

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Patrick BUCKLEY	}	Group Art Unit: 2693
Application No.: 16/723,769		Examiner: PERVAN, MICHAEL
Filed: December 20, 2019		Confirmation No.: 9655
Atty. File No.: 10327-1-CON-4		

For: VIRTUAL REALITY VIEWER AND INPUT MECHANISM

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

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

Dear Commissioner:

Applicant submits this Comments on Statement of Reasons for Allowance to address the Notice of Allowability (“Notice”) having a mailing date of June 1, 2021.

In the Notice, the Examiner’s stated reasons for allowance were that:

In regards to claim 22, it recites, among other features, “a housing having a portion configured to receive a mobile electronic device having a touchscreen display, the housing further including two lenses;

an input device accessible from an exterior of the housing; and
a contact element located within an interior of the housing, the contact element coupled to the input device and configured to generate a detectable touch event at the touchscreen display of the mobile electronic device”.

The Prior Art discloses a housing with two lenses that receives a mobile device having a touchscreen display. The Prior Art discloses a housing that receives a housing that receives a mobile device having a touchscreen display with an input device accessible from an exterior of the housing and coupled to a contact element in the interior of the housing that generates a touch on the touchscreen display of the mobile device. The Prior Art does not disclose all of the elements together or suggests a way for them to be combined.

Applicant acknowledges Examiner's statements of Reasons for Allowance and agrees that the claimed subject matter is patentable. However, Applicant takes no position regarding the Reasons for Allowance presented by the Examiner other than the positions Applicant may have previously taken during prosecution. Therefore, the Reasons for Allowance should not be attributed to Applicant for any reason or as an indication of the bases for Applicant's belief that the claims are patentable. Furthermore, Applicant respectfully asserts that there may be additional or alternative reasons for patentability of the claimed subject matter not explicitly stated in this record and Applicant does not waive its rights to such arguments by not further addressing such reasons herein.

While the stated Reasons for Allowance may be a stated reason for allowing some independent claims, Applicant submits that some independent claims may have a different reason for allowance and that some independent claims may have other reasons for allowance.

Specifically, the prior art fails to teach the specific combination of features as recited in the independent claim 22.

Although the Applicant believes that no fees are due for filing this Comments on Statement of Reasons for Allowance, please charge any fees deemed necessary to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

Date: July 9, 2021

By: /Jason H. Vick/
Jason H. Vick,
Reg. No. 45,285
1560 Broadway, Suite 1200
Denver, Colorado 80202
Telephone: 303-863-9700
jvick@sheridanross.com



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

22442 7590 06/01/2021
Sheridan Ross PC
1560 Broadway
Suite 1200
Denver, CO 80202

EXAMINER

PERVAN, MICHAEL

ART UNIT

PAPER NUMBER

2693

DATE MAILED: 06/01/2021

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/723,769	12/20/2019	Patrick BUCKLEY	10327-1-CON-4	9655

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	\$600	\$0.00	\$0.00	\$600	09/01/2021

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

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

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

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

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence 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.

22442 7590 06/01/2021
Sheridan Ross PC
1560 Broadway
Suite 1200
Denver, CO 80202

Certificate of Mailing or Transmission

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/723,769	12/20/2019	Patrick BUCKLEY	10327-1-CON-4	9655

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	\$600	\$0.00	\$0.00	\$600	09/01/2021

EXAMINER	ART UNIT	CLASS-SUBCLASS
PERVAN, MICHAEL	2693	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 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

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

1 _____

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

2 _____

3 _____

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

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

(A) NAME OF ASSIGNEE

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

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

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

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

☐ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

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

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. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/723,769	12/20/2019	Patrick BUCKLEY	10327-1-CON-4	9655
22442	7590	06/01/2021	EXAMINER	
Sheridan Ross PC 1560 Broadway Suite 1200 Denver, CO 80202			PERVAN, MICHAEL	
			ART UNIT	PAPER NUMBER
			2693	

DATE MAILED: 06/01/2021

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

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

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

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

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

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

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

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. 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. 16/723,769	Applicant(s) BUCKLEY, Patrick	
	Examiner Michael Pervan	Art Unit 2693	AIA (FITF) Status Yes

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

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

1. ☒ This communication is responsive to 06 May 2021.
☐ 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 22-54. 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 _____ 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 <u>PTO-2323</u> .
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/MICHAEL PERVAN/
Primary Examiner, Art Unit 2693

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.

