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NOTICE OF ALLOWANCE AND FEE(S) DUE

141469 7590 07/07/2017
Marton Ribera Schumann & Chang LLP
548 Market Street, Suite 36117
San Francisco, CA 94104

EXAMINER

PERVAN, MICHAEL

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 07/07/2017

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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15/448,785

03/03/2017

Patrick Buckley

DODOCASE_0006

3588

TITLE OF INVENTION: VIRTUAL REALITY VIEWER AND INPUT MECHANISM

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	10/10/2017

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)

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.

141469 7590 07/07/2017
Marton Ribera Schumann & Chang LLP
548 Market Street, Suite 36117
San Francisco, CA 94104

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.
15/448,785	03/03/2017	Patrick Buckley	DODOCASE_0006	3588

TITLE OF INVENTION: VIRTUAL REALITY VIEWER AND INPUT MECHANISM

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	10/10/2017

EXAMINER	ART UNIT	CLASS-SUBCLASS
PERVAN, MICHAEL	2621	345-174000

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, 1 _____ (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____ 3 _____
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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
☐ Applicant asserting small entity status. See 37 CFR 1.27
☐ Applicant changing to regular undiscounted fee status.

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

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

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

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

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____



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15/448,785	03/03/2017	Patrick Buckley	DODOCASE_0006	3588
141469 7590 07/07/2017 Marton Ribera Schumann & Chang LLP 548 Market Street, Suite 36117 San Francisco, CA 94104			EXAMINER PERVAN, MICHAEL	
			ART UNIT 2621	PAPER NUMBER
DATE MAILED: 07/07/2017				

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

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

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

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

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

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

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 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. 15/448,785	Applicant(s) BUCKLEY, PATRICK	
	Examiner Michael Pervan	Art Unit 2621	AIA (First Inventor to File) Status Yes

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 26 May 2017.
☐ 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 1-11 and 27-35. 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) | 5. ☐ Examiner's Amendment/Comment |
| 2. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 6. ☒ Examiner's Statement of Reasons for Allowance |
| 3. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. ☐ Other ____. |
| 4. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____. | |

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DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Election/Restrictions

2. This application is in condition for allowance except for the presence of claims 12-26 directed to an invention non-elected without traverse. Accordingly, claims 12-26 have been cancelled.

Allowable Subject Matter

3. Claims 1-11 and 27-35 are allowed.
4. The following is an examiner's statement of reasons for allowance:

In regards to claims 1 and 8, they recite, among other features, "an enclosure having a first side and a second side opposite the first side, the first side configured to hold the first lens and the second lens, the second side configured to receive the mobile electronic device;

a touchscreen input constructed of conductive material, wherein the touchscreen input is in physical contact with the touchscreen upon receipt of the mobile electronic device".

The Prior Art discloses headsets that hold mobile devices where the touchscreen can be viewed through lenses. However, the Prior Art does not disclose having

a touchscreen input being of a conductive material which is in physical contact with the touchscreen upon being inserted into the viewer.

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

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pervan whose telephone number is (571)272-0910. The examiner can normally be reached on Monday - Friday between 9am - 5pm.

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

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.

/Michael Pervan/
Primary Examiner, Art Unit 2621

June 26, 2017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Patrick Buckley Application No.: 15/448,785 Filed: March 3, 2017 For: VIRTUAL REALITY VIEWER AND INPUT MECHANISM	Confirmation No.: 3588 Art Unit: 2621 Examiner: Pervan, Michael
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Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION

Dear Sir:

In response to the Non-Final Office Action dated April 21, 2017, please enter the following amendments and consider the following remarks.

Amendments to the Claims begin on page 2.

Remarks begin on page 6.

AMENDMENTS TO THE CLAIMS

Upon entry of this amendment, the listing of claims is as follows:

1. (Amended) A virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising:
 - a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction;
 - ~~a housing an enclosure having a first side and a second side opposite the first side, the first side configured to hold the first lens and the second lens, the second side configured to receive the mobile electronic device such that the touchscreen is in front of the first lens and the second lens;~~
 - a touchscreen input constructed of conductive material, wherein the touchscreen input is in physical contact with the touchscreen upon receipt of the mobile electronic device.
2. (Amended) The virtual reality viewer of claim 1, further comprising a user input that is accessible from an exterior of the ~~housing enclosure~~ and is conductively coupled to the touchscreen input.
3. (Previously Presented) The virtual reality viewer of claim 1, further comprising a second touchscreen input constructed of conductive material, wherein the second touchscreen input is generally centered between the first lens and the second lens in the horizontal direction and in physical contact with the touchscreen upon receipt of the mobile electronic device.
4. (Previously Presented) The virtual reality viewer of claim 3, wherein the touchscreen input is offset upwards in a vertical direction and the second touchscreen input is offset downwards in the vertical direction.

