEAR", all of which are incorporated herein by reference.

[0002] This application is related to U.S. Patent Application No. 13/841,550 ~~(Docket No. 5087P)~~, filed on March 15, 2013, entitled "ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR", which is also incorporated herein by reference.

FIELD OF THE INVENTION

[0003] The present invention relates generally to wearable optics and more particularly to wearable optics that includes additional functionality.

Change(s) applied
to document,
/L.A.S./
2/27/2014

Receipt date: 03/18/2013
Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Change(s) applied to document,
/L.A.S./
3/3/2014

Application Number	13841141
Filing Date	2013-03-15
First Named Inventor	Scott W. LEWIS
Art Unit	2872
Examiner Name	D. Collins
Attorney Docket Number	5266P

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/DJC/	1	RE39539		2007-04-03	Torch	
	2	4659197		1987-04-21	Weinblatt	
	3	6231183		5-15-2001 ~~2001-05-15~~	Dillon	
	4	7500747		2009-03-10	Howell et al.	
	5	4300818		1981-11-17	Schachar	
	6	5671035		1997-09-23	Barnes	
	7	6879443		2005-04-12	Spitzer et al.	
	8	7484847		2009-02-03	Fuziak	

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DJC/

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (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 including the Patent, advance orders and notification of maintenance fees 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.

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

29141 7590 02/06/2014
Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

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.

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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	03/15/2013	Scott W. LEWIS	5266P	6565

TITLE OF INVENTION: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	05/06/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
COLLINS, DARRYL J	2872	351-158000

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/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form 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,
(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.

1 Sawyer Law Group,P.C.
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 has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: PERCEPT TECHNOLOGIES INC.
(B) RESIDENCE: (CITY and STATE OR COUNTRY): LAS VEGAS, NV

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

4a. The following fee(s) are submitted:
☒ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number 02-2120 (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ Applicant certifying micro entity status. See 37 CFR 1.29
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.
☐ Applicant asserting small entity status. See 37 CFR 1.27
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.
☐ Applicant changing to regular undiscounted fee 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 /Joseph A. Sawyer, Jr./ Date February 21, 2014
Typed or printed name Joseph A. Sawyer, Jr. Registration No. 30801

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Docket No: 5266P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Scott W. LEWIS	Confirmation No: 6565
Serial No: 13/841,141	Group Art Unit: 2872
Filed: 3/15/2013	Examiner: Collins, Darryl J.

Title: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

MAIL STOP ISSUE FEE
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicant recognizes that in accordance with M.P.E.P. § 1302.14, the Examiner's reasons for allowance need not set forth all of the details as to why the claims are allowed. In the above-referenced application, Applicant does not concede that the Examiner's stated reasons for allowance are the only reasons for which the claims are allowable. In particular, Applicant does not concede that the identified limitations with respect to independent claims 1, 7, 26 and 29 are the only grounds for patentability of the allowed claims. Furthermore, the claims may be patentable for other reasons. In addition, Applicant notes that the dependent claims may also be allowable on their own merits, and are allowable on the basis of a sub-combination of the recited features of the dependent claims and their respective base claims.

Respectfully submitted,

SAWYER LAW GROUP, P.C.

2/21/2014
Date

/Joseph A. Sawyer, Jr./
Joseph A. Sawyer, Jr.
Attorney for Applicant
Reg. No. 30,801
(650) 493-4540

Electronic Patent Application Fee Transmittal

Application Number:	13841141
Filing Date:	15-Mar-2013
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Filer:	Joseph A. Sawyer/Sherry Long
Attorney Docket Number:	5266P

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	2501	1	480	480
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
		Total in USD ($)		**480**

Electronic Acknowledgement Receipt

EFS ID:	18270330
Application Number:	13841141
International Application Number:	
Confirmation Number:	6565
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Customer Number:	29141
Filer:	Joseph A. Sawyer/Sherry Long
Filer Authorized By:	Joseph A. Sawyer
Attorney Docket Number:	5266P
Receipt Date:	21-FEB-2014
Filing Date:	15-MAR-2013
Time Stamp:	16:56:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$480
RAM confirmation Number	3882
Deposit Account	022120
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Issue Fee Payment (PTO-85B)	5266P_IssueFeeTransmittal.pdf	95926 c2aa348c42b22bef76254c69efee874770992b7e	no	1
Warnings:					
Information:					
2	Miscellaneous Incoming Letter	5266P_CommentsOnAllowance.pdf	16448 d524c256b2f54e0fdbf294c4f7dbf1120be49ed7	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30432 42b9b06cc38f2443fad86656be9190a7aaa6598b	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	142806		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

29141 7590 02/06/2014

Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER
COLLINS, DARRYL J

ART UNIT	PAPER NUMBER
2872	

DATE MAILED: 02/06/2014

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	03/15/2013	Scott W. LEWIS	5266P	6565

TITLE OF INVENTION: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	05/06/2014

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 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity 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 and an extra copy of the form should be submitted. 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: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (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 including the Patent, advance orders and notification of maintenance fees 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.

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

29141 7590 02/06/2014
Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

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.

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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	03/15/2013	Scott W. LEWIS	5266P	6565

TITLE OF INVENTION: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	05/06/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
COLLINS, DARRYL J	2872	351-158000

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/SB/122) attached.
- ❑ "Fee Address" indication (or "Fee Address" Indication form 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,
(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.
1 _____
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 has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(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. The following fee(s) are submitted:
- ❑ Issue Fee
- ❑ Publication Fee (No small entity discount permitted)
- ❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ❑ A check is enclosed.
- ❑ Payment by credit card. Form PTO-2038 is attached.
- ❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ❑ Applicant certifying micro entity status. See 37 CFR 1.29 — 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.
- ❑ Applicant asserting small entity status. See 37 CFR 1.27 — 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.
- ❑ Applicant changing to regular undiscounted fee 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 _____ Date _____

Typed or printed name _____ Registration No. _____

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Magic Leap, Inc. Exhibit 1002 Page 21

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	03/15/2013	Scott W. LEWIS	5266P	6565

29141 7590 02/06/2014

Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER	
COLLINS, DARRYL J	
ART UNIT	PAPER NUMBER
2872	

DATE MAILED: 02/06/2014

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

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

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 12 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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to 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)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 13/841,141	Applicant(s) LEWIS, SCOTT W.	
	Examiner DARRYL J. COLLINS	Art Unit 2872	AIA (First Inventor to File) Status No

-- 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.

1. ☒ This communication is responsive to *the amendmend filed 23 December 2013*.
   ☐ 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 allowed claim(s) is/are *1-3, 7, 9-11, 13-16 and 26-31* . As a result of the allowed claim(s), 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 .
4. ☐ 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)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ 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).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 12232013
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
5. ☒ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/DARRYL J COLLINS/
Primary Examiner, Art Unit 2872

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on December 23, 2013 has been considered by the examiner.

Terminal Disclaimer

The terminal disclaimer filed on January 27, 2014 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on U.S. Application Number 13/965,050 has been reviewed and is accepted. The terminal disclaimer has been recorded.

The terminal disclaimer filed on January 27, 2014 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on U.S. Application Number 13/965,065 has been reviewed and is accepted. The terminal disclaimer has been recorded.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph Sawyer (Reg. No. 30,801) on January 27, 2014.

The application has been amended as follows:

In claim 1, line 6, after "corneal measurements," and before "lens measurements", "eye" has been inserted.

In claim 1, line 6, after "lens measurements" and before "iris measurements", "," has been inserted.

In claim 7, line 6, after "corneal measurements," and before "lens measurements", "eye" has been inserted.

In claim 7, line 6, after "lens measurements" and before "iris measurements", "," has been inserted.

In claim 26, line 6, after "corneal measurements," and before "lens measurements", "eye" has been inserted.

In claim 26, line 6, after "lens measurements" and before "iris measurements", "," has been inserted.

In claim 29, line 6, after "corneal measurements," and before "lens measurements", "eye" has been inserted.

In claim 29, line 6, after "lens measurements" and before "iris measurements", "," has been inserted.

Allowable Subject Matter

Claims 1-3, 7, 9-11, 13-16 and 26-31 are allowed.

The following is an examiner's statement of reasons for allowance: The reasons for allowance are as set forth in the Applicant's Remarks (page 7, fifth paragraph, and bridging page 8), filed December 23, 2013.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARRYL J. COLLINS whose telephone number is (571)272-2325. The examiner can normally be reached on 6:30 - 5:00 Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darryl J. Collins/
Primary Examiner
Art Unit 2872

27 January 2014

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13841141	LEWIS, SCOTT W.
	Examiner	Art Unit
	DARRYL J COLLINS	2872

CPC		
Symbol	Type	Version

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	17	
/DARRYL J COLLINS/ Primary Examiner.Art Unit 2872	01/27/2014	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	5C

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13841141	LEWIS, SCOTT W.
	Examiner	Art Unit
	DARRYL J COLLINS	2872

US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION	
CLASS	SUBCLASS	CLAIMED	NON-CLAIMED
351	158	G 0 2 B 27 / 01 (2006.01.01)	

CROSS REFERENCE(S)					
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
345	8				
359	630				

NONE	Total Claims Allowed:	
(Assistant Examiner) (Date)	17	
/DARRYL J COLLINS/ Primary Examiner.Art Unit 2872 01/27/2014	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner) (Date)	1	5C

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13841141	LEWIS, SCOTT W.
	Examiner	**Art Unit**
	DARRYL J COLLINS	2872

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1		17												
2	2		18												
3	3		19												
	4		20												
	5		21												
	6		22												
4	7		23												
	8		24												
5	9		25												
6	10	12	26												
7	11	13	27												
	12	14	28												
8	13	15	29												
9	14	16	30												
10	15	17	31												
11	16														

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 17	
/DARRYL J COLLINS/ Primary Examiner.Art Unit 2872 (Primary Examiner)	01/27/2014 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 5C

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13841141	LEWIS ET AL.
	Examiner	Art Unit
	DARRYL J COLLINS	2872

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
351	158	6/27/2013	DJC
385	8	6/27/2013	DJC
359	13,630-633	6/27/2013	DJC
345	7-9	6/27/2013	DJC
	UPDATED	9/11/2013	DJC
	UPDATED	11/19/2013	DJC
	UPDATED	1/27/2014	DJC

SEARCH NOTES		
Search Notes	Date	Examiner
Consulted with PE Nguyen (AU 2774). Refused request for tranfer to 385/8.	6/26/2013	DJC
BRS EAST Search (USOCR, USPGPUB, USPAT, EPO, JPO, Derwent, IBM_TDB) attached	6/27/2013	DJC
BRS EAST Search (updated and attached)	9/11/2013	DJC
BRS EAST Search (updated and attached)	11/19/2013	DJC
BRS EAST Search (updated and attached)	1/27/2014	DJC

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	**US Subclass / CPC Group**	**Date**	**Examiner**
351	158	1/27/2014	DJC
385	8	1/27/2014	DJC
359	13,630-633	1/27/2014	DJC
345	7-9	1/27/2014	DJC
	BRS EAST Interference Search (UPAD and USPGPUB) attached	1/27/2014	DJC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Scott W. LEWIS	Confirmation No. 6565
Serial No. 13/841,141	Group Art Unit: 2872
Filed: 3/15/2013	Examiner: Collins, Darryl J

For: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

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

OK to eneter
/Darryl J. Collins/
01/27/2014

AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION OF NOVEMBER 25, 2013

Sir:

In response to the Final Office Action of November 25, 2013, Applicants submit the following amendments and remarks:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 7 of this paper.

There are 9 pages to this paper.

Receipt date: 12/23/2013
Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	13841141
Filing Date	2013-03-15
First Named Inventor	Scott W. Lewis
Art Unit	2872
Examiner Name	Collins, Darryl J.
Attorney Docket Number	5266P

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Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/DJC/	1	6222508		2001-04-24	Alvelda et al.	
/DJC/	2	6307526		2001-10-23	Mann	

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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
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Receipt date: 12/23/2013	Application Number	13841141
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date	2013-03-15
	First Named Inventor	Scott W. Lewis
(Not for submission under 37 CFR 1.99)	Art Unit	2872
	Examiner Name	Collins, Darryl J.
	Attorney Docket Number	5266P

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1		☐

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EXAMINER SIGNATURE

Examiner Signature	/Darryl J. Collins/	Date Considered	01/24/2014

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DJC/

Receipt date: 12/23/2013	Application Number	13841141
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**	Filing Date	2013-03-15
	First Named Inventor	Scott W. Lewis
	Art Unit	2872
	Examiner Name	Collins, Darryl J.
	Attorney Docket Number	5266P

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☒ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Joseph A. Sawyer, Jr./	Date (YYYY-MM-DD)	2013-12-23
Name/Print	Joseph A. SAWYER, Jr.	Registration Number	30,801

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Receipt date: 12/23/2013

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6. A record in this system of records may be disclosed, as a routine use, to 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)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	4	(("6222508") or ("6307526")).PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/01/24 08:27
S1	425	((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display).clm.	USPAT	OR	OFF	2013/06/24 15:33
S2	5	S1 and (eye near5 track$3).clm.	USPAT	OR	OFF	2013/06/24 15:34
S3	798	((head near3 up) same display).clm.	USPAT	OR	ON	2013/06/24 15:37
S4	6	S3 and (eye near5 track$3).clm.	USPAT	OR	OFF	2013/06/24 15:37
S5	7321	((351/158) or (285/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 06:46
S6	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 06:46
S7	338	S6 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 06:47
S8	4217	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 06:48
S10	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 08:27
S11	29	S10 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	ON	2013/06/27 08:27

			DERWENT; IBM_TDB			
S12	338	S10 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:27
S13	3	S11 not S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:27
S14	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:28
S15	23	S14 not S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:28
S16	26	S13 or S15	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:28
S17	23	lens same ((eye near2 (track$3 or respons$4 or movement)) near6 cursor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:52
S18	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:56
S19	247	S18 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 09:56
S20	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 09:57
S21	338	S20 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S22	7509	((351/158) or (385/8) or (359/13,630-	US-PGPUB;	OR	OFF	2013/06/27

		633) or (345/7-9)).CCLS.	USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB			09:57
S23	29	S22 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S24	338	S22 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S25	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S26	214	S19 not (S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 09:57
S27	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 10:17
S28	268	S27 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 10:17
S29	2463	S27 not (S19 or S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 10:18
S30	16	S28 not (S19 or S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 10:18
S31	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 10:22
S32	91	S31 not (S19 or S21 or S23 or S24 or S25 or S28)	USPAT	OR	OFF	2013/06/27 10:29
S33	53	(("20120147043") or ("RE39539") or ("4659197") or ("6231183") or ("7500747") or ("4300818") or ("5671035") or ("6879443") or ("7484847") or ("7758185") or ("7918556") or ("20050001981") or ("20040097839") or ("20040212776") or ("20060023158") or ("20050248722") or ("20050097179") or ("20060093998") or ("20060132382") or ("20100045928") or ("20100145729") or ("20050248722") or ("20050097179") or ("20100079356") or	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 10:36

		("20100110368")).PN.				
S34	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S35	247	S34 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 14:36
S36	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 14:36
S37	338	S36 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S38	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 14:36
S39	29	S38 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S40	338	S38 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S41	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S42	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S43	268	S42 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 14:36
S44	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT;	OR	ON	2013/06/27 14:36

			IBM_TDB			
S45	536	S44 or S35 or S37 or S39 or S40 or S41 or S43	USPAT	OR	OFF	2013/06/27 14:36
S46	165	S45 and reality	USPAT	OR	OFF	2013/06/27 14:37
S47	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 15:43
S48	247	S47 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 15:43
S49	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S50	247	S49 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 16:11
S51	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 16:11
S52	338	S51 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S53	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 16:11
S54	29	S53 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S55	338	S53 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S56	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11

S57	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S58	268	S57 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 16:11
S59	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S60	536	S59 or S50 or S52 or S54 or S55 or S56 or S58	USPAT	OR	OFF	2013/06/27 16:11
S61	38	S60 and (lighten or darken)	USPAT	OR	OFF	2013/06/27 16:11
S62	1073	(385/8).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/10 15:05
S63	1	S62 and (eye near4 track$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:06
S64	8068	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/10 15:08
S65	364	S64 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:08
S66	8068	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/10 15:09
S67	30	S66 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:09
S68	4334	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT;	OR	ON	2013/09/10 15:09

			IBM_TDB			
S69	531	S68 and (operating near3 system)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:10
S70	367	S65 or S67	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:10
S71	843	S69 or S70	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:10
S72	8068	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/11 14:50
S73	364	S72 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S74	8068	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/11 14:50
S75	30	S74 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S76	4334	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S77	531	S76 and (operating near3 system)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S78	367	S73 or S75	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT;	OR	ON	2013/09/11 14:50

			IBM_TDB			
S79	843	S77 or S78	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S80	781	S79 and (phone or computer or laptop or display or portable)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S81	490	S80 and (contrast or shading or opacity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:53
S82	1073	(385/8).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/11 15:19
S83	0	S82 and (inverse near2 shading)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:19
S84	7	S82 and shading	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:19
S85	675	S79 and (view$3 same (phone or computer or laptop or display or portable))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:25
S86	584	S79 and (view$3 near6 (phone or computer or laptop or display or portable))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:25
S87	125	S79 and ((contrast or shading or opacity) same (view$3 near6 (phone or computer or laptop or display or portable)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:27
S88	301	S79 and ((stack$3 or layer$3) same (pixel or lens))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT;	OR	ON	2013/09/11 16:12

			IBM_TDB			
S89	113	S79 and (object near2 recognition)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 16:26
S90	4	"8353594"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/10/02 11:42
S91	2	("7918556").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/10/02 11:44
S92	4	(("7758185") or ("20070081123")).PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/10/02 11:47
S93	15949	(eyewear or eyeglasses or spectacles or googles or (wearable near3 optic))	USPAT	OR	OFF	2013/11/19 07:00
S94	8421	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 07:01
S95	23237	S93 or S94	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 07:01
S96	11021	S95 and (biometric or (gesture ner2 control) or (blood near2 sugar) or glucose or cholesterol or sodium or potassium or biomarker or (blood near2 serum) or biosensor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 07:06
S97	675	S96 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/19 07:07
S98	2	("20110213664").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 07:09
S99	1884	S95 and (biometric or (gesture near2 control) or (blood near2 sugar) or glucose or cholesterol or sodium or	US-PGPUB; USPAT; USOCR;	OR	OFF	2013/11/19 07:40

		potassium or biomarker or (blood near2 serum) or biosensor)	EPO; JPO; DERWENT; IBM_TDB			
S100	132	S99 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/19 07:41
S101	2	("20110213664").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 10:33
S102	1	S101 and (biometric or (gesture near2 control) or (blood near2 sugar) or glucose or cholesterol or sodium or potassium or biomarker or (blood near2 serum) or biosensor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 10:33
S103	1111	(385/8).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/01/24 07:16
S104	1	S103 and (eye near4 track$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:16
S105	8622	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/01/24 07:16
S106	405	S105 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:16
S107	8622	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/01/24 07:16
S108	30	S107 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:16
S109	4525	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR;	OR	ON	2014/01/24 07:16

			EPO; JPO; DERWENT; IBM_TDB			
S110	586	S109 and (operating near3 system)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:16
S111	408	S106 or S108	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:16
S112	930	S110 or S111	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:16
S113	8622	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/01/24 07:17
S114	405	S113 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:17
S115	8622	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/01/24 07:17
S116	30	S115 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:17
S117	4525	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:17
S118	586	S117 and (operating near3 system)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:17
S119	408	S114 or S116	US-PGPUB; USPAT; USOCR;	OR	ON	2014/01/24 07:17

			EPO; JPO; DERWENT; IBM_TDB			
S120	930	S118 or S119	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:17
S121	866	S120 and (phone or computer or laptop or display or portable)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:17
S122	541	S121 and (contrast or shading or opacity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:17
S123	1111	(385/8).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/01/24 07:17
S124	7	S123 and shading	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:17
S125	138	S120 and ((contrast or shading or opacity) same (view$3 near6 (phone or computer or laptop or display or portable)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:17
S126	319	S120 and ((stack$3 or layer$3) same (pixel or lens))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:18
S127	129	S120 and (object near2 recognition)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:18
S128	16121	(eyewear or eyeglasses or spectacles or googles or (wearable near3 optic))	USPAT	OR	OFF	2014/01/24 07:18
S129	8622	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/01/24 07:18
S130	23600	S128 or S129	US-PGPUB;	OR	OFF	2014/01/24

			USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB			07:18
S131	11217	S130 and (biometric or (gesture ner2 control) or (blood near2 sugar) or glucose or cholesterol or sodium or potassium or biomarker or (blood near2 serum) or biosensor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/01/24 07:18
S132	695	S131 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:18
S133	1271	S104 or S112 or S122 or S124 or S125 or S126 or S127 or S132	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:19
S134	1096689	@pd>="20130901"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:19
S135	109	S133 and S134	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:20
S136	640	S133 and ((eye or lensciliary or pupil or corne$2 or iris or lid or blink$3) near8 measur$6)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:34
S137	671	S133 and ((eye or lens or ciliary or pupil or corne$2 or iris or lid or blink$3) near8 measur$6)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/24 07:34

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S138	1981	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; UPAD	OR	OFF	2014/01/24 07:36
S139	21	S138 and ((eye or lens or ciliary or pupil or corne$2 or iris or lid or blink$3) near8 measur$6).clm.	US-PGPUB; UPAD	OR	ON	2014/01/24 07:36
S140	8278	lewis.in.	US-PGPUB;	OR	ON	2014/01/24 07:55

			UPAD			
S141	168	S140 and lens.clm.	US-PGPUB; UPAD	OR	ON	2014/01/24 07:55
S142	17	S141 and track$4.clm.	US-PGPUB; UPAD	OR	ON	2014/01/24 07:55

1/24/2014 8:28:29 AM
C:\Users\dcollins2\Documents\EAST\Workspaces\13841141.wsp

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13841141	LEWIS ET AL.
	Examiner	Art Unit
	DARRYL J COLLINS	2872

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/27/2013	09/11/2013	11/19/2013	01/27/2014					
1	1	✓	✓	✓	=					
2	2	✓	✓	✓	=					
3	3	✓	✓	✓	=					
	4	O	-	-	-					
	5	O	-	-	-					
	6	✓	-	-	-					
4	7	✓	✓	✓	=					
	8	✓	-	-	-					
5	9	O	✓	✓	=					
6	10	✓	✓	✓	=					
7	11	O	O	O	=					
	12	O	-	-	-					
8	13	O	✓	✓	=					
9	14	O	✓	✓	=					
10	15	O	✓	✓	=					
11	16	✓	O	O	=					
	17	O	-	-	-					
	18	✓	-	-	-					
	19	✓	-	-	-					
	20	✓	-	-	-					
	21	✓	-	-	-					
	22	✓	-	-	-					
	23	✓	-	-	-					
	24	✓	-	-	-					
	25	✓	-	-	-					
12	26		✓	✓	=					
13	27		✓	✓	=					
14	28		✓	✓	=					
15	29		✓	✓	=					
16	30		✓	✓	=					
17	31		✓	✓	=					

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	03/15/2013	Scott W. LEWIS	5266P	6565

29141 7590 02/03/2014

Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER	
COLLINS, DARRYL J	
ART UNIT	PAPER NUMBER
2872	

NOTIFICATION DATE	DELIVERY MODE
02/03/2014	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):

patent@sawyerlawgroup.com

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	13/841,141	LEWIS, SCOTT W.	
	Examiner	Art Unit	
	DARRYL J. COLLINS	2872	

All participants (applicant, applicant's representative, PTO personnel):

(1) *DARRYL J. COLLINS*. (3)_____.

(2) *Mr. Joseph A. Sawyer (Reg. No. 30,801)*. (4)_____.

Date of Interview: *27 January 2014*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☒Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *none*.

Identification of prior art discussed: *n/a*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

In response to the After Final Consideration Pilot Program 2.0 (AFCP 2.0) request filed December 23, 2014, the examiner contacted Mr. Sawyer and indicated that the claims appeared to be patentable over the prior art and to address possible non-statutory obviousness type double patenting rejections with co-pending applications 13/965050 and 13/965065. In an effort to promote compact prosecution, Mr. Sawyer agreed to provide terminal disclaimers as soon as possible. Mr. Sawyer also agreed to an Examiner's Amendment to correct punctuation and to amend "lens measurements" to be "eye lens measurements" in independent claims 1, 7, 26 and 29.

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.

☐ Attachment

/DARRYL J COLLINS/ Primary Examiner, Art Unit 2872	

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
13/841,141	15 March, 2013	LEWIS, SCOTT W.	5266P

		EXAMINER	
Sawyer Law Group, P.C. P.O. Box 51418 Palo Alto, CA 94303		DARRYL J. COLLINS	
		ART UNIT	PAPER
		2872	20140127A

DATE MAILED:

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

Commissioner for Patents

Attached, please find an interview summary for the telephone interview conducted on January 27, 2014.

/Darryl J. Collins/
Primary Examiner
Art Unit: 2872

PTO-90C (Rev.04-03)

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	13/841,141	LEWIS, SCOTT W.	

Document Code - DISQ	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : 1/27/14	**This patent is subject to a Terminal Disclaimer**	

Approved/Disapproved by:

2 td's
Jean Proctor

U.S. Patent and Trademark Office

PTO/AIA/25 (04-13)
Approved for use through 04/30/2013. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION	Docket Number (Optional) 5266P

In re Application of: Scott W. LEWIS

Application No.: 13/841,141

Filed: 3/15/2013

For: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

The applicant, Percept Technologies Inc., owner of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 13/965,050, filed, 8/12/2013, as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The applicant hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the applicant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent granted on the pending **reference** application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ The undersigned is the applicant. If the applicant is an assignee, the undersigned is authorized to act on behalf of the assignee.

I hereby acknowledge that any willful false statements made are punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

2. ☑ The undersigned is an attorney or agent of record. Reg. No. 30801

/Joseph A. Sawyer, Jr./	January 27, 2014
Signature	Date
Joseph A. Sawyer, Jr.	
Typed or printed name	
Managing Partner	(650) 493-4540
Title	Telephone Number

☑ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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This collection of information is required by 37 CFR 1.321. 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 1.11 and 1.14. This collection is estimated to take 12 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The information provided by you in this form will be subject to the following routine uses:

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to 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)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional): 5266P

In re Application of: Scott W. LEWIS

Application No.: 13/841,141

Filed: 3/15/2013

For: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

The applicant, Percept Technologies Inc., owner of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 13/965,065, filed, 8/12/2013, as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The applicant hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the applicant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent granted on the pending **reference** application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ The undersigned is the applicant. If the applicant is an assignee, the undersigned is authorized to act on behalf of the assignee.

I hereby acknowledge that any willful false statements made are punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

2. ☑ The undersigned is an attorney or agent of record. Reg. No. 30801

/Joseph A. Sawyer, Jr./	January 27, 2014
Signature	Date
Joseph A. Sawyer, Jr.	
Typed or printed name	
Managing Partner	(650) 493-4540
Title	Telephone Number

☑ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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.

This collection of information is required by 37 CFR 1.321. 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 1.11 and 1.14. This collection is estimated to take 12 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **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 and select option 2.

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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to 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)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	13841141
Filing Date:	15-Mar-2013
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Filer:	Joseph A. Sawyer/Sherry Long
Attorney Docket Number:	5266P

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Statutory or Terminal Disclaimer	1814	2	160	320
		Total in USD ($)		**320**

Electronic Acknowledgement Receipt	
EFS ID:	18038955
Application Number:	13841141
International Application Number:	
Confirmation Number:	6565
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Customer Number:	29141
Filer:	Joseph A. Sawyer/Sherry Long
Filer Authorized By:	Joseph A. Sawyer
Attorney Docket Number:	5266P
Receipt Date:	27-JAN-2014
Filing Date:	15-MAR-2013
Time Stamp:	18:55:20
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$320
RAM confirmation Number	6529
Deposit Account	022120
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Terminal Disclaimer Filed	5266P_TerminalDisclaimer1.pdf	247353 2d9d4286d9cd98a375e861b6bc14438fa802c28b	no	2
Warnings:					
Information:					
2	Terminal Disclaimer Filed	5266P_TerminalDisclaimer2.pdf	247362 24e470219ac818af2e4fd85543ac43050d57bddd	no	2
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30298 fb57a38406cbee2ad72cf25db515580044a04978	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	525013	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	03/15/2013	Scott W. LEWIS	5266P	6565

29141 7590 01/15/2014

Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER	
COLLINS, DARRYL J	
ART UNIT	PAPER NUMBER
2872	

NOTIFICATION DATE	DELIVERY MODE
01/15/2014	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):

patent@sawyerlawgroup.com

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 13/841,141	**Applicant(s)** LEWIS, SCOTT W.	
	Examiner DARRYL J. COLLINS	**Art Unit** 2872	**AIA (First Inventor to File) Status** No

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

THE REPLY FILED 23 December 2014 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 _____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 APPLICANT'S 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 37 CFR 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 Continuation Sheet*. (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: _____.
13. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
14. ☐ Other: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:
    Claim(s) allowed: .
    Claim(s) objected to: 11 and 16.
    Claim(s) rejected: 1-3,7,9,10,13-15 and 26-31.
    Claim(s) withdrawn from consideration: .

	/Darryl J. Collins/ Primary Examiner

Continuation of 3. NOTE: The amendment incorporates new limitations that have not been previously presented in this application and would require further search and consideration.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Scott W. LEWIS	Confirmation No. 6565
Serial No. 13/841,141	Group Art Unit: 2872
Filed: 3/15/2013	Examiner: Collins, Darryl J

For: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

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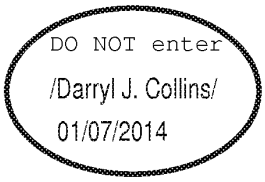
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450



AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION OF NOVEMBER 25, 2013

Sir:

In response to the Final Office Action of November 25, 2013, Applicants submit the following amendments and remarks:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 7 of this paper.

There are 9 pages to this paper.

Doc Code: A.NE.AFCP
Document Description: After Final Consideration Pilot Program Request

PTO/SB/434 (05-13)

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

Practitioner Docket No.:	Application No.:	Filing Date:
5266P	13/841,141	3/15/2013
First Named Inventor:	**Title:**	
Scott W. LEWIS	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR	

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	Date
/Joseph A. Sawyer, Jr./	2013-12-23
Name (Print/Typed) Joseph A. Sawyer, Jr.	**Practitioner Registration No.** 30801

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 _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Scott W. LEWIS	Confirmation No. 6565
Serial No. 13/841,141	Group Art Unit: 2872
Filed: 3/15/2013	Examiner: Collins, Darryl J

For: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

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P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION OF NOVEMBER 25, 2013

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Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 7 of this paper.

There are 9 pages to this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions of the claims in the present application:

Listing of Claims:

1. (Currently Amended) A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein the dynamic eye tracking mechanism utilizes optical parameter measurements; wherein the optical parameter measurements include any of ciliary measurements, pupil measurements, corneal measurements, lens measurements iris measurements, eye lid measurements, retina measurements; wherein an optical/perceptual parameter based operating system is utilized, wherein the wearable optics device is controlled by the optical/perceptual based operating system.

2. (Previously Presented) The wearable optics system of claim 1, wherein the dynamic eye tracking is utilized to control the optical/perceptual based operating system.