Terminal Disclaimer

2. The terminal disclaimer filed on May 6, 2021 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 9420075, 9723117, 9811184 and 10528199 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

3. Claims 22-54 are allowed.
4. The following is an examiner's statement of reasons for allowance:

In regards to claim 22, it recites, among other features, "a housing having a portion configured to receive a mobile electronic device having a touchscreen display, the housing further including two lenses;

an input device accessible from an exterior of the housing; and

a contact element located within an interior of the housing, the contact element coupled to the input device and configured to generate a detectable touch event at the touchscreen display of the mobile electronic device".

The Prior Art discloses a housing with two lenses that receives a mobile device having a touchscreen display. The Prior Art discloses a housing that receives a housing that receives a mobile device having a touchscreen display with an input device accessible from an exterior of the housing and coupled to a contact element in the interior of the housing that generates a touch on the touchscreen display of the mobile device. The Prior Art does not disclose all of the elements together or suggests a way for them to be combined.

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 Mon - Fri between 7:30 - 5 pm.

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>.

Art Unit: 2693

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C Lee can be reached on (571) 272-2963. 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 <https://ppair-my.uspto.gov/pair/PrivatePair>. 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 2693
May 21, 2021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Patrick BUCKLEY	}	Group Art Unit: 2693
Application No.: 16/723,769		Examiner: PERVAN, MICHAEL
Filed: December 20, 2019		Confirmation No.: 9655
Atty. File No.: 10327-1-CON-4		

For: VIRTUAL REALITY VIEWER AND INPUT MECHANISM

AMENDMENT AFTER FINAL

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

Dear Commissioner:

Applicant submits this Amendment After Final to further address the Final Office Action having a mailing date of May 4, 2021. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.

Please amend the above-identified patent application as follows:

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

Remarks begin on page 6 of this paper.

OK TO ENTER: /M.P./

05/21/2021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Patrick BUCKLEY	}	Group Art Unit: 2693
Application No.: 16/723,769		Examiner: PERVAN, MICHAEL
Filed: December 20, 2019		Confirmation No.: 9655
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AMENDMENT AFTER FINAL

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Please amend the above-identified patent application as follows:

Amendments to the Claims are shown in the listing of claims which begins 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, and listings, of claims in the application:

Listing of Claims:

1. - 21. (Cancelled)

22. (Previously Presented) A virtual reality viewer apparatus comprising:
a housing having a portion configured to receive a mobile electronic device having a touchscreen display, the housing further including two lenses;
an input device accessible from an exterior of the housing; and
a contact element located within an interior of the housing, the contact element coupled to the input device and configured to generate a detectable touch event at the touchscreen display of the mobile electronic device.

23. (Previously Presented) The apparatus of claim 22, wherein the contact element is configured to generate the detectable touch event at the touchscreen display while the mobile electronic device is located within the interior of the housing.

24. (Previously Presented) The apparatus of claim 22, wherein the input device comprises a tactile user input device.

25. (Previously Presented) The apparatus of claim 22, wherein the housing has a top surface, a bottom surface, a front surface, a back surface, and two side surfaces.

26. (Currently Amended) The apparatus of claim 22, wherein the back surface supports the two lenses.

27. (Previously Presented) The apparatus of claim 22, wherein the contact element is coupled via a conductive lead to the input device.

28. (Previously Presented) The apparatus of claim 22, wherein the input device comprises a passive input device.

29. (Previously Presented) The apparatus of claim 22, wherein the input device is configured to receive a user input at the exterior of the housing and provide the received user input, via the contact element, to the touchscreen display.

30. (Previously Presented) The apparatus of claim 29, wherein the touch event, based on the user input, is provided to the touchscreen display at a position located within a central portion of the touchscreen display.

31. (Previously Presented) The apparatus of claim 30, wherein the central portion of the touchscreen display is not viewable, via the two lenses, by either eye of a user.