5. (Previously Presented) The virtual reality viewer of claim 1, wherein the touchscreen input is offset in the vertical direction.
6. (Previously Presented) The virtual reality viewer of claim 1, wherein the first lens and the second lens are configured to facilitate a three-dimensional viewing experience.
7. (Previously Presented) The virtual reality viewer of claim 1, wherein the touchscreen input is generally centered between the first lens and the second lens in the horizontal direction.
8. (Amended) A virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising:

a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction;

~~a housing an enclosure having a first side and a second side opposite the first side, the first side configured to hold the first lens and the second lens, the second side configured to receive the mobile electronic device such that the touchscreen is in front of the first lens and the second lens;~~

a user input that is accessible from an exterior of the ~~housing enclosure~~ and has a first position and a second position;

a touchscreen input conductively coupled to the user input and generally centered between the first lens and the second lens in the horizontal direction, wherein, upon receipt of the mobile electronic device, the touchscreen input is in physical contact with the touchscreen when the user input is in ~~[[a]]the~~ second position.

9. (Amended) The virtual reality viewer of claim 8, further comprising:

a second user input that is accessible from an exterior of the ~~housing enclosure~~ and

has a first position and a second position; and

a second touchscreen input conductively coupled to the second user input, wherein,

upon receipt of the mobile electronic device, the second touchscreen input is

in physical contact with the touchscreen when the second user input is in

[[a]]~~the~~ second position.

10. (Previously Presented) The virtual reality viewer of claim 9, wherein the touchscreen input is offset upwards in a vertical direction and the second touchscreen input is offset downwards in the vertical direction.

11. (Previously Presented) The virtual reality viewer of claim 8, wherein the touchscreen input is offset in a vertical direction.

12. (Withdrawn)

13. (Withdrawn)

14. (Withdrawn)

15. (Withdrawn)

16. (Withdrawn)

17. (Withdrawn)

18. (Withdrawn)

19. (Withdrawn)

20. (Withdrawn)

21. (Withdrawn)

22. (Withdrawn)

23. (Withdrawn)

24. (Withdrawn)

- 25. (Withdrawn)
- 26. (Withdrawn)
- 27. (New) The virtual reality viewer of claim 1, wherein a portion of the enclosure has a cut-out, and wherein at least a portion of the user input is accessible through the cut-out.
- 28. (New) The virtual reality viewer of claim 1, wherein the conductive material is a conductive foam or polymer.
- 29. (New) The virtual reality viewer of claim 2, further comprising a lead that conductively couples the touchscreen input to the user input, wherein a portion of the lead runs through a portion of the enclosure.
- 30. (New) The virtual reality viewer of claim 3, wherein the user input is a metal or conductive polymer.
- 31. (New) The virtual reality viewer of claim 8, wherein a portion of the enclosure has a cut-out, and wherein at least a portion of the user input is accessible through the cut-out.
- 32. (New) The virtual reality viewer of claim 8, wherein the touchscreen input is constructed of a conductive material.
- 33. (New) The virtual reality viewer of claim 32, wherein the conductive material is a conductive foam or polymer.
- 34. (New) The virtual reality viewer of claim 8, further comprising a lead that conductively couples the touchscreen input to the user input, wherein a portion of the lead runs through a portion of the enclosure.
- 35. (New) The virtual reality viewer of claim 8, wherein the user input is a metal or conductive polymer.

REMARKS

This paper is in response to the Non-Final Office Action (“OA”) dated April 21, 2017 concerning the above-identified application. With this amendment and response, claims 1-11 and 27-35 are pending in the application. Claims 12-26 have been withdrawn. Claims 27-35 are new dependent claims and are similar to claims the Examiner has already examined in co-pending application no. 15/209,397. Claims 1, 2, 8, and 9 have been amended. No new matter has been added. Reconsideration of the application in light of the following remarks is respectfully requested.