3. (Previously Presented) The wearable optics system of claim 1, wherein applications are utilized to control sensors and communication of the wearable optics device.

4-6. (Cancelled)

7. (Currently Amended) A wearable optics device comprising:

at least one lens; and

a dynamic eye tracking mechanism in communication with the at least one lens; wherein the dynamic eye tracking mechanism utilizes optical parameter measurements; wherein the optical parameter measurements include any of ciliary measurements, pupil measurements, corneal measurements, lens measurements iris measurements, eye lid measurements, retina measurements; wherein an optical/perceptual parameter based operating system is utilized, wherein the wearable optics device is controlled by the optical/perceptual based operating system[[.]];

wherein shading or inverse shading is utilized based upon the optical/perceptual based operating system; wherein inverse shading is provided when viewing a display, wherein the display is utilized with any of a smartphone, personal computer, laptop, desktop or portable device.

8. (Cancelled)

9. (Original) The wearable optics device of claim 7, wherein inverse shading is provided by a polarized filter.

10. (Original) The wearable optics device of claim 7, wherein algorithms for shading and inverse shading are provided within the wearable optics device.

11. (Original) The wearable optics device of claim 7, wherein algorithms are provided to transform non-visual spectrum to visible information.

12. (Cancelled)

13. (Original) The wearable optics device of claim 7, wherein an object is unshaded but the area outside of the object is shaded.

14. (Original) The wearable optics device of claim 7, wherein object recognition is utilized.

15. (Original) The wearable optics device of claim 7, wherein if ambient light is above some predetermined value then you shade.

16. (Previously Presented) The wearable optics device of claim 7, wherein the at least one lens comprises a plurality of lenses; wherein each lens of the plurality of lenses has its own inverse shading.

17-25 (Cancelled)

26. (Currently Amended) A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein the dynamic eye tracking mechanism utilizes optical parameter measurements; wherein the optical parameter measurements include any of ciliary measurements, pupil measurements, corneal measurements, lens measurements iris measurements, eye lid measurements, retina measurements; wherein an optical/perceptual parameter based operating system is utilized, wherein the lens includes a plurality of layers.

27. (Previously Presented) The wearable optics system of claim 26, wherein the dynamic eye tracking is utilized to control the optical/perceptual based operating system.

28. (Previously Presented) The wearable optics system of claim 26, wherein applications are utilized to control sensors and communication of the wearable optics device.

29. (Currently Amended) A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein the dynamic eye tracking mechanism utilizes optical parameter measurements; wherein the optical parameter measurements include any of ciliary measurements, pupil measurements, corneal measurements, lens measurements iris measurements, eye lid measurements, retina measurements; wherein an optical/perceptual parameter based operating system is utilized, wherein the lens includes a plurality of layers; wherein at

least one of the layers includes at least one driver and an eye cursor which are controlled by the optical/perceptual based operating system.

30. (Previously Presented) The wearable optics system of claim 29, wherein the dynamic eye tracking is utilized to control the optical/perceptual based operating system.

31. (Previously Presented) The wearable optics system of claim 29, wherein applications are utilized to control sensors and the communication of the wearable optics device.

REMARKS

Claims 1-3, 7, 9-11, 13-16 and 26-31 are pending in the present application. Claims 1-3, 7, 9, 10, 13-15 and 26-31 have been rejected. Claims 11 and 16 have been objected to. Claims 1, 7, 26 and 29 have been amended to clarify the recited invention. No new matter has been added. Accordingly, claims 1-3, 7, 9-11, 13-16 and 26-31 are now pending in the present application.

Applicant respectfully submits that the pending claims are now in condition for allowance.

Claim Rejections – 35 USC § 102

The Examiner states,

Claims 1-3 and 26-31 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Osterhout et al (U.S. Patent Publication 2011/0213664).

Claim Rejections – 35 USC § 103

The Examiner states,

Claims 7, 9, 10 and 13-15 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Osterhout et al (U.S. Patent Publication 2011/0213664) in view of Bar-Zeev et al (U.S. Patent Publication 2012/0068913).

Applicant respectfully traverses these rejections. Applicant has amended all of the independent claims to recite "wherein the dynamic eye tracking mechanism utilizes optical parameter measurements; wherein the optical parameter measurements include any of ciliary measurements, pupil measurements, corneal measurements, lens

measurements iris measurements, eye lid measurements, retina measurements;". Applicant respectfully submits that neither of the references either singly or in combination teaches or suggests the dynamic eye tracking mechanism utilizing optical parameter measurements in combination with the other elements of the independent claims. The optical parameter measurements are important to the dynamic eye tracking mechanism because the actual functioning of the eye is considered in the eye tracking. In the cited references by contrast there is simply no teaching of the optical parameter measurements utilized in conjunction with the dynamic eye tracking mechanism.

Accordingly Applicant submits that claims 1, 7, 26 and 29 are allowable over the cited references. Applicant respectfully requests therefore reconsideration and allowance of the claims as now presented.

Claims 2, 3, 9-11, 13-16, 27, 28, 30 and 31 are dependent upon allowable base claims. Accordingly, Applicant respectfully submits that they are allowable based upon that dependency as well as being allowable based upon their own individual merit.

Conclusion

Accordingly, Applicant respectfully requests reconsideration and allowance of claims 1-3, 7, 9-11, 13-16 and 26-31 as now presented. Applicant's attorney believes this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,
Sawyer Law Group, P.C.

December 23, 2013

/Joseph A. Sawyer, Jr./
Joseph A. Sawyer, Jr.
Reg. No. 30,801
Attorney for Applicant(s)

Customer Number 29141
Telephone: (650) 493-4540
Fax: (650) 493-4549

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	13841141
	Filing Date	2013-03-15
	First Named Inventor	Scott W. Lewis
	Art Unit	2872
	Examiner Name	Collins, Darryl J.
	Attorney Docket Number	5266P

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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	2	6307526		2001-10-23	Mann	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	13841141
	Filing Date	2013-03-15
	First Named Inventor	Scott W. Lewis
	Art Unit	2872
	Examiner Name	Collins, Darryl J.
	Attorney Docket Number	5266P

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
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EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13841141
	Filing Date	2013-03-15
	First Named Inventor	Scott W. Lewis
	Art Unit	2872
	Examiner Name	Collins, Darryl J.
	Attorney Docket Number	5266P

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☒ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Joseph A. Sawyer, Jr./	Date (YYYY-MM-DD)	2013-12-23
Name/Print	Joseph A. SAWYER, Jr.	Registration Number	30,801

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to 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)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	13841141
Filing Date:	15-Mar-2013
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Filer:	Joseph A. Sawyer/Sarah Jeromin
Attorney Docket Number:	5266P

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Submission- Information Disclosure Stmt	2806	1	90	90
		Total in USD ($)		**90**

Electronic Acknowledgement Receipt

EFS ID:	17748158
Application Number:	13841141
International Application Number:	
Confirmation Number:	6565
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Customer Number:	29141
Filer:	Joseph A. Sawyer/Sarah Jeromin
Filer Authorized By:	Joseph A. Sawyer
Attorney Docket Number:	5266P
Receipt Date:	23-DEC-2013
Filing Date:	15-MAR-2013
Time Stamp:	18:11:51
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$90
RAM confirmation Number	6378
Deposit Account	022120
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	After Final Consideration Program Request	5266P_AfterFinalPilotForm.pdf	226465 3b987b1ada32b5d26d8e6dbd5c96a57cadbb6f17	no	2
Warnings:					
Information:					
2		5266P_Amendment.pdf	33097 04e6a75bc4110476d56888bb18dfabaa54a67d20	yes	9
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Response After Final Action		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	9	
Warnings:					
Information:					
3	Information Disclosure Statement (IDS) Form (SB08)	5266P_IDS.pdf	611816 d9992af9e89d4b779d0a14b41a0ac0db3aa4afec	no	4
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	30502 2a48b7b970ca3d8e4a0bbd19cfb5a4dc35e2c8da	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	901880		

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (09-11)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/841,141	Filing Date 03/15/2013	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	12/23/2013	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 17	Minus	** 25	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/EVELYN NIMMONS/

This collection of information is required by 37 CFR 1.16. 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 12 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	03/15/2013	Scott W. LEWIS	5266P	6565

29141 7590 11/25/2013

Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER	
COLLINS, DARRYL J	
ART UNIT	PAPER NUMBER
2872	

NOTIFICATION DATE	DELIVERY MODE
11/25/2013	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):

patent@sawyerlawgroup.com

Office Action Summary	Application No. 13/841,141	Applicant(s) LEWIS, SCOTT W.	
	Examiner DARRYL J. COLLINS	Art Unit 2872	AIA (First Inventor to File) Status No

-- 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* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *10 October 2013*.

☐ 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) *1-3,7,9-11,13-16 and 26-31* 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) *1-3,7,9,10,13-15 and 26-31* is/are rejected.

8)☒ Claim(s) *11 and 16* 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 *15 March 2013* 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/08) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Response to Arguments

Applicant's arguments with respect to claims 1, 7, 26 and 29 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Claim Rejections - 35 USC § 102

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

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 26-31 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Osterhout et al (U.S. Patent Publication 2011/0213664).

With regard to independent claim 1, Osterhout et al teaches a wearable optical device (Figure 1, element 100) comprising, a lens (Figure 1, element 104), and a dynamic eye tracking mechanism (Figure 15E) in communication with the lens (page 28, paragraph [0301]), wherein an optical/perceptual parameter based operating system is utilized (page 22, paragraph [0279]),

wherein the wearable optics device is controlled by the optical/perceptual based operating system (page 29, paragraph [0306]).

With regard to dependent claim 2, Osterhout et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 1, and further teaches such a wearable optics device wherein the dynamic eye tracking is utilized to control the operating system (page 28, paragraph [0301]).

With regard to dependent claim 3, Osterhout et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 1, and further teaches such a wearable optics device wherein applications are utilized to control sensors and communication of the wearable optics device (page 4, paragraph [0034]).

With regard to independent claim 26, Osterhout et al teaches a wearable optical device (Figure 1, element 100) comprising, a lens (Figure 1, element 104), and a dynamic eye tracking mechanism (Figure 15E) in communication with the lens (page 28, paragraph [0301]), wherein an optical/perceptual parameter based operating system is utilized (page 22, paragraph [0279]), wherein the lens includes a plurality of layers (page 14, paragraph [0196], "electrochromic coatings may be used on the lens").

With regard to dependent claim 27, Osterhout et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 26, and further teaches such a wearable optics device wherein the dynamic eye tracking is utilized to control the operating system (page 28, paragraph [0301]).

With regard to dependent claim 28, Osterhout et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 26, and further

teaches such a wearable optics device wherein applications are utilized to control sensors and communication of the wearable optics device (page 4, paragraph [0034]).

With regard to independent claim 29, Osterhout et al teaches a wearable optical device (Figure 1, element 100) comprising, a lens (Figure 1, element 104), and a dynamic eye tracking mechanism (Figure 15E) in communication with the lens (page 28, paragraph [0301]), wherein an optical/perceptual parameter based operating system is utilized (page 22, paragraph [0279]), wherein the lens includes a plurality of layers (page 14, paragraph [0196], "electrochromic coatings may be used on the lens"), wherein at a one of the layers includes at least one driver (page 21, paragraph [0273]) and an eye cursor which are controlled by the optical/perceptual based operating system (page 26, paragraph [0297]).

With regard to dependent claim 30, Osterhout et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 29, and further teaches such a wearable optics device wherein the dynamic eye tracking is utilized to control the operating system (page 28, paragraph [0301]).

With regard to dependent claim 31, Osterhout et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 29, and further teaches such a wearable optics device wherein applications are utilized to control sensors and communication of the wearable optics device (page 4, paragraph [0034]).

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7, 9, 10 and 13-15 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Osterhout et al (U.S. Patent Publication 2011/0213664) in view of Bar-Zeev et al (U.S. Patent Publication 2012/0068913).

With regard to independent claim 7, although Osterhout et al teaches a wearable optical device (Figure 1, element 100) comprising, at least one lens (Figure 1, element 104), and a dynamic eye tracking mechanism (Figure 15E) in communication with the at least one lens (page 28, paragraph [0301]), wherein an optical/perceptual parameter based operating system is utilized (page 22, paragraph [0279]), wherein the wearable optics device is controlled by the optical/perceptual based operating system (page 29, paragraph [0306]), Osterhout et al fails to teach such a wearable optical device wherein shading or inverse shading is utilized. In a related endeavor, Bar-Zeev et al teaches a wearable optical device (Figure 7A, element 700 and page 6, paragraph [0083]) comprising, at least one lens (Figure 7, elements 701 and 703), and a dynamic eye tracking mechanism (Figure 7A, element 726) in communication with the at least one lens (Figure 1), wherein shading or inverse shading is utilized based upon the dynamic eye tracking (page 3, paragraphs [0044] and [0047] with respect to the opacity filter). Bar-Zeev et al fails to explicitly teach wherein inverse shading is provided when viewing a display, wherein the display is utilized with any of a smartphone, personal computer, laptop, desktop or portable device,

however, it should be noted that Bar-Zeev et al does, at the very least, suggest the technique of shading based on environmental inputs by changing pixel opacity (page 5, paragraph [0071]-page 6, paragraph [0077]), such that it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the wearable optical device, as taught by Osterhout et al, with the shading technique, as taught by Bar-Zeev et al, to provide a clear image provided for by a number of different displays.

With regard to dependent claim 9, Osterhout et al in view of Bar-Zeev et al teach all of the claimed limitations of the instant invention as outlined above with respect to independent claim 7, wherein Bar-Zeev et al further teaches such a wearable optics device wherein inverse shading is provided by a polarizer (page 3, paragraph [0056]).

With regard to dependent claim 10, Osterhout et al in view of Bar-Zeev et al teach all of the claimed limitations of the instant invention as outlined above with respect to independent claim 7, wherein Bar-Zeev et al further teaches such a wearable optics device wherein algorithms for shading and inverse shading are provide within the wearable optics device (page 2, paragraph [0042]).

With regard to dependent claim 13, Osterhout et al in view of Bar-Zeev et al teach all of the claimed limitations of the instant invention as outlined above with respect to independent claim 7, wherein Bar-Zeev et al further teaches such a wearable optics device wherein an object is unshaded but the area outside of the object is shaded (page 2, paragraph [0047]).

With regard to dependent claim 14, Osterhout et al in view of Bar-Zeev et al teach all of the claimed limitations of the instant invention as outlined above with respect to independent

claim 7, wherein Osterhout et al further teaches such a wearable optics device wherein optical recognition is utilized (page 33, paragraph [0343]).

With regard to dependent claim 15, Osterhout et al in view of Bar-Zeev et al teach all of the claimed limitations of the instant invention as outlined above with respect to independent claim 7, wherein Bar-Zeev et al further teaches such a wearable optics device wherein if ambient light is above some predetermined value then you shade, i.e., selectively removing natural light (page 2, paragraph [0042]).

Allowable Subject Matter

Claims 11 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. §102 or §103 would be proper. Although the prior art teaches a wearable optical device comprising, at least one lens, and a dynamic eye tracking mechanism in communication with the at least one lens, wherein an optical/perceptual parameter based operating system is utilized, wherein the wearable optics device is controlled by the optical/perceptual based operating system, wherein shading or inverse shading is utilized based upon the optical/perceptual based operating system, wherein inverse shading is provided when viewing a display, the prior art fails to teach such a wearable optics device wherein algorithms are provided to transform non-visual spectrum to

visible spectrum as claimed in dependent claim 11, or such a wearable optics device wherein the at least one lens comprises a plurality of lenses, wherein each lens has its own inverse shading, as claimed in dependent claim 16.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). 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 date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARRYL J. COLLINS whose telephone number is (571)272-2325. The examiner can normally be reached on 6:30 - 5:00 Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darryl J. Collins/
Primary Examiner
Art Unit 2872

19 November 2013

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	425	((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display).clm.	USPAT	OR	OFF	2013/06/24 15:33
S2	5	S1 and (eye near5 track$3).clm.	USPAT	OR	OFF	2013/06/24 15:34
S3	798	((head near3 up) same display).clm.	USPAT	OR	ON	2013/06/24 15:37
S4	6	S3 and (eye near5 track$3).clm.	USPAT	OR	OFF	2013/06/24 15:37
S5	7321	((351/158) or (285/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 06:46
S6	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 06:46
S7	338	S6 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 06:47
S8	4217	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 06:48
S10	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 08:27
S11	29	S10 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:27
S12	338	S10 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	ON	2013/06/27 08:27

			DERWENT; IBM_TDB			
S13	3	S11 not S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:27
S14	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:28
S15	23	S14 not S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:28
S16	26	S13 or S15	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:28
S17	23	lens same ((eye near2 (track$3 or respons$4 or movement)) near6 cursor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:52
S18	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:56
S19	247	S18 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 09:56
S20	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 09:57
S21	338	S20 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S22	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 09:57
S23	29	S22 and oculometer	US-PGPUB;	OR	ON	2013/06/27

			USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB			09:57
S24	338	S22 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S25	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S26	214	S19 not (S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 09:57
S27	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 10:17
S28	268	S27 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 10:17
S29	2463	S27 not (S19 or S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 10:18
S30	16	S28 not (S19 or S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 10:18
S31	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 10:22
S32	91	S31 not (S19 or S21 or S23 or S24 or S25 or S28)	USPAT	OR	OFF	2013/06/27 10:29
S33	53	(("20120147043") or ("RE39539") or ("4659197") or ("6231183") or ("7500747") or ("4300818") or ("5671035") or ("6879443") or ("7484847") or ("7758185") or ("7918556") or ("20050001981") or ("20040097839") or ("20040212776") or ("20060023158") or ("20050248722") or ("20050097179") or ("20060093998") or ("20060132382") or ("20100045928") or ("20100145729") or ("20050248722") or ("20050097179") or ("20100079356") or ("20100110368")).PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 10:36
S34	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S35	247	S34 and ((eyewear or eyeglasses or	USPAT	OR	OFF	2013/06/27

		spectacles or googles or (wearable near3 optic)) and display)				14:36
S36	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 14:36
S37	338	S36 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S38	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 14:36
S39	29	S38 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S40	338	S38 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S41	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S42	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S43	268	S42 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 14:36
S44	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S45	536	S44 or S35 or S37 or S39 or S40 or S41 or S43	USPAT	OR	OFF	2013/06/27 14:36
S46	165	S45 and reality	USPAT	OR	OFF	2013/06/27 14:37
S47	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR;	OR	ON	2013/06/27 15:43

			EPO; JPO; DERWENT; IBM_TDB			
S48	247	S47 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 15:43
S49	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S50	247	S49 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 16:11
S51	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 16:11
S52	338	S51 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S53	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 16:11
S54	29	S53 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S55	338	S53 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S56	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S57	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S58	268	S57 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 16:11

S59	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S60	536	S59 or S50 or S52 or S54 or S55 or S56 or S58	USPAT	OR	OFF	2013/06/27 16:11
S61	38	S60 and (lighten or darken)	USPAT	OR	OFF	2013/06/27 16:11
S62	1073	(385/8).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/10 15:05
S63	1	S62 and (eye near4 track$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:06
S64	8068	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/10 15:08
S65	364	S64 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:08
S66	8068	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/10 15:09
S67	30	S66 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:09
S68	4334	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:09
S69	531	S68 and (operating near3 system)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:10
S70	367	S65 or S67	US-PGPUB; USPAT;	OR	ON	2013/09/10 15:10

			USOCR; EPO; JPO; DERWENT; IBM_TDB			
S71	843	S69 or S70	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:10
S72	8068	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/11 14:50
S73	364	S72 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S74	8068	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/11 14:50
S75	30	S74 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S76	4334	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S77	531	S76 and (operating near3 system)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S78	367	S73 or S75	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S79	843	S77 or S78	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
S80	781	S79 and (phone or computer or laptop or display or portable)	US-PGPUB; USPAT;	OR	ON	2013/09/11 14:50

			USOCR; EPO; JPO; DERWENT; IBM_TDB			
S81	490	S80 and (contrast or shading or opacity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:53
S82	1073	(385/8).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/11 15:19
S83	0	S82 and (inverse near2 shading)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:19
S84	7	S82 and shading	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:19
S85	675	S79 and (view$3 same (phone or computer or laptop or display or portable))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:25
S86	584	S79 and (view$3 near6 (phone or computer or laptop or display or portable))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:25
S87	125	S79 and ((contrast or shading or opacity) same (view$3 near6 (phone or computer or laptop or display or portable)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:27
S88	301	S79 and ((stack$3 or layer$3) same (pixel or lens))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 16:12
S89	113	S79 and (object near2 recognition)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 16:26
S90	4	"8353594"	US-PGPUB; USPAT;	OR	OFF	2013/10/02 11:42

			USOCR; EPO; JPO; DERWENT; IBM_TDB			
S91	2	("7918556").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/10/02 11:44
S92	4	(("7758185") or ("20070081123")).PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/10/02 11:47
S93	15949	(eyewear or eyeglasses or spectacles or googles or (wearable near3 optic))	USPAT	OR	OFF	2013/11/19 07:00
S94	8421	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 07:01
S95	23237	S93 or S94	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 07:01
S96	11021	S95 and (biometric or (gesture ner2 control) or (blood near2 sugar) or glucose or cholesterol or sodium or potassium or biomarker or (blood near2 serum) or biosensor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 07:06
S97	675	S96 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/19 07:07
S98	2	("20110213664").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 07:09
S99	1884	S95 and (biometric or (gesture near2 control) or (blood near2 sugar) or glucose or cholesterol or sodium or potassium or biomarker or (blood near2 serum) or biosensor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 07:40
S100	132	S99 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/19 07:41

S101	2	("20110213664").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 10:33
S102	1	S101 and (biometric or (gesture near2 control) or (blood near2 sugar) or glucose or cholesterol or sodium or potassium or biomarker or (blood near2 serum) or biosensor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/11/19 10:33

EAST Search History (Interference)

<This search history is empty>

11/19/2013 1:19:37 PM
C:\Users\dcollins2\Documents\EAST\Workspaces\13841141.wsp

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13841141	LEWIS ET AL.
	Examiner	Art Unit
	DARRYL J COLLINS	2872

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
351	158	6/27/2013	DJC
385	8	6/27/2013	DJC
359	13,630-633	6/27/2013	DJC
345	7-9	6/27/2013	DJC
	UPDATED	9/11/2013	DJC
	UPDATED	11/19/2013	

SEARCH NOTES		
Search Notes	Date	Examiner
Consulted with PE Nguyen (AU 2774). Refused request for tranfer to 385/8.	6/26/2013	DJC
BRS EAST Search (USOCR, USPGPUB, USPAT, EPO, JPO, Derwent, IBM_TDB) attached	6/27/2013	DJC
BRS EAST Search (updated and attached)	9/11/2013	DJC
	11/19/2013	DJC

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13841141	LEWIS ET AL.
	Examiner	Art Unit
	DARRYL J COLLINS	2872

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/27/2013	09/11/2013	11/19/2013						
	1	✓	✓	✓						
	2	✓	✓	✓						
	3	✓	✓	✓						
	4	O	-	-						
	5	O	-	-						
	6	✓	-	-						
	7	✓	✓	✓						
	8	✓	-	-						
	9	O	✓	✓						
	10	✓	✓	✓						
	11	O	O	O						
	12	O	-	-						
	13	O	✓	✓						
	14	O	✓	✓						
	15	O	✓	✓						
	16	✓	O	O						
	17	O	-	-						
	18	✓	-	-						
	19	✓	-	-						
	20	✓	-	-						
	21	✓	-	-						
	22	✓	-	-						
	23	✓	-	-						
	24	✓	-	-						
	25	✓	-	-						
	26		✓	✓						
	27		✓	✓						
	28		✓	✓						
	29		✓	✓						
	30		✓	✓						
	31		✓	✓						

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
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	03/15/2013	Scott W. LEWIS	5266P	6565

29141 7590 10/10/2013

Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER	
COLLINS, DARRYL J	
ART UNIT	PAPER NUMBER
2872	

NOTIFICATION DATE	DELIVERY MODE
10/10/2013	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):

patent@sawyerlawgroup.com

Applicant-Initiated Interview Summary	**Application No.** 13/841,141	**Applicant(s)** LEWIS, SCOTT W.	
	Examiner DARRYL J. COLLINS	**Art Unit** 2872	

All participants (applicant, applicant's representative, PTO personnel):

(1) *DARRYL J. COLLINS*.

(2) *Mr. Joseph A. Sawer, Jr. (Reg. No. 30,801)*.

(3) *Dr. Scott W. Lewis (Inventor)*.

(4) _____.

Date of Interview: *02 October 2013*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1*.

Identification of prior art discussed: *Bar-Zeev et al (U.S. Patent Publication 2012/0068913)*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Mr. Sawyer and Dr. Lewis presented a proposed amendment to claim 1 to distiguish over the prior art and to more clearly define what is meant by optical parameters. Mr. Saywer nd Dr. Lewis pointed to paragraph [0067] to provide support for, and examples of, optical perceptual parameters. The examiner informed both Mr.Sawyer and Dr. Lewis that the proposed amendment appeared to overcome the outstanding rejection based on the prior art of record, but would conduct a search when a formal response is received.

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.

☐ Attachment

/Darryl J. Collins/ Primary Examiner, Art Unit 2872	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

———

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
13/841,141	15 March, 2013	LEWIS, SCOTT W.	5266P

		EXAMINER	
Sawyer Law Group, P.C. P.O. Box 51418 Palo Alto, CA 94303		DARRYL J. COLLINS	
		ART UNIT	PAPER
		2872	20131002

DATE MAILED:

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

Commissioner for Patents

Attached, please find an Interview Summary (PTOL-413) for the telephonic interview conducted on October 2, 2013.

/Darryl J. Collins/
Primary Examiner
Art Unit: 2872

PTO-90C (Rev.04-03)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Scott W. LEWIS	Confirmation No. 6565
Serial No. 13/841,141	Group Art Unit: 2872
Filed: 3/15/2013	Examiner: Collins, Darryl J.

For: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

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

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION OF SEPTEMBER 18, 2013

Sir:

In response to the Non-Final Office Action of September 18, 2013, Applicant submits the following amendments and remarks:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

There are 10 pages of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions of the claims in the present application:

Listing of Claims:

1. (Currently Amended) A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein an optical/perceptual parameter based operating system is utilized ~~based upon the dynamic eye tracking~~, wherein the wearable optics device ~~lens~~ is controlled by the optical/perceptual based operating system.

2. (Currently Amended) The wearable optics system of claim 1, wherein the dynamic eye tracking is utilized to control the optical/perceptual based operating system.

3. (Previously Presented) The wearable optics system of claim 1, wherein applications are utilized to control sensors and communication of the wearable optics device.

4-6. (Cancelled)

7. (Currently Amended) A wearable optics device comprising:

at least one lens; and

a dynamic eye tracking mechanism in communication with the at least one lens; wherein an optical/perceptual parameter based operating system is utilized, wherein the wearable optics device is controlled by the optical/perceptual based operating system. wherein shading or inverse shading is utilized based upon ~~the dynamic eye tracking~~ the optical/perceptual based operating system; wherein inverse shading is provided when viewing a display, wherein the display is utilized with any of a smartphone, personal computer, laptop, desktop or portable device.

8. (Cancelled)

9. (Original) The wearable optics device of claim 7, wherein inverse shading is provided by a polarized filter.

10. (Original) The wearable optics device of claim 7, wherein algorithms for shading and inverse shading are provided within the wearable optics device.

11. (Original) The wearable optics device of claim 7, wherein algorithms are provided to transform non-visual spectrum to visible information.

12. (Cancelled)

13. (Original) The wearable optics device of claim 7, wherein an object is unshaded but the area outside of the object is shaded.

14. (Original) The wearable optics device of claim 7, wherein object recognition is utilized.

15. (Original) The wearable optics device of claim 7, wherein if ambient light is above some predetermined value then you shade.

16. (Currently Amended) The wearable optics device of claim 7, wherein the at least one lens comprises a plurality of ~~lens~~ lenses; wherein each lens of the plurality of lenses has its own inverse shading.

17-25 (Cancelled)

26. (Currently Amended) A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein an optical/perceptual parameter based operating system is utilized ~~based upon the dynamic eye tracking~~, wherein the lens includes a plurality of layers.

27. (Currently Amended) The wearable optics system of claim 26, wherein the dynamic eye tracking is utilized to control the optical/perceptual based operating system.

28. (Previously Presented) The wearable optics system of claim 26, wherein applications are utilized to control sensors and communication of the wearable optics device.

29. (Currently Amended) A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein an optical/perceptual parameter based operating system is utilized ~~based upon the dynamic eye tracking~~, wherein the lens includes a plurality of layers; wherein at least one of the layers includes at least one driver and an eye cursor which are controlled by the optical/perceptual based operating system.

30. (Currently Amended) The wearable optics system of claim 29, wherein the dynamic eye tracking is utilized to control the optical/perceptual based operating system.

31. (Previously Presented) The wearable optics system of claim 29, wherein applications are utilized to control sensors and the communication of the wearable optics device.

REMARKS/ARGUMENTS

Claims 1-3, 7, 9-11, 13-16 and 26-31 are now pending in the present application. Claims 1-3, 7, 9, 10, 13-15 and 26-31 are rejected. Claims 11 and 16 are objected to. Claims 1, 2, 7, 16, 26, 27, 29 and 30 have been amended. Support for this amendment is found generally throughout the specification and specifically at paragraphs 67 and 105-107. No new matter has been added. Therefore, claims 1-3, 7, 9-11, 13-16 and 26-31 remain pending in the present application.

Examiner's Interview

Applicant thanks Examiner Darryl J. Collins for the interview of October 2, 2013 with Applicant Scott W. Lewis and Applicants' representative Joseph A. Sawyer, Jr. We appreciate the courtesy and helpfulness of the Examiner in the interview. Respectfully, it was Applicant and his representatives' impression that the interview facilitated further understanding of the distinctions of the currently amended claims over the prior art of record.

Claim Objections

The Examiner states,

Claim 16 is objected to because of the following informalities: in line 2, after "plurality of" and before ": wherein", "lens" should be deleted and replaced with "lenses". Appropriate correction is required.

Applicant has amended claim 16 in accordance with the Examiners suggestion.

Present Invention

A wearable optics device is disclosed. The wearable optics device comprises a lens and a dynamic eye tracking mechanism in communication with the lens. An optical/perceptual parameter based operating system is utilized based upon the dynamic eye tracking, wherein the lens is controlled by the optical/perceptual based operating system.

Claim Rejections - 35 USC § 102

The Examiner states,

Claims 1-3 and 26-31 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Bar-Zeev et al (U.S. Patent Publication 2012/0068913).

Applicant respectfully traverses this rejection.

Applicant has amended claim 1, 7, 26 and 29 to recite "wherein an optical/perceptual parameter based operating system, wherein the wearable optics device is controlled by the optical/perceptual based operating system."

Applicant respectfully submits this feature in combination with the other elements of the claims are not taught or suggested by the cited references. Bar-Zeev does not disclose "an optical/perceptual parameter based operating system" as recited in the claims and further neither discloses nor suggests controlling the wearable optics device by the optical/perceptual parameter based operating system as also recited in the claims.

At paragraphs 105 and 106 by way of example, it is stated that:

[00105] Figure 19 illustrates an optical/perceptual operating system 1900 with the wearable optics device. As is seen a plurality of applications 1902-1910 interface with a processing

system. The processing system includes a CPU, Memory, computer control and a CPU updating system 1912.