32. (Previously Presented) The apparatus of claim 30, wherein the contact element is configured to provide inputs to the mobile electronic device in a manner that does not disturb the field of view of the left eye or the right eye of a user.

33. (Previously Presented) The apparatus of claim 22, wherein the contact element comprises a touchscreen input device.

34. (Currently Amended) The apparatus of claim ~~22~~33, wherein the touchscreen input device is electrically coupled to the input device.

35. (Previously Presented) The apparatus of claim 22, wherein the input device is configured to receive user interactions during use of the apparatus.

36. (Previously Presented) The apparatus of claim 22, wherein at least a portion of the input device is exposed on an exterior surface of the housing.

37. (Previously Presented) The apparatus of claim 22, wherein the input device is positioned at the exterior of the housing.

38. (Previously Presented) The apparatus of claim 22, wherein the input device is user accessible such that a user can interact with the input device.

39. (Previously Presented) The apparatus of claim 22, wherein the input device is configured to detect a user action.

40. (Currently Amended) The apparatus of claim ~~2239~~, wherein the input device is configured to relay a signal based on the user action to the touchscreen display.

41. (Currently Amended) The apparatus of claim ~~2235~~, wherein the input device is configured to sense the user interaction and transmit a signal based on the sensed user interaction to the touchscreen display via the touch screen input device and via a conductive lead that couples the input device and the touchscreen ~~input device~~display.

42. (Previously Presented) The apparatus of claim 22, wherein the input device comprises a conductive material.

43. (Previously Presented) The apparatus of claim 22, wherein the contact element comprises a conductive material.

44. (Previously Presented) The apparatus of claim 41, wherein the conductive lead runs through at least a portion of the housing.

45. (Currently Amended) The apparatus of claim ~~2225~~, wherein the apparatus is configured to receive one or more user interactions during use of the apparatus.

46. (Currently Amended) The apparatus of claim ~~2225~~, wherein at least a portion of the mobile electronic device is exposed on an exterior surface of the housing.

47. (Currently Amended) The apparatus of claim ~~2225~~, wherein the input device is located at an exterior of the housing.

48. (Currently Amended) The apparatus of claim ~~2225~~, wherein the input device is user accessible for interaction therewith.

49. (Currently Amended) The apparatus of claim ~~2225~~, wherein the input device is configured to detect a user action.

50. (Currently Amended) The apparatus of claim ~~2225~~, wherein the input device is configured to relay a signal based on a user action to the mobile electronic device.

51. (Currently Amended) The apparatus of claim ~~2225~~, wherein the input device is configured to sense a user interaction and transmit a signal based on the sensed user interaction to the touchscreen display via the touch screen input device and via a conductive lead that couples the input device and the touchscreen ~~input device~~display.

52. (Currently Amended) The apparatus of claim ~~2225~~, wherein the input device includes a conductive material.

53. (Currently Amended) The apparatus of claim ~~2225~~, wherein a contact element configured to contact the touchscreen display includes a conductive material.

54. (Currently Amended) The apparatus of claim ~~2225~~, wherein a conductive lead extends through at least a portion of the housing.

REMARKS

Applicant respectfully requests reconsideration of this application, as amended.

Applicant respectfully submits the double patenting rejection is moot in view of the Electronic Terminal Disclaimer in view of U.S. Patent Nos. 9,420,075; 9,723,117; 9,811,184; and 10,528,199 filed and approved on May 6, 2021. Withdrawal of the rejection is respectfully requested.

Applicant has addressed the claim objections in accordance with the Examiner's recommendations. Withdrawal of the objection is respectfully requested.

Additionally, the statutory double patenting rejection has been addressed by amending the dependencies of claims 45-54. Withdrawal of the rejection is respectfully requested.

With all objections and rejections having been overcome, Applicant respectfully submits the application is in condition for allowance.

A prompt Notice of Allowance is respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is encouraged to contact Applicants undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to deposit account number 19-1970 any fees under 37 CFR § 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby Petitioned.

Respectfully submitted,

SHERIDAN ROSS P.C.