May 11, 2017 Interview Summary

Applicant thanks Examiner for participating in the May 11, 2017 interview. Proposed amendments to claim 1 were discussed, including amending the claim to recite an enclosure rather than a housing. Applicant understood Examiner to agree that Murray did not disclose an enclosure. Applicant agreed to amend the claims accordingly.

Claim Rejections – 35 USC § 101

Pending claims 1-11, 5-7, 10-11, 17, and 21-23 stand rejected based on a provisional statutory double patenting rejection based on co-pending application no. 15/209,397. OA at pp. 4-6. Upon entry of Applicant’s amendments to the claims, the instant claims are no longer coextensive in scope with the co-pending application. For this reason, Applicant respectfully requests the withdrawal of the rejection.

Claim Rejections – 35 USC § 102

Pending claims 1-11 stand rejected under 35 U.S.C. 102(a) as being anticipated by Murray (2014/0152531). OA at pp. 6-8.

Amended claims 1 and 8 recite “an enclosure having a first side and a second side opposite the first side, the first side configured to hold the first lens and the second lens, the second side

configured to receive the mobile electronic device.” Murray fails to disclose these limitations.

The mobile device holder 22 does not include a side that holds the first lens and the second lens. Moreover, Murray fails to disclose any housing that holds the mobile device on one side and the lenses on a side opposite the mobile device side. In the OA, the Examiner cites the mobile device holder 22 in Murray as the previously recited “housing” and the eye piece 40 as the lens. As seen in Figs. 4A and 4B of Murray, the mobile device holder 22 does not have “a side that holds the first lens and the second lens,” in fact, the alleged lens—eye piece 40—is not depicted. Thus, Murray fails to disclose these limitations.

Dependent Claims

The remaining claims depend on the independent claims already discussed and are therefore patentable at least for the reasons discussed above.

Other Amendments

Applicant has made two other minor amendments to claims 8 and 9 to clarify the claims.

Disclaimer

Applicant does not concede the correctness of the OA’s rejection with respect to any limitation not discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the claims from the cited reference, taken alone or in combination, based on additional features contained in the claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the fundamental differences in the independent claims pointed out above.

CONCLUSION

Applicant respectfully submits that the issues raised by the Examiner have been addressed herein. Accordingly, it is believed that the pending claims are in condition for allowance. Applicant

respectfully requests that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

It is believed that no fees are due or that all fees have been paid; however, if the Patent Office believes that fees due, Deposit Account No. 60-0960 can be accessed. Applicant respectfully requests prompt and favorable review of this application.

/Cameron Zinsli/
Cameron Zinsli (Reg. No. 70,028)
Marton Ribera Schumann & Chang LLP
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/448,785	03/03/2017	Patrick Buckley	DODOCASE_0006	3588

141469 7590 05/17/2017
Marton Ribera Schumann & Chang LLP
548 Market Street, Suite 36117
San Francisco, CA 94104

EXAMINER

PERVAN, MICHAEL

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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05/17/2017

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):

david@martonribera.com
hector@martonribera.com
cameron@martonribera.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 15/448,785	Applicant(s) BUCKLEY, PATRICK	
	Examiner Michael Pervan	Art Unit 2621	

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

(1) Michael Pervan. (3) David Schumann.

(2) Cameron Zinsli. (4) _____.

Date of Interview: 11 May 2017.

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 and 8.

Identification of prior art discussed: Murray.

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...)

Examiner and Applicant's representative discussed a proposed amendment to claim 1. Examiner agreed that the amendments appeared to overcome the cited references but further search is required to determine patentability. Differences between the invention claimed in claim 8 and the cited references were also discussed. No agreement was reached with respect to claim 8. Examiner suggested filing the response under AFCP 2.0.

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

/Michael Pervan/ Primary Examiner, Art Unit 2621	
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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.