[00106] The applications include but are not limited to an eye prescription 1902, shading 1904, a glare application, 1906, GPS for navigation of a vehicle 1908 and a medical application 1910. The system would include perceptual measurement/generators 1914. These would include but are not limited to calibration software, augmented reality software, entertainment software, video/audio conferencing software and external communication/databases. The system would also include one or more device drivers. They include but are not limited to display drivers 1916, optical/sensor drivers 1918, operating system drivers 1920, network drivers 1922, external remote object drivers 1924 and gaming/entertainment drivers 1926.

There is also simply no teaching within Bar-Zeev of this type of operating system and it's interaction with the wearable optics device.

Examples of optical/perceptual parameters are disclosed throughout the specification. For example, at paragraphs 66 and 67 it is stated that:

[0066] With these new capabilities an important new set of optical and perceptual parameters can be measured and used as inputs, controls, or feedback elements that increase even further uses and value of the eyewear and lead to important improvements that can be used for teaching, sports, health, and improved perception.

[0067] Accordingly systems and methods in accordance with embodiments are disclosed that provide these enhanced features for wearable optics devices. To describe these features and embodiments in more detail refer now to the following description in conjunction with the following discussion. A key feature associated with these enhancements is providing a variety of perceptual parameters that can be utilized with the wearable optics devices. Examples of perceptual parameters include but are not limited to optical expression, voice, brain wave, environmental, audio, video, navigational, augmented reality, algorithmic, spatial, cognitive, interpretive.

There is no teaching of suggestion of an operating system based on optical/perceptual parameters or these parameters being utilized to control a wearable optics device as recited in the present invention. Accordingly Applicant respectfully submits that claim 1, 26 and 29 are allowable over the cited reference.

Claims 1-3, 9-11, 13-16, 27, 28, 30 and 31 are dependent upon allowable base claims. Accordingly, Applicant respectfully submits that they are allowable based upon that dependency as well as being allowable based upon their own individual merit.

Claim Rejections - 35 USC § 103

The Examiner states,

Claims 7, 9, 10, 13 and 15 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Bar-Zeev et al (U.S. Patent Publication 2012/0068913).

Claim 14 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Bar-Zeev et al (U.S. Patent Publication 2012/0068913) as applied to claim 7 above, and further in view of Osterhout et al (U.S. Patent Publication 2011/0213664).

Claims 29-31 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Bar-Zeev et al (U.S. Patent Publication 2012/0068913), further in view of Maltz (U.S. Patent Publication 2012/0021806).

Claims 1-3, 9-11, 13-16, 27, 28, 30 and 31 are dependent upon allowable base claims. Accordingly, Applicant respectfully submits that they are allowable based upon that dependency as well as being allowable based upon their own individual merit.

Conclusion

Accordingly, Applicant respectfully requests reconsideration and allowance of claims 1-3, 7, 9-11, 13-16 and 26-31 as now presented. Applicant's attorney believes this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP, P.C.

October 10, 2013

/Joseph A. Sawyer, Jr./
Joseph A. Sawyer, Jr.
Attorney for Applicant
Reg. No. 30,801

Customer Number 29141
(650) 493-4540
(650) 493-4549

Electronic Acknowledgement Receipt

EFS ID:	17099604
Application Number:	13841141
International Application Number:	
Confirmation Number:	6565
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Customer Number:	29141
Filer:	Joseph A. Sawyer/Sarah Jeromin
Filer Authorized By:	Joseph A. Sawyer
Attorney Docket Number:	5266P
Receipt Date:	10-OCT-2013
Filing Date:	15-MAR-2013
Time Stamp:	18:35:15
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		5266P_Amendment.pdf	39841 4b35513cb25969a0ac3e7a851b952c434ccf7080	yes	10

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	10
Warnings:			
Information:			
	Total Files Size (in bytes):	39841	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/841,141	Filing Date 03/15/2013	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	10/10/2013	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 17	Minus	** 25	=	X $ =	
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	=	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/TERRANCE LAWRENCE/

This collection of information is required by 37 CFR 1.16. 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 12 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	03/15/2013	Scott W. LEWIS	5266P	6565

29141 7590 09/18/2013

Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER	
COLLINS, DARRYL J	
ART UNIT	PAPER NUMBER
2872	

NOTIFICATION DATE	DELIVERY MODE
09/18/2013	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):

patent@sawyerlawgroup.com

Office Action Summary	Application No. 13/841,141	Applicant(s) LEWIS, SCOTT W.	
	Examiner DARRYL J. COLLINS	Art Unit 2872	AIA (First Inventor to File) Status No

-- 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* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *29 July 2013*.

☐ 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) *1-3,7,9-11,13-16 and 26-31* 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) *1-3,7,9,10,13-15 and 26-31* is/are rejected.

8)☒ Claim(s) *11 and 16* 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 *15 March 2013* 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/08) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Claim Objections

Claim 16 is objected to because of the following informalities: in line 2, after "plurality of" and before ": wherein", "lens" should be deleted and replaced with "lenses". Appropriate correction is required.

Claim Rejections - 35 USC § 102

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 26-31 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Bar-Zeev et al (U.S. Patent Publication 2012/0068913).

With regard to independent claim 1, Bar-Zeev et al teaches a wearable optical device (Figure 7A, element 700 and page 6, paragraph [0083]) comprising, a lens (Figure 7, elements 701 and 703), and a dynamic eye tracking mechanism (Figure 7A, element 726) in communication with the lens (Figure 1), wherein an optical parameter based operating system is utilized based upon the dynamic eye tracking, wherein the lens is controlled by the operating system (page 2, paragraph [0043]-page 3, paragraph [0048] and Figure 1).

With regard to dependent claim 2, Bar-Zeev et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 1, and further teaches such a wearable optics device wherein the dynamic eye tracking is utilized to control the operating system (page 3, paragraph [0048] and Figure 1).

With regard to dependent claim 3, Bar-Zeev et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 1, and further teaches such a wearable optics device wherein applications are utilized to control sensors and communication of the wearable optics device (page 4, paragraph [0063]).

With regard to independent claim 26, Bar-Zeev et al teaches a wearable optical device (Figure 7A, element 700 and page 6, paragraph [0083]) comprising, a lens (Figure 7, elements 701 and 703), and a dynamic eye tracking mechanism (Figure 7A, element 726) in communication with the lens (Figure 1), wherein an optical parameter based operating system is utilized based upon the dynamic eye tracking (page 2, paragraph [0043]-page 3, paragraph

[0048] and Figure 1), wherein the lens includes a plurality of layers (Figure 1, element 108, lens 108 is layer with opacity filter (106) and display (112) and page 2, paragraph [0043]).

With regard to dependent claim 27, Bar-Zeev et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 26, and further teaches such a wearable optics device wherein the dynamic eye tracking is utilized to control the operating system (page 3, paragraph [0054]).

With regard to dependent claim 28, Bar-Zeev et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 26, and further teaches such a wearable optics device wherein applications are utilized to control sensors and communication of the wearable optics device (page 4, paragraph [0063]).

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7, 9, 10, 13 and 15 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Bar-Zeev et al (U.S. Patent Publication 2012/0068913).

With regard to independent claim 7, although Bar-Zeev et al teaches a wearable optical device (Figure 7A, element 700 and page 6, paragraph [0083]) comprising, at least one lens (Figure 7, elements 701 and 703), and a dynamic eye tracking mechanism (Figure 7A, element 726) in communication with the at least one lens (Figure 1), wherein shading or inverse shading

is utilized based upon the dynamic eye tracking (page 3, paragraphs [0044] and [0047] with respect to the opacity filter), Bar-Zeev et al fails to explicitly teach wherein inverse shading is provided when viewing a display, wherein the display is utilized with any of a smartphone, personal computer, laptop, desktop or portable device, however, it should be noted that Bar-Zeev et al does, at the very least suggest, the technique of shading based on environmental inputs by changing pixel opacity (page 5, paragraph [0071]-page 6, paragraph [0077]), such that it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the shading technique, as taught by Bar-Zeev et al, to provide a clear image provided for by a number of different displays.

With regard to dependent claim 9, Bar-Zeev et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 7, and further teaches such a wearable optics device wherein inverse shading is provided by a polarizer (page 3, paragraph [0056]).

With regard to dependent claim 10, Bar-Zeev et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 7, and further teaches such a wearable optics device wherein algorithms for shading and inverse shading are provide within the wearable optics device (page 2, paragraph [0042]).

With regard to dependent claim 13, Bar-Zeev et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 7, and further teaches such a wearable optics device wherein an object is unshaded but the area outside of the object is shaded (page 2, paragraph [0047]).

With regard to dependent claim 15, Bar-Zeev et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 7, and further teaches such a wearable optics device wherein if ambient light is above some predetermined value then you shade, i.e., selectively removing natural light (page 2, paragraph [0042]).

Claim 14 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Bar-Zeev et al (U.S. Patent Publication 2012/0068913) as applied to claim 7 above, and further in view of Osterhout et al (U.S. Patent Publication 2011/0213664).

With regard to dependent claim 14, although Bar-Zeev et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 7, Bar-Zeev fails to teach the use of object recognition. In a related endeavor, Osterhout et al teaches a wearable optical device (Figure 1) comprising at least one lens (Figure 1, element 104), and a dynamic eye tracking mechanism in communication with the at least one lens (page 28, paragraph [0301]) and further using object recognition (page 33, paragraph [0343]), such that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wearable optics device, as taught by Bar-Zeev et al, with the object recognition technique, as taught by Osterhout et al, to determine what is in the field of view.

Claims 29-31 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Bar-Zeev et al (U.S. Patent Publication 2012/0068913), further in view of Maltz (U.S. Patent Publication 2012/0021806).

With regard to independent claim 29, although Bar-Zeev et al teaches a wearable optical device (Figure 7A, element 700 and page 6, paragraph [0083]) comprising, a lens (Figure 7, elements 701 and 703), and a dynamic eye tracking mechanism (Figure 7A, element 726) in communication with the lens (Figure 1), wherein an optical parameter based operating system is utilized based upon the dynamic eye tracking (page 2, paragraph [0043]-page 3, paragraph [0048] and Figure 1), wherein the lens includes a plurality of layers (Figure 1, element 108, lens 108 is layer with opacity filter (106) and display (112) and page 2, paragraph [0043]), wherein at least of the layers includes at least one drive (Figure 1, element 100), Bar-Zeev fails to teach such a wearable optics device further comprising an eye cursor. In a related endeavor, Maltz teaches a wearable optical device (Figure 1) comprising, a lens (Figure 1, element 110), and a dynamic eye tracking mechanism (page 1, paragraph [0017] and Figure 3) in communication with the lens (page 2, paragraph [0021]), and further comprising an eye cursor (page 2, paragraph [0023] and page 3, paragraph [0036]), such that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wearable optics device, as taught by Bar-Zeev, with the eye cursor for a wearable optics device, as taught by Maltz, to provide control of onscreen information via eye movement.

With regard to dependent claim 30, Bar-Zeev et al and Maltz teach all of the claimed limitations of the instant invention as outlined above with respect to independent claim 29, wherein Bar-Zeev et al further teaches such a wearable optics device wherein the dynamic eye tracking is utilized to control the operating system (page 3, paragraph [0048] and Figure 1).

With regard to dependent claim 31, Bar-Zeev et al and Maltz teach all of the claimed limitations of the instant invention as outlined above with respect to independent claim 29,

wherein Bar-Zeev et al further teaches such a wearable optics device wherein applications are utilized to control sensors and communication of the wearable optics device (page 4, paragraph [0063]).

Allowable Subject Matter

Claims 11 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. §102 or §103 would be proper. Although the prior art teaches a wearable optical device comprising, at least one lens, and a dynamic eye tracking mechanism in communication with the at least one lens, wherein shading or inverse shading is utilized based upon the dynamic eye tracking, wherein inverse shading is provided when viewing a display, the prior art fails to teach such a wearable optics device wherein algorithms are provided to transform non-visual spectrum to visible spectrum as claimed in dependent claim 11, or such a wearable optics device wherein the at least one lens comprises a plurality of lens[es], wherein each lens has its own inverse shading, as claimed in dependent claim 16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARRYL J. COLLINS whose telephone number is (571)272-2325. The examiner can normally be reached on 6:30 - 5:00 Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darryl J. Collins/
Primary Examiner
Art Unit 2872

11 September 2013

Notice of References Cited	Application/Control No. 13/841,141	Applicant(s)/Patent Under Reexamination LEWIS, SCOTT W.	
	Examiner DARRYL J. COLLINS	Art Unit 2872	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2011/0213664	09-2011	Osterhout et al.	705/14.58
*	B	US-2012/0021806	01-2012	Maltz, Gregory A.	455/566
*	C	US-2012/0068913	03-2012	Bar-Zeev et al.	345/8
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13841141	LEWIS ET AL.
	Examiner	Art Unit
	DARRYL J COLLINS	2872

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
351	158	6/27/2013	DJC
385	8	6/27/2013	DJC
359	13,630-633	6/27/2013	DJC
345	7-9	6/27/2013	DJC
	UPDATED	9/11/2013	DJC

SEARCH NOTES		
Search Notes	Date	Examiner
Consulted with PE Nguyen (AU 2774). Refused request for tranfer to 385/8.	6/26/2013	DJC
BRS EAST Search (USOCR, USPGPUB, USPAT, EPO, JPO, Derwent, IBM_TDB) attached	6/27/2013	DJC
BRS EAST Search (updated and attached)	9/11/2013	DJC

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L9	8068	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/11 14:50
L10	364	L9 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
L11	8068	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/11 14:50
L12	30	L11 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
L13	4334	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
L14	531	L13 and (operating near3 system)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
L15	367	L10 or L12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
L16	843	L14 or L15	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:50
L17	781	L16 and (phone or computer or laptop or display or portable)	US-PGPUB; USPAT;	OR	ON	2013/09/11 14:50

Magic Leap, Inc. Exhibit 1002 Page 142

			USOCR; EPO; JPO; DERWENT; IBM_TDB			
L18	490	17 and (contrast or shading or opacity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 14:53
L19	1073	(385/8).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/11 15:19
L20	0	L19 and (inverse near2 shading)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:19
L21	7	L19 and shading	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:19
L22	675	L16 and (view$3 same (phone or computer or laptop or display or portable))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:25
L23	584	L16 and (view$3 near6 (phone or computer or laptop or display or portable))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:25
L24	125	L16 and ((contrast or shading or opacity) same (view$3 near6 (phone or computer or laptop or display or portable)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 15:27
L25	301	L16 and ((stack$3 or layer$3) same (pixel or lens))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 16:12
L26	113	L16 and (object near2 recognition)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/11 16:26
S1	425	((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and	USPAT	OR	OFF	2013/06/24 15:33

		display).clm.				
S2	5	S1 and (eye near5 track$3).clm.	USPAT	OR	OFF	2013/06/24 15:34
S3	798	((head near3 up) same display).clm.	USPAT	OR	ON	2013/06/24 15:37
S4	6	S3 and (eye near5 track$3).clm.	USPAT	OR	OFF	2013/06/24 15:37
S5	7321	((351/158) or (285/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 06:46
S6	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 06:46
S7	338	S6 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 06:47
S8	4217	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 06:48
S10	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 08:27
S11	29	S10 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:27
S12	338	S10 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:27
S13	3	S11 not S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:27
S14	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT;	OR	ON	2013/06/27 08:28

			IBM_TDB			
S15	23	S14 not S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:28
S16	26	S13 or S15	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:28
S17	23	lens same ((eye near2 (track$3 or respons$4 or movement)) near6 cursor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:52
S18	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:56
S19	247	S18 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 09:56
S20	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 09:57
S21	338	S20 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S22	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 09:57
S23	29	S22 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S24	338	S22 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S25	32	lens same oculometer	US-PGPUB; USPAT;	OR	ON	2013/06/27 09:57

			USOCR; EPO; JPO; DERWENT; IBM_TDB			
S26	214	S19 not (S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 09:57
S27	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 10:17
S28	268	S27 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 10:17
S29	2463	S27 not (S19 or S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 10:18
S30	16	S28 not (S19 or S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 10:18
S31	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 10:22
S32	91	S31 not (S19 or S21 or S23 or S24 or S25 or S28)	USPAT	OR	OFF	2013/06/27 10:29
S33	53	((("20120147043") or ("RE39539") or ("4659197") or ("6231183") or ("7500747") or ("4300818") or ("5671035") or ("6879443") or ("7484847") or ("7758185") or ("7918556") or ("20050001981") or ("20040097839") or ("20040212776") or ("20060023158") or ("20050248722") or ("20050097179") or ("20060093998") or ("20060132382") or ("20100045928") or ("20100145729") or ("20050248722") or ("20050097179") or ("20100079356") or ("20100110368")).PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 10:36
S34	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S35	247	S34 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 14:36
S36	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 14:36
S37	338	S36 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT;	OR	ON	2013/06/27 14:36

			IBM_TDB			
S38	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 14:36
S39	29	S38 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S40	338	S38 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S41	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S42	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S43	268	S42 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 14:36
S44	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S45	536	S44 or S35 or S37 or S39 or S40 or S41 or S43	USPAT	OR	OFF	2013/06/27 14:36
S46	165	S45 and reality	USPAT	OR	OFF	2013/06/27 14:37
S47	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 15:43
S48	247	S47 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 15:43
S49	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11

S50	247	S49 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 16:11
S51	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 16:11
S52	338	S51 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S53	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 16:11
S54	29	S53 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S55	338	S53 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S56	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S57	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S58	268	S57 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 16:11
S59	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S60	536	S59 or S50 or S52 or S54 or S55 or S56 or S58	USPAT	OR	OFF	2013/06/27 16:11
S61	38	S60 and (lighten or darken)	USPAT	OR	OFF	2013/06/27 16:11
S62	1073	(385/8).CCLS.	US-PGPUB; USPAT;	OR	OFF	2013/09/10 15:05

			USOCR; EPO; JPO; DERWENT; IBM_TDB			
S63	1	S62 and (eye near4 track$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:06
S64	8068	(((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/10 15:08
S65	364	S64 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:08
S66	8068	(((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/09/10 15:09
S67	30	S66 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:09
S68	4334	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:09
S69	531	S68 and (operating near3 system)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:10
S70	367	S65 or S67	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:10
S71	843	S69 or S70	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/09/10 15:10

EAST Search History (Interference)

<This search history is empty>

9/11/2013 4:45:28 PM
C:\Users\dcollins2\Documents\EAST\Workspaces\13841141.wsp

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13841141	LEWIS ET AL.
	Examiner	Art Unit
	DARRYL J COLLINS	2872

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/27/2013	09/11/2013							
	1	✓	✓							
	2	✓	✓							
	3	✓	✓							
	4	O	-							
	5	O	-							
	6	✓	-							
	7	✓	✓							
	8	✓	-							
	9	O	✓							
	10	✓	✓							
	11	O	O							
	12	O	-							
	13	O	✓							
	14	O	✓							
	15	O	✓							
	16	✓	O							
	17	O	-							
	18	✓	-							
	19	✓	-							
	20	✓	-							
	21	✓	-							
	22	✓	-							
	23	✓	-							
	24	✓	-							
	25	✓	-							
	26		✓							
	27		✓							
	28		✓							
	29		✓							
	30		✓							
	31		✓							

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/841,141	03/15/2013	Scott W. LEWIS	5266P

CONFIRMATION NO. 6565

29141
Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

PUBLICATION NOTICE

OC000000063256692

Title:ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

Publication No.US-2013-0208234-A1
Publication Date:08/15/2013

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	03/15/2013	Scott W. LEWIS	5266P	6565

29141 7590 08/06/2013

Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER	
COLLINS, DARRYL J	
ART UNIT	PAPER NUMBER
2872	

NOTIFICATION DATE	DELIVERY MODE
08/06/2013	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):

patent@sawyerlawgroup.com

Applicant-Initiated Interview Summary	**Application No.** 13/841,141	**Applicant(s)** LEWIS, SCOTT W.	
	Examiner DARRYL J. COLLINS	**Art Unit** 2872	

All participants (applicant, applicant's representative, PTO personnel):

(1) *DARRYL J. COLLINS*. (3)_____.

(2) *Mr. Joseph Sawyer (Reg. No. 30,801)*. (4)_____.

Date of Interview: *29 July 2013*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☒Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1,7,26 and 29*.

Identification of prior art discussed: _____.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Mr. Sawyer presented proposed amendments to the claims wherein indicated allowable subject matter was incorporated into independent claims 1, 7, 26 and 29. The examiner indicated that the amendments appeared to be straightforward and would obviate the outstanding rejections over the prior art as outlined in the Office Action mailed July 10, 2013. The examiner indicted that upon submission of the proposed amendments, an updated search would be conducted.

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.

☐ Attachment

/Darryl J. Collins/ Primary Examiner, Art Unit 2872	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

———

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Scott W. LEWIS	Confirmation No. 6565
Serial No. 13/841,141	Group Art Unit: 2872
Filed: 3/15/2013	Examiner: Collins, Darryl J.
For: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR	

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

AMENDMENT IN RESPONSE TO JULY 10, 2013 OFFICE ACTION

Sir:

In response to the Non-Final Office Action of July 10, 2013, Applicant submits the following amendments and remarks:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions of the claims in the present application:

Listing of Claims:

1. (Currently amended) A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein an optical parameter based operating system is utilized based upon the dynamic eye tracking, wherein the lens is controlled by the operating system.

2. (Original) The wearable optics system of claim 1, wherein the dynamic eye tracking is utilized to control the operating system.

3. (Currently amended) The wearable optics system of claim 1, wherein applications are utilized to control sensors and ~~the~~ communication of the wearable optics device.

4-6. (Cancelled)

7. (Currently amended) A wearable optics device comprising:

at least one lens; and

a dynamic eye tracking mechanism in communication with the at least one lens; wherein shading or inverse shading is utilized based upon the dynamic eye tracking; wherein inverse shading is provided when viewing a display, wherein the display is utilized with any of a smartphone, personal computer, laptop, desktop or portable device.

8. (Cancelled)

9. (Original) The wearable optics device of claim 7, wherein inverse shading is provided by a polarized filter.

10. (Original) The wearable optics device of claim 7, wherein algorithms for shading and inverse shading are provided within the wearable optics device.

11. (Original) The wearable optics device of claim 7, wherein algorithms are provided to transform non-visual spectrum to visible information.

12. (Cancelled)

13. (Original) The wearable optics device of claim 7, wherein an object is unshaded but the area outside of the object is shaded.

14. (Original) The wearable optics device of claim 7, wherein object recognition is utilized.

15. (Original) The wearable optics device of claim 7, wherein if ambient light is above some predetermined value then you shade.

16. (Currently amended) The wearable optics device of claim 7, wherein the at least one lens comprises a plurality of lens; wherein each lens of the plurality of lenses has its own inverse shading.

17-25 (Cancelled)

26. (New) A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein an optical parameter based operating system is utilized based upon the dynamic eye tracking, wherein the lens includes a plurality of layers.

27. (New) The wearable optics system of claim 26, wherein the dynamic eye tracking is utilized to control the operating system.

28. (New) The wearable optics system of claim 26, wherein applications are utilized to control sensors and communication of the wearable optics device.

29. (New) A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein an optical parameter based operating system is utilized based upon the dynamic eye tracking, wherein the lens includes a plurality of layers; wherein at least one of the layers includes at least one driver and an eye cursor which are controlled by the operating system.

30. (New) The wearable optics system of claim 29, wherein the dynamic eye tracking is utilized to control the operating system.

31. (New) The wearable optics system of claim 29, wherein applications are utilized to control sensors and the communication of the wearable optics device.

REMARKS/ARGUMENTS

This amendment is in response to the Office Action of July 10, 2013. Claims 1-25 are now pending in the present application. Claims 1-3, 6-8, 10, 16 and 18-25 are rejected. Claims 4, 5, 9, 11-15 and 17 are objected to. Claims 1, 3, 7 and 16 have been amended. Claims 4-6, 8, 12, and 17-25 have been cancelled. New claims 26-31 have been added. No new matter has been added. Therefore, claims 1-3, 7, 9-11, 13-16, and 26-31 are now pending in the present application.

Applicant is not conceding in this application that the original or previous claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution of the claimed subject matter. Applicant respectfully reserves the right to pursue the original and other claims in one or more continuations and/or divisional patent applications.

Claim Objections

The Examiner states,

Claim 4 is objected to because of the following informalities: In line 1 of claim 4, after "wherein" and before "is controlled", "lenses" should be replaces with "the lens". Appropriate correction is required.

Claim 24 is objected to because of the following informalities: In line 2 of claim 24, after "in real time", insert ".". Appropriate correction is required.

Applicant has cancelled claims 4 and 24. Amended claim 1 is claim 4 rewritten in independent form and has properly recited the lens in accordance with the Examiner's instructions.

Claim Rejections - 35 USC § 112

The Examiner states,

Claim 3 recites the limitation "the communication of the wearable optics device" in line 2. There is insufficient antecedent basis for this limitation in the claim.
Claim 6 recites the limitation "lens layer drivers" in line 1. There is insufficient antecedent basis for this limitation in the claim.
Claim 16 recites the limitation "each lens" in line 1. There is in sufficient antecedent basis for this limitation in the claim.

Applicant has amended claim 3 by removing "the" to provide proper antecedent bass for the claim.

Applicant has cancelled claim 6 and has rewritten the claim in independent form as new claim 29. Applicant has addressed this rejection by the following recitation "wherein the lens includes a plurality of layers; wherein at least one of the layers includes at least one driver and an eye cursor which are controlled by the operating system". Applicant respectfully submits that new claim 29 is clear and definite.

Applicant has amended claim 16 to now recite "wherein the at least one lens comprises a plurality of lens; wherein each lens of the plurality of lenses has its own inverse shading". Applicant respectfully submits with this amendment that claim 16 is clear and definite. Accordingly Applicant respectfully submits that the rejection under 35 USC 112 has been overcome.

Allowable Subject Matter

The Examiner states,

Claims 4, 5, 9, 11-15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims.

Claims 6 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), 2nd paragraph, set forth in this office action and to include all of the limitations of the base claim and any intervening claims.

Applicant appreciates and acknowledges Examiner's indication of allowability of claims 4, 5, 6, 9, and 11-15. Applicant has amended claims 1 and 7 to include the limitations of claims 4 and 12, respectively. New claim 26 is claim 5 rewritten in independent form and new claim 29 is claim 6 rewritten in independent form.

Accordingly, Applicant respectfully submits that independent claims 1, 7, 26 and 29 are now in allowable form. Applicant requests reconsideration with allowance of these claims as now presented.

Applicant has also added new claims 27-28 and 30-31 which are dependent on claims 26 and 29, respectively. Claims 27 and 30 are substantially identical to original claims 2 and claims 28 and 31 are substantially identical to original claims 3.

Claims 2, 3, 9-11, 13-16, 27, 28, 30 and 31 are dependent upon allowable base claims. Hence, they are also allowable based upon that dependency as well as being allowable on their own individual merit.

Conclusion

Accordingly, Applicant respectfully request reconsideration and allowance of claims 1-3, 7, 9-11, 13-16, 26-31as now presented. Applicant's attorney believes this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP, P.C.

July 29, 2013

/Joseph A. Sawyer, Jr./
Joseph A. Sawyer, Jr.
Attorney for Applicant
Reg. No. 30,801

Customer Number 29141
(650) 493-4540
(650) 493-4549

Electronic Acknowledgement Receipt

EFS ID:	16447540
Application Number:	13841141
International Application Number:	
Confirmation Number:	6565
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Customer Number:	29141
Filer:	Joseph A. Sawyer/Sherry Long
Filer Authorized By:	Joseph A. Sawyer
Attorney Docket Number:	5266P
Receipt Date:	29-JUL-2013
Filing Date:	15-MAR-2013
Time Stamp:	20:13:06
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		5266P_Amendment.pdf	38606 26dfa05ef491f0645750b647da578157125a9fa7	yes	9

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	9
Warnings:			
Information:			
	Total Files Size (in bytes):	38606	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/841,141	Filing Date 03/15/2013	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	07/29/2013	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 17	Minus	** 25	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/HENRIETT K. DENDY/

This collection of information is required by 37 CFR 1.16. 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 12 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **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 and select option 2.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/841,141	03/15/2013	Scott W. LEWIS	5266P	6565

29141 7590 07/10/2013

Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER	
COLLINS, DARRYL J	
ART UNIT	PAPER NUMBER
2872	

NOTIFICATION DATE	DELIVERY MODE
07/10/2013	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):

patent@sawyerlawgroup.com

Office Action Summary	Application No. 13/841,141	Applicant(s) LEWIS ET AL.	
	Examiner DARRYL J. COLLINS	Art Unit 2872	AIA (First Inventor to File) Status No

-- 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* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 _____.

☐ 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) *1-25* 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) *1-3,6-8,10,16 and 18-25* is/are rejected.

8)☒ Claim(s) *4,5,9,11-15 and 17* 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 *15 March 2013* 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/08) Paper No(s)/Mail Date *03182013 and 03262013*.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on March 18, 2013 and March 26, 2013 have been considered by the examiner.

Claim Objections

Claim 4 is objected to because of the following informalities: In line 1 of claim 4, after "wherein" and before "is controlled", "lenses" should be replaces with "the lens". Appropriate correction is required.

Claim 24 is objected to because of the following informalities: In line 2 of claim 24, after "in real time", insert ".". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 recites the limitation "the communication of the wearable optics device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "lens layer drivers" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "each lens" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

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

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 18-22 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Nappi et al (U.S. Patent Number 5,751,260).

With regard to independent claim 1, Nappi et al teaches a wearable optics device (Figures 1 and 2), comprising a lens (Figure 2, element 26) and a dynamic eye tracking mechanism in communication with the lens, wherein an optical parameter based operating system is utilized based upon the dynamic eye tracking [mechanism] (column 2, lines 57-67).

With regard to dependent claim 2, Nappi et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 1, and further teaches such an optics device wherein the dynamic eye tracking is utilized to control the operating system (column 2, lines 57-67).

With regard to dependent claim 3, Nappi et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 1, and further teaches such an optics device wherein applications are utilized to control sensors and the communication of

the wearable optics device [as best understood by the examiner] (column 2, lines 57-67 and column 3, line 64-column 4, line 14).

With regard to independent claim 18, Nappi et al teaches a method comprising utilizing dynamic eye tracking with a wearable optics device (Figures 1 and 2), wherein a perceptual optimization is utilized based upon the dynamic eye tracking (column 5, line 27-column 6, line 15).

With regard to dependent claim 19, Nappi et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 18, and further teaches such a method which includes providing an enhancement utilizing objective and subjective quality standards based upon perceptual parameters (column 5, line 27-column 6, line 15).

With regard to dependent claim 20, Nappi et al teaches all of the claimed limitations of the instant invention as outlined above with respect to dependent claim 19, and further teaches such a method wherein the perceptual parameters include any and any combination of optical expression, voice, brain wave, environmental, audio, video, navigational, augmented reality, algorithmic, special, cognitive, interpretive (column 5, line 27-column 6, line 15).

With regard to dependent claim 21, Nappi et al teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 18, and further teaches such a method wherein the wearable optics device controls any or any combination of mimics, amplifies, or expands a user perceptual physiology utilizing perceptual parameters (column 4, lines 32-44).