Date: May 6, 2021

By: /Jason H. Vick/
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/723,769	12/20/2019	Patrick BUCKLEY	10327-1-CON-4	9655
22442	7590	05/04/2021	EXAMINER	
Sheridan Ross PC 1560 Broadway Suite 1200 Denver, CO 80202			PERVAN, MICHAEL	
			ART UNIT	PAPER NUMBER
			2693	
			NOTIFICATION DATE	DELIVERY MODE
			05/04/2021	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):

e-docket@sheridanross.com

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.

Response to Arguments

2. Applicant's arguments with respect to claim(s) 23-54 have been considered but are moot because the new ground of rejection does not rely on any reference applied in the prior rejection of record for any teaching or matter specifically challenged in the argument.

Claim Objections

3. Claims 34, 41 and 51 are objected to because of the following informalities: They each refer to "the touchscreen input device". However, there is no recitation of a touchscreen input device in claim 22, but rather in claim 33. The claims should be corrected to have their dependencies be from claim 33 and not from claim 22. Appropriate correction is required.

Claim 40 is objected to because of the following informalities: It refers to "the user action". However, there is no recitation of a user action in claim 22, but rather in claim 39. The claim should be corrected to have the dependency be from claim 39 and not from claim 22. Appropriate correction is required.

Claim 41 is objected to because of the following informalities: It refers to “the user interaction”. However, there is no recitation of a user interaction in claim 22, but rather in claim 35. The claim should be corrected to have the dependency be from claim 35 and not from claim 22. Appropriate correction is required.

Double Patenting

4. 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*, 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.

5. Applicant is advised that should claims 35-44 be found allowable, claims 45-54 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 608.01(m).

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6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(I)(1) - 706.02(I)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which

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the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-l.jsp.

7. Claims 22-54 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 9,420,075. Although the claims at issue are not identical, they are not patentably distinct from each other because the claims of the patent anticipate the claim of the present Application.

8. Claim 22-54 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 9,723,117. Although the claims at issue are not identical, they are not patentably distinct from each other because the claims of the patent anticipate the claim of the present Application.

9. Claim 22-54 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 9,811,184. Although the claims at issue are not identical, they are not patentably distinct from each other because the claims of the patent anticipate the claim of the present Application.

10. Claim 22-54 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 10,528,199. Although the claims at issue are

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not identical, they are not patentably distinct from each other because the claims of the patent anticipate the claim of the present Application.

Present Application	U.S. Patent No. 9,420,075	U.S. Patent No. 9,723,117	U.S. Patent No. 9,811,184	U.S. Patent No. 10,528,199
22. A virtual reality viewer apparatus comprising:	1. A virtual reality viewer for use with a mobile electronic device having a touch-screen, the viewer comprising:	1. A virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising:	1. A virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising:	1. A virtual reality viewer for use with a mobile electronic device having a touchscreen, the viewer comprising:
a housing having a portion configured to receive a mobile electronic device having a touchscreen display, the housing further including two lenses;	a housing configured to receive the mobile electronic device, wherein the housing is configured to hold the mobile electronic device such that the touch-screen is generally centered in a horizontal direction and directly in a user's field of view when looking into a generally hollow interior of the housing through a side opposite the touch-screen;	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 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 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;
an input device accessible from an exterior of the housing; and	an input mechanism that is accessible from an exterior of the housing and is moveable within the interior between at least a first position and an extended position, the input mechanism comprising:	a housing having a back side configured to be held against or in proximity to a user's face and a front side configured to receive the mobile electronic device, the front side of the housing opposite the back side of the housing such that the touchscreen is viewable from the back side of the housing and through the first lens and the second lens;	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 frame 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, wherein the frame is configured to hold the mobile electronic device such that the mobile electronic device is generally centered in a horizontal direction and directly in a user's field of view when looking through the first side of the frame; and
a contact element located within an interior of the housing, the contact element coupled to the input device and configured to	an electrical shield having a surface, wherein only a portion of the surface of the electrical shield is configured to	a touchscreen input constructed of conductive material, wherein the touchscreen input is in physical contact with the touchscreen upon receipt of the	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.	a touchscreen input constructed of material and having

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generate a detectable touch event at the touchscreen display of the mobile electronic device.	contact a central region of the touchscreen of the mobile electronic device when the input mechanism is in the extended position.	mobile electronic device.		a surface such that only a portion of the surface of the touchscreen input is configured to contact a central region of the touchscreen of the mobile electronic device when the touchscreen input is activated.
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Conclusion

11. 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.