Interview Agenda

App. Nos. 15/209,397 and 15/448,785

1 DODOCASE_0002 – 15/209,397

1.1 Claim 1

1. (Previously Presented) A virtual reality viewer for use with a mobile electronic device

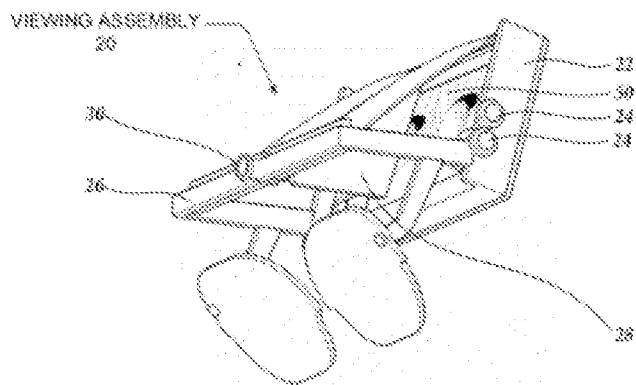
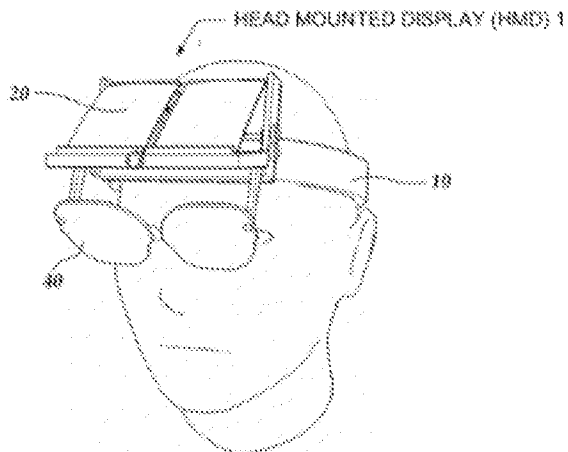
having a touchscreen, the viewer comprising:

a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction;

a housing configured to receive the mobile electronic device such that the touchscreen is in front of the first lens and the second lens;

a touchscreen input constructed of conductive material, wherein the touchscreen input is in physical contact with the touchscreen upon receipt of the mobile electronic device.

1.1.1 US2014/0152531 to Murray, Figures 1B, 2B, and 9



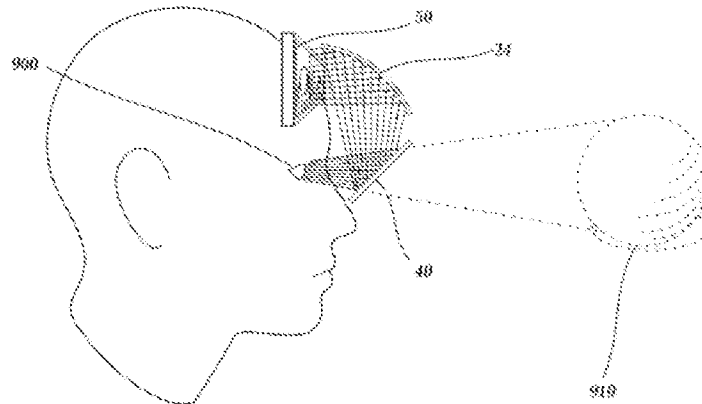


FIG. 9

1.1.2 Discuss positioning of mobile device 50 relative to eye piece 40

1.1.3 Claim 1 - Proposed Amendment

a housing configured to receive the first lens and the second lens and to receive the mobile electronic device on a side of the housing opposite the first lens and the second lens such that the touchscreen is in front of facing the first lens and the second lens;

1.2 Claim 17

2. (Previously Presented) A virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising:

a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction;

a housing configured to receive the mobile electronic device such that the touchscreen is in front of the first lens and the second lens;

a user input that is accessible from an exterior of the housing and has a first position and a second position;

a touchscreen input conductively coupled to the user input and generally centered between the first lens and the second lens in the horizontal direction,

wherein, upon receipt of the mobile electronic device, the touchscreen input is in physical contact with the touchscreen when the user input is in a second position.