With regard to dependent claim 22, Nappi et al teaches all of the claimed limitations of the instant invention as outlined above with respect to dependent claim 20, and further teaches such a method wherein the optical expressions are images (column 4, lines 32-25).

Claims 7 and 10 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Pattikonda (U.S. Patent Number 7,651,220).

With regard to independent claim 7, Pattikonda teaches a wearable optics device (Figure 1), comprising a lens (Figure 1, element 14 and 16) and a dynamic eye tracking mechanism in communication with the lens, wherein shading or inverse shading is utilized based upon the dynamic eye tracking [mechanism] (column 4, lines 5-28 and column 9, lines 3-18).

With regard to dependent claim 10, Pattikonda teaches all of the claimed limitations of the instant invention as outlined above with respect to dependent claim 7, and further teaches such a optics device wherein algorithms for shading and inverse shading are provided within the wearable optic device (column 4, lines 5-28).

Claims 23-25 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Smyth (U.S. Patent Number 5,583,795).

With regard to independent claim 23, Smyth teaches a wearable optics device (Figure 1), comprising a lens (column 122, line 36) and a dynamic eye tracking mechanism (column 1, lines 8-12) in communication with the lens, wherein an optical augmented reality overlay is utilized based upon the dynamic eye tracking [mechanism] (column 2, line 59-column 3, line 2).

With regard to dependent claim 24, Smyth teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 23, and further teaches such an optics device wherein an overlay translation is augmented in real time (column 23, lines 3-36).

With regard to dependent claim 25, Smyth teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 23, and further teaches such an optics device wherein an overlay translation is provided in the wearable optics device using line of sight or focal length of the lens of the user to the object to provide an augmented reality overlay (column 8, line 66-column 9, line 14 and column 12, line 24-32).

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Pattikonda (U.S. Patent Number 7,651,220) as applied to claim 7 above.

With regard to dependent claim 8, Pattikonda teaches all of the claimed limitations of the instant invention as outlined above with respect to independent claim 7, but fails to explicitly teach inverse shading in response to a display. However, Pattikonda does teach shading with respect to a viewed object (Abstract) such that it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the taught object with a display.

Allowable Subject Matter

Claims 4, 5, 9, 11-15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. §102 or §103 would be proper. Although the prior art teaches a wearable optics device, comprising a lens and a dynamic eye tracking mechanism in communication with the lens, wherein an optical parameter based operating system is utilized based upon the dynamic eye tracking [mechanism], the prior art fails to teach such a wearable optics device wherein the lens is controlled by the operating system as claimed in dependent claim 4, or such a wearable optics device wherein the lens includes a plurality of layers. The prior art also teaches a wearable optics device, comprising a lens and a dynamic eye tracking mechanism in communication with the lens, wherein shading or inverse shading is utilized based upon the dynamic eye tracking [mechanism], but fails to teach such a wearable optics device further comprising a polarized filter s claimed in dependent claim 9, such a wearable optics wherein algorithms are provided to transform non-visual spectrum to visible spectrum as claimed in dependent claim 11, such a wearable optics device wherein an object is unshaded but the area outside of the object is shaded

as claimed in dependent claim 13, such a wearable optics device further comprising object recognition as claimed in dependent claim 14, or such a wearable optics device further comprising a threshold for shading as claimed in dependent claim 15.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARRYL J. COLLINS whose telephone number is (571)272-2325. The examiner can normally be reached on 6:30 - 5:00 Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darryl J. Collins/
Primary Examiner
Art Unit 2872

27 June 2013

Notice of References Cited	Application/Control No. 13/841,141	Applicant(s)/Patent Under Reexamination LEWIS ET AL.	
	Examiner DARRYL J. COLLINS	Art Unit 2872	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,583,795	12-1996	Smyth, Christopher C.	702/150
*	B	US-5,751,260	05-1998	Nappi et al.	345/8
*	C	US-7,651,220	01-2010	Pattikonda, Ram	351/159.6
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13841141	LEWIS ET AL.
	Examiner	Art Unit
	DARRYL J COLLINS	2872

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
351	158	6/27/2013	DJC
385	8	6/27/2013	DJC
359	13,630-633	6/27/2013	DJC
345	7-9	6/27/2013	DJC

SEARCH NOTES		
Search Notes	Date	Examiner
Consulted with PE Nguyen (AU 2774). Refused request for tranfer to 385/8.	6/26/2013	DJC
BRS EAST Search (USOCR, USPGPUB, USPAT, EPO, JPO, Derwent, IBM_TDB) attached	6/27/2013	DJC

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

Receipt date: 03/18/2013
Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	13841141
Filing Date	2013-03-15
First Named Inventor	Scott W. LEWIS
Art Unit	2872
Examiner Name	D. Collins
Attorney Docket Number	5266P

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/DJC/	1	RE39539		2007-04-03	Torch	
	2	4659197		1987-04-21	Weinblatt	
	3	6231183		2001-03-15	Dillon	
	4	7500747		2009-03-10	Howell et al.	
	5	4300818		1981-11-17	Schachar	
	6	5671035		1997-09-23	Barnes	
	7	6879443		2005-04-12	Spitzer et al.	
	8	7484847		2009-02-03	Fuziak	

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DJC/

Receipt date: 03/18/2013	Application Number	13841141
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date	2013-03-15
(Not for submission under 37 CFR 1.99)	First Named Inventor	Scott W. LEWIS
	Art Unit	2872
	Examiner Name	D. Collins
	Attorney Docket Number	5266P

/DJC/	9	7758185		2010-07-20	Lewis	
/DJC/	10	7918556		2011-04-05	Lewis	

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/DJC/	1	20050001981		2005-01-06	Anderson et al.	
	2	20040097839		2004-05-20	Epley	
	3	20040212776		2004-10-28	Spitzer et al.	
	4	20060023158		2006-02-02	Howell et al.	
	5	20050248722		2005-11-10	Nelis	
	6	20050097179		2005-05-05	Orme	
	7	20060093998		2006-05-04	Vertegaal	

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Receipt date: 03/18/2013	Application Number	13841141
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date	2013-03-15
(Not for submission under 37 CFR 1.99)	First Named Inventor	Scott W. LEWIS
	Art Unit	2872
	Examiner Name	D. Collins
	Attorney Docket Number	5266P

/DJC/	8	20060132382		2006-06-22	Jannard	
	9	20100045928		2010-02-25	Levy	
	10	20100145729		2010-06-10	Katz	
	11	20050248722		2005-11-10	Nelis	
	12	20050097179		2005-05-05	Orme	
	13	20100079356		2010-04-01	Hoellwarth	
	14	20100110368		2010-05-06	Chaum	

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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐

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Receipt date: 03/18/2013	Application Number	13841141
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date	2013-03-15
(Not for submission under 37 CFR 1.99)	First Named Inventor	Scott W. LEWIS
	Art Unit	2872
	Examiner Name	D. Collins
	Attorney Docket Number	5266P

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
/DJC/	1	Claims from US application 11/246,873 filed October 7, 2005	☐
/DJC/	2	Claims from US application 11/246,875 filed October 7, 2005	☐
/DJC/	3	Claims from US application 11/246,849 filed October 7, 2005	☐

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Examiner Signature	/Darryl J. Collins/	Date Considered	06/27/2013

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[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

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Receipt date: 03/18/2013	Application Number	13841141
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date	2013-03-15
	First Named Inventor	Scott W. LEWIS
(Not for submission under 37 CFR 1.99)	Art Unit	2872
	Examiner Name	D. Collins
	Attorney Docket Number	5266P

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Joseph A. Sawyer, Jr./	Date (YYYY-MM-DD)	2013-03-18
Name/Print	Joseph A. Sawyer, Jr.	Registration Number	30801

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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CONFIRMATION NO. 6565

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
13/841,141	03/15/2013 RULE	351	2872	5266P

APPLICANTS

Scott W. LEWIS, Las Vegas, NV;
Percept Technologies Inc., Las Vegas, NV

**** CONTINUING DATA ***************************

This application is a CIP of 13/739,929 01/11/2013
which is a CON of 13/078,589 04/01/2011 PAT 8353594
which is a CON of 12/621,423 11/18/2009 PAT 7918556
which is a CON of 12/029,068 02/11/2008 PAT 7758185
which is a DIV of 11/245,756 10/07/2005 ABN

**** FOREIGN APPLICATIONS ***************************

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04/29/2013

Foreign Priority claimed	Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
❑ Yes ☑ No	❑	NV	28	25	4
35 USC 119(a-d) conditions met ❑ Yes ☑ No					
Verified and Acknowledged /DARRYL J COLLINS/ Examiner's Signature	Initials				

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Palo Alto, CA 94303
UNITED STATES

TITLE

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BIB (Rev. 05/07).

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EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	425	((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display).clm.	USPAT	OR	OFF	2013/06/24 15:33
S2	5	S1 and (eye near5 track$3).clm.	USPAT	OR	OFF	2013/06/24 15:34
S3	798	((head near3 up) same display).clm.	USPAT	OR	ON	2013/06/24 15:37
S4	6	S3 and (eye near5 track$3).clm.	USPAT	OR	OFF	2013/06/24 15:37
S5	7321	((351/158) or (285/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 06:46
S6	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 06:46
S7	338	S6 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 06:47
S8	4217	lens same (eye near2 (track$3 or respons$4 or movement))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 06:48
S10	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 08:27
S11	29	S10 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:27
S12	338	S10 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	ON	2013/06/27 08:27

			DERWENT; IBM_TDB			
S13	3	S11 not S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:27
S14	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:28
S15	23	S14 not S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:28
S16	26	S13 or S15	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 08:28
S17	23	lens same ((eye near2 (track$3 or respons$4 or movement)) near6 cursor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:52
S18	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:56
S19	247	S18 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 09:56
S20	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 09:57
S21	338	S20 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S22	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 09:57
S23	29	S22 and oculometer	US-PGPUB;	OR	ON	2013/06/27

			USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB			09:57
S24	338	S22 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S25	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 09:57
S26	214	S19 not (S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 09:57
S27	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 10:17
S28	268	S27 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 10:17
S29	2463	S27 not (S19 or S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 10:18
S30	16	S28 not (S19 or S21 or S23 or S24 or S25)	USPAT	OR	OFF	2013/06/27 10:18
S31	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 10:22
S32	91	S31 not (S19 or S21 or S23 or S24 or S25 or S28)	USPAT	OR	OFF	2013/06/27 10:29
S33	53	(("20120147043") or ("RE39539") or ("4659197") or ("6231183") or ("7500747") or ("4300818") or ("5671035") or ("6879443") or ("7484847") or ("7758185") or ("7918556") or ("20050001981") or ("20040097839") or ("20040212776") or ("20060023158") or ("20050248722") or ("20050097179") or ("20060093998") or ("20060132382") or ("20100045928") or ("20100145729") or ("20050248722") or ("20050097179") or ("20100079356") or ("20100110368")).PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 10:36
S34	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S35	247	S34 and ((eyewear or eyeglasses or	USPAT	OR	OFF	2013/06/27

		spectacles or googles or (wearable near3 optic)) and display)				14:36
S36	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 14:36
S37	338	S36 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S38	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 14:36
S39	29	S38 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S40	338	S38 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S41	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S42	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S43	268	S42 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 14:36
S44	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 14:36
S45	536	S44 or S35 or S37 or S39 or S40 or S41 or S43	USPAT	OR	OFF	2013/06/27 14:36
S46	165	S45 and reality	USPAT	OR	OFF	2013/06/27 14:37
S47	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR;	OR	ON	2013/06/27 15:43

			EPO; JPO; DERWENT; IBM_TDB			
S48	247	S47 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 15:43
S49	6560	(opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S50	247	S49 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 16:11
S51	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 16:11
S52	338	S51 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S53	7509	((351/158) or (385/8) or (359/13,630-633) or (345/7-9)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/06/27 16:11
S54	29	S53 and oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S55	338	S53 and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S56	32	lens same oculometer	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S57	7228	(filter$3 or opacity or shade or shading or shield$3 or block$3) and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S58	268	S57 and ((eyewear or eyeglasses or spectacles or googles or (wearable near3 optic)) and display)	USPAT	OR	OFF	2013/06/27 16:11

S59	387	sunglass and (eye near2 track$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/06/27 16:11
S60	536	S59 or S50 or S52 or S54 or S55 or S56 or S58	USPAT	OR	OFF	2013/06/27 16:11
S61	38	S60 and (lighten or darken)	USPAT	OR	OFF	2013/06/27 16:11

EAST Search History (Interference)

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6/ 27/ 2013 5:40:24 PM
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Receipt date: 03/26/2013
Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	13841141
Filing Date	2013-03-15
First Named Inventor	Scott W. LEWIS
Art Unit	2872
Examiner Name	D. Collins
Attorney Docket Number	5266P

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Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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	1	20120147043		2012-06-14	Asukai et al.	

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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐

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NON-PATENT LITERATURE DOCUMENTS Remove

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

EFS Web 2.1.17

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DJC/

Receipt date: 03/26/2013	Application Number	13841141
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date	2013-03-15
	First Named Inventor	Scott W. LEWIS
(Not for submission under 37 CFR 1.99)	Art Unit	2872
	Examiner Name	D. Collins
	Attorney Docket Number	5266P

	1		☐

If you wish to add additional non-patent literature document citation information please click the Add button **Add**

EXAMINER SIGNATURE

Examiner Signature	/Darryl J. Collins/	Date Considered	06/27/2013

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DJC/

Receipt date: 03/26/2013	Application Number	13841141
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date	2013-03-15
	First Named Inventor	Scott W. LEWIS
(Not for submission under 37 CFR 1.99)	Art Unit	2872
	Examiner Name	D. Collins
	Attorney Docket Number	5266P

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Joseph A. Sawyer, Jr./	Date (YYYY-MM-DD)	2013-03-26
Name/Print	Joseph A. Sawyer, Jr.	Registration Number	30801

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DJC/

Receipt date: 03/26/2013

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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to 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)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DJC/

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13841141	LEWIS ET AL.
	Examiner	Art Unit
	DARRYL J COLLINS	2872

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/27/2013								
	1	✓								
	2	✓								
	3	✓								
	4	O								
	5	O								
	6	✓								
	7	✓								
	8	✓								
	9	O								
	10	✓								
	11	O								
	12	O								
	13	O								
	14	O								
	15	O								
	16	✓								
	17	O								
	18	✓								
	19	✓								
	20	✓								
	21	✓								
	22	✓								
	23	✓								
	24	✓								
	25	✓								

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Alexandria, VA 22313-1450
www.uspto.gov

SAWYER LAW GROUP, P.C.
P.O. BOX 51418
PALO ALTO CA 94303

Doc Code: TRACK1.GRANT

Decision Granting Request for Prioritized Examination (Track I or After RCE)	Application No.: 13/841,141

1. THE REQUEST FILED 3/15/13 IS **GRANTED.**

The above-identified application has met the requirements for prioritized examination

A. ☒ for an original nonprovisional application (Track I).
B. ☐ for an application undergoing continued examination (RCE).

2. **The above-identified application will undergo prioritized examination.** The application will be accorded special status throughout its entire course of prosecution until one of the following occurs:

A. filing a **petition for extension of time** to extend the time period for filing a reply;
B. filing an **amendment to amend the application to contain more than four independent claims, more than thirty total claims**, or a multiple dependent claim;
C. filing a **request for continued examination**;
D. filing a notice of appeal;
E. filing a request for suspension of action;
F. mailing of a notice of allowance;
G. mailing of a final Office action;
H. completion of examination as defined in 37 CFR 41.102; or
I. abandonment of the application.

Telephone inquiries with regard to this decision should be directed to Cheryl Gibson-Baylor at (571)272-3213, Office of Petitions. In his/her absence, calls may be directed to Brian W. Brown, (571)272-5338.

Cheryl Gibson-Baylor
/Cheryl Gibson-Baylor/
[*Signature*]

Petitions Examiner
(Title)

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
13/841,141	03/15/2013	2872	1113	5266P	25	4

CONFIRMATION NO. 6565

29141
Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

FILING RECEIPT

OC000000060811756

Date Mailed: 05/07/2013

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Scott W. LEWIS, Las Vegas, NV;

Applicant(s)

Percept Technologies Inc., Las Vegas, NV

Assignment For Published Patent Application

Percept Technologies Inc., Las Vegas, NV

Power of Attorney: The patent practitioners associated with Customer Number 29141

Domestic Priority data as claimed by applicant

This application is a CIP of 13/739,929 01/11/2013
which is a CON of 13/078,589 04/01/2011 PAT 8353594
which is a CON of 12/621,423 11/18/2009 PAT 7918556
which is a CON of 12/029,068 02/11/2008 PAT 7758185
which is a DIV of 11/245,756 10/07/2005 ABN

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 04/29/2013

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/841,141**

Projected Publication Date: 08/15/2013

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

Preliminary Class

359

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 13/841,141

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	70		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	300		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	360		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	25 minus 20 =	* 5	x 40 =	200	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4 minus 3 =	* 1	x 210 =	210			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	1140		TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE($)	ADDITIONAL FEE($)	OR	RATE($)	ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/841,141	03/15/2013	Scott W. LEWIS	5266P

CONFIRMATION NO. 6565

29141
Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

POA ACCEPTANCE LETTER

OC000000060811797

Date Mailed: 05/07/2013

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/15/2013.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/tpnguyen/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	13841141
	Filing Date	2013-03-15
	First Named Inventor	Scott W. LEWIS
	Art Unit	
	Examiner Name	
	Attorney Docket Number	5266P

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					
If you wish to add additional U.S. Patent citation information please click the Add button.						Add

U.S.PATENT APPLICATION PUBLICATIONS						Remove
Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20120147043		2012-06-14	Asukai et al.	
If you wish to add additional U.S. Published Application citation information please click the Add button.						Add

FOREIGN PATENT DOCUMENTS								Remove
Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐
If you wish to add additional Foreign Patent Document citation information please click the Add button								Add

NON-PATENT LITERATURE DOCUMENTS			Remove
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

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	Art Unit	
	Examiner Name	
	Attorney Docket Number	5266P

	1		☐

If you wish to add additional non-patent literature document citation information please click the Add button Add

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13841141
	Filing Date	2013-03-15
	First Named Inventor	Scott W. LEWIS
	Art Unit	
	Examiner Name	
	Attorney Docket Number	5266P

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OR

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☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Joseph A. Sawyer, Jr./	Date (YYYY-MM-DD)	2013-03-26
Name/Print	Joseph A. Sawyer, Jr.	Registration Number	30801

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to 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)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

EFS ID:	15358787
Application Number:	13841141
International Application Number:	
Confirmation Number:	6565
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Customer Number:	29141
Filer:	Joseph A. Sawyer/Sherry Long
Filer Authorized By:	Joseph A. Sawyer
Attorney Docket Number:	5266P
Receipt Date:	26-MAR-2013
Filing Date:	
Time Stamp:	17:05:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	5266P_IDS.pdf	611689 73bba3df1b9524df22bb160105ce0d6b41c cd2c9	no	4

Warnings:	
Information:	

Total Files Size (in bytes):	611689

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/08a (01-10)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	13841141
Filing Date	2013-03-15
First Named Inventor	Scott W. LEWIS
Art Unit	
Examiner Name	
Attorney Docket Number	5266P

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	RE39539		2007-04-03	Torch	
	2	4659197		1987-04-21	Weinblatt	
	3	6231183		2001-03-15	Dillon	
	4	7500747		2009-03-10	Howell et al.	
	5	4300818		1981-11-17	Schachar	
	6	5671035		1997-09-23	Barnes	
	7	6879443		2005-04-12	Spitzer et al.	
	8	7484847		2009-02-03	Fuziak	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13841141
	Filing Date	2013-03-15
	First Named Inventor	Scott W. LEWIS
	Art Unit	
	Examiner Name	
	Attorney Docket Number	5266P

	9	7758185		2010-07-20	Lewis	
	10	7918556		2011-04-05	Lewis	

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U.S.PATENT APPLICATION PUBLICATIONS Remove

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20050001981		2005-01-06	Anderson et al.	
	2	20040097839		2004-05-20	Epley	
	3	20040212776		2004-10-28	Spitzer et al.	
	4	20060023158		2006-02-02	Howell et al.	
	5	20050248722		2005-11-10	Nelis	
	6	20050097179		2005-05-05	Orme	
	7	20060093998		2006-05-04	Vertegaal	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13841141
	Filing Date	2013-03-15
	First Named Inventor	Scott W. LEWIS
	Art Unit	
	Examiner Name	
	Attorney Docket Number	5266P

	8	20060132382		2006-06-22	Jannard	
	9	20100045928		2010-02-25	Levy	
	10	20100145729		2010-06-10	Katz	
	11	20050248722		2005-11-10	Nelis	
	12	20050097179		2005-05-05	Orme	
	13	20100079356		2010-04-01	Hoellwarth	
	14	20100110368		2010-05-06	Chaum	

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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐

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NON-PATENT LITERATURE DOCUMENTS Remove

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13841141
	Filing Date	2013-03-15
	First Named Inventor	Scott W. LEWIS
	Art Unit	
	Examiner Name	
	Attorney Docket Number	5266P

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	Claims from US application 11/246,873 filed October 7, 2005	☐
	2	Claims from US application 11/246,875 filed October 7, 2005	☐
	3	Claims from US application 11/246,849 filed October 7, 2005	☐

If you wish to add additional non-patent literature document citation information please click the Add button Add

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13841141
	Filing Date	2013-03-15
	First Named Inventor	Scott W. LEWIS
	Art Unit	
	Examiner Name	
	Attorney Docket Number	5266P

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Joseph A. Sawyer, Jr./	Date (YYYY-MM-DD)	2013-03-18
Name/Print	Joseph A. Sawyer, Jr.	Registration Number	30801

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

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Electronic Acknowledgement Receipt

EFS ID:	15291947
Application Number:	13841141
International Application Number:	
Confirmation Number:	6565
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Customer Number:	29141
Filer:	Joseph A. Sawyer/Sherry Long
Filer Authorized By:	Joseph A. Sawyer
Attorney Docket Number:	5266P
Receipt Date:	18-MAR-2013
Filing Date:	
Time Stamp:	20:00:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	5266P_IDS.pdf	612866 7bac700096b453b15d184abff3325e57b1c75e0b	no	6

Warnings:	
Information:	

2	Non Patent Literature	NPL1.pdf	45478 f7259cfb316652f393d8fab602bff237da56f59d	no	3
Warnings:					
Information:					
3	Non Patent Literature	NPL2.pdf	37748 4b3f12c28835f453fb9498919709c2630f2e9c80	no	2
Warnings:					
Information:					
4	Non Patent Literature	NPL3.pdf	33117 a62d955ffefa807f557fbe86043f7626f68cd782	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	729209		

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Doc Code: TRACK1.REQ
Document Description: **TrackOne Request**

PTO/AIA/424 (09-12)

CERTIFICATION AND REQUEST FOR PRIORITIZED EXAMINATION UNDER 37 CFR 1.102(e) (Page 1 of 1)

First Named Inventor:	Scott W. LEWIS	Nonprovisional Application Number (if known):	
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR		

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS PRIORITIZED EXAMINATION FOR THE ABOVE-IDENTIFIED APPLICATION.

1. The processing fee set forth in 37 CFR 1.17(i), the prioritized examination fee set forth in 37 CFR 1.17(c), and if not already paid, the publication fee set forth in 37 CFR 1.18(d) have been filed with the request. The basic filing fee, search fee, examination fee, and any required excess claims and application size fees are filed with the request or have been already been paid.

2. The application contains or is amended to contain no more than four independent claims and no more than thirty total claims, and no multiple dependent claims.

3. The applicable box is checked below:

I. ☑ **Original Application (Track One) - Prioritized Examination under § 1.102(e)(1)**

i. (a) The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a). This certification and request is being filed with the utility application via EFS-Web.

---OR---

(b) The application is an original nonprovisional plant application filed under 35 U.S.C. 111(a). This certification and request is being filed with the plant application in paper.

ii. The executed inventor's oath or declaration is filed with the application. (37 CFR 1.63 and 1.64)

II. ☐ **Request for Continued Examination - Prioritized Examination under § 1.102(e)(2)**

i. A request for continued examination has been filed with, or prior to, this form.
ii. If the application is a utility application, this certification and request is being filed via EFS-Web.
iii. The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a), or is a national stage entry under 35 U.S.C. 371.
iv. This certification and request is being filed prior to the mailing of a first Office action responsive to the request for continued examination.
v. No prior request for continued examination has been granted prioritized examination status under 37 CFR 1.102(e)(2).

Signature /Joseph A. Sawyer, Jr./	Date March 15, 2013
Name (Print/Typed) Joseph A. Sawyer, Jr.	Practitioner Registration Number 30801

***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 _____ forms are submitted.

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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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PTO/AIA/82A (07-12)
Approved for use through 11/30/2014. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B or equivalent) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5. If the Power of Attorney by Applicant form is not accompanied by this transmittal form or an equivalent, the Power of Attorney will not be recognized in the application.

Application Number	
Filing Date	March 15, 2013
First Named Inventor	Scott W. LEWIS
Title	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
Art Unit	
Examiner Name	
Attorney Docket Number	5266P

SIGNATURE of Applicant or Patent Practitioner

Signature	/Joseph A. Sawyer, Jr./	Date	March 15, 2013
Name	Joseph A. Sawyer, Jr.	Telephone	(650) 493-4540
Registration Number	30801		

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

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 1.11 and 1.14. This collection is estimated to take 3 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **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 and select option 2.

PTO/AIA/82B(07-12)
Approved for use through 11/30/2014. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in the attached transmittal letter.

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

29141

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

Name	Registration Number	Name	Registration Number

Please recognize or change the correspondence address for the application identified in the attached transmittal letter to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the Applicant:

☐ Inventor or Joint Inventor

☐ Legal Representative of a Deceased or Legally Incapacitated Inventor

☒ Assignee or Person to Whom the Inventor is Under an Obligation to Assign

☐ Person Who Otherwise Shows Sufficient Proprietary Interest (*e.g.*, a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document)

SIGNATURE of Applicant for Patent

Signature		Date	3-14-2013
Name	Scott Lewis	Telephone	650 475-1435
Title and Company	CEO Magic Leap Technologies Inc.		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms for more than one signature, see below *.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 1.11 and 1.14. This collection is estimated to take 3 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **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 and select option 2.

DECLARATION (37 CFR 1.63) FOR UTILITY PATENT APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76) AND ASSIGNMENT

Title of Invention: ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

As a below named inventor, I hereby declare that:

This declaration is directed to:

- ▩ The attached application, or
- ☐ US application or PCT international application number _____ filed on _____.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

I have reviewed and understand the contents of the application, including the claims.

I am aware of the duty to disclose to the United States Patent & Trademark Office all information known to me to be material to patentability as defined in 37 CFR Section 1.56.

Whereas, each undersigned inventor has made certain inventions, improvements, and discoveries (herein referred to as the "Invention") disclosed in the above-identified patent application;

Whereas, Percept Technologies Inc., a corporation organized under the laws of the state of Nevada, having a principal place of business at 10080 West Alta Drive, Suite 200, Las Vegas, NV 89145, desires to acquire, and each undersigned inventor desires to grant to Percept Technologies Inc., the entire worldwide right, title, and interest in and to the Invention and in and to any and all patent applications and patents directed thereto;

For good and valuable consideration, the receipt of which is hereby acknowledged, each undersigned inventor ("ASSIGNOR"), hereby sells, assigns and otherwise transfers to Percept Technologies Inc. (the "ASSIGNEE"), and its successors, assigns and legal representatives, the entire right, title and interest, for all countries in and to certain inventions described in an application for Letters Patent of the United States,

and the invention(s) and improvement(s) set forth therein, and any and all continuations, continuations-in-part, divisionals, and renewals of and substitutes for said application for said Letters Patent, and all the rights and privileges under any and all Letters Patent that may be granted therefore in any country, and any reissues, or reexaminations, or extensions of said Letters Patent. I request that any and all Letters Patent for said inventions be issued to said Assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

I agree that, when requested, I will, without charge to said Assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said Assignee, its successors, assigns and legal representatives or nominees.

I authorize and empower the said Assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization.

I hereby consent that this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said Assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International convention which may henceforth be substituted for it.

I covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that I have full right to convey the same as herein expressed. In witness whereof, I have hereunto signed my name on the day and year set forth below.

Inventor's Signature _____ Date: 3/15/2013

Legal Name of Inventor: **Scott W. LEWIS**

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	5266P
	Application Number	
Title of Invention	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor 1 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Scott	W.	LEWIS	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	Las Vegas	State/Province	NV	Country of Residence	US

Mailing Address of Inventor:

Address 1	10080 West Alta Drive, Suite 200		
Address 2			
City	Las Vegas	**State/Province**	NV
Postal Code	89145	**Country**	US

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

Customer Number	29141		
Email Address	patent@sawyerlawgroup.com	Add Email	Remove Email

Application Information:

Title of the Invention	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR		
Attorney Docket Number	5266P	**Small Entity Status Claimed**	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		**Sub Class (if any)**	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	28	**Suggested Figure for Publication (if any)**	

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	5266P
	Application Number	
Title of Invention	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR	

Publication Information:

☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	**Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)
Customer Number	29141		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation in part of	13739929	2013-01-11

Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
13739929	Continuation of	13078589	2011-04-01	8353594	2013-01-15

Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
13078589	Continuation of	12621423	2009-11-18	7918556	2011-04-05

Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
12621423	Continuation of	12029068	2008-02-11	7758185	2010-07-20

Prior Application Status	Abandoned	Remove

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	5266P
	Application Number	
Title of Invention	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR	

Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
12029068	Division of	11245756	2005-10-07

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove

Application Number	Country[i]	Filing Date (YYYY-MM-DD)	Priority Claimed
			◯ Yes ◯ No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Authorization to Permit Access:

☒ Authorization to Permit Access to the Instant Application by the Participating Offices

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the instant patent application is filed access to the instant patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the instant patent application is filed to have access to the instant patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the instant patent application with respect to: 1) the instant patent application-as-filed; 2) any foreign application to which the instant patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the instant patent application; and 3) any U.S. application-as-filed from which benefit is sought in the instant patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing this Authorization.

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	5266P
	Application Number	
Title of Invention	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR	

Applicant 1

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

◉ Assignee	○ Legal Representative under 35 U.S.C. 117
○ Person to whom the inventor is obligated to assign.	○ Person who shows sufficient proprietary interest

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor :

If the Assignee is an Organization check here. ☒

Organization Name	Percept Technologies Inc.		
Mailing Address Information:			
Address 1	10080 West Alta Drive, Suite 200		
Address 2			
City	Las Vegas	**State/Province**	NV
Country	US	Postal Code	89145
Phone Number		Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button.