12. 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 Mon - Fri between 7:30 - 5 pm.

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, Benjamin C Lee can be reached on (571) 272-2963. 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 <https://ppair-my.uspto.gov/pair/PrivatePair>. 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 2693
April 29, 2021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Patrick BUCKLEY	)	Group Art Unit: 2693
Application No.: 16/723,769	)	Examiner: PERVAN, MICHAEL
Filed: December 20, 2019	)	Confirmation No.: 9655
Atty. File No.: 10327-1-CON-4	)	

For: VIRTUAL REALITY VIEWER AND INPUT MECHANISM

SUPPLEMENTAL AMENDMENT AND RESPONSE

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

Dear Commissioner:

Applicant submits this Supplemental Amendment and Response to further address the Office Action having a mailing date of July 22, 2020. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.

Please amend the above-identified patent application as follows:

Amendments to the Claims are shown in the listing of claims which begins 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, and listings, of claims in the application:

Listing of Claims:

1. - 21. (Cancelled)
22. (Previously Presented) A virtual reality viewer apparatus comprising:
a housing having a portion configured to receive a mobile electronic device having a touchscreen display, the housing further including two lenses;
an input device accessible from an exterior of the housing; and
a contact element located within an interior of the housing, the contact element coupled to the input device and configured to generate a detectable touch event at the touchscreen display of the mobile electronic device.
23. (Previously Presented) The apparatus of claim 22, wherein the contact element is configured to generate the detectable touch event at the touchscreen display while the mobile electronic device is located within the interior of the housing.
24. (Previously Presented) The apparatus of claim 22, wherein the input device comprises a tactile user input device.
25. (Previously Presented) The apparatus of claim 22, wherein the housing has a top surface, a bottom surface, a front surface, a back surface, and two side surfaces.
26. (Previously Presented) The apparatus of claim 22, wherein the back surface supports the two lenses.
27. (Previously Presented) The apparatus of claim 22, wherein the contact element is coupled via a conductive lead to the input device.

28. (Previously Presented) The apparatus of claim 22, wherein the input device comprises a passive input device.

29. (Previously Presented) The apparatus of claim 22, wherein the input device is configured to receive a user input at the exterior of the housing and provide the received user input, via the contact element, to the touchscreen display.

30. (Previously Presented) The apparatus of claim 29, wherein the touch event, based on the user input, is provided to the touchscreen display at a position located within a central portion of the touchscreen display.

31. (Previously Presented) The apparatus of claim 30, wherein the central portion of the touchscreen display is not viewable, via the two lenses, by either eye of a user.

32. (Previously Presented) The apparatus of claim 30, wherein the contact element is configured to provide inputs to the mobile electronic device in a manner that does not disturb the field of view of the left eye or the right eye of a user.

33. (Previously Presented) The apparatus of claim 22, wherein the contact element comprises a touchscreen input device.

34. (Previously Presented) The apparatus of claim 22, wherein the touchscreen input device is electrically coupled to the input device.

35. (Previously Presented) The apparatus of claim 22, wherein the input device is configured to receive user interactions during use of the apparatus.

36. (Previously Presented) The apparatus of claim 22, wherein at least a portion of the input device is exposed on an exterior surface of the housing.

37. (Previously Presented) The apparatus of claim 22, wherein the input device is positioned at the exterior of the housing.

38. (Previously Presented) The apparatus of claim 22, wherein the input device is user accessible such that a user can interact with the input device.

39. (Previously Presented) The apparatus of claim 22, wherein the input device is configured to detect a user action.

40. (Previously Presented) The apparatus of claim 22, wherein the input device is configured to relay a signal based on the user action to the touchscreen display.