1.2.1 US2014/0152531 to Murray, Figure 5A

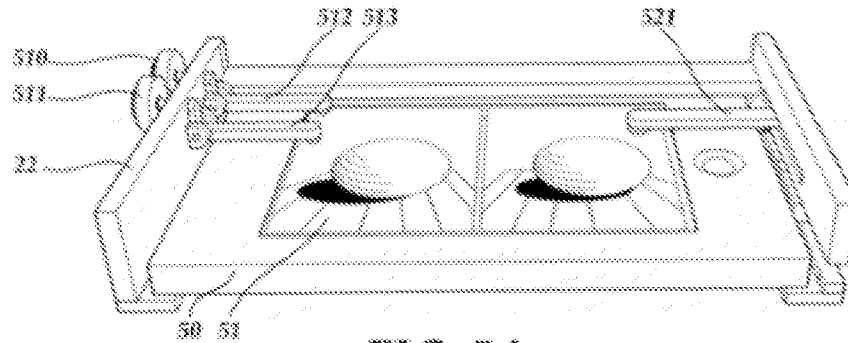


FIG. 5A

1.2.2 Discuss positioning of tips of rocker arms 512, 513 and slider arm 520 relative to eye piece 40

2 DODOCASE_0006 – 15/448,785

2.1 Claim 1 Proposed Amendment

1. → (Amended) A virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising:¶

an enclosure having a first side and a second side opposite the first side, the second side a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction;¶

a housing configured to receive the mobile electronic device such that the touchscreen is in front of the first lens and the second lens;¶

a first lens and a second lens attached to the first side of the enclosure, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction;¶

a touchscreen input constructed of conductive material, wherein the touchscreen input is in physical contact with the touchscreen upon receipt of the mobile electronic device.¶

- 2.2 New independent claim
- 2.3 Discuss statutory type double patenting rejection



UNITED STATES PATENT AND TRADEMARK OFFICE

USPTO Automated Interview Request (AIR)

May 3 2017

This paper requesting to schedule and/or conduct an interview is appropriate because:

This submission is requested to be accepted as an authorization for this interview to communicate via the internet. Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned concerning scheduling of the interview via video conference, instant messaging, or electronic mail, and to conduct the interview in accordance with office practice including video conferencing.

Name(s) :
Cameron Zinsli

S-signature:
/Cameron Zinsli/

Registration Number:
70028

U.S. Application Number:
15448785

Confirmation Number:
3588

E-mail Address:
cameron@martonribera.com

Phone Number:
4153602517

Proposed Time of Interview:
5-11-2017 2:00 PM ET

Preferred Interview Type:
Telephonic

I am the applicant or applicant's representative for this application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/448,785	03/03/2017	Patrick Buckley	DODOCASE_0006	3588

141469 7590 04/21/2017
Marton Ribera Schumann & Chang LLP
548 Market Street, Suite 36117
San Francisco, CA 94104

EXAMINER

PERVAN, MICHAEL

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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04/21/2017

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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):

david@martonribera.com
hector@martonribera.com
cameron@martonribera.com

Office Action Summary	Application No. 15/448,785	Applicant(s) BUCKLEY, PATRICK	
	Examiner Michael Pervan	Art Unit 2621	AIA (First Inventor to File) Status Yes

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2017.
☐ 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 10 April 2017; 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) 1-26 is/are pending in the application.
5a) Of the above claim(s) 13-26 is/are withdrawn from consideration.
- 6) ☐ Claim(s) _____ is/are allowed.
- 7) ☒ Claim(s) 1-12 is/are rejected.
- 8) ☐ Claim(s) _____ is/are objected to.
- 9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

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

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 03 March 2017 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____ | 4) ☐ Other: _____ |

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-12, drawn to a virtual reality viewer, classified in 345/7.

II. Claims 13-26, drawn to a touch sensitive display displaying first and second images, classified in 345/173.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as touch sensitive display that displays different images to the user. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a

Art Unit: 2621

continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Restriction for examination purposes as indicated is proper because all the inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because one or more of the following reasons apply:

- the inventions have acquired a separate status in the art in view of their different classification
- the inventions require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search strategies or search queries).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention.**

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement

will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 or pre-AIA 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Cameron Zinsli on April 10, 2017 a provisional election was made without traverse to prosecute the invention of I, claims 1-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-26 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Double Patenting

3. A rejection based on double patenting of the “same invention” type finds its support in the language of 35 U.S.C. 101 which states that “whoever invents or discovers any new and useful process... may obtain a patent therefor...” (Emphasis added). Thus, the term “same invention,” in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Vogel*,

Art Unit: 2621

422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the claims that are directed to the same invention so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

4. Claims 1-12 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-2, 5-7, 10-11, 17, 21-23 and 26 of copending Application No. 15/209,397. This is a provisional statutory double patenting rejection since the claims directed to the same invention have not in fact been patented.