Signature:

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

Signature	/Joseph A. Sawyer, Jr./			Date (YYYY-MM-DD)	2013-03-15
First Name	Joseph A.	Last Name	Sawyer, Jr.	Registration Number	30801

Additional Signature may be generated within this form by selecting the Add button.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	5266P
	Application Number	
Title of Invention	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR	

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to 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)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Filer:	Joseph A. Sawyer/Sherry Long
Attorney Docket Number:	5266P

Filed as Small Entity

Track I Prioritized Examination - Nonprovisional Application under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	98	98
Utility Search Fee	2111	1	310	310
Utility Examination Fee	2311	1	125	125
Request for Prioritized Examination	2817	1	2400	2400
Pages:				
Claims:				
Claims in excess of 20	2202	5	31	155
Independent Claims in Excess of 3	2201	1	125	125

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous-Filing:				
Publ. Fee- Early, Voluntary, or Normal	1504	1	300	300
Processing Fee, Except for Provis. Apps	1808	1	130	130
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**3643**

Electronic Acknowledgement Receipt

EFS ID:	15266916
Application Number:	13841141
International Application Number:	
Confirmation Number:	6565
Title of Invention:	ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR
First Named Inventor/Applicant Name:	Scott W. LEWIS
Customer Number:	29141
Filer:	Joseph A. Sawyer/Sherry Long
Filer Authorized By:	Joseph A. Sawyer
Attorney Docket Number:	5266P
Receipt Date:	15-MAR-2013
Filing Date:	
Time Stamp:	18:42:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$3643
RAM confirmation Number	22415
Deposit Account	022120
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		5266P_Application.pdf	102747 c6423c88077e0478a5e92e8809f655f64522c76d	yes	35
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Specification		1	29	
	Claims		30	34	
	Abstract		35	35	
Warnings:					
Information:					
2	Drawings-only black and white line drawings	5266P_Drawings.pdf	881822 a8e45eb7a04a1c1d0268cf7c02fdc611953ba7f6	no	28
Warnings:					
Information:					
3	TrackOne Request	5266P_TrackIRequest.pdf	183292 b31c25d92e94311f68fc49dab929c7019bcab595	no	2
Warnings:					
Information:					
4	Power of Attorney	5266P_POA.pdf	920634 13a95e4d3171c6a52540f30c3ce185edb45f6a77	no	2
Warnings:					
Information:					
5	Oath or Declaration filed	5266P_DeclarationandAssignmentEXECUTED.PDF	1025696 6698b742ba662a4fc099126ca4d439cacd990bde	no	2
Warnings:					
Information:					
6	Application Data Sheet	5266P_ADS.pdf	50486 795f2e4ec66a516741f31b8d99a5af9b1cc8d8d4	no	6
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					

7	Fee Worksheet (SB06)	fee-info.pdf	43272 d04505ce3f03006dbc4613decac6a2ffc7356530	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	3207949	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR

CROSS-REFERENCE TO RELATED APPLICATION

[0001] This application is a continuation-in-part and claims the benefit of priority to U.S. Patent Application No. 13/739,929, filed on January 11, 2013, entitled "DIGITAL EYEWEAR", which is a continuation application of U.S. Patent Application No. 13/078,589, filed on April 1, 2011, entitled "DIGITAL EYEWEAR", now U.S. Patent No. 8,353,594, issued on January 15, 2013, which is a continuation application of U.S. Patent Application No. 12/621,423, filed on November 18, 2009, entitled "DIGITAL EYEWEAR", now U.S. Patent No. 7,918,556, issued on April 5, 2011, which is a continuation application of U.S. Patent Application No. 12/029,068, filed February 11, 2008, entitled "DIGITAL EYEWEAR", now U.S. Patent No. 7,758,185, issued on July 20, 2010, which is a divisional application of U.S. Patent Application No. 11/245,756, filed October 7, 2005, entitled "DIGITAL EYEWEAR", all of which are incorporated herein by reference.

[0002] This application is related to U.S. Patent Application No. _____ (Docket No. 5087P), filed on March 15, 2013, entitled "ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR", which is also incorporated herein by reference.

FIELD OF THE INVENTION

[0003] The present invention relates generally to wearable optics and more particularly to wearable optics that includes additional functionality.

BACKGROUND OF THE INVENTION

[0004] Wearable optics is utilized for a variety of purposes. Wearable optics is used for improving one's vision for reading glasses and to protect one's vision. Oftentimes protective goggles are used to protect eyes within dangerous areas. It is desirable to add additional functionality to glasses. This functionality can include a variety of forms, which are electronic, mechanical, aesthetic, etc. Accordingly, it is always desired to provide additional functionality to wearable optics. What is desired is a system and method which will increase the functionality of glasses beyond their normal use while still maintaining them for their primary uses. The present invention addresses such a need.

SUMMARY OF THE INVENTION

[0005] A wearable optics device and method of use is disclosed. In a first aspect a method comprises utilizing dynamic eye tracking with a wearable optics device; wherein parameters personalized to a user can be provided based upon the dynamic eye tracking.

[0006] In a second aspect, a wearable optics device comprises a lens and a dynamic eye tracking mechanism in communication with the lens. Parameters personalized to a user can be provided based upon the dynamic eye tracking.

[0007] In a third aspect, a method comprises utilizing dynamic eye tracking with a wearable optics device. A perceptual optimization is utilized based upon the dynamic eye tracking.

[0008] In a fourth aspect, a wearable optics device comprises a lens and a dynamic eye tracking mechanism in communication with the lens. A perceptual optimization is utilized based upon the dynamic eye tracking.

[0009] In a fifth aspect, a method comprises utilizing dynamic eye tracking with a wearable optics device. An augmented reality overlay is utilized based upon the dynamic eye tracking.

[0010] In a six aspect, a wearable optics device comprises a lens; and a dynamic eye tracking mechanism in communication with the lens. An augmented reality overlay is utilized based upon the dynamic eye tracking.

[0011] In a seventh aspect, a method comprises utilizing dynamic eye tracking with a wearable optics device. Augmented reality navigation is utilized based upon the dynamic eye tracking.

[0012] In an eighth aspect, a wearable optics device comprises a lens; and a dynamic eye tracking mechanism in communication with the lens. Augmented reality navigation is utilized based upon the dynamic eye tracking.

BRIEF DESCRIPTION OF THE DRAWINGS

[0013] Figure 1 is a diagram that illustrates Media focals.

[0014] Figure 2 comprises an information bar on media focal wearable optics.

[0015] Figure 3 is a block diagram of wearable optics that is utilized in a music environment such as an MP3 player.

[0016] Figure 4 is a block diagram that illustrates wearable optics that is utilized as a cell phone.

[0017] Figure 5A is a block diagram that illustrates the cellular phone circuitry of Figure 4.

[0018] Figure 5B illustrates perceptual optimization utilizing optical and perceptual parameters.

[0019] Figure 5C illustrates the enhanced digital eyewear architecture.

[0020] Figure 6 illustrates the parts of an eye that may be utilized with the eye tracking mechanism of an embodiment.

[0021] Figure 7 illustrates a social networking application utilized with the wearable optics device.

[0022] Figure 8 illustrates a messaging application utilized with wearable optics device in accordance with an embodiment.

[0023] Figure 9 illustrates the wearable optics device utilized by an athletic sports spectator in accordance with an embodiment.

[0024] Figure 10 illustrates the wearable optics device utilized by an athletic sports player in accordance with an embodiment.

[0025] Figure 11 illustrates an augmented reality information, navigation, and advertising application utilized with the wearable optics device.

[0026] Figure 12 illustrates an augmented reality information patient data application utilized with the wearable optics device used in conjunction with a remote device.

[0027] Figure 13 illustrates a shading control application utilized with the wearable optics device.

[0028] Figure 14 illustrates an augmented reality application utilized with the wearable optics device.

[0029] Figure 15 illustrates a physical gaming application utilized with the wearable optics device.

[0030] Figure 16 illustrates a first embodiment of an online/mobile gaming application utilized with the wearable optics device.

[0031] Figure 17 illustrates a second embodiment of an online/mobile gaming application utilized with the wearable optics device.

[0032] Figure 18 illustrates shading control utilizing the wearable optics device.

[0033] Figure 19 illustrates an optical/perceptual operating system with the wearable optics device.

[0034] Figure 20 describes an embodiment of the digital architecture of the wearable optics device.

[0035] Figure 21 illustrates the embodiment of a system simulator for use by developers of applications and new lenses or expansion of the wearable optics device.

[0036] Figure 22A thru Figure 22F illustrate the embodiment of inverse shading using the wearable optics device.

[0037] Figure 23 illustrates an embodiment of eye tracking illumination and enhanced efficiency utilizing the wearable optics device.

[0038] Figure 24 illustrates an embodiment of real-time augmented reality overlay utilizing the wearable optics device.

DETAILED DESCRIPTION

[0039] The present invention relates generally to wearable optics and more particularly to wearable optics that includes additional functionality. The following

description is presented to enable one of ordinary skill in the art to make and use the invention and is provided in the context of a patent application and its requirements. Various modifications to the preferred embodiments and the generic principles and features described herein will be readily apparent to those skilled in the art. Thus, the present invention is not intended to be limited to the embodiments shown, but is to be accorded the widest scope consistent with the principles and features described herein.

[0040] A system and method in accordance with the present invention is directed to a variety of ways to enhance the use of wearable optics devices.

[0041] To describe the features of the present invention in more detail refer now to the following description in conjunction with the accompanying figures.

1. Media focals 100

[0042] Figure 1 is a diagram that illustrates Media focals 100. Media focals 100 comprises an information bar 102, receiver 104, digital circuitry 106, frames 108 and lens 110. Media focals 100 allow for enhancing the wearable optics for its primary purpose, for example, a digital camera could be placed within the wearable optics to allow for seeing certain of these images. For example, the circuitry 106 for the media focals 100 could be placed within the frame 108 of the wearable optics. The lens 110 could have a totally reflective surface, or a partially reflective surface using LCDs or the like. In effect the wearable optics could look like see-through glasses, but through the use of the circuitry 106 within the wearable optics it is actually a media focal. Additionally, the wearable optics could incorporate a camera to project the user onto a second lens to achieve a see-through effect.

[0043] In a preferred embodiment, an information bar 102 is provided across a portion of the wearable optics which is visible to the user. This information bar 102 is used to convey a variety of types of information.

[0044] Figure 2 comprises an information bar 102' on media focal wearable optics. The information bar 102' can be a stock ticker scrolling across the top portion of the wearable optics, as is shown in Figure 2. Although the information bar 102' is shown displaying a stock ticker, other kinds of information such as song titles, lyrics and the like could be displayed in the information bar. This information bar is referred to as E-focals. This information might be provided from a digital receiver through an FM station, through a cellular wireless device, or an MP3 player. Additional functionality of the E-focal will be described with more detail with respect to the cell phone enhancements as well as the music player enhancements.

[0045] One of the key features of the media focals 100 is the use of the media focals to enhance the primary function of the user, that is, being able to more accurately and clearly see the objects. In such an environment, for example, it is possible to have a zoom feature circuit to allow for the use of the wearable optics as binoculars. This would allow for the user to see objects more closely based on certain activities of the user. For example, there may be eye or pressure sensors on the wearable optics that will activate the binocular circuitry in the glasses which could receive visual data through a camera, CCD receiver of the like.

[0046] In the preferred embodiment, the circuitry 106 would be located somewhere in the frame of the glasses to provide this functionality and as circuits became smaller and devices became smaller it would be easier and easier to embed the circuitry that is

well known for use for such functions directly within the device. The circuitry 106 in the device could be, for example, eye sensors which could be pressure sensors, capacitive sensors or some other type of sensor for allowing the eyes to direct the activities. Eye movement sensors, for example, could be used to activate and control the binocular glasses. Similarly, a digital camera could be put on the glasses that would allow the same kinds of technology to take pictures by the person directly.

[0047] In a similar vein, the glasses could be used as a normal corrective lens glass utilizing the digital imagery, so that, for example, a user has a certain prescription that they use with their normal prescription glasses to view an object clearly. As the user's eyes change, it would be possible that an optometrist could download the new prescription to the wearable optics such that a digital transformation of the image information is provided which is compatible with the new prescription.

[0048] Also, in a preferred embodiment a method for sensing and controlling the digital media could be implemented in a variety of ways. For example, an activity of the eye itself would control the activity of the media focal. So, for example, if the idea was to zoom the image, the eye would blink twice. It would also be possible to detect facial and eye movements (squinting, for example), as well as changes in the pupil and iris.

[0049] In a further embodiment, it would be possible for the eyeglasses in accordance with the present invention to function within a client/server model or Bluetooth (Wi-Fi) model. Utilization of the client/server model and Bluetooth Wi-Fi would make possible, for example, the display of live news or special reports (such as financial reports) from the Internet or similar sources on the eyeglasses. This would

also allow for portions of circuitry to be located remotely such that less circuitry in the wearable optics is required.

[0050] The wearable optics could also include a logo, for example, law enforcement officers could have their glasses emblazoned with “Police”, “Sheriff”, “MP”, etc.; young people could have their eyeglasses emblazoned with words and images that reflected their favorite performers, etc.; sports teams could offer the eyeglasses at discount with team monograms, etc. They could also be purchased by companies, emblazoned with the company logos, and given out as retirement gifts, etc.

2. Music Environment

[0051] Figure 3 is a block diagram of wearable optics 300 that is utilized in a music environment such as an MP3 player. Figure 3 comprises wearable optics 300, an information bar 302, MP3 player circuitry 304, storage 306, frames 308, and one or a plurality of lenses 310. Another environment as has been above described is the music environment. What would be desirable would be to provide music glasses in which an MP3 player on an IPod or the like is incorporated in the wearable optics, either in a wired or wireless environment. Through the use of this type of system, a plurality of users could be networked via an MP3 player type environment within a hotspot, or the like, which would allow one to have downloads of whatever music is required through the eyeglasses. The system could allow for downloadable music which could be selected via scrolling and the like through voice recognition systems.

[0052] By connecting to a client-server network or Bluetooth Wi-Fi installation, for example, the eyeglasses could link to a multimedia network, authorize downloading and

billing for selected music. By this means, access to a plurality of libraries for music selections could be provided.

[0053] It would also be possible to provide access to streaming audio media. Also, access can be provided to multimedia libraries, etc., via the client/server model.

[0054] Information could be received via a digital client/server model enabled to work with iPods or MP3 players. Similarly, bluetooth wireless technology could be utilized to provide access to music and live audio sources.

[0055] The wearable optics could also be utilized in conjunction with wireless technology to allow a user or a plurality of users to participate simultaneously in single or group karaoke singing. The wearable optics could be used specifically to display the lyrics of a song, melody, notes, name of the song or other associated references.

[0056] It would also be possible to receive and listen to AM or FM radio signals, via an AM/FM radio tuner connected to the wearable optics hardware.

[0057] In this type of environment, the headphones can be either digital or analog. The user doesn't need to have 10,000 songs, for example. They can come enrolled in an in-song virtual network library upon entering a hotspot. Therefore, the local storage 306 could be limited. In addition, this would provide location identity information for one who is using the network. The songs can be streamed as well as downloaded. The songs could be purchase using the wearable optics. The system could be scalable; depending upon what kind of device was being used.

3. Telecommunications Environment

[0058] Figure 4 is a block diagram that illustrates wearable optics that is utilized as a cell phone 400. Figure 4 comprises cellular phone circuitry 402, a microphone 104, frames 408 and one or a plurality of lenses 410. The cell phone wearable optics 400 could be implemented utilizing digital telephone technology. Circuitry 402 within the wearable optics could be utilized to allow a telephone number or other visual information such as that provided by multimedia messaging services to be displayed on the lens 410 of the wearable optics as shown in Figure 3. Figure 5 is a block diagram that illustrates the cellular phone circuitry of Figure 4. Figure 5 comprises noise cancelling circuitry 502, voice recognition circuitry 504, caller ID circuitry 506 and speaker recognition circuitry 508 and media processing circuits 509. The telephone number could be activated via the digital circuitry 402 as part of the media focals 100. In addition, the circuitry could be made truly digital via a digital signal processor which is coupled to a camera otherwise in the environment. The above system would allow for voice recording through use of a microphone 104 and would allow for voice recognition through use of the voice recognition circuitry 504, which would allow for signal conditioning on the cell phone in a variety of ways.

[0059] The cell phone environment 402 provides a plurality of areas for improvement utilizing existing technologies. Firstly, one of the major annoyances in cell phone use is that the users have to speak in a loud manner because of background noise and the like. There are a variety of reasons for this problem including the placement of the microphone of the cell phone relative to the speaker's mouth, due to the aforementioned background noise, and other issues. By placing the microphone 104 strategically on the wearable optics such as near the noise or mouth the user will not have to speak as

loudly. The microphone could also be located in flip down microphones. In addition noise canceling circuitry 502 could be utilized to remove the background noise. The microphone capability would include the advantage of utilizing noise rejection techniques. Buttons located on the wearable optics can be utilized to control features thereon. Finally, the microphone 104 could utilize whisper technology such that the speaker will not have to speak as loudly.

[0060] The wearable optics would in a preferred embodiment include voice recognition circuitry 504 and caller ID circuitry 506. The conventionality for hearing and talking in a preferred embodiment would be located in ear and nose pad portions of glasses. Referring back to Figure 3, the electronics for the cell phone in a preferred embodiment would be within the frame 308 of the wearable optics. In addition the wearable optics would include a fully integrated information bar 302. Finally, a speaker recognition algorithm 508 as shown in Figure 5 would allow only the voice of the user to be recognized and the background noise would be cancelled. Accordingly, the unique characteristics of the speaker are provided via an audible model.

[0061] This can performed utilizing a variety of methods. For example analyzing the voice of the user and combining the analysis with noise cancellation. In another example the user can talk softly and cancel noise and a directional microphone is used which takes advantage of device location.

[0062] Similar to the media focal and MP3 player environments, a digital client/server or Bluetooth/wifi model could be adapted to link the wearable optics to external communication equipment. Such equipment could include digital cell phones, PDAs or wifi enabled PCs or other devices. Such an embodiment could enable review of

voicemail, screen viewed emails, text to speech audio email conversions, multimedia messaging services, and other data sources.

[0063] Wireless or Bluetooth interconnection could also make possible VOIP glasses to be utilized instead of a cell phone. Other features enabled by a wireless link could link the eyewear to MP3 devices, an iPod, a printer, wireless/wired TV, coupons, and the like. Also "PDA glasses" could provide built in a time display, alarm calendar, interfacing with PCs or network sources, a speaker and the like.

[0064] As can be seen from the above description, digital eyewear is a rapidly evolving field with from the early innovation of digital eyewear with eye tracking capabilities thru Lewis ('185 filed Feb 2008), to eyewear with more complex lenses and communication/display capabilities (Lewis '556, filed Nov 2009), to more enhancements and capabilities (Lewis '594, filed April 2011). As technology progresses to make sensors, cameras, processors, and circuitry smaller, more and more capabilities become possible to implement using digital eyewear. This enhanced digital eyewear can be used to solve important areas ranging from superior vision enhancement and mobile advertising, to use in dental/medical procedures and physical and Internet navigation. The application and value of the enhanced eyewear is increased even further when combined with augmented reality, social networking, messaging, and communications.

[0065] With the introduction and use of new materials for lens and filter integration new enhancements and capabilities of the digital eyewear can be further realized. These materials include advances in OLED, LED, transparent LED, flexible LED, crystalline, prism, holographic, polarizing, and translucent material and the like to

electrorefractive, electrodiffractive, electroreflective, composite refractive materials and the like, with one or more lens material layers and passive or active display or projection based implementations.

[0066] With these new capabilities an important new set of optical and perceptual parameters can be measured and used as inputs, controls, or feedback elements that increase even further uses and value of the eyewear and lead to important improvements that can be used for teaching, sports, health, and improved perception.

[0067] Accordingly systems and methods in accordance with embodiments are disclosed that provide these enhanced features for wearable optics devices. To describe these features and embodiments in more detail refer now to the following description in conjunction with the following discussion. A key feature associated with these enhancements is providing a variety of perceptual parameters that can be utilized with the wearable optics devices. Examples of perceptual parameters include but are not limited to optical expression, voice, brain wave, environmental, audio, video, navigational, augmented reality, algorithmic, spatial, cognitive, interpretive.

[0068] Figure 5B illustrates a perceptual optimization system 550. The perceptual optimization system 550 receives a variety of inputs including optical parameter measurements, real world inputs, digital media inputs, expression parameter measurements, optical parameter measurement feedback, other parameter measurements to provide wearable optics visual display elements. Optical parameter measurements include for example, ciliary, pupil, corneal, lens, iris, eye lid, retina measurements. Real world inputs could be for example inputs from one or more

microphones or cameras. Digital media inputs could be for example from digital audio, digital video, graphics, images and augmented reality.

[0069] Other perceptual parameters could be for example, smell, touch, brainwave, temperature/humidity of the user, environmental conditions near the user. The optical feedback could be provided through information received about the retina/iris dynamics and/or the lens ciliary dynamics.

[0070] Figure 5C illustrates a wearable optics device architecture 560 in accordance with an embodiment. The architecture includes a frame 562 which includes a plurality of sensors on various areas thereon. Biometric sensors include a blood pressure sensor 617, temperature sensor 618, EEG sensor 616 and the like. Environmental sensors 615 are also provided. There are microphone sensors 606,607, 611 on various areas of the frame. Included on the frame 562 are cameras rear, front and side 606,607, 611 to detect objects .Within the lens is a lens display 601. A display projector 620 is provided thereon to project images on the lens display 601. The lens display 601 can be a single unit or multiple unit lens. There are infrared sensors 602 as well as a directional illumination unit 603 on the bridge of the architecture 560. There are facial and mouth movement sensors 604 and or cameras located on the lens holder of the architecture 560. There is a speaker and n extendable speaker 610 located on the frame when worn. The speaker 610 could be held in place with a head band. An outer ear speaker//vibration element 612 is provided thereon. A control communication unit 608 is utilized to control the architecture 560. A power unit can be utilized to enable the architecture. Typically the power unit 613 comprises a rechargeable battery. The battery can be charged via a connector, such as but not limited to an USB connector to

a charging device laptop, tablet or desktop PC for example. In addition the device could be solar powered either by solar cells being placed on the device or the solar cells could be placed on articles of clothing (i.e. hat, shirt or pants for example) to facilitate the charging thereof. The architecture 560 includes a directional illumination unit 603, smell sensors 605 and an extendable user microphone 619.

In an embodiment, the sensors may comprise any or any combination of gyroscopes, accelerometers, torque sensors, weight sensors, pressure sensors, magnetometers, temperature sensors, light sensor, cameras and microphones, GPS, wireless detection, altitude sensors, blood pressure , heart rate sensors, biometric sensors, radio frequency identification (RFID), near field communication (NFC), mobile communication, Wi-Fi, strain gauges, fingerprint sensors, smell sensors gas sensors, chemical sensors, color sensors, sound sensors, acoustic sensors, ultraviolet sensors, electric field sensors, magnetic field sensors, gravity sensors, wind speed sensors, wind direction sensors, compass sensors, geo-locator sensor, polarized light sensors, infrared emitter sensors.

[0071] This architecture can be utilized with a conventional mobile operating system such as Android or IOS or with a new operating system incorporating optical parameters and perceptual parameters for even further capabilities and enhanced perception - eye optical or perceptual operating system (eyePOS). By using this approach and capability set, a whole new class of custom applications ("apps") can be created using the standard mobile operating systems or eyePOS and an eyePOS simulator to address manifold valuable applications that can improve human learning, entertainment, and health on one side to new navigation systems (physically linked and search linked) and

enhanced perception. To describe these feature in more detail refer now to the following description.

[0072] A method and system in accordance with an embodiment comprises utilizing dynamic eye tracking with a wearable optics device; wherein parameters personalized to a user can be provided based upon the dynamic eye tracking. The method and system which includes providing an enhancement utilizing objective and subjective quality standards based upon perceptual parameters. The perceptual parameters include any and any combination of optical expression, voice, brain wave, environmental, audio, video, navigational, augmented reality, algorithmic, spatial, cognitive, interpretive. The wearable optics device controls any or any combination of mimics, amplifies, or expands a user perceptual physiology utilizing perceptual parameters.

[0073] The wearable optics device can include one or more inserts into eyeglasses. The eyeglasses comprise quad state eyeglasses. Shading control can be utilized on the wearable optics device. The shading control can be provided by one or more projectors within the wearable optics device. An occlusion effect can be projected on a lens of the wearable optics device. The shading can be provided on a lens of the wearable optics device wherein the surrounding area is occluded or reversed. The shading is provided by a polarized filter. The shading control can be provided by the lenses within the wearable optics device. The shading can be controlled using optical parameters. The optical parameters include any or any combination of ciliary, pupil, corneal, lens, iris, eye lid, and retina measurements. Materials that can electrically control any or any combination of chromatic, refractive, diffractive, transparent,

reflective properties of the wearable optics device are utilized with the dynamic eye tracking. The lens can be any or any combination of transparent LCD, LED, OLED, flexible LED, flexible OLED, transparent matrix, semi-transparent matrix, prism based, holographic , electroluminescence, eletroreflective, dynamic filtering materials.

[0074] The wearable optics device comprises an electrochromatic material. In a system and method in accordance with an embodiment one or more elements are utilized within the wearable optics device to provide image information into the eye. The one or more elements include any or any combination of a lens projector, retinal projection. The retinal projection or projector plus prism provide the occlusion.

[0075] The wearable optics device includes shading control for the eyewear. In the wearable optics device, portions of an image viewed by the wearable optics device can be shaded to control brightness. The lenses of the wearable optics device can be controlled polarizing, transparent OLED, or projection and prism lenses.

[0076] The parameters my include any or any combination of prescriptions for improving the vision of a user, a zoom feature, a microscope feature, magnifying feature, retinal projection feature. The wearable optics device can be utilized in a simulator. In an embodiment, a focal of the wearable optics device is utilized in conjunction with the dynamic eye tracking.

[0077] The parameters can include any or any combination of a zoom feature, a microscope feature, magnifying feature, illumination feature; a retinal projection feature. In an embodiment a 360 degree view can be provided. The 360 degree view can be any or any combination of a left or right panning, up and down panning , three dimensional rotations.

[0078] In another embodiment, an illumination feature is directed to a specific area based upon the dynamic eyetracking mechanism. A wearable optics device camera feature can filter certain light waves for controlled viewing or visual effects. The filtering feature can include controlling noise reduction, polarization, and creative effects. The wearable optics device feature can include controlling a stability control for facial or object focus. In an embodiment optical parameters can be utilized. The optical parameters include any of or any combination of ciliary, pupil, corneal, retina, lens, iris measurements. An embodiment may include detecting head movement. An acoustic wave mechanism may be utilized within the wearable optics device. A brain wave mechanism may be utilized within the wearable optics device. A magnetic wave mechanism may be utilized within the wearable optics device.

[0079] The wearable optics device can be utilized in a variety environments including but not limited to athletic, gaming, gambling, educational, military, firefighting, medical dental, and the like. To describe the features of the present invention in more detail refer now to the following description in conjunction with the accompanying figures

[0080] Figure 6 illustrates the parts of an eye that may be utilized with the eye tracking mechanism of an embodiment. In an embodiment, the iris, retina cornea, pupil, ciliary, and lens can all be utilized either singly or in combination to enable the dynamic eye tracking mechanism.

[0081] Social networks can be leveraged advantageously with the wearable optics device in accordance with an embodiment. Figure 7 illustrates a social networking application 700 utilized with the wearable optics device. The networks of Facebook,

Linked In, Twitter, Salesforce.com, and other networks, as well as the Internet are connected to the wearable optics device.

[0082] Individuals that are "Friends" for example, can be identified by a highlight by the wearable optics device. Information about individuals can be gathered by using eyes utilized by the wearable optics device architecture. In an embodiment, the individual can be selected. The individual can be identified in a variety of ways for example using facial recognition, target individual information, GPS, RFID, NFC, optical information, voice recognition, and mobile location.

[0083] Figure 8 illustrates a messaging application 800 utilized with wearable optics device in accordance with an embodiment. In this embodiment, information is transmitted via mobile, text, R2R, Internet, Wi-Fi, Facebook message, Twitter's tweet. The wearable optics device can utilize R2R, NFC, Wi-Fi, Internet to communicate. It is possible to talk using a microphone, sensors near the face, jaw, and nose can be utilized to provide control of the messaging application. In addition lip motion, and lip reading can be utilized to transmit voice in a silent and confidential manner. An individual can be targeted by using selected eye movements.

[0084] Figure 9 illustrates the wearable optics device utilized by an athletic sports spectator in accordance with an embodiment 900. Networks such as Twitter, Facebook, Internet are connected to the spectator. For example the spectator can see who has the ball and its course during a play. Who has the ball as well as the ball's location is highlighted. Video information can be overlayed from scores of other games. Information about the location of the football during the game (line of scrimmage, first

down line). Video highlights of the game could be provided as well as augmented reality media.

[0085] Figure 10 illustrates the wearable optics device utilized by an athletic sports player in accordance with an embodiment 1000. Networks such as Twitter, Facebook, Coach/trainer communication, and other player communications are connected to the player. For example the spectator can see that a curve ball is hit at 102 mph. The trajectory of the ball is highlighted.

[0086] Figure 11 illustrates an augmented reality information, navigation, and advertising application 1100 utilized with the wearable optics device. In this embodiment, information is transmitted via mobile, text, R2R, Internet, Wi-Fi, Facebook message, Twitter's tweet. The wearable optics device can utilize mobile, R2R, NFC, Wi-Fi, Internet to communicate. In one example the wearable optics device is utilized in a vehicle. In this example the wearable optics device includes speaker microphone and rear camera on the headset and also on the rear of a vehicle for example. Augmented reality real time information is provided. For example, the Augmented Reality Real time information provided is that the vehicle is traveling at 62 mph.

[0087] There also may be Augmented Reality Mirror Live Video from Rear Camera of the car. For a sign that reads, "Detour 1 Mile" is shown on as an emergency Augmented Reality sign from State/Federal Sources which could also provide additional information.

[0088] In another example, "McDonald's Free Coffee" next exit, seen as an Augmented Reality real-time advertisement. "Stage Road 1 Mile", will also be seen as an Augmented Reality Sign while the voice message "Next turn Stage Rd. 1 mile" is

transmitted to the driver together comprising an enhanced Augmented Reality GPS and navigation system.

[0089] Figure 12 illustrates an augmented reality information patient data application 1200 utilized with the wearable optics device used in conjunction with a remote device. In this embodiment, information is transmitted via mobile, text, R2R, Internet, Wi-Fi, Facebook message, Twitter's tweet. The wearable optics device can utilize mobile, R2R, NFC, Wi-Fi, Internet to communicate.

[0090] Patient records and internet technical information are connected to the eyepiece and microphone of the person who is utilizing the wearable optics device. Utilizes an augmented reality zoom window to identify medical feature. Augmented reality patient data is made available to the person via the eyewear. There may also be a remote device camera utilized on the drill of a dentist for example. The dentist for example can utilize the dynamic eye tracking mechanism to focus on the correct tooth.

[0091] An overlay of the x-ray of the tooth can be seen utilizing the augmented reality. An augmented reality overlay of dental records and Internet research in tooth treatment is available. Dentist can use a remote drill with augmented reality. Illumination and zoom can also be utilized with an augmented reality window.

[0092] Figure 13 illustrates a shading control application 1300 utilized with the wearable optics device. In this embodiment, information is transmitted via mobile, text, R2R, Internet, Wi-Fi, Facebook message, Twitter's tweet. The wearable optics device can utilize mobile, R2R, NFC, Wi-Fi, Internet to communicate. Shading settings can be chosen through push buttons on the eyewear frame, via eye movement, or

automatically. The shading can be uniform across the eyewear lens or concentrated in a specific area or areas of the lens.