41. (Previously Presented) The apparatus of claim 22, wherein the input device is configured to sense the user interaction and transmit a signal based on the sensed user interaction to the touchscreen display via the touch screen input device and via a conductive lead that couples the input device and the touchscreen input device.

42. (Previously Presented) The apparatus of claim 22, wherein the input device comprises a conductive material.

43. (Previously Presented) The apparatus of claim 22, wherein the contact element comprises a conductive material.

44. (Previously Presented) The apparatus of claim 41, wherein the conductive lead runs through at least a portion of the housing.

45. (New) The apparatus of claim 22, wherein the apparatus is configured to receive one or more user interactions during use of the apparatus.

46. (New) The apparatus of claim 22, wherein at least a portion of the mobile electronic device is exposed on an exterior surface of the housing.

47. (New) The apparatus of claim 22, wherein the input device is located at an exterior of the housing.

48. (New) The apparatus of claim 22, wherein the input device is user accessible for interaction therewith.

49. (New) The apparatus of claim 22, wherein the input device is configured to detect a user action.

50. (New) The apparatus of claim 22, wherein the input device is configured to relay a signal based on a user action to the mobile electronic device.

51. (New) The apparatus of claim 22, wherein the input device is configured to sense a user interaction and transmit a signal based on the sensed user interaction to the touchscreen display via the touch screen input device and via a conductive lead that couples the input device and the touchscreen input device.

52. (New) The apparatus of claim 22, wherein the input device includes a conductive material.

53. (New) The apparatus of claim 22, wherein a contact element configured to contact the touchscreen display includes a conductive material.

54. (New) The apparatus of claim 22, wherein a conductive lead extends through at least a portion of the housing.

REMARKS

Applicant respectfully requests reconsideration of this application, as amended.

By this supplemental amendment, new claims have been added.

A prompt Notice of Allowance is respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is encouraged to contact Applicants undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to deposit account number 19-1970 any fees under 37 CFR § 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby Petitioned.

Respectfully submitted,

SHERIDAN ROSS P.C.

Date: February 8, 2021

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Patrick BUCKLEY	}	Group Art Unit: 2693
Application No.: 16/723,769		Examiner: PERVAN, MICHAEL
Filed: December 20, 2019		Confirmation No.: 9655
Atty. File No.: 10327-1-CON-4		

For: VIRTUAL REALITY VIEWER AND INPUT MECHANISM

AMENDMENT AND RESPONSE

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

Dear Commissioner:

Applicant submits this Amendment and Response to address the Office Action having a mailing date of July 22, 2020. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.

Please amend the above-identified patent application as follows:

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

Remarks begin on page 5 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. - 21. (Cancelled)
22. (New) A virtual reality viewer apparatus comprising:
a housing having a portion configured to receive a mobile electronic device having a touchscreen display, the housing further including two lenses;
an input device accessible from an exterior of the housing; and
a contact element located within an interior of the housing, the contact element coupled to the input device and configured to generate a detectable touch event at the touchscreen display of the mobile electronic device.
23. (New) The apparatus of claim 22, wherein the contact element is configured to generate the detectable touch event at the touchscreen display while the mobile electronic device is located within the interior of the housing.
24. (New) The apparatus of claim 22, wherein the input device comprises a tactile user input device.
25. (New) The apparatus of claim 22, wherein the housing has a top surface, a bottom surface, a front surface, a back surface, and two side surfaces.
26. (New) The apparatus of claim 22, wherein the back surface supports the two lenses.
27. (New) The apparatus of claim 22, wherein the contact element is coupled via a conductive lead to the input device.

28. (New) The apparatus of claim 22, wherein the input device comprises a passive input device.

29. (New) The apparatus of claim 22, wherein the input device is configured to receive a user input at the exterior of the housing and provide the received user input, via the contact element, to the touchscreen display.

30. (New) The apparatus of claim 29, wherein the touch event, based on the user input, is provided to the touchscreen display at a position located within a central portion of the touchscreen display.

31. (New) The apparatus of claim 30, wherein the central portion of the touchscreen display is not viewable, via the two lenses, by either eye of a user.

32. (New) The apparatus of claim 30, wherein the contact element is configured to provide inputs to the mobile electronic device in a manner that does not disturb the field of view of the left eye or the right eye of a user.