Present Application	copending Application No. 15/209,397
1. A virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising: a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction; a housing configured to receive the mobile electronic device such that the touchscreen is in front of the first lens and the second lens; a touchscreen input constructed of conductive material, wherein the touchscreen input is in physical contact with the touchscreen upon receipt of the mobile electronic device.	1. A virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising: a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction; a housing configured to receive the mobile electronic device such that the touchscreen is in front of the first lens and the second lens; a touchscreen input constructed of conductive material, wherein the touchscreen input is in physical contact with the touchscreen upon receipt of the mobile electronic device.
8. A virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising: a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction; a housing configured to receive the mobile electronic	17. A virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising: a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction; a housing configured to receive the mobile electronic

device such that the touchscreen is in front of the first lens and the second lens;	device such that the touchscreen is in front of the first lens and the second lens;
a user input that is accessible from an exterior of the housing and has a first position and a second position;	a user input that is accessible from an exterior of the housing and has a first position and a second position;
a touchscreen input conductively coupled to the user input and generally centered between the first lens and the second lens in the horizontal direction, wherein, upon receipt of the mobile electronic device, the touchscreen input is in physical contact with the touchscreen when the user input is in a second position.	a touchscreen input conductively coupled to the user input and generally centered between the first lens and the second lens in the horizontal direction, wherein, upon receipt of the mobile electronic device, the touchscreen input is in physical contact with the touchscreen when the user input is in a second position.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

(a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

6. Claims 1-12 are rejected under 35 U.S.C. 102(a)(1)/ 102(a)(2) as being anticipated by Murray et al (US 2014/0152531).

In regards to claims 1 and 8, Murray discloses a virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising:

a first lens and a second lens (eyepiece 40), wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction (Fig. 1 and paragraphs 41-43);

a housing (mobile device holder 22) configured to receive the mobile electronic device such that the touchscreen is in front of the first lens and the second lens (Figs. 2, 9 and paragraphs 44; as seen in Fig. 9, the mobile device is between the user and the eyepiece 40. Therefore, it is in front of the lenses);

a touchscreen input (tip 611) constructed of conductive material, wherein the touchscreen input is in physical contact with the touchscreen upon receipt of the mobile electronic device (Figs. 5-6 and paragraphs 54, 56, 59).

In regards to claims 2 and 8, Murray discloses the virtual reality view of claim 1, further comprising a user input (slider arm 520) that is accessible from an exterior of the housing and is conductively coupled to the touchscreen input (Figs. 5-6 and paragraphs 54, 56, 59).

In regards to claim 3, Murray discloses the virtual reality viewer of claim 1, wherein a portion of the housing has a cut-out, and wherein at least a portion of the user input is accessible through the cut-out (Figs. 5-6 and paragraphs 54, 56, 59).

In regards to claims 4 and 10, Murray discloses the virtual reality viewer of claim 3, wherein the touchscreen input is offset upwards in a vertical direction and the second touchscreen input is offset downwards in the vertical direction (Figs. 5-6).

In regards to claims 5 and 11, Murray discloses the virtual reality viewer of claim 1, wherein the touchscreen input is offset in the vertical direction (Fig. 5-6).

In regards to claims 6 and 12, Murray discloses the virtual reality viewer of claim 1, wherein the first lens and the second lens are configured to facilitate a three-dimensional viewing experience (Figs. 8-9 and paragraphs 64-68).

In regards to claim 7, Murray discloses the virtual reality viewer of claim 1, wherein the touchscreen input is generally centered between the first lens and the second lens in the horizontal direction (Figs. 5-6).

In regards to claim 9, Murray discloses the virtual reality viewer of claim 8, further comprising:

a second user input that is accessible from an exterior of the housing and has a first position and a second position (Figs. 5-6 and paragraphs 54-55, 58); and

a second touchscreen input conductively coupled to the second user input, wherein, upon receipt of the mobile electronic device, the second touchscreen input is in physical contact with the touchscreen when the second user input is in a second position (Figs. 5-6 and paragraphs 54-55, 58).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pervan whose telephone number is (571)272-0910. The examiner can normally be reached on Monday - Friday between 9am - 5pm.

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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