[0093] In an embodiment a lamp/flashlight 1302 projects light to eye1310. The camera 1306 and eye sensor 1308 pick up the light. The lens 1304 can be any or any combination of transparent LCD, LED, OLED, flexible LED, flexible OLED, transparent matrix, semi-transparent matrix, prism based, holographic , electroluminescence, eletroreflective, dynamic filtering materials.

[0094] Light can be occluded in a specific area 1312 utilizing the wearable optics device. The camera 1306 determines position of light to be occluded (real time). The eye sensor 1308 determines the position of the eye/pupil/retina (real time). The camera1306 /eye sensor 1308 determines line of sight between light to be occluded and eye 1310 and intersect area on lens 1304 (real time) or area to project occlusion from a projector embodiment.

[0095] Figure 14 illustrates an augmented reality application1400 utilized with the wearable optics device 1410. In this embodiment, information is transmitted via mobile, text, R2R, Internet, Wi-Fi, Facebook message, Twitter's tweet. The wearable optics device 1410 can utilize mobile, R2R, NFC, Wi-Fi, Internet to communicate.

[0096] In an embodiment, an augmented reality keyboard 1404 appears selected by look at the phone/item and then blinking or the like. The augmented reality (AR) keyboard 1404 is utilized that is controlled by the dynamic eye tracking mechanism. An infrared camera 1402 is used to sense the position of any of the user's hand, hand movement, finger position, finger movement on the AR keyboard such as key highlight and key click sound. There is an augmented reality display 1406 which is an

enlargement of the small phone display, on the lens. There is also an augmented reality keyboard which is shown as being on the lens.

[0097] Figure 15 illustrates a physical gaming application 1500 utilized with the wearable optics device 1510. In this embodiment, information is transmitted via mobile, text, R2R, Internet, Wi-Fi, Facebook message, Twitter's tweet. The wearable optics device 1510 can utilize mobile, R2R, NFC, Wi-Fi, Internet to communicate.

[0098] In an embodiment, a person wearing the wearable optics device 1510 can analyze game strategy, count cards, determine the score, do analysis (of game statistics), and analyze other player's faces utilizing an augmented reality overlay 1502 and facial recognition.

[0099] Figure 16 illustrates a first embodiment of an online/mobile gaming application 1600 utilized with the wearable optics device 1610. In this embodiment, information is transmitted via mobile, text, R2R, Internet, Wi-Fi, Facebook message, Twitter's tweet. The wearable optics device 1610 can utilize mobile, R2R, NFC, Wi-Fi, Internet to communicate.

[00100] The player and opponent have augmented reality cards in hand. Augmented reality playing cards are utilized. Because of the augmented reality and communication link the players need not be present in the same location. The AR cards may be lifted by hand movement. There is a physics adjusted augmented reality card movement and dynamics. In an embodiment there can be a virtual game board, a background, and a playing field.

[00101] There is an infrared camera 1602 on the glasses to measure and judge hand and finger position and movement. There is an augmented reality scene or dynamics overlay 1612 which can be seen on the lenses.

[00102] Figure 17 illustrates a second embodiment of an online/mobile gaming application 1700 utilized with the wearable optics device 1710. In this embodiment, information is transmitted via mobile, text, R2R, Internet, Wi-Fi, Facebook message, Twitter's tweet. The wearable optics device 1710 can utilize mobile, R2R, NFC, Wi-Fi, Internet to communicate.

[00103] The scene that the player sees can be an actual real-world video game screen. It could also be utilized as an augmented reality video game screen (e.g. for mobile). Furthermore it could also be utilized as a full 3-D real time Augmented Reality game/battle field which the player sees. The player can use an augmented reality game controller. There is an infrared camera on the glasses to measure and judge hand and finger position and movement on the AR game controller. Augmented reality scenes, AR game controller, AR gun, or AR remote control overlay 1712 are seen on the lenses of the glasses.

[00104] Figure 18 illustrates shading control mechanism utilizing the wearable optics device. In this embodiment there are one or more cameras 1806 that measures changes in the eye (for example the pupil or the retina) and sends the information to a processing system. Thereafter, the processing system 1802 can control a display on the lens 1804 to provide shading.

[00105] Figure 19 illustrates an optical/perceptual operating system 1900 with the wearable optics device. As is seen a plurality of applications 1902-1910 interface with a

processing system. The processing system includes a CPU, Memory, computer control and a CPU updating system 1912.

[00106] The applications include but are not limited to an eye prescription 1902, shading 1904, a glare application, 1906, GPS for navigation of a vehicle 1908 and a medical application 1910. The system would include perceptual measurement/generators 1914. These would include but are not limited to calibration software, augmented reality software, entertainment software, video/audio conferencing software and external communication/databases. The system would also include one or more device drivers. They include but are not limited to display drivers 1916, optical/sensor drivers 1918, operating system drivers 1920, network drivers 1922, external remote object drivers 1924 and gaming/entertainment drivers 1926.

[00107] Figure 20 describes an embodiment of the digital architecture of a wearable optics device 2000. In this embodiment, the wearable optics device eyewear includes mobile/smart phone circuitry / external data communication / and circuitry for transmitting data via mobile, text, R2R, Internet, Wi-Fi, Facebook message, Twitter's tweet, along with networking to external networks platforms / data / media sites 2016 . The wearable optics contains a processing system 2002 with memory storage, sensors for optical and perceptual measurement 2006, circuitry to control the optical display and perceptual generation needs of the device 2004, and interface 2008 to remote devices such as tools, specialty camera, GPS, mobile phone, wearable devices and the like.

[00108] In this embodiment various types of application software ("apps") 2018 can be run on the wearable optics device 2000 including shading control applications, focus and user eye adjustment prescriptions, and augmented reality applications for games

such as football. An Internet browser 2010 that utilizes optical or perceptual parameters to drive navigation of the Internet can be used such that eye movements or facial expressions can accelerate the browsing process to the desired information. The wearable optics device 2000 contains a system browser 2012 with file storage that can be on the device or accessed via one of the networks to the device.

[00109] The device 2000 can be powered by a separate battery (not shown). The battery can be charged via a connector, such as but not limited to an USB connector to a charging device laptop, tablet or desktop PC for example. In addition the device 200 could be solar powered either by solar cells being placed on the device 2000 or the solar cells could be placed on articles of clothing (i.e. hat, shirt or pants for example) to facilitate the charging thereof.

[00110] Figure 21 illustrates the embodiment of a system simulator 2100 for use by developers of applications and new lenses or expansion of the wearable optics device. In this embodiment, there is a simulator for the operating system 2102, a lens simulator 2104, a display 2114, and an eyewear emulator 2116. Optical/perceptual measurements 2106, camera signals, and other sensors and measurements are inputs to the simulator. The developer apps or new lenses can then be tested for various types of wearable options with various types of operating systems including iOS, Andriod, and general purpose or optimized optical/perceptual operating systems.

[00111] Figure 22A through Figure 22F illustrate an embodiment of inverse shading using the wearable optics device. Figure 22A illustrates the problem of glare caused by ambient light which degrades the visibility of a object such as the screen of a mobile phone or laptop. Figure 22C describes the iris / pupil contraction due to brightness

which degrades retina/cornea and brain view of target object such as a phone screen or the like. In Figure 22E the phone screen appears dark since ambient light is far brighter than screen.

[00112] Figure 22B illustrates the selection of the target object as in a phone screen via eye or automatically by preferences, rules, camera image capture and object recognition. Figure 22D shows eye detection and capture of the object's position and image by a camera on the eyewear. Figure 22F shows the resulting elimination or reduction in glare and increase in visibility of the object wherein a shaded or translucent background follows surrounding area object in real time as seen from the user of the wearable optics device.

[00113] Figure 23 illustrates an embodiment of eye tracking illumination and enhanced efficiency utilizing the wearable optics device. Using the eye sensor and camera the line of sight and focal length can be determined and used to control a directional illumination source such that the illumination source illuminates the area corresponding to the area being focused on by the user of the wearable optics device

[00114] Figure 24 illustrates an embodiment of real-time augmented reality overlay 2400 utilizing the wearable optics device. In this embodiment, information is transmitted via mobile, text, R2R, Internet, Wi-Fi, Facebook message, Twitter's tweet. The wearable optics device can utilize mobile, R2R, NFC, Wi-Fi, Internet to communicate. In one example the wearable optics device is utilized in a vehicle. In this example the driver's eyewear uses augmented reality to overlay advertising signs which can be personalized to the user which appear as if they are normal roadside billboards. In this example a real-time updated augmented reality danger sign is posted before a road hazard with

the augmented reality sign being generated in real-time using information from the networks connected to the wearable eyewear device. This example also shows real-time translation from English to Spanish of navigational warning and advertising signs using augmented reality with the wearable optics device.

[00115] Accordingly systems and methods in accordance with embodiments are disclosed that provide these enhanced features for wearable optics devices. To describe these features and embodiments in more detail refer now to the following description in conjunction with the following discussion. A key feature associated with these enhancements is providing a variety of perceptual parameters that can be utilized with the wearable optics devices. Examples of perceptual parameters include but are not limited to optical expression, voice, brain wave, environmental, audio, video, navigational, augmented reality, algorithmic, spatial, cognitive, interpretive.

[00116] Although the present invention has been described in accordance with the embodiments shown, one of ordinary skill in the art will readily recognize that there could be variations to the embodiments and those variations would be within the spirit and scope of the present invention. Accordingly, many modifications may be made by one of ordinary skill in the art without departing from the spirit and scope of the appended claims.

CLAIMS

What is claimed is:

1. A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein an optical parameter based operating system is utilized based upon the dynamic eye tracking.

2. The wearable optics system of claim 1, wherein the dynamic eye tracking is utilized to control the operating system.

3. The wearable optics system of claim 1, wherein applications are utilized to control sensors and the communication of the wearable optics device.

4. The wearable optics system of claim 1, wherein lenses is controlled by the operating system.

5. The wearable optics device of claim 1, wherein the lens includes a plurality of layers.

6. The wearable optics system of claim 1, wherein lens layer drivers and an eye cursor are controlled by the operating system.

7. A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein shading or inverse shading is utilized based upon the dynamic eye tracking.

8. The wearable optics device of claim 7, wherein inverse shading is provide when viewing a display.

9. The wearable optics device of claim 7, wherein inverse shading is provided by a polarized filter.

10. The wearable optics device of claim 7, wherein algorithms for shading and inverse shading are provided within the wearable optics device.

11. The wearable optics device of claim 7, wherein algorithms are provided to transform non-visual spectrum to visible information.

12. The wearable optics device of claim 8, wherein the display is utilized with any of a smartphone, personal computer, laptop, desktop or portable device.

13. The wearable optics device of claim 7, wherein an object is unshaded but the area outside of the object is shaded.

14. The wearable optics device of claim 7, wherein object recognition is utilized.

15. The wearable optics device of claim 7, wherein if ambient light is above some predetermined value then you shade.

16. The wearable optics device of claim 7, wherein each lens has its own inverse shading.

17. The wearable optics device of claim 10, wherein translucency shading is provided for reading material.

18. A method comprising:

utilizing dynamic eye tracking with a wearable optics device; wherein a perceptual optimization is utilized based upon the dynamic eye tracking.

19. The method of claim 18 which includes providing an enhancement utilizing objective and subjective quality standards based upon perceptual parameters.

20. The method of claim 19, wherein the perceptual parameters include any and any combination of optical expression, voice, brain wave, environmental, audio, video, navigational, augmented reality, algorithmic, spatial, cognitive, interpretive.

21. The method of claim 18, wherein the wearable optics device controls any or any combination of mimics, amplifies, or expands a user perceptual physiology utilizing perceptual parameters.

22. The method of claim 20, wherein the optical expressions are images.

23. A wearable optics device comprising:

a lens; and

a dynamic eye tracking mechanism in communication with the lens; wherein an augmented reality overlay is utilized based upon the dynamic eye tracking.

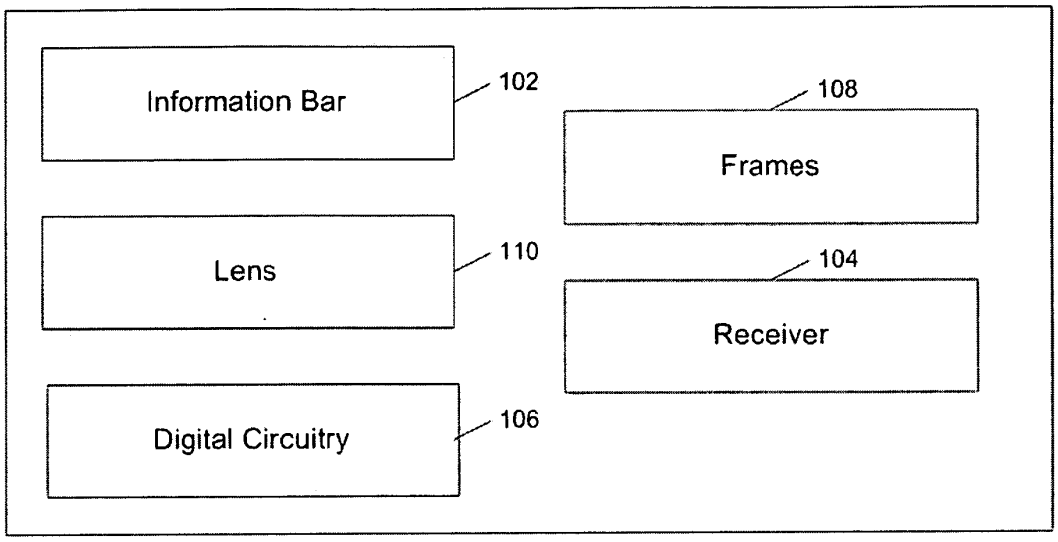
24. The wearable optics device of claim 23, wherein an overlay translation is augmented reality overlay in real time

25. The wearable optics device of claim 23, wherein an overlay translation is provided in the wearable optics device using line of sight or focal length of the lens of the user to the object to provide an augmented reality overlay

ABSTRACT

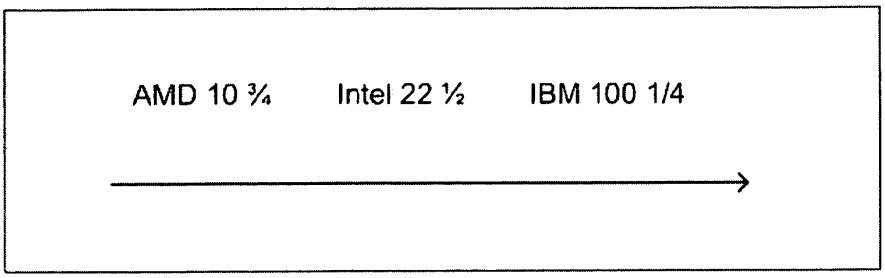
Improved wearable optics is disclosed. The wearable optics comprises a frame member and a lens. The wearable optics also includes circuitry within the frame member for enhancing the use of the wearable optics. A system and method in accordance with the present invention is directed to a variety of ways to enhance the use of eyeglasses. They are: (1) media focals, that is, utilizing the wearable optics for its intended purpose and enhancing that use by using imaging techniques to improve the vision of the user; (2) telecommunications enhancements that allow the eyeglasses to be integrated with telecommunication devices such as cell phones or the like; and (3) entertainment enhancements that allow the wearable optics to be integrated with devices such as MP3 players, radios, or the like.

Magic Leap, Inc. Exhibit 1002 Page 268


Information Bar
102
108
Frames
Lens
110
104
Receiver
Digital Circuitry
106

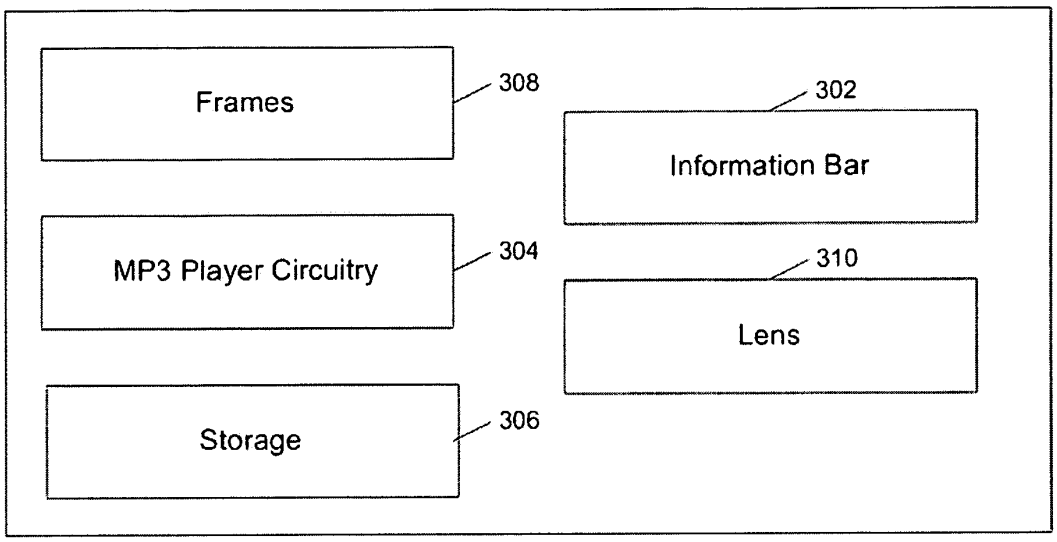
100

Figure 1



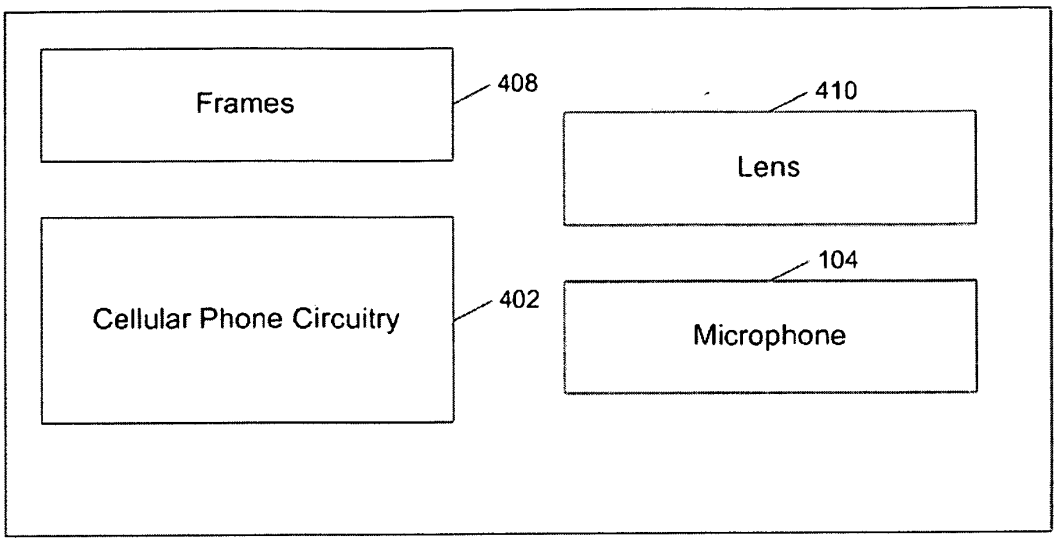
102'