33. (New) The apparatus of claim 22, wherein the contact element comprises a touchscreen input device.

34. (New) The apparatus of claim 22, wherein the touchscreen input device is electrically coupled to the input device.

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36. (New) The apparatus of claim 22, wherein at least a portion of the input device is exposed on an exterior surface of the housing.

37. (New) The apparatus of claim 22, wherein the input device is positioned at the exterior of the housing.

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39. (New) The apparatus of claim 22, wherein the input device is configured to detect a user action.

40. (New) The apparatus of claim 22, wherein the input device is configured to relay a signal based on the user action to the touchscreen display.

41. (New) The apparatus of claim 22, wherein the input device is configured to sense the user interaction and transmit a signal based on the sensed user interaction to the touchscreen display via the touch screen input device and via a conductive lead that couples the input device and the touchscreen input device.

42. (New) The apparatus of claim 22, wherein the input device comprises a conductive material.

43. (New) The apparatus of claim 22, wherein the contact element comprises a conductive material.

44. (New) The apparatus of claim 41, wherein the conductive lead runs through at least a portion of the housing.

REMARKS

Applicant respectfully requests reconsideration of this application, as amended.

Applicant requests the holding in abeyance of the double patenting rejection until there has been an indication of allowable subject matter.

By the above amendments, claim 21 has been cancelled without prejudice or disclaimer rendering all rejections moot.

As Applicant believes all the newly presented claims are distinguishable from Bickerstaff, the application should be in condition for allowance.

With all objections and rejections having been overcome, Applicant respectfully submits the application is in condition for allowance.

A prompt Notice of Allowance is respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is encouraged to contact Applicants undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to deposit account number 19-1970 any fees under 37 CFR § 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby Petitioned.

Respectfully submitted,

SHERIDAN ROSS P.C.

Date: January 22, 2021

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/723,769	12/20/2019	Patrick BUCKLEY	10327-1-CON-4	9655
22442	7590	07/22/2020	EXAMINER	
Sheridan Ross PC 1560 Broadway Suite 1200 Denver, CO 80202			PERVAN, MICHAEL	
			ART UNIT	PAPER NUMBER
			2693	
			NOTIFICATION DATE	DELIVERY MODE
			07/22/2020	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):

e-docket@sheridanross.com

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.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to

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examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159.

See MPEP §§ 706.02(I)(1) - 706.02(I)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

3. Claim 1 is rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 9,420,075. Although the claims at issue are not identical, they are not patentably distinct from each other because the claims of the patent anticipate the claim of the present Application.

4. Claim 1 is rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 9,723,117. Although the claims at issue are not identical, they are not patentably distinct from each other because the claims of the patent anticipate the claim of the present Application.

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5. Claim 1 is rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 9,811,184. Although the claims at issue are not identical, they are not patentably distinct from each other because the claims of the patent anticipate the claim of the present Application.

6. Claim 1 is rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 10,528,199. Although the claims at issue are not identical, they are not patentably distinct from each other because the claims of the patent anticipate the claim of the present Application.

Present Application	U.S. Patent No. 9,420,075	U.S. Patent No. 9,723,117	U.S. Patent No. 9,811,184	U.S. Patent No. 10,528,199
21. A virtual reality viewer for use with a mobile electronic device.	1. A virtual reality viewer for use with a mobile electronic device having a touch-screen, the viewer comprising: a housing configured to receive the mobile electronic device, wherein the housing is configured to hold the mobile electronic device such that the touch-screen is generally centered in a horizontal direction and directly in a user's field of view when looking into a generally hollow interior of the housing through a side opposite the touch-screen; an input mechanism that is accessible from an exterior of	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 having a back side configured to be held against or in proximity to a user's face and a front side configured to receive the mobile electronic device, the front side of the housing opposite the back side of the housing	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; 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	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 frame 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, wherein the

