AO 120 (Rev. 08/10)

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

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

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

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:22-cv-573	6/3/2022	Western District of Texas - Waco Divsion

PLAINTIFF	DEFENDANT
QUANTUM IMAGING LLC	SONY GROUP CORPORATION; SONY CORPORATION OF AMERICA; SONY INTERACTIVE ENTERTAINMENT INC.; SONY INTERACTIVE ENTERT

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,458,028	6/4/2013	Frances Barbaro Altieri
2	10,255,724	4/9/2019	Frances Barbaro Altieri
3	10,846,941	11/24/2020	Frances Barbaro Altieri
4	10,991,165	4/27/2021	Frances Barbaro Altieri
5			

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

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

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

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

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

Sony Exhibit 1003

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	06/04/2013	8458028	71457.0004	1927

13155 7590 05/15/2013

Edwards Neils PLLC
12020 Sunrise Valley Drive, Suite 200
Reston, VA 20191

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 1161 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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

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

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

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

Frances Barbaro Altieri, Belmont, MA;

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

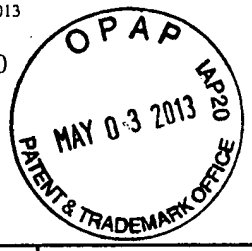
PART B - FEE(S) TRANSMITTAL

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)

13155 7590 03/07/2013
Edwards Neils PLLC
12020 Sunrise Valley Drive, Suite 200
Reston, VA 20191



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	71457.0004	1927

TITLE OF INVENTION: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC COMMERCE

05/06/2013 ZJUHAR2 00000038 10272408
01 FC:2501 890.00 OP
02 FC:1504 300.00 OP

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$885	$300	$0	$1185	06/07/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, TAN D	3689	705-001000

05/07/2013 ZJUHAR2 00000024 505497 10272408
01 FC:8001 6.00 DA

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Jean C. Edwards, Esq.
2 EDWARDS NEILS PLLC
3

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

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

(A) NAME OF ASSIGNEE: Barbaro Technologies

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Belmont, MA

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 2

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 credit any overpayment, to Deposit Account Number 50-5497 (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Jean C. Edwards Date May 3, 2013

Typed or printed name Jean C. Edwards, Esq. Registration No. 41,728

This collection of information 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.

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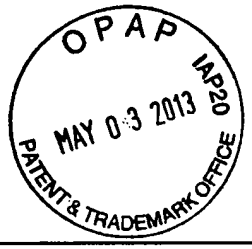
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13155 7590 03/07/2013
Edwards Neils PLLC
12020 Sunrise Valley Drive, Suite 200
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(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	71457.0004	1927

TITLE OF INVENTION: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, TAN D	3689	705-001000

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1 Jean C. Edwards, Esq.
2 EDWARDS NEILS PLLC
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(B) RESIDENCE: (CITY and STATE OR COUNTRY): Belmont, MA

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 2

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Authorized Signature Jean C Edwards Date May 3, 2013

Typed or printed name Jean C. Edwards, Esq. Registration No. 41,728

This collection of information 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.

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Document Description: Transmittal Letter

PTO/SB/21 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
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OPAP IAP20 MAY 03 2013 PATENT & TRADEMARK OFFICE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3689
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
- [x] Fee Attached
- [ ] Amendment/Reply
- [ ] After Final
- [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
- [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):
  - Issue Fee Transmittal (in duplicate)
  - Credit Card Payment Form

Remarks

- $890.00 Issue Fee; $300.00 Publication Fee; and $6.00 for two (2) advanced soft copies of patent.

- Please charge any deficiences or credit any overpayments to deposit account no. 50-5497.

The PTO did not receive the following listed item(s) 9 Cover sheet(s) 11/96.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	EDWARDS NEILS PLLC		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards, Esq.		
Date	May 3, 2013	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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MAR 13 2013
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Doc Code: TRAN.LET
Document Description: Transmittal Letter

PTO/SB/21 (07-09)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3689
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☑ Other Enclosure(s) (please Identify below):
  - Statement of Substance of Interview

Remarks

Please charge any deficiences or credit any overpayments to deposit account no. 50-5497.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	EDWARDS NEILS PLLC		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards, Esq.		
Date	March 13, 2013	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name		Date	

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OPAP IAP28
MAR 13 2013
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI

Application No.: 10/272,408

Filed: October 16, 2002

Confirmation No.: 1927

Group Art Unit: 3689

Examiner: Tan D. Nguyen

Atty. Dkt. No.: 71457.0004

Customer No.: 13155

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

STATEMENT OF SUBSTANCE OF INTERVIEW

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

Sir:

Applicant's representative thanks Primary Examiner Nguyen for the Notice of Allowance dated March 7, 2013.

On February 28, 2013, Ms. Edwards left a voicemail with Examiner's Supervisor Ms. Janice Mooneyham requesting that claims 10, 13-17, and 25-27 be canceled, based on the Boards decision of February 27, 2013. The Examiner has canceled the claims in the Examiner's Amendment attached to the Notice of Allowance.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-5497.

Applicant also hereby authorizes the USPTO to charge Deposit Account No. 50-5497 for any other fees required to maintain the pendency of this application.

Respectfully submitted,

Jean C. Edwards

Jean C. Edwards
Registration No. 41,728

(13155)
EDWARDS NEILS PLLC
12020 Sunrise Valley Drive, Suite 200
Reston, Virginia 20191
Telephone: 703-466-0150
Facsimile: 703-537-8149
Date: March 13, 2013

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

13155 7590 03/07/2013

Edwards Neils PLLC
12020 Sunrise Valley Drive, Suite 200
Reston, VA 20191

EXAMINER	
NGUYEN, TAN D	
ART UNIT	PAPER NUMBER
3689	

DATE MAILED: 03/07/2013

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	71457.0004	1927

TITLE OF INVENTION: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$885	$300	$0	$1185	06/07/2013

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 SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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)

13155 7590 03/07/2013
Edwards Neils PLLC
12020 Sunrise Valley Drive, Suite 200
Reston, VA 20191

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	71457.0004	1927

TITLE OF INVENTION: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$885	$300	$0	$1185	06/07/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, TAN D	3689	705-001000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

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

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

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

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

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

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

5. **Change in Entity Status** (from status indicated above)
- ❑ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ❑ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	71457.0004	1927

13155 7590 03/07/2013

Edwards Neils PLLC
12020 Sunrise Valley Drive, Suite 200
Reston, VA 20191

EXAMINER	
NGUYEN, TAN D	
ART UNIT	PAPER NUMBER
3689	

DATE MAILED: 03/07/2013

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1161 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1161 day(s).

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

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

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

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.

Applicant-Initiated Interview Summary	**Application No.**	**Applicant(s)**	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	**Art Unit**	
	Dean T. Nguyen	3689	

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

(1) *Dean T. Nguyen*. (3)_____.

(2) *Attorney Jean Edwards*. (4)_____.

Date of Interview: *28 February 2013*.

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

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

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

Claim(s) discussed: *10,13-17 and 25-27*.

Identification of prior art discussed: *None*.

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...)

1) Cancel claims 10, 13-17 and 25-27, based on Board's decision of 2/27/2013.

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

/Dean T Nguyen/ Primary Examiner, Art Unit 3689	

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.

Notice of Allowability	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Dean T. Nguyen	3689	

-- 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 *Examiner's Interview of 2/28/13 and Board Decsions' of 2/27/2013*.

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 *1,5-9,21,22 and 24 (renumbered 1-9, respectively)*. 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).
   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 *20130301* .
5. ☒ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/Dean T Nguyen/
Primary Examiner, Art Unit 3689

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Attorney Jean Edwards on 2/28/2013. The application has been amended as follows:

1) Claims 10, 13-17, and 25-27 are canceled.

3. The following is an examiner's statement of reasons for allowance:

Claims 1, 5-9 (method) and 21, 22 and 24 (method) are allowed for the reasons set forth in the decision from the Patent Trial and Appeals Board (PTAB) dated 2/27/2013.

4. 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."

5. 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 any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

1. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

2. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to **571-273-8300**.
Hand delivered responses should be brought to the
US Patent and Trademark Office Customer Service Window:
Randolph Building
401 Dulany Street
Alexandria, VA 22314.

3. In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov .

4. Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 27**2**-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday. Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham can be reached at (571) 272-6805. The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is (571) 27**3**-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689

Issue Classification

Application/Control No.	Applicant(s)/Patent Under Reexamination
10272408	ALTIERI, FRANCES BARBARO
Examiner	**Art Unit**
DEAN T NGUYEN	3689

CPC

Symbol	Type	Version

CPC Combination Sets

Symbol	Type	Set	Ranking	Version

US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION										
CLASS	SUBCLASS	CLAIMED					NON-CLAIMED					
705	14.4	G	0	6	Q	30 / 00 (2012.01.01)						
CROSS REFERENCE(S)												
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)											
705	14.49	14.12										
463	40											

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 9	
/DEAN T NGUYEN/ Primary Examiner.Art Unit 3689 (Primary Examiner)	03/01/2013 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 5

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10272408	ALTIERI, FRANCES BARBARO
	Examiner	**Art Unit**
	DEAN T NGUYEN	3689

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 9	
/DEAN T NGUYEN/ Primary Examiner.Art Unit 3689 (Primary Examiner)	03/01/2013 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 5

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10272408	ALTIERI, FRANCES BARBARO
	Examiner	**Art Unit**
	DEAN T NGUYEN	3689

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

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1														
2	5														
3	6														
4	7														
5	8														
6	9														
7	21														
8	22														
9	24														

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 9	
/DEAN T NGUYEN/ Primary Examiner.Art Unit 3689 (Primary Examiner)	03/01/2013 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 5

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10272408	ALTIERI, FRANCES BARBARO
	Examiner	**Art Unit**
	DEAN T NGUYEN	3689

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

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

CLAIM		DATE								
Final	Original	07/21/2008	01/05/2009	01/05/2009	10/14/2010	06/02/2011	03/01/2013			
	1	✓	✓	A	✓	A	=			
	2	-	-	-	-	-	-			
	3	-	-	-	-	-	-			
	4	-	-	-	-	-	-			
	5	✓	✓	A	✓	A	=			
	6	✓	✓	A	✓	A	=			
	7	✓	✓	A	✓	A	=			
	8	✓	✓	A	✓	A	=			
	9	✓	✓	A	✓	A	=			
	10	✓	✓	A	✓	A	-			
	11	-	-	-	-	-	-			
	12	-	-	-	-	-	-			
	13	✓	✓	A	✓	A	-			
	14	✓	✓	A	✓	A	-			
	15	✓	✓	A	✓	A	-			
	16	✓	✓	A	✓	A	-			
	17	✓	✓	A	✓	A	-			
	18	-	-	-	-	-	-			
	19	-	-	-	-	-	-			
	20	-	-	-	-	-	-			
	21	✓	✓	A	✓	A	=			
	22	✓	✓	A	✓	A	=			
	23	-	-	-	-	-	-			
	24	✓	✓	A	✓	A	=			
	25	✓	✓	A	✓	A	-			
	26	✓	✓	A	✓	A	-			
	27	✓	✓	A	✓	A	-			
	28	✓	✓	A	-	-	-			

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10272408	ALTIERI, FRANCES BARBARO
	Examiner	Art Unit
	DEAN T NGUYEN	3689

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
705	14.4, 14.49, 14.12	3/1/2013	DTN
463	40	3/1/2013	DTN

SEARCH NOTES		
Search Notes	Date	Examiner
See Search Notes attached and Search Notes (SRNT) during prosecution from 2004-2011.	3/1/2013	DTN

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
	705/14.4, 14.49, 14.12	3/1/2013	DTN
	463/40	3/1/2013	DTN

	/DEAN T NGUYEN/ Primary Examiner.Art Unit 3689

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	83758	integrat$4 same (business or ad?? or advertising??)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 13:52
L2	708689	game or gaming or games	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 13:53
L3	9691	l1 and l2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 13:53
L4	122827	during same (game or games or gaming or playing)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 13:53
L5	1780	l3 and l4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 13:53
L6	30205	(electronic near10 device) near10 game	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 13:54
L7	215	l5 and l6	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 13:54
L8	57505	automatic$4 near15 integrat$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 13:55
L9	968	automatic$4 near15 (re adj5 direct$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 13:56
L10	33	l7 and l8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 13:56
L11	19	l8 and l9	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 13:56
L12	0	altieri-barbaro-f.in.	USPAT	OR	OFF	2013/03/01 13:59
L13	0	altieri-barbaro-f.IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 14:00
L14	0	altieri-frances-b.IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 14:01
L15	16	altieri-f$.IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/01 14:02

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L16	4	altieri-f$.IN.	USPAT; UPAD	OR	ON	2013/03/01 14:02
L17	32209	integrat$4 same (business or ad?? or advertising??)	USPAT; UPAD	OR	ON	2013/03/01 14:02
L18	140852	game or gaming or games	USPAT; UPAD	OR	ON	2013/03/01 14:03
L19	89204	"l1" and "l2"	USPAT; UPAD	OR	ON	2013/03/01 14:03
L20	37712	during same (game or games or gaming or playing)	USPAT; UPAD	OR	ON	2013/03/01 14:03
L21	23406	"l3" and "l4"	USPAT; UPAD	OR	ON	2013/03/01 14:03
L22	23406	"l3" and "l4"	USPAT; UPAD	OR	ON	2013/03/01 14:03
L23	7635	(electronic near10 device) near10 game	USPAT; UPAD	OR	ON	2013/03/01 14:04
L24	9637	"l5" and "l6"	USPAT; UPAD	OR	ON	2013/03/01 14:04
L25	21046	automatic$4 near15 integrat$4	USPAT; UPAD	OR	ON	2013/03/01 14:04
L26	214	automatic$4 near15 (re adj5 direct$4)	USPAT; UPAD	OR	ON	2013/03/01 14:04
L27	4822	"l7" and "l8"	USPAT; UPAD	OR	ON	2013/03/01 14:04
L28	4822	"l7" and "l8"	USPAT; UPAD	OR	ON	2013/03/01 14:05
L29	3605	"l8" and "l9"	USPAT; UPAD	OR	ON	2013/03/01 14:05
L30	140852	l18 and l18	USPAT; UPAD	OR	ON	2013/03/01 14:05
L31	27661	l20 and l30	USPAT; UPAD	OR	ON	2013/03/01 14:05
L32	1907	l23 and l31	USPAT; UPAD	OR	ON	2013/03/01 14:06
L33	14	l25 and l32	USPAT; UPAD	OR	ON	2013/03/01 14:06
L34	0	l26 and l33	USPAT; UPAD	OR	ON	2013/03/01 14:06

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L34	0	l26 and l33	USPAT; UPAD	OR	ON	2013/03/01 14:06

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	71457.0004	1927

13155 7590 02/27/2013

Edwards Neils PLLC
12020 Sunrise Valley Drive, Suite 200
Reston, VA 20191

EXAMINER	
NGUYEN, TAN D	

ART UNIT	PAPER NUMBER
3689	

NOTIFICATION DATE	DELIVERY MODE
02/27/2013	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

Ex parte FRANCES BARBARO ALTIERI

Appeal 2011-013104
Application 10/272,408
Technology Center 3600

Before, JOSEPH A. FISCHETTI, MICHAEL W. KIM and NINA L. MEDLOCK, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1, 5-10, 13-17, 21, 22 and 24-27. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

A hearing was held on February 4, 2013, in which arguments were heard.

SUMMARY OF DECISION

We AFFIRM-IN-PART.

THE INVENTION

Appellant claims a system and method of presenting business-related content into a computer game. (Spec., p. 1 ll. 5-7).

Claim 1, reproduced below, is representative of the subject matter on appeal.

> 1. A method of integrating business-related content over a computerized network, into a primary electronic device that accesses a game application, from at least one secondary
>
> electronic device that accesses business-related content on a plurality of web pages, the method comprising:
>
> receiving a request at said primary electronic device to initiate a locally executed game application that is accessible at said primary electronic device, from a user interfaced with said network;
>
> initiating said game application at said primary electronic device;

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said locally executed game application during execution of said game application;

automatically re-directing said user to one of said web pages of said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application; and

executing a user action on said business-related content from said secondary electronic device.

THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Czepluch	US 2003/0069832 A1	Apr. 10, 2003
Young	US 6,669,564 B1	Dec. 30, 2003
Adams	US 7,025,674 B2	Apr. 11,2006

The following rejections are before us for review.

The Examiner rejected claims 1, 5-10, 13-17, 21, 22 and 24-27 under 35 U.S.C. § 103(a) over Czepluch and Young.

The Examiner rejected claims 1, 5, 8, and 9 under 35 U.S.C. § 103(a) Czepluch, Young, and Adams.

The Examiner rejected claims 10, 13 and 14 under 35 U.S.C. § 103(a) Czepluch, Young, and Adams.

The Examiner rejected claims 16 and 17 under 35 U.S.C. § 103(a) Czepluch, Young, and Adams.

FINDINGS OF FACT

1. We adopt the Examiner's findings as set forth on pages 6-25 of the Answer.

2. Czepluch discloses:

> FIG. 4 illustrates different embodiments of on-line games. FIG. 4a shows a puzzle. Each game field 39 of an individual catalog page 35 only contains a fraction of the puzzle items (here only one puzzle item 41) to be collected and assembled to a complete puzzle 42. Upon clicking onto a puzzle item 41, it is virtually transferred into a puzzle field 43 in the game master page 34. Clicking on a puzzle item 41 in a catalog page 35 implies the activation of hyperlink to the game master page 34 so that it is loaded and the customer can immediately try to match the clicked puzzle item 41 with other already-collected puzzle items 41, for example by dragging it with a pointing device (e.g. a mouse) within the puzzle field 43. The replay functionality can be implemented in alternative ways: for example, the user can be required to play the puzzle game several times and to complete the puzzle 42 each time he plays. Preferably, the puzzle is varied from game-playing session to game-playing session in order to make the repeated playing more exciting and to avoid habitual effects. Alternatively, the number of puzzle items 41 collectable per game-playing session could be limited (for example to one item per game-playing session). Then, in order to get the reward, the customer has to play that number of times which is necessary to collect all puzzle items 41 (in the above example, he would have to play n times, wherein n corresponds to the total number of puzzle items 41 in the puzzle 42).

Para. [0051].

ANALYSIS

We affirm the rejection of claims 10, 13-17, and 25-17; and reverse as to claims 1, 5-9, and 21-23.

Each of independent claims 1, 21, requires:

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said locally executed game application during execution of said game application.

The Examiner found with respect to this limitation that:

> [T]he feature of "automatically integrating said content" is inherently included in the teachings above for the customer to play the game *"must visit"* which requires "automatically integrating" and the user *"becomes aware"* or "in contact" with the *"goods and/or services"*. In other word[s], without "automatically integrating" feature, the customer would not (does not have to) visit the Web pages with information about the goods and/or services as indicated above, which is what CZEPLUCH tries to avoid since it makes no profit by letting the customer play games alone but by automatically forcing the game player to visit product web pages.

(Answer 12).

We disagree with the Examiner because we find that distributing game elements over several different Web pages of a Web store so that the user has to visit different pages in order to play a game is not the same as *automatically integrating business-related content from at least one of said*

web pages of said secondary electronic device into said locally executed game application during execution of said game application, because integration in Czepluch is effected by physical operation of the user and is thus not automatic, e.g., having a self-acting or self-regulating mechanism.

Since claims 5-9, and 22, 24 depend from independent claims 1 and 21, respectively, and since we cannot sustain the rejection of claims 1 and 21, the rejection of the dependent claims likewise cannot be sustained.

Independent claims 10, 15, 16, 21, and 25-27[1] however do not contain the *automatically integrating business-related content* limitation listed above, but contain the limitation of *automatically re-directing said user to one of said web pages of said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.*

Here, we agree with the Examiner that Czepluch discloses the automatic re-directing feature with respect to Figure 4[2]. In this embodiment we find that the act of clicking on the puzzle item activates the associated link (as part of a game related action- puzzle assembly) redirecting the user from the catalog page to the game page. (FF 2). We find no error in the Examiner's

---

[1] The phrase "is capable" used for example in claims 26 and 27 does not equate to the same positive language used to cover the automatically integrating feature recited in claim 1.

[2] Czepluch discloses only in the context of its disclosure concerning Figure 3 that there are no hyperlinks between the game page and product page.

finding that Czepluch discloses a primary device at the customer's web browser 2 and the secondary device as the web server 4 (Answer 9). We find any variation in the direction of the redirection from one device to another is a predictable variation of known network data traffic patterns. "When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or in a different one. If a person of ordinary skill in the art can implement a predictable variation, § 103 likely bars its patentability." *KSR Int'l v. Teleflex Inc.*, 550 US 398, 417 (2007).

Concerning independent claims 25, 26 and 27 we agree with the Examiner (Answer 7) that the use of the words "capable of" in association with the *automatically integrating* limitation reduces the claim requirement to one of a showing in the art of only requiring a device capable of performing the automatically integrating function. *See In re Schreiber*, 128 F.3d 1473, 1479 (Fed. Cir.1997) As such, we find with the Examiner that that web server 4 in Czepluch used in conjunction with the web page generator would be capable of automatically integrating content from web pages, especially given Czepluch discloses the use of a cookie in which customer identifying data is tracked and would be capable of automatically integrating like content from web pages using known user preferences.

We also affirm the rejections of dependent claims 13, 14 and 17, since Appellant has not challenged such with any reasonable specificity (see *In re Nielson*, 816 F.2d 1567 (Fed. Cir. 1987)).

CONCLUSIONS OF LAW

We conclude the Examiner did not err in rejecting claims 10, 13, 14, 15, 16, 17, 25-27.

We conclude the Examiner did err in rejecting claims 1, 5-9, 21, 22, 24.

DECISION

AFFIRMED-IN -PART.

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RESTON, VA
20191

Appeal No:	2011-013104
Appellant:	Frances Barbaro Altieri
Application No:	10/272,408
Hearing Room:	A
Hearing Docket:	B
Hearing Date:	Monday, February 04, 2013
Hearing Time:	09:00 AM
Location:	Madison Building - East Wing 600 Dulany Street, 9th Floor Alexandria, Virginia 22313-1450

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Paul D Neils — 12-14-12 — Reg. 33,102

Signature of Attorney/Agent/Appellant — Date — Registration No.

Names of other visitors expected to accompany counsel: Jean C. Edwards, Esq., Reg. # 41,728

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001

CONFIRMATION NO. 1927

POWER OF ATTORNEY NOTICE

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VIENNA, VA 22182-2683

OC000000050210399

Date Mailed: 10/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/26/2011.

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

/snguyen/

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10/272,408	10/16/2002	Frances Barbaro Altieri	71457.0004

CONFIRMATION NO. 1927

13155
Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston, VA 20190

POA ACCEPTANCE LETTER

OC000000050210492

Date Mailed: 10/06/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/26/2011.

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

/snguyen/

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

OPAP
SEP 26 2011
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PTO/SB/81 (01-09)
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POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Title	SYSTEM AND METHOD FOR INTEGRATING...
Art Unit	3689
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith: 13155

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

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

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

OR

☒ The address associated with Customer Number: 13155

OR

☐ Firm or Individual Name	
Address	
City / State / Zip	
Country	
Telephone / Email	

I am the:

☒ Applicant/Inventor.

OR

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature		Date	9/20/11
Name	Frances Barbaro Altieri	Telephone	617-699-2721
Title and Company			

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Sent By: TZ; 6179933311 ; Sep-22-11 9:46AM; Page 1/1

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3689
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☑ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

Remarks

- Please charge any fees or credit any overpayments to Deposit Account No. 50-5497.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Edwards Neils PLLC		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards		
Date	September 26, 2011	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name		Date	

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 09/13/2011

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

EXAMINER	
NGUYEN, TAN D	
ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
09/13/2011	PAPER

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.

United States Patent and Trademark Office

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

Appeal No: 2011-013104
Application: 10/272,408
Appellant: Frances Barbaro Altieri

Board of Patent Appeals and Interferences
Docketing Notice

Application 10/272,408 was received from the Technology Center at the Board on September 06, 2011 and has been assigned Appeal No: 2011-013104.

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

The facsimile number of the Board is 571-273-0052. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 571-272-9797 and referencing the appeal number listed above.

By order of the Board of Patent Appeals and Interferences.

OPAP IAP15 AUG 0 3 2011 PATENT & TRADEMARK OFFICE

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REQUEST FOR ORAL HEARING
BEFORE
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional): 71457.0004

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Signature _____

Typed or printed name _____

In re Application of
Frances Barbaro ALTIERI

Application Number	Filed
10/272,408	October 16, 2002

For SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT

Art Unit	Examiner
3689	Tan D. NGUYEN

Applicant hereby requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.

The fee for this Request for Oral Hearing is (37 CFR 41.20(b)(3)) $ previously paid July 6, 2009

☑ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ previously paid July 6, 2009

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☑ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____.

☐ A petition for an extension of time under 37 CFR 1.136(b) (PTO/SB/23) is enclosed. For extensions of time in reexamination proceedings, see 37 CFR 1.550.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☑ attorney or agent of record. Registration number 41,728.

☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____

Paul D. Tellalian Reg. 33,102
Signature

for Jean C. Edwards
Typed or printed name

August 3, 2011
Date

703-871-5204
Telephone number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 41.20(b)(3). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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BEFORE
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional): 71457.0004

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Signature _____

Typed or printed name _____

In re Application of
Frances Barbaro ALTIERI

Application Number	Filed
10/272,408	October 16, 2002

For SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT

Art Unit	Examiner
3689	Tan D. NGUYEN

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☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____

Paul J. Jeib Reg. 33102
Signature

for Jean C. Edwards
Typed or printed name

August 3, 2011
Date

703-871-5204
Telephone number

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TRANSMITTAL FORM

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Total Number of Pages in This Submission	

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3689
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
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  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
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- ☐ Reply to Missing Parts/ Incomplete Application
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- ☐ Status Letter
- ☑ Other Enclosure(s) (please Identify below):
  - Request for Oral Hearing.

Remarks

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Edwards Neils PLLC		
Signature	Paul S. Neils Reg. No. 37,102		
Printed name	for Jean C. Edwards		
Date	August 3, 2011	Reg. No.	41,728

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 06/07/2011

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

EXAMINER	
NGUYEN, TAN D	
ART UNIT	**PAPER NUMBER**
3689	

MAIL DATE	DELIVERY MODE
06/07/2011	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/272,408
Filing Date: October 16, 2002
Appellant(s): ALTIERI, FRANCES BARBARO

Jean C. Edwards
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/25/2011 appealing from the Office action mailed 1/26/2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 5-10, 13-17, 21, 22 and 24-27.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,669,564	YOUNG ET AL.	12-2003
7,025,674	ADAMS ET AL.	4-2006
2003/0069832	CZEPLUCH	4-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Status

1. Claims 1, 5-10, 13-17, 21-22 and 24-27 are pending. They comprise of the following groups:

1) method: 1, 5-9;

2) method: 10, 13-14;

3) system: 15;

4) method: 16-17.

5) method: 21-22, 24;

6) system: 25;

7) system: 26; and

8) article/computer readable medium (CRM): 27;

Claims canceled: 2-4, 11-12, 18-20, 23 and 28.

Claims 21-22, 24 appear to be the broadest claim set ("application" vs. "game application" in other sets of independent method claims 1, 10 and 16) and will be addressed first.

As of July 13, 2010, claim 21 is as followed:

21. (Previously Presented) A method of automatically integrating content into an electronic device over a computerized network, comprising:

a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network;

b) initiating said at least one of said plurality of applications at said primary electronic device;

c) providing at least one customized web page at a secondary electronic device, accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

d) automatically integrating said content from said secondary electronic device into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

e) automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content.

Note: for convenience or reference purpose, letters (a)-(f) are added to the beginning of each step.

Principles of Law/Interpretations

2. Independent claims 15, 25 and 26 are (appears to be) an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See (1) MPEP 2114. (2) *In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997*). Apparatus claims cover what a device is, not what a device does, i.e. "device which acts or performs ...". (3) *Hewlett-Packard Co. vs. Bausch & Lomb Inc. (Fed. Circ. 1990).* Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. (4) *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

In independent claims 15 and 25, the use of "method steps" in all/most of the system elements such as "device that accesses", "initiating", "providing", "can be immersed", "accessing", "being …re-directed", "is exposed", "being integrated", "is performed", "generating", and "communicates", and "performed", etc., are considered as "manner" of operating the device or elements, and may not carry much patentable weight as indicated above. They are not functions, since the claim format are not in

"means plus function" format or other apparatus format such as "a processor is configured to …" format. These are not "elemental structures" required in an apparatus claim. Also the term "*being capable* of" in the "2nd electronic device" is broad limitation which the reference only needs to be "capable of" performing the functions and not necessarily have the exact structures.

Also, this is an apparatus claim and intended use limitation for the system/device or apparatus, i.e. "processor for running the program" in claim 26 may not carries any patentable weight. A proper language should be "a processor is configured to … (run the program or to carry out the following steps)". Also, phrase such as "program that is executable to perform the steps of" does not appear to be the proper format for an apparatus claim as shown in claim 26.

In independent claim 10, the term "enable" clause: "enabling the user to earn…" basically reads "permits/allows the user to do a task" and wherein the "task" is "to earn a benefit". In other word, "permitting/enabling an action" is different from actually "performing an action". "Enabling", "causing" or "permitting" only requires "serving as the reason" for an "action" though, not necessarily performing the action. This can be done by issuing commands or orders, or entering into contracts. So even though the entity may do something later with the equipment that is in the technological arts, the positively recited steps of merely "enabling" can be done without operating the equipment and is not in the technological arts. Variations on this theme have been seen in other cases, using terms like "allowing" or "permitting" an action, e.g. "allowing a user to search a database". Again, these functions (elements or steps) are distinct

from actually doing the action, e.g. "modifying the input data..." and the current claim language has no such function or structural element calling for "**earning** a benefit".

Claim Rejections - 35 USC § 103

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

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

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 21-22, 24 (method[1]), 25 (system), 26 (system), 27 (product/CRM), 1, 5-9 (method[2]), 10, 13-14 (method[3]), 15 (system), and 16-17 (method[4]) are rejected under 35 U.S.C. 103(a) as obvious over CZEPLUCH in view of YOUNG ET AL.

As for independent claim 21, CZEPLUCH discloses a method of automatically integrating business content into an application (game) of an electronic device over a computerized network, comprising:

{see par. [0005 "*on-line games may be another powerful advertising and marketing..."**Advergaming** be the Future of Ineteractive advertising...*"]}

a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network;

{see Figs. 1, 2, paragraphs [0037"*response to a customer's request…*"], [0041 "*Web server 4 receives HTTP requests from the customer's Web browser 2 and returns HTTP responses in the form of documents which can be loaded, processed and displayed by the recipient…*,], [0042], and [0045 "*In Step S1 a request is received from a customer indicating that he wants to play the on-line game…*"]}

b) initiating said at least one (or 1) of said plurality of applications at said primary electronic device;

{see Figs. 1, elements 2, 3, 4, and Fig. 4, pars. [0023 "*The **on-line game** may partly **be loaded** and **executed on the customer's local host** in **his web browser**…*"], and [0024]}

c) providing at least one customized web page at a secondary electronic device, accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

{see Figs. 1, element 1 (Web server system), element 4 (Web server) which reads over "2nd electronic device", element 17 "***Web page generation***", Figs. 3, 4a, 4b, pars. [0011"*The **Web pages are to be sent to the customer** over the Internet…*"], [0023 "…*The game may be embedded directly in the **Web pages forming the web***

store *(for example, in the* ***Web store's catalog of products and/or services)****…..*], [0024"*…a* ***game the elements of which are distributed over several different Web pages of the Web store*** *so that the* ***user has to visit different pages in order to play the game****. Thereby, the customer may be led to visit Web pages which he would not visit otherwise. This enhances the probability that* ***the user becomes aware of additional goods and/or services offered in the on-line store*** *without actively requesting such offers, which corresponds to a* ***push advertisement****. ...By changing the* ***Web pages the playing customer must visit****, ...The selection of the Web sites that the playing customer must visit can also be made customer-specific according to a known customer's profile...*"], and especially [0042"*...The web page generation component 17 assembles… and* ***generates the Web pages to be sent to the customer's Web browser 2****…*"],

[0037 "*..****Web pages representing the store****, which are sent to a customer as a response to a customer's request together with a store functionality inherent in these pages…****a catalog of goods and/or services for sales****; it enables the supplier and the customer to agree on a sale****…; it enables a completion of the agreed sale by payment and transfer or fulfillment of the bought goods or services****…, the on-line store also has the above-described game functionality and comprises one or more separate game related* ***Web pages and/or has included game-related content*** *in the above-mentioned catalog and other pages of the Web store...*"]

d) automatically integrating said content from said secondary electronic device into said at least one (or 1) of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

{see Fig. 2, Fig. 3, elements 34, 35a ,"PRODUCT 1", elements 36, 37, 39a "GAME ELEMENT 1", and

pars. [0012 "*providing an **on-line game to be played** within an, or **linked to, an on-line store**…"], [0023 "…The **game may be embedded** directly in the **Web pages forming the web store** (for example, in the **Web store's catalog of products and/or services**)…..], [0024"…a **game the elements of which are distributed over several different Web pages of the Web store** so that the **user has to visit different pages in order to play the game**. Thereby, the customer may be led to visit Web pages **which he would not visit otherwise**. This enhances the probability that **the user becomes aware of additional goods and/or services offered in the on-line store** without actively requesting such offers, which corresponds to a **push advertisement**. ...By changing the **Web pages the playing customer must visit**, ...The selection of the Web sites that the playing customer must visit can also be made customer-specific according to a known customer's profile..."], [0025],

[0037 "..**Web pages representing the store**, which are sent to a customer as a response to a customer's request together with a store functionality inherent in these pages…**a catalog of goods and/or services for sales**; it enables the supplier and the customer to agree on a sale**…; it enables a completion of the agreed sale by**

payment and transfer or fulfillment of the bought goods or services*..., the on-line store also has the above-described game functionality and comprises one or more separate game related* ***Web pages and/or has included game-related content*** *in the above-mentioned catalog and other pages of the Web store...*"]

[0052 "…***the association between the game and the e-commerce contents*** *to which the customer should be attracted can even be enhanced* ***by mixing the game items with the e-commerce contents.... For example, in Fig. 4b the items 44 and 45 are spread over or even hidden among the catalog-page contents.****..*"}

Therefore, the feature of "automatically integrating said content" is inherently included in the teachings above for the customer to play the game "***must visit***" which requires "automatically integrating" and the user "*becomes aware*" or "in contact" with the "*goods and/or services*". In other word, without "automatically integrating" feature, the customer would not (does not have to) visit the Web pages with information about the goods and/or services as indicated above, which is what CZEPLUCH tries to avoid since it makes no profit by letting the customer play games alone but by automatically forcing the game player to visit product web pages.

e) automatically re-directing said user (customer) to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

{see Fig. 1, Fig. 2, Fig. 3 "pars. [0023], [0024 "…*a* ***game the elements of which are distributed over several different Web pages of the Web store*** *so that the* ***user has to visit different pages in order to play the game***. *Thereby,* ***the customer may be led to visit Web pages*** *which he would not visit otherwise. This enhances the probability that* ***the user becomes aware of additional goods and/or services offered in the on-line store*** *without actively requesting such offers, which corresponds to a* ***push advertisement***. *...By* ***changing the Web pages the playing customer must visit****,...that the* ***customer will gather new product information is enhanced***. *The selection of the Web sites that the playing customer must visit can also be made customer-specific according to a known customer's profile...*"],

[see par. [0038 "*the* ***relevant part of the Web store and game functionality, remains on the server side****...the question whether a certain article on sale is currently available is not decided locally on the customer's browser since.... Rather, when the user selects an item, ...it will then be figured out on the* ***server's side****....Similarly, data regarding....on* ***the server's side***..."]}

As for the feature of "automatically redirecting said user (customer) to one of the Web page" is inherently included in the teachings above for the customer to play the game "***must visit***" the "Web pages of the Web store" which requires "automatically re-directing" and the user "*gather new product information*" or "*becomes aware*" or "in contact" with the "goods and/or services" which read over "content". In other word, without "automatically integrating" feature, the customer would not (does not have to) visit the Web pages with information about the goods and/or services as indicated

above, which is what CZEPLUCH tries to avoid since it makes no profit by letting the customer play games alone but by automatically forcing the game player to visit product web pages. sit the Web pages as indicated above, which is what CZEPLUCH tries to avoid. These features also taught in pars. [0038] as cited above, and [0042-0043], [0047-0048] which describes the operations of Fig. 1 and Fig. 2 and other functions related to Web pages and on the 2nd electronic device such as (2) "rewarding component" , (21) "pricing component", (22) order manager", (23) "payment hander", etc. which teaches/includes the features of "automatically re-directing said user…".

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit (reward) for said user relating to said content.

{see pars. [0006 "*Web store… provides an on-line game in the form of a "treasure hunt": The* ***customer has to find "coins" which are distributed over the several Web pages of the Web Store****. If the customer finds a certain number of coins, he or she* ***can take part in a quiz****. If the customer* ***completes the quiz*** *successfully, he* ***wins a prize which may be one of the Web store's products****.."],

[0026 "*reward may be a prize, …, in the form of money, a thing or a service…is a rebate on one or more items offered in the web store. This binds the customer more strongly to the Web store.*"],

[0027…"*the game has to be played repeatedly by the customer in order to get the reward…*"],

[0039 "***a server computer system****... a game component, a customer can play the on-line game and can get a reward or a prospect of a reward..*"], and Fig. 5 and pars. [0054-0056]}

CZEPLUCH fairly teaches the claimed invention except for expressively disclosing the initiating of the application (game) locally at the user's device (step b "initiating") and the respective "locally executed application" in step (c "integrating…"). Note on par. [0023 "*The* ***on-line game*** *may partly* ***be loaded*** *and* ***executed on the customer's local host*** *in* ***his web browser****…*"], so the concept of executing the application (game) "locally" at the user's terminal also appears to be taught by CZEPLUCH.

In a similar system for communicating with the user through the Internet for delivering application (content) to a user upon a user's request, **YOUNG ET AL** fairly teaches the two application delivering/accessing techniques:

1) the user can down load the application (episode 416) and play the application (episode 416) on the user's terminal 416 {see col. 9, lines 50-60} and a "technology shell" 432, stored in the user's terminal to enable the viewing and playing of the application (episode) at the user's terminal, in order to provide ease of use; and/or

2) the user can access the application (episode 416) at the centralized server 400 through an Internet connection. The user maybe required to submit a user ID and password, the server 400 verifies the password and user ID and allows the user