Figure 2


Frames
308
302
Information Bar
MP3 Player Circuitry
304
310
Lens
Storage
306

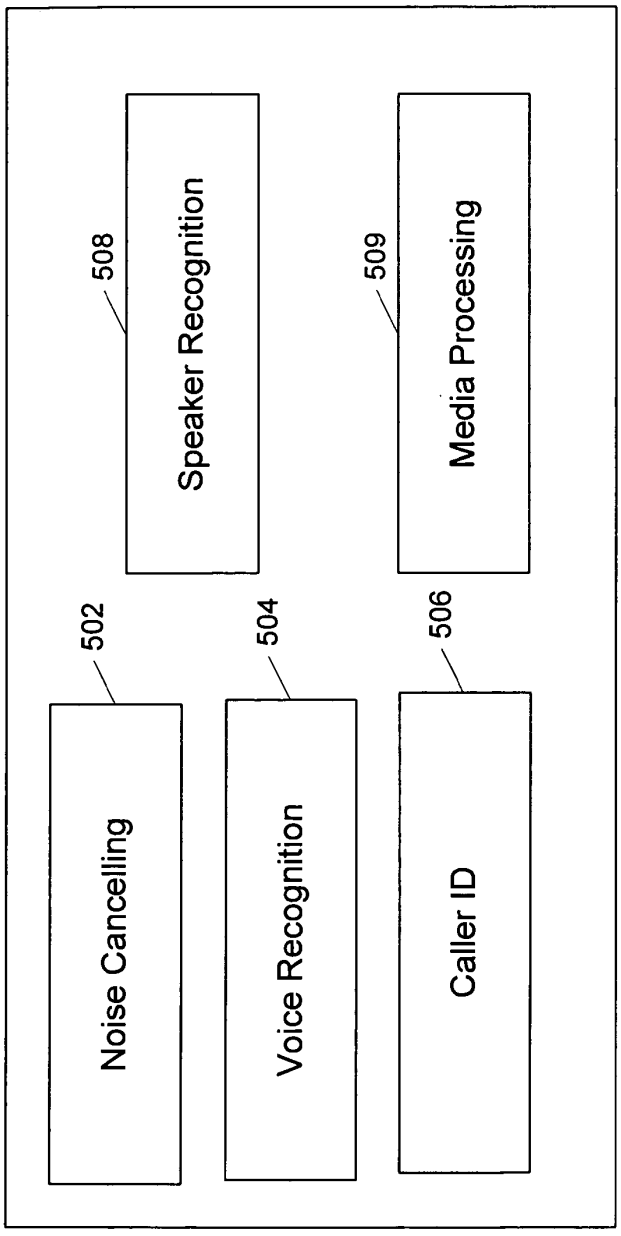
300

Figure 3


Frames
408
410
Lens
104
Cellular Phone Circuitry
402
Microphone

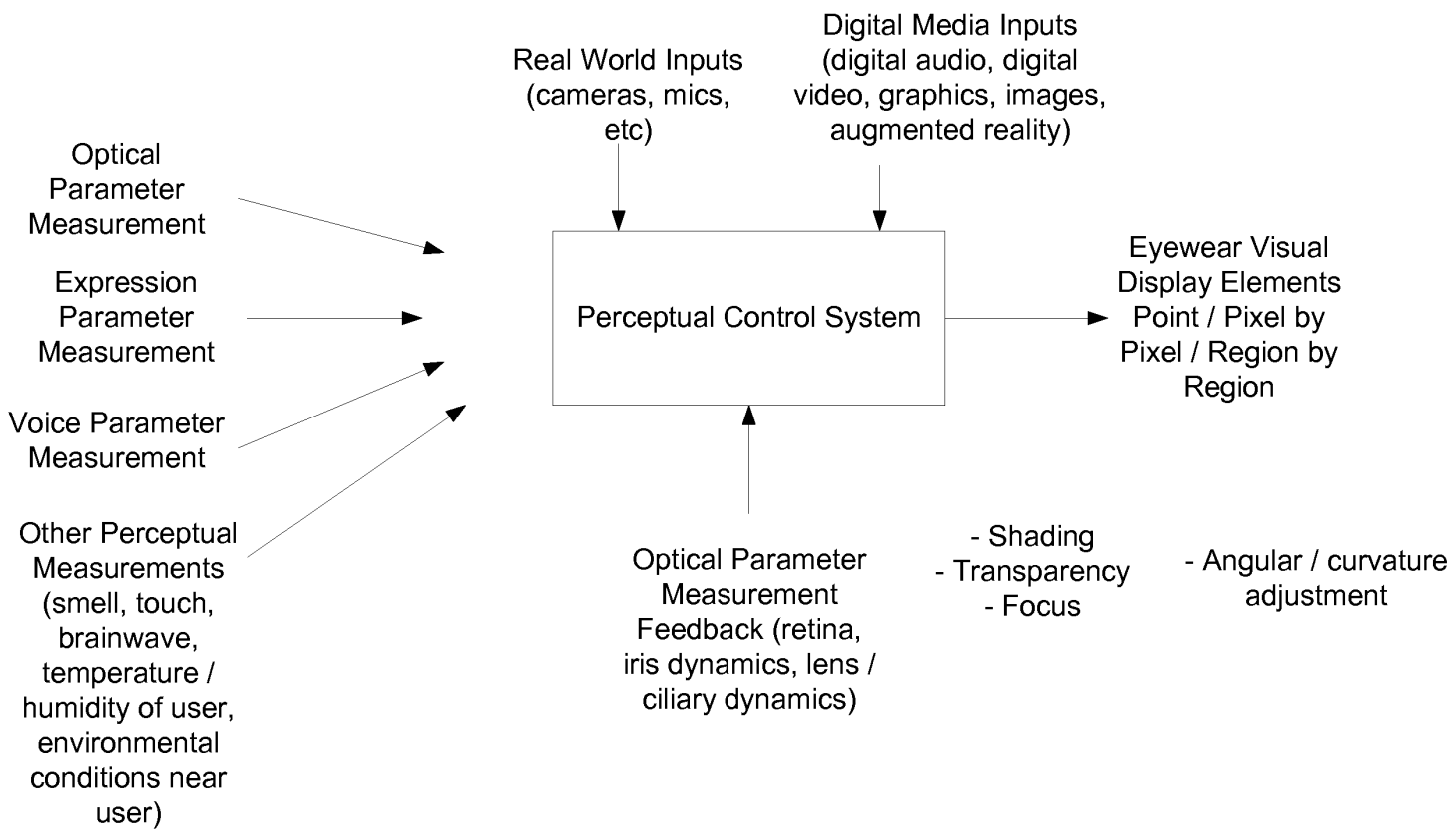
400

Figure 4



402

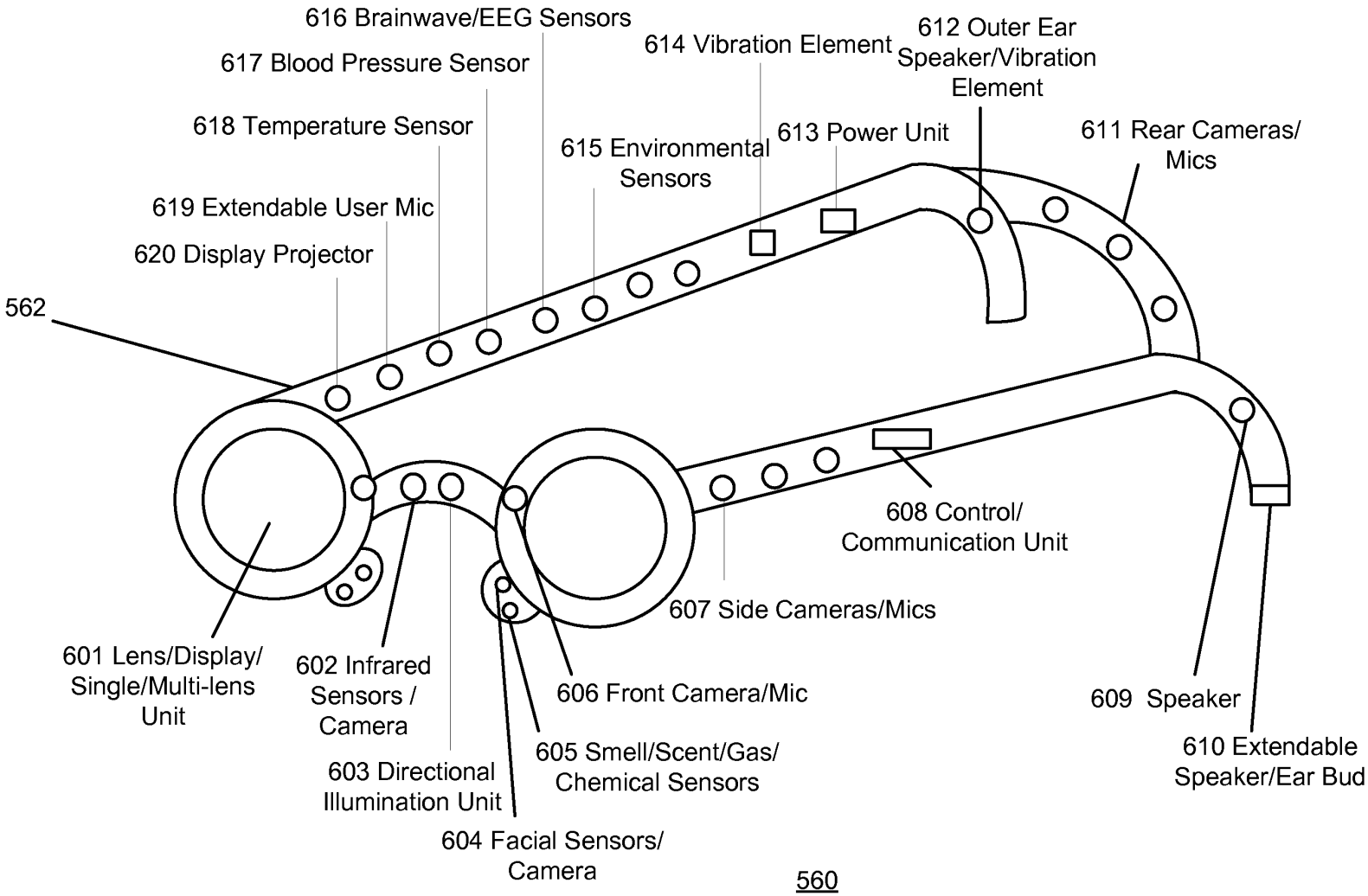
Figure 5A



Perceptual Optimization through Optical and Perceptual Parameters

Figure 5B

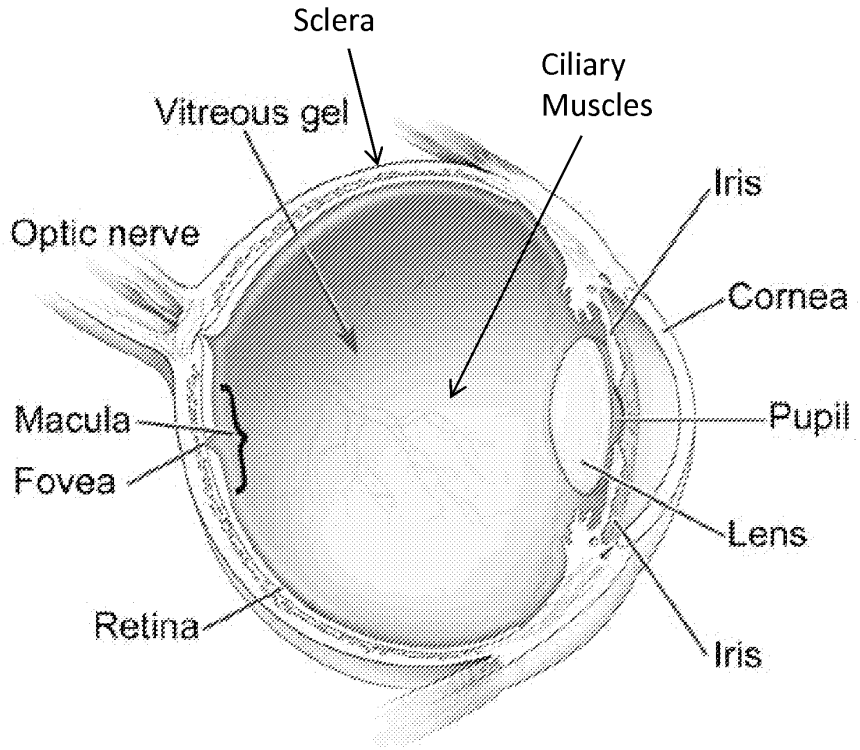
Magic Leap, Inc. Exhibit 1002 Page 274



Enhanced Digital Eyewear Architecture

Figure 5C

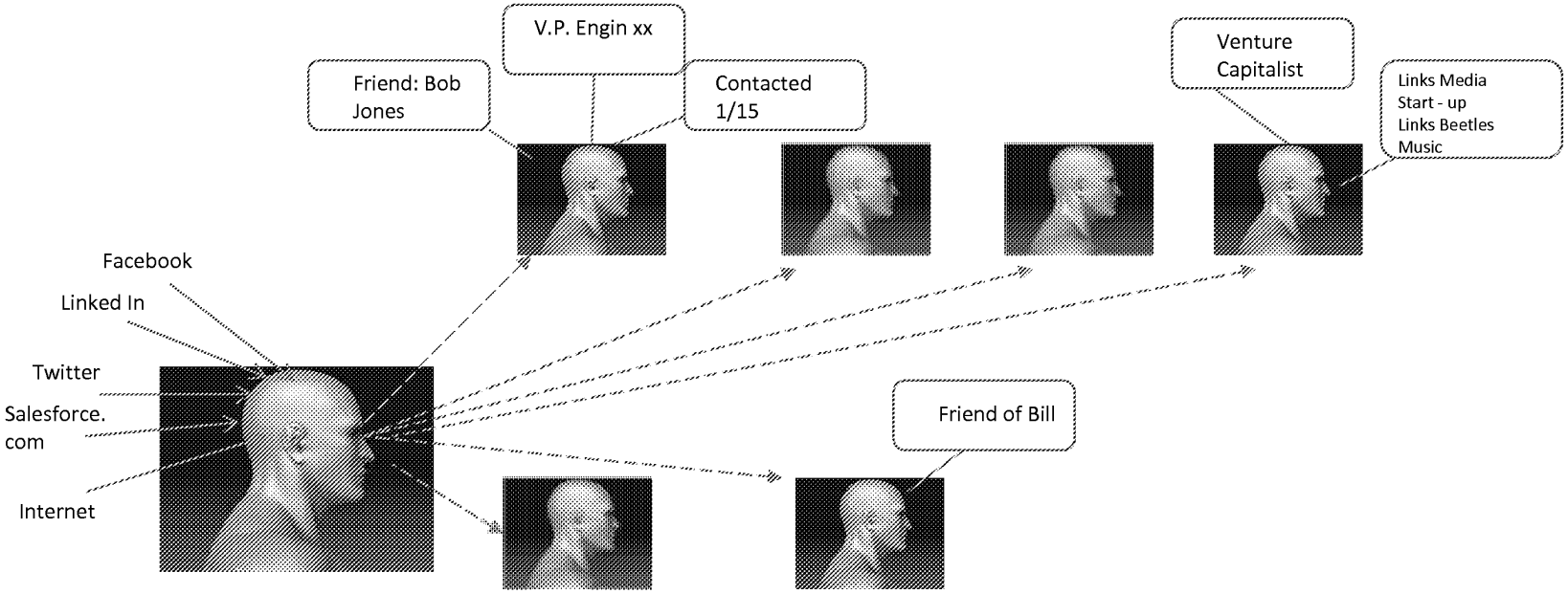
Magic Leap, Inc. Exhibit 1002 Page 275



Optical Parameters

Figure 6

Magic Leap, Inc. Exhibit 1002 Page 276

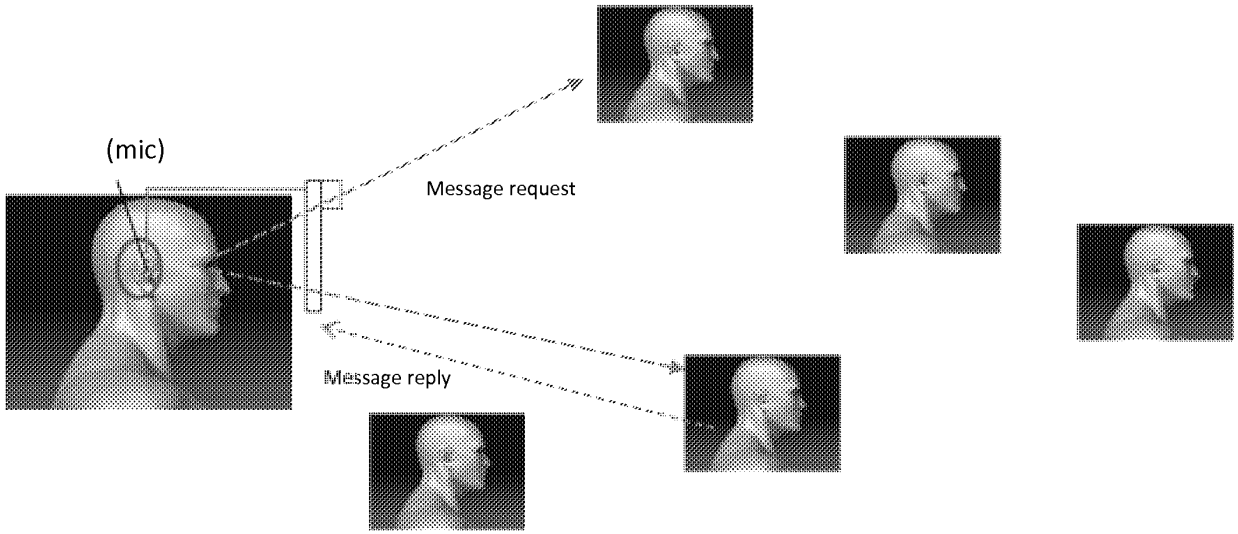


700

Social Networking

Figure 7

Magic Leap, Inc. Exhibit 1002 Page 277

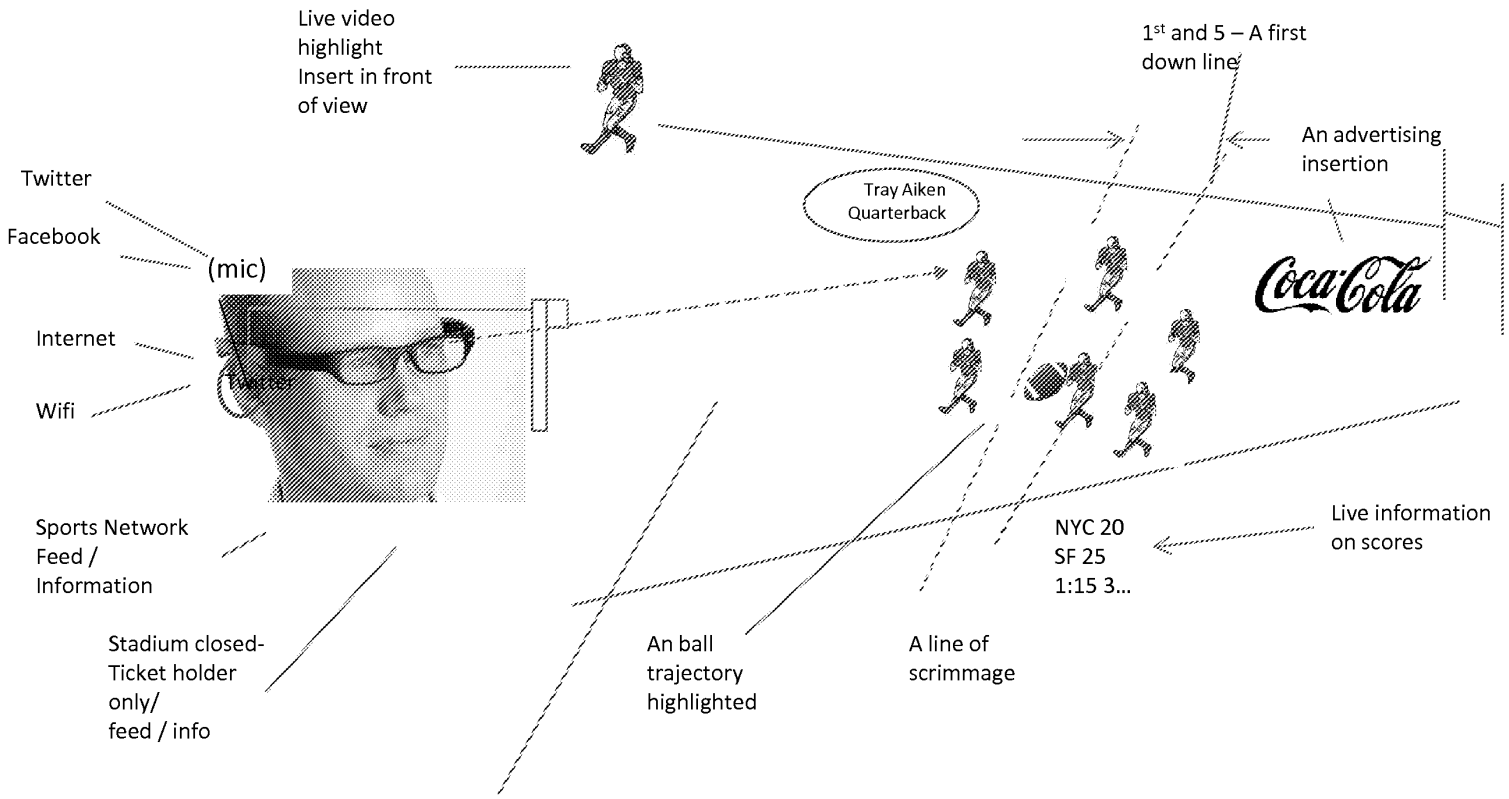


800

Messaging

Figure 8

Magic Leap, Inc. Exhibit 1002 Page 278

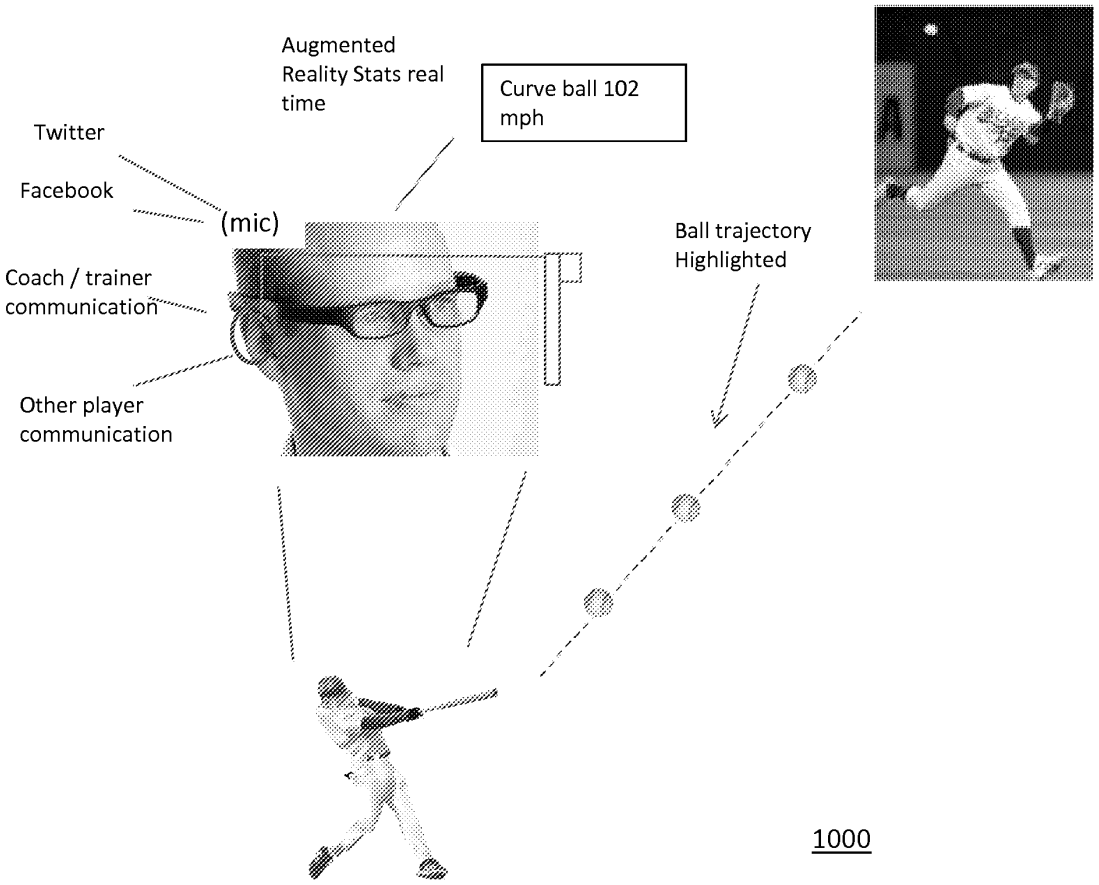


900

Athletic Sports Spectator

Figure 9

Magic Leap, Inc. Exhibit 1002 Page 279

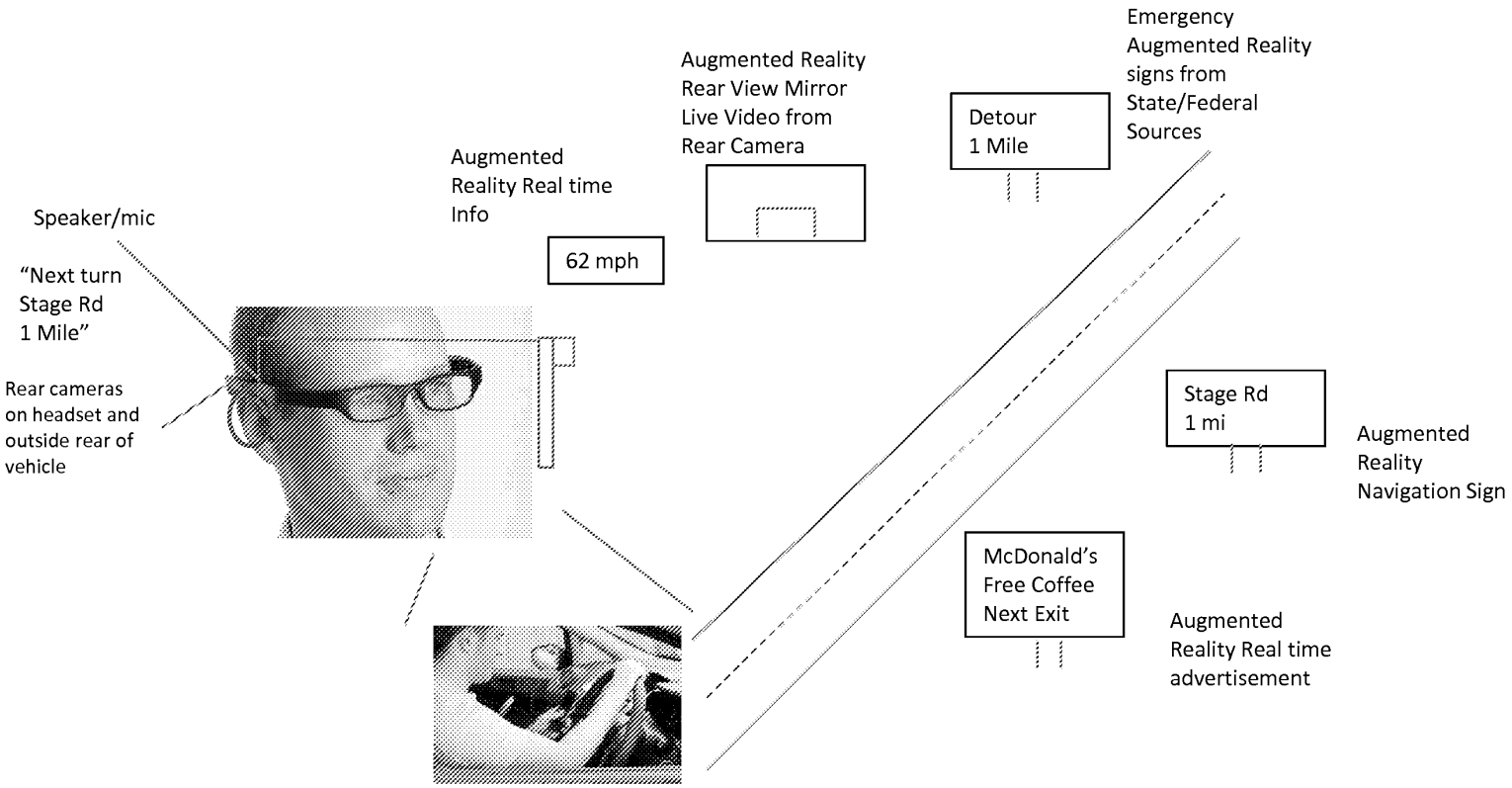


1000

Athletic Sports Player

Figure 10

Magic Leap, Inc. Exhibit 1002 Page 280

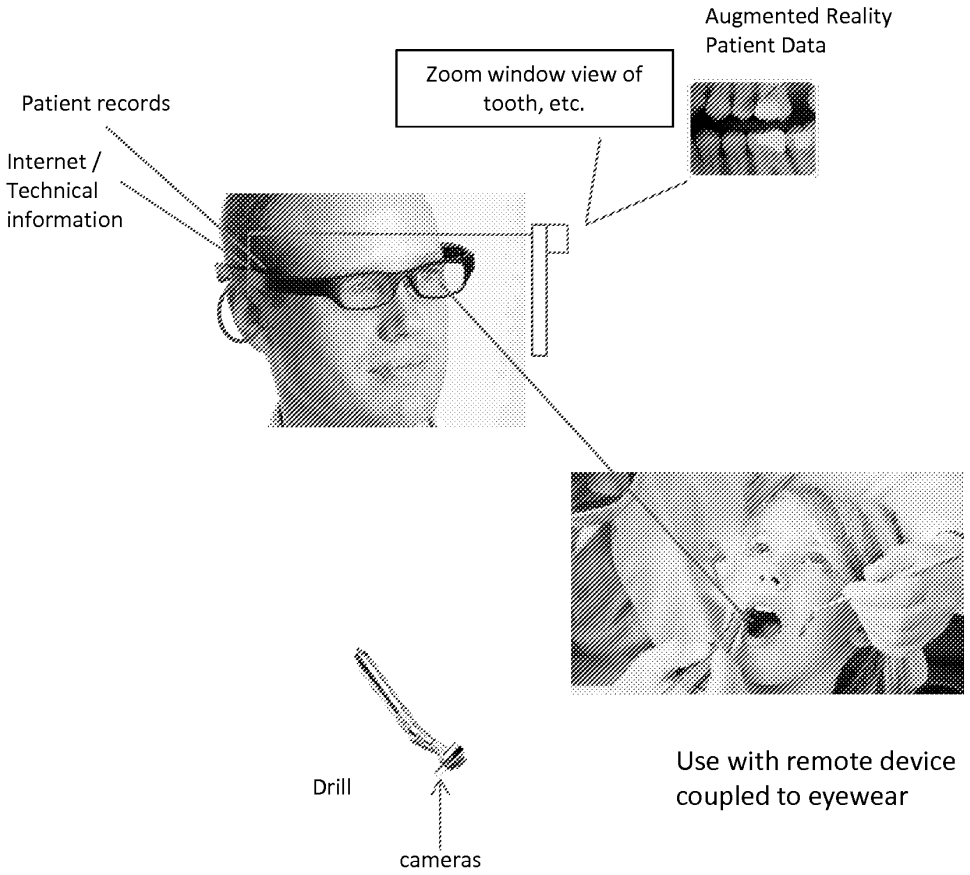


Augmented Reality
Information, Navigation, and
Advertising Application

1100

Figure 11

Magic Leap, Inc. Exhibit 1002 Page 281

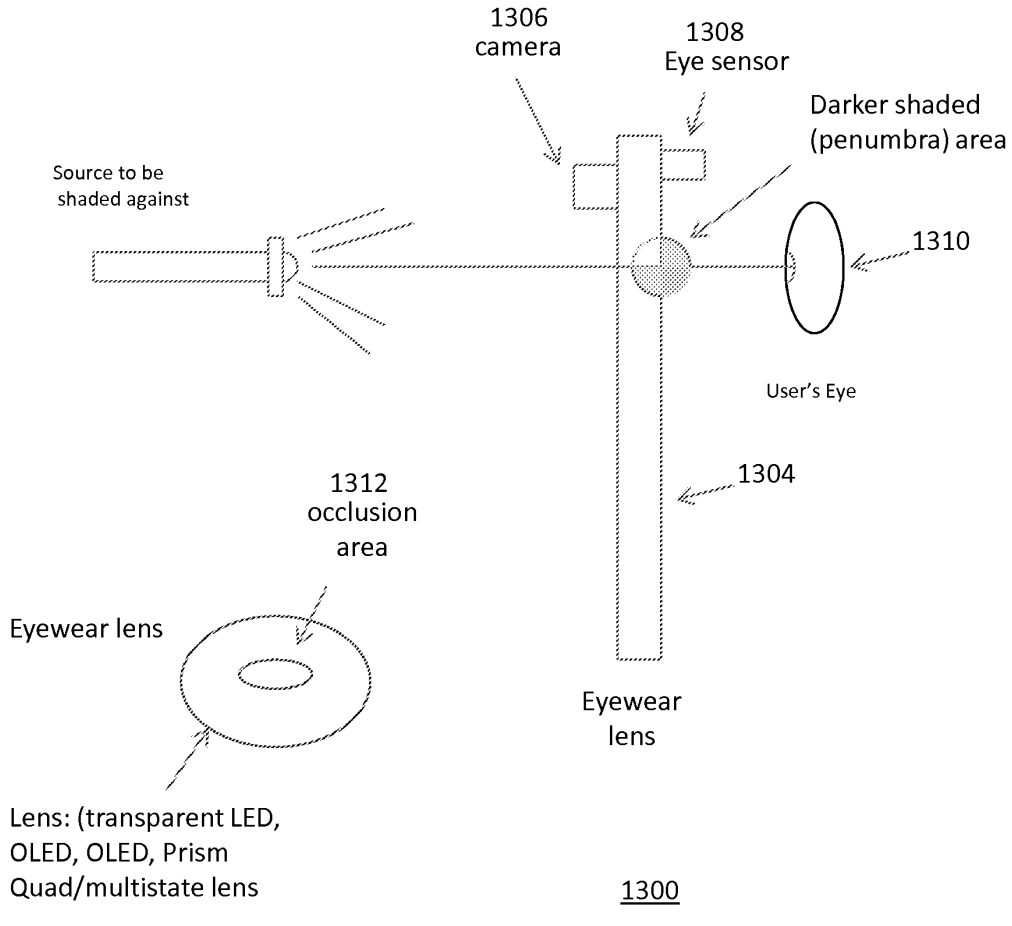


Use with remote device coupled to eyewear

1200

Figure 12

Magic Leap, Inc. Exhibit 1002 Page 282

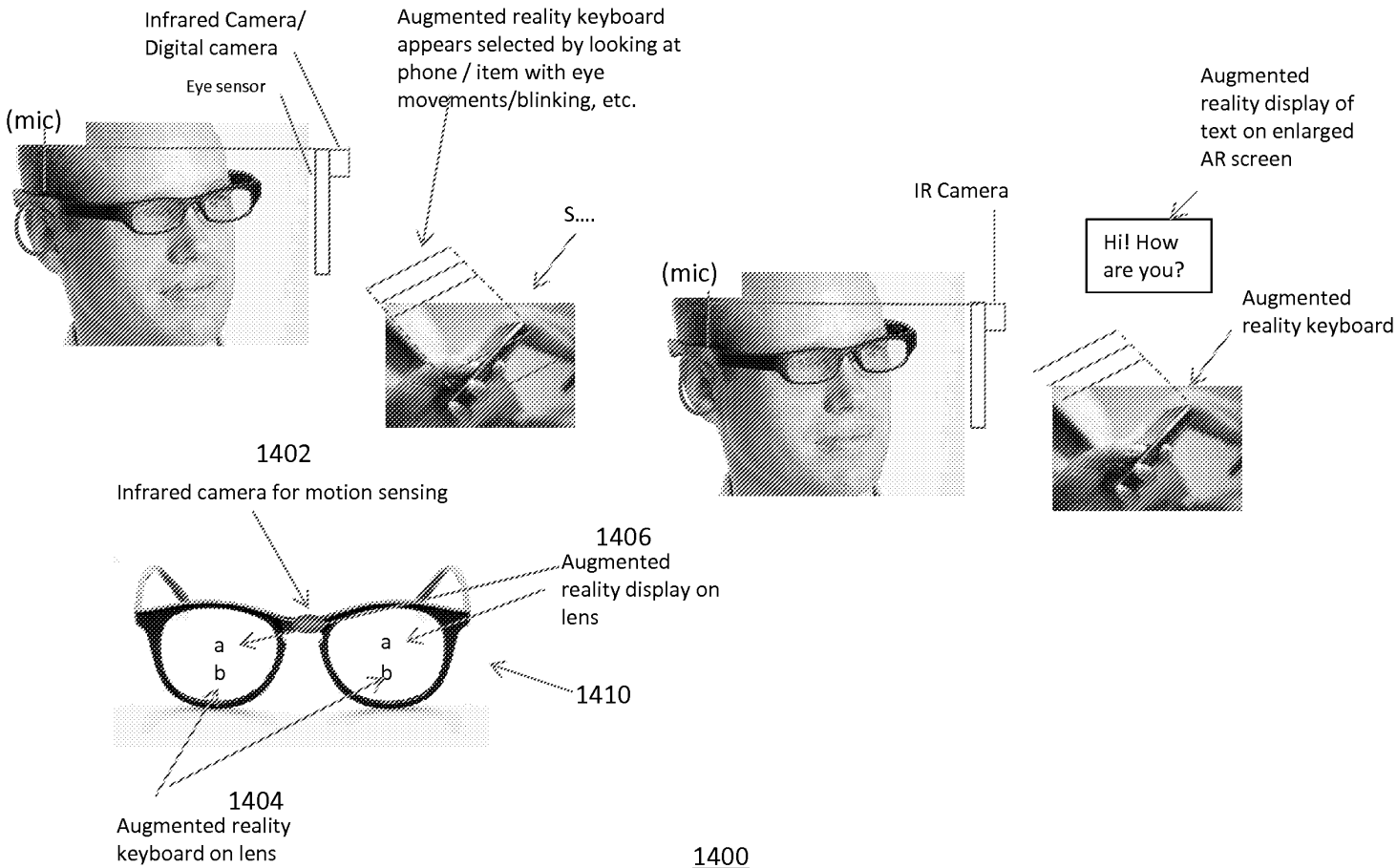


1300

Shading Control

Figure 13

Magic Leap, Inc. Exhibit 1002 Page 283

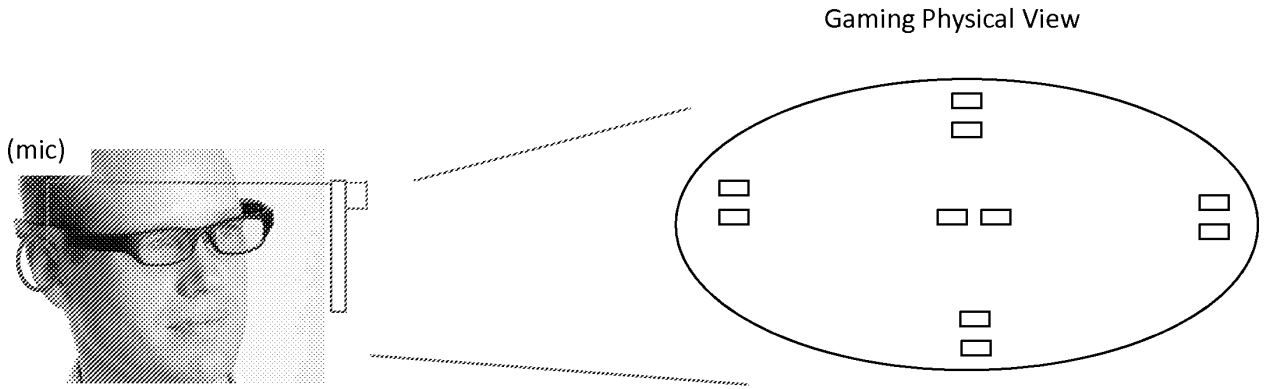


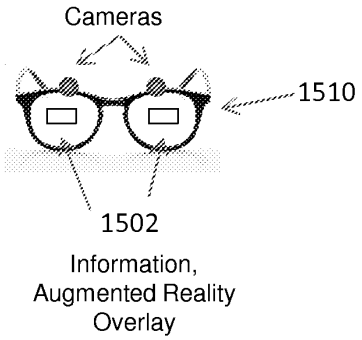
1400

Augmented Reality

Figure 14

Magic Leap, Inc. Exhibit 1002 Page 284



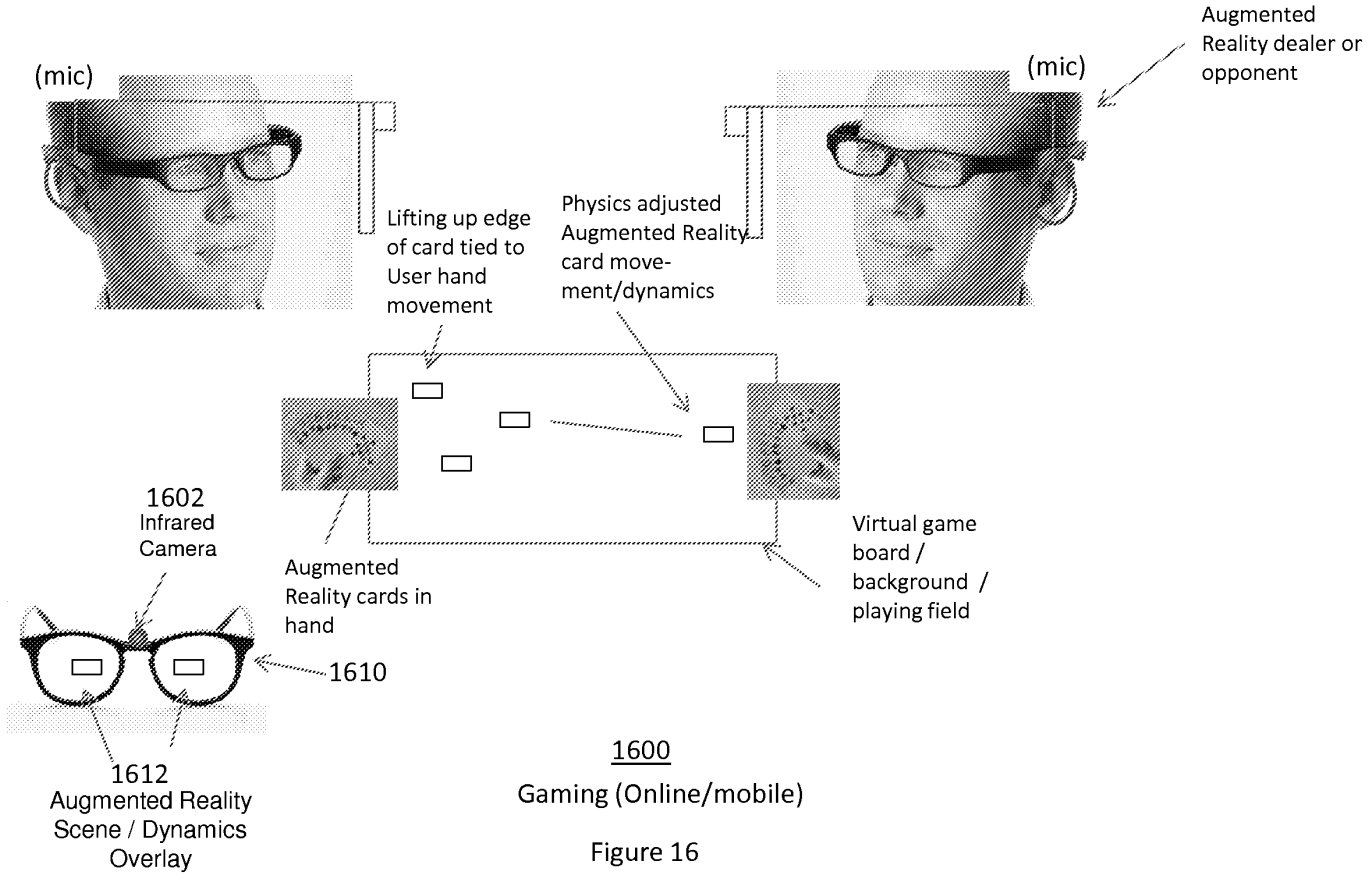


1500

Gaming (physical)