	the housing and is moveable within the interior between at least a first position and an extended position, the input mechanism comprising: an electrical shield having a surface, wherein only a portion of the surface of the electrical shield is configured to contact a central region of the touchscreen of the mobile electronic device when the input mechanism is in the extended position.	such that the touchscreen is viewable from the back side of the housing and through 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.	touchscreen input constructed of conductive material, wherein the touchscreen input is in physical contact with the touchscreen upon receipt of the mobile electronic device.	frame is configured to hold the mobile electronic device such that the mobile electronic device is generally centered in a horizontal direction and directly in a user's field of view when looking through the first side of the frame; and a touchscreen input constructed of material and having a surface such that only a portion of the surface of the touchscreen input is configured to contact a central region of the touchscreen of the mobile electronic device when the touchscreen input is activated.
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Claim Rejections - 35 USC § 102

7. 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.

8. Claim 21 is rejected under 35 U.S.C. 102(a)(1)/102(a)(2) as being anticipated by Bickerstaff et al (US 2014/0104692).

In regards to claim 21, Bickerstaff discloses a virtual reality viewer (HMD 10) for use with a mobile electronic device (mobile device 60) (Fig. 1A and paragraphs 31, 33).

Conclusion

9. 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 Mon - Fri between 7:30 - 5 pm.

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, Benjamin C Lee can be reached on (571) 272-2963. 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 <https://ppair-my.uspto.gov/pair/PrivatePair>. 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 2693
July 17, 2020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Patrick BUCKLEY	}	Group Art Unit:
Application No.:		Examiner:
Filed: Submitted Herewith		Confirmation No.:
Atty. File No.: 10327-1-CON-4		

For: VIRTUAL REALITY VIEWER AND INPUT MECHANISM

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

PRELIMINARY AMENDMENT

Dear Commissioner:

Prior to the initial review of the above-identified patent application by the Examiner, please enter the following Preliminary Amendment. Although Applicants do not believe that any fees are due based upon the filing of this Preliminary Amendment, please charge any such fees to Deposit Account 19-1970.

Please amend the above-identified patent application as follows:

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

Amendments to the Claims are shown in the listing of claims which begin on page 3 of this paper.

Remarks begin on page 4 of this paper.

AMENDMENTS TO THE SPECIFICATION

Please amend paragraph [2] of the application beneath the heading “CROSS-REFERENCE TO RELATED APPLICATIONS”:

This application is a continuation of U.S. Patent Application No. 15/726,079, filed October 5, 2017, now U.S. Patent No. 10,528,199, which is a continuation of U.S. Patent Application No. 15/448,785, ~~filed VIRTUAL REALITY VIEWER AND INPUT MECHANISM, which was filed on March 3, 2017, now U.S. Patent No. 9,811,184,~~ which is a continuation of U.S. Patent Application No. 15/209,397, ~~filed VIRTUAL REALITY VIEWER AND INPUT MECHANISM, which was filed on July 13, 2016, now U.S. Patent No. 9,723,117,~~ which is a continuation of U.S. Patent Application No. 14/801,606, ~~which was filed on July 16, 2015, ~~filed VIRTUAL REALITY VIEWER AND INPUT MECHANISM,~~ and issued as now~~ U.S. Patent No. 9,420,075, which claims priority to U.S. Provisional Application No. 62/161,857, ~~which was filed on May 14, 2015, ~~filed SYSTEM AND METHOD FOR VIRTUAL REALITY HEADSET USER INTERACTION THROUGH ELECTROMECHANICAL DEVICE AND TOUCHSCREEN,~~ and to U.S. Provisional Application No. 62/025,376, ~~which was filed on July 16, 2014, ~~filed SYSTEM AND METHOD FOR VR HEADSET USER INTERACTION,~~ which are each hereby incorporated by reference as if set forth in their respective entireties herein~~ of which are incorporated herein by reference in their entirety.~~

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. - 20. (Cancelled)

21. (New) A virtual reality viewer for use with a mobile electronic device.

REMARKS/ARGUMENTS

By this amendment, claims 1-20 are canceled without prejudice or disclaimer and new claim 21 has been added.

Applicant requests examination on the merits.

Applicant believes that the pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

The Commissioner is hereby authorized to charge to Deposit Account No. 19-1970 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby Petitioned.

Respectfully submitted,

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Date: December 20, 2019