Figure 15

Magic Leap, Inc. Exhibit 1002 Page 285

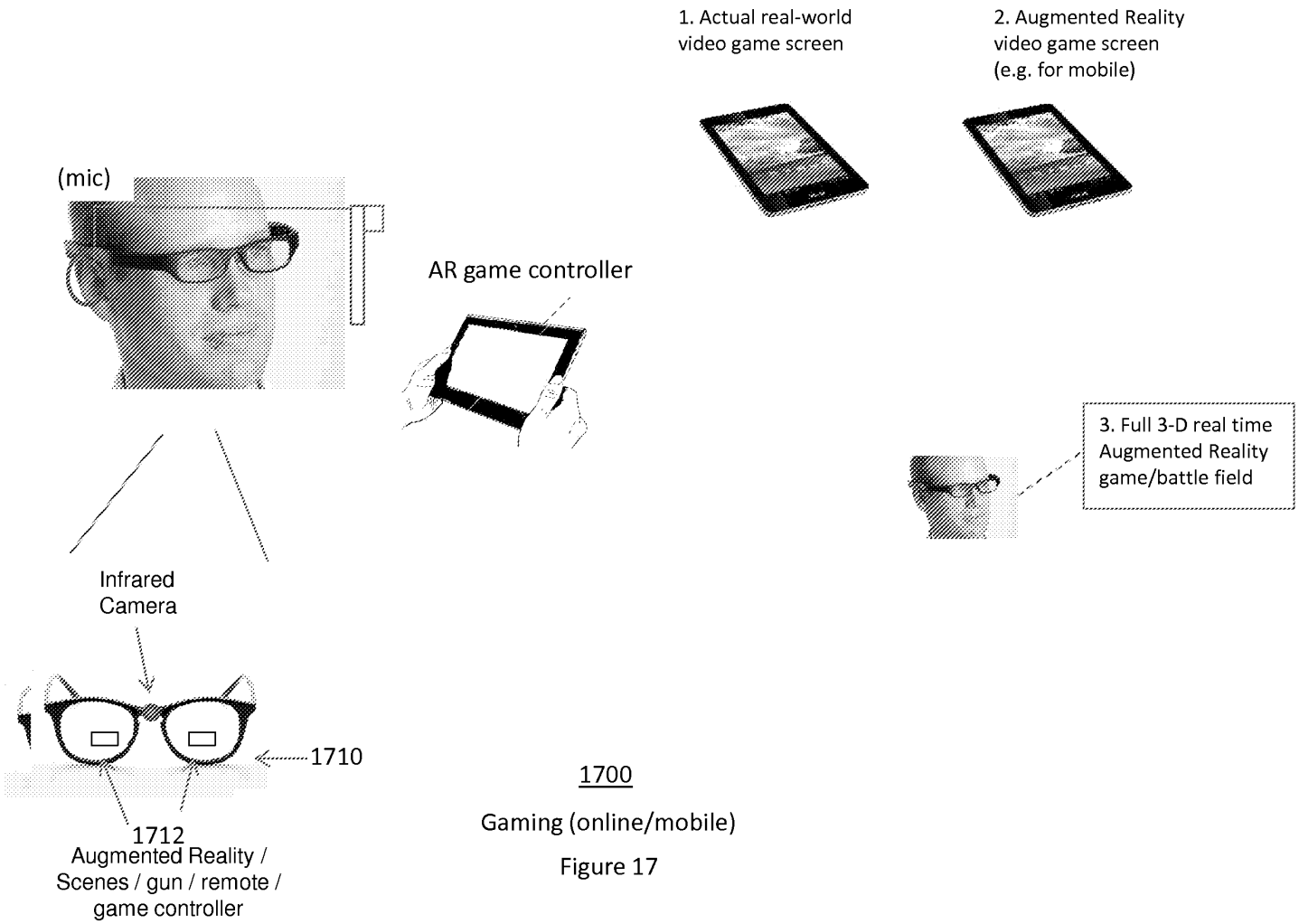


1600

Gaming (Online/mobile)

Figure 16

Magic Leap, Inc. Exhibit 1002 Page 286

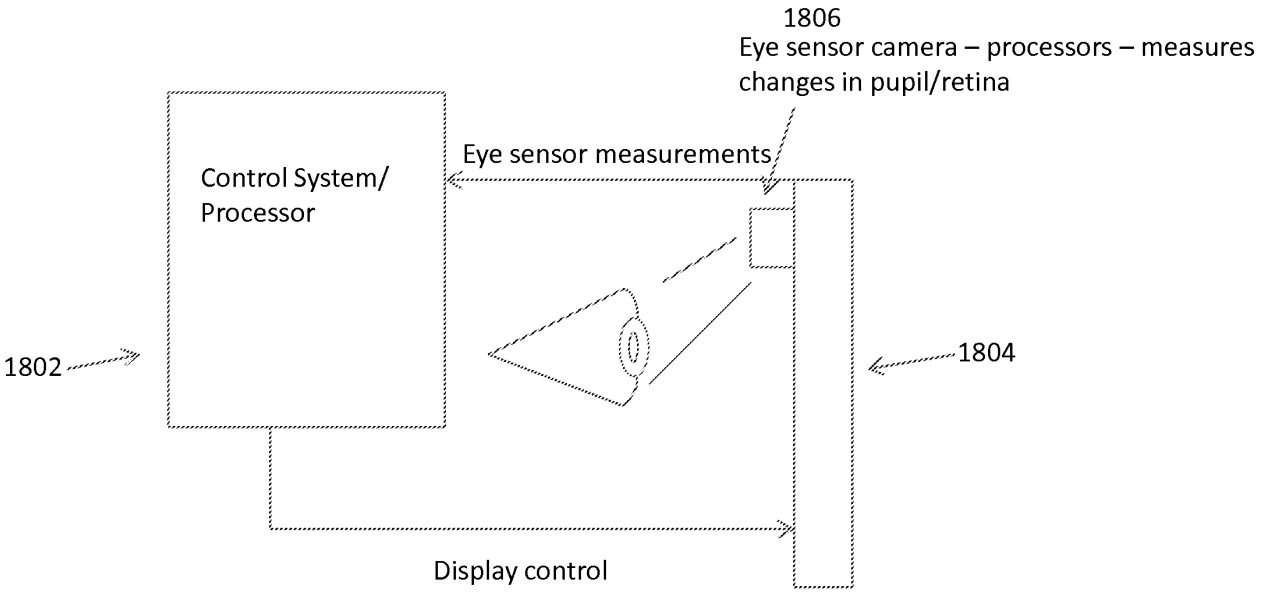


1700

Gaming (online/mobile)

Figure 17

Magic Leap, Inc. Exhibit 1002 Page 287



1800

Shading control via eye measurements

Figure 18

Magic Leap, Inc. Exhibit 1002 Page 288

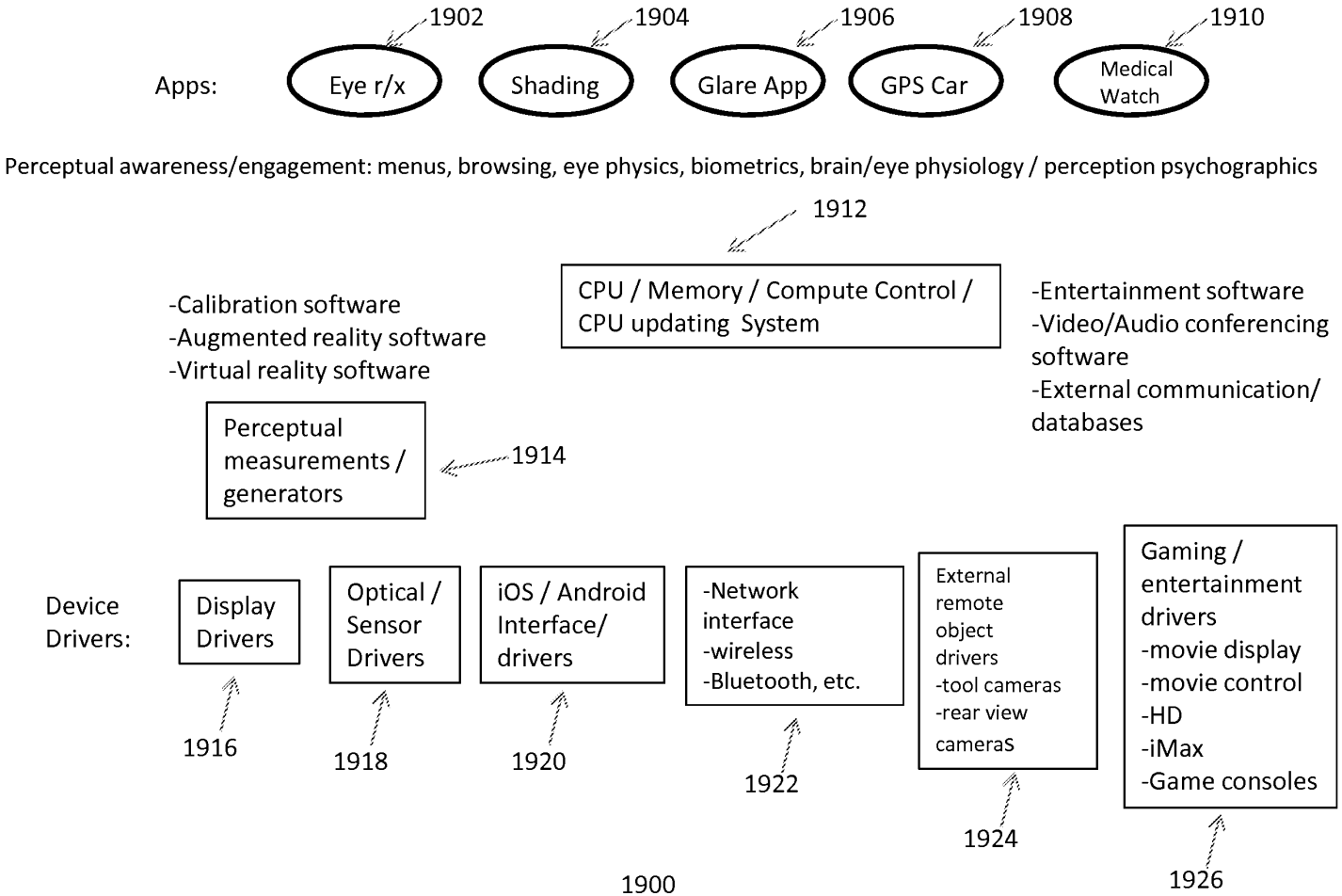
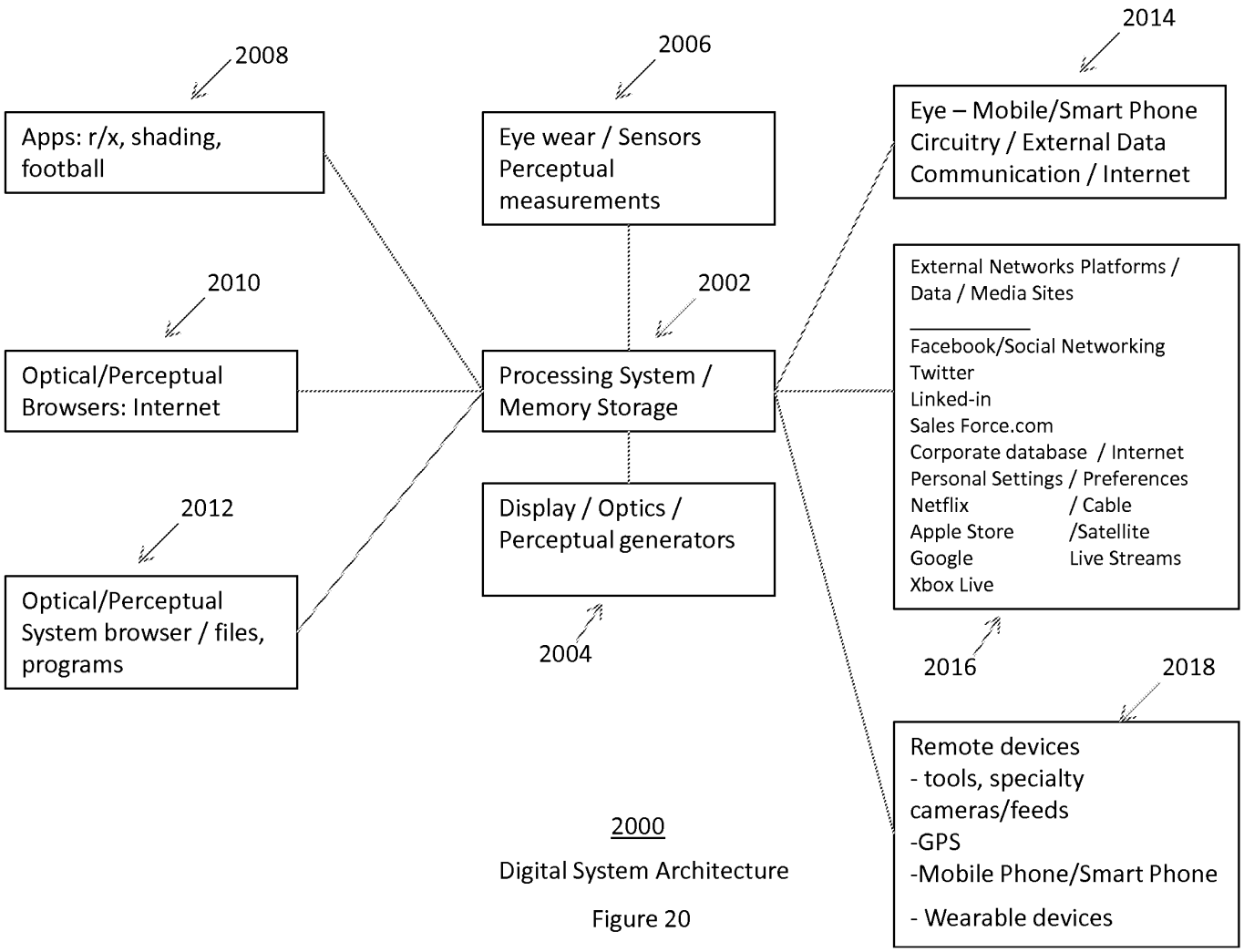


Figure 19

Magic Leap, Inc. Exhibit 1002 Page 289

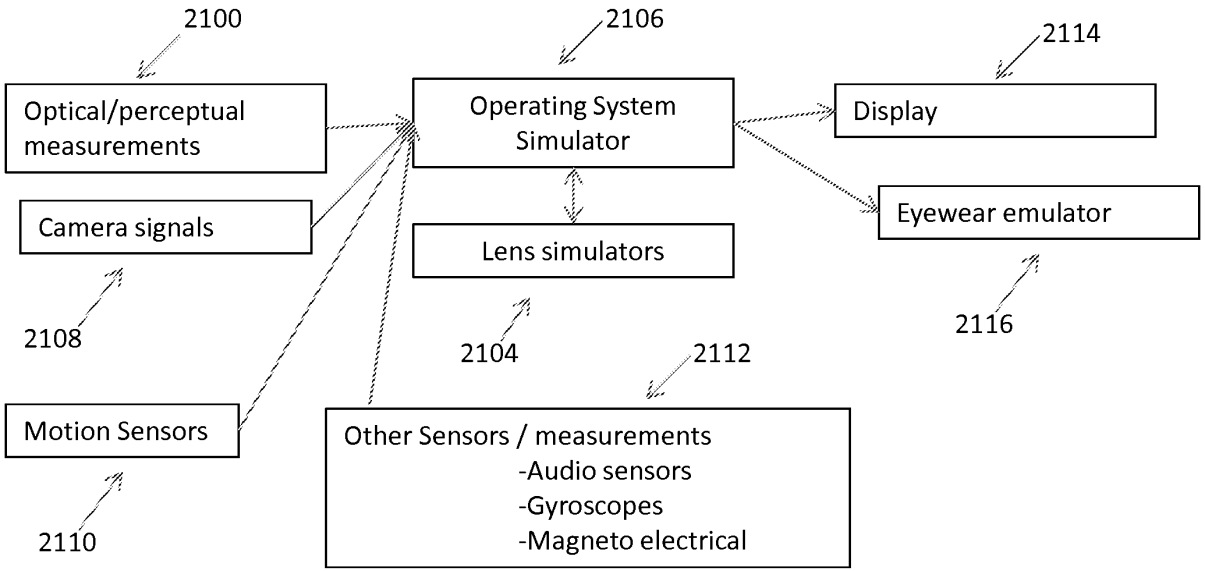


2000

Digital System Architecture

Figure 20

Magic Leap, Inc. Exhibit 1002 Page 290

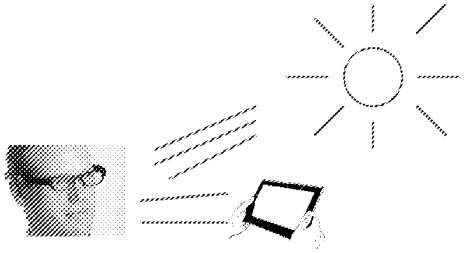


2100

System Simulator

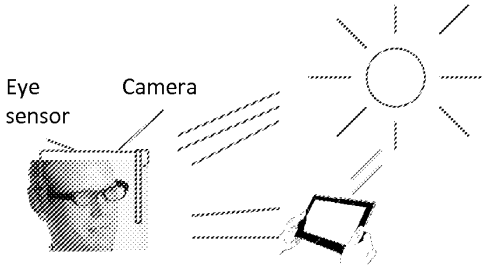
Figure 21

Magic Leap, Inc. Exhibit 1002 Page 291



Before: glare/ambient light degrades visibility

Figure 22A



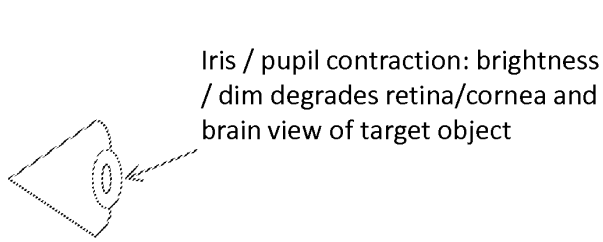
After: no glare, effect of ambient light eliminated or reduced

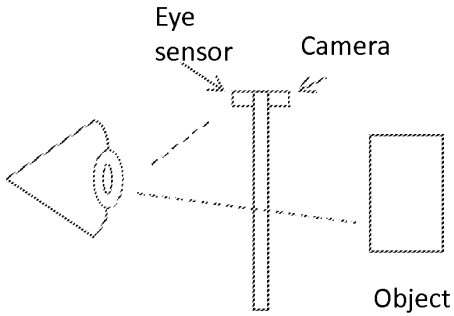
Object selected via eye or automatically by preferences, rules, camera, object recognition

Inverse Shading

Figure 22B

-Eye need not react to ambient brightness
-Eye can focus better, more comfortably on screen or object





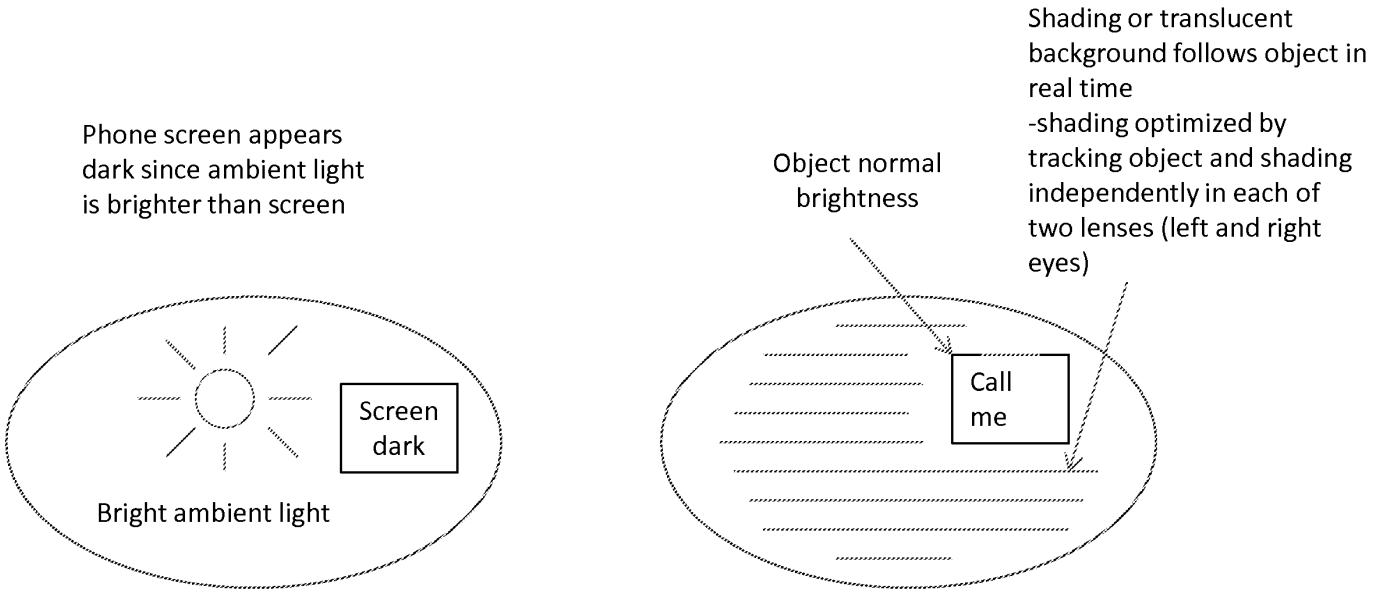
Inverse Shading

Before

Figure 22C

After

Figure 22D

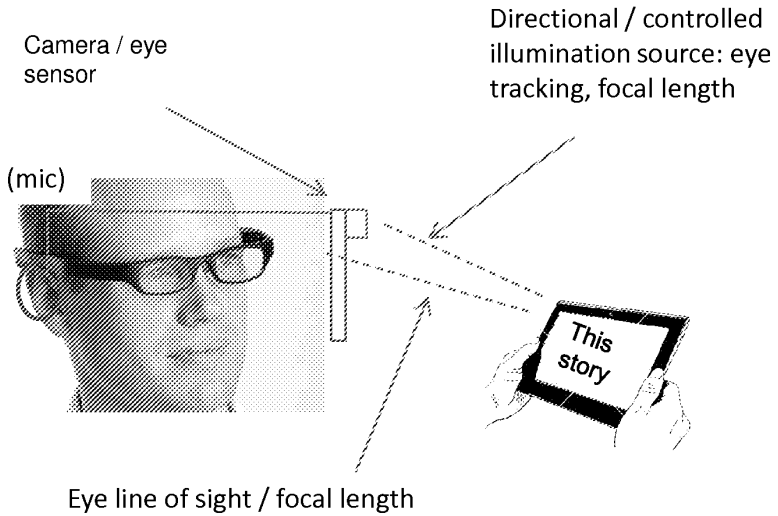


Inverse Shading

Viewing Plane
Before
Figure 22E

Viewing Plane
After
Figure 22F

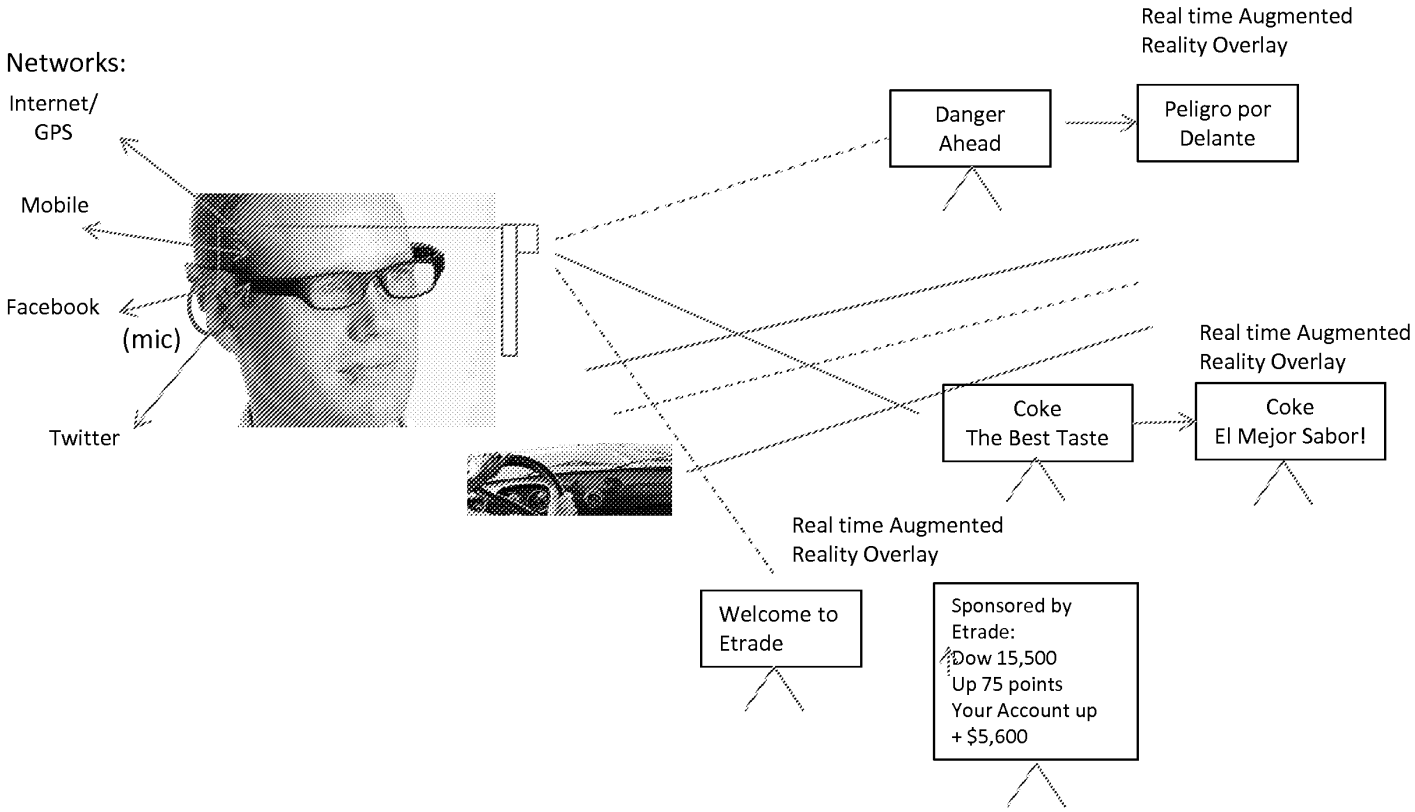
Magic Leap, Inc. Exhibit 1002 Page 294



Eye tracking illumination and enhanced efficiency

Figure 23

Magic Leap, Inc. Exhibit 1002 Page 295



Real Time Augmented Reality Overlay

Figure 24

PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT

CONVEYING PARTY DATA

Name	Execution Date
Scott W. LEWIS	03/15/2013

RECEIVING PARTY DATA

Name:	Percept Technologies Inc.
Street Address:	10080 West Alta Drive, Suite 200
City:	Las Vegas
State/Country:	NEVADA
Postal Code:	89145

PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	13841141

CORRESPONDENCE DATA

Fax Number: 6504934549
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
Phone: 650-493-4540
Email: patent@sawyerlawgroup.com
Correspondent Name: Sawyer Law Group, P.C.
Address Line 1: P.O. Box 51418
Address Line 4: Palo Alto, CALIFORNIA 94303

ATTORNEY DOCKET NUMBER:	5266P
NAME OF SUBMITTER:	Joseph A. Sawyer, Jr.
	This document serves as an Oath/Declaration (37 CFR 1.63).

Total Attachments: 2
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source=5266P_DeclarationandAssignmentEXECUTED#page2.tif

CH $40.00 13841141

Docket No: **5266P**

DECLARATION (37 CFR 1.63) FOR UTILITY PATENT APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76) AND ASSIGNMENT

Title of Invention: **ENHANCED OPTICAL AND PERCEPTUAL DIGITAL EYEWEAR**

As a below named inventor, I hereby declare that:

This declaration is directed to:

- ▩ The attached application, or
- ☐ US application or PCT international application number _____ filed on _____.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

I have reviewed and understand the contents of the application, including the claims.

I am aware of the duty to disclose to the United States Patent & Trademark Office all information known to me to be material to patentability as defined in 37 CFR Section 1.56.

Whereas, each undersigned inventor has made certain inventions, improvements, and discoveries (herein referred to as the "Invention") disclosed in the above-identified patent application;

Whereas, Percept Technologies Inc., a corporation organized under the laws of the state of Nevada, having a principal place of business at 10080 West Alta Drive, Suite 200, Las Vegas, NV 89145, desires to acquire, and each undersigned inventor desires to grant to Percept Technologies Inc., the entire worldwide right, title, and interest in and to the Invention and in and to any and all patent applications and patents directed thereto;

For good and valuable consideration, the receipt of which is hereby acknowledged, each undersigned inventor ("ASSIGNOR"), hereby sells, assigns and otherwise transfers to Percept Technologies Inc. (the "ASSIGNEE"), and its successors, assigns and legal representatives, the entire right, title and interest, for all countries in and to certain inventions described in an application for Letters Patent of the United States,

and the invention(s) and improvement(s) set forth therein, and any and all continuations, continuations-in-part, divisionals, and renewals of and substitutes for said application for said Letters Patent, and all the rights and privileges under any and all Letters Patent that may be granted therefore in any country, and any reissues, or reexaminations, or extensions of said Letters Patent. I request that any and all Letters Patent for said inventions be issued to said Assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

I agree that, when requested, I will, without charge to said Assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said Assignee, its successors, assigns and legal representatives or nominees.

I authorize and empower the said Assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization.

I hereby consent that this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said Assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International convention which may henceforth be substituted for it.

I covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that I have full right to convey the same as herein expressed. In witness whereof, I have hereunto signed my name on the day and year set forth below.

Inventor's Signature _____ Date: 3/15/2013

Legal Name of Inventor: **Scott W. LEWIS**

SCORE Placeholder Sheet for IFW Content

Application Number: 13841141 Document Date: 03/15/2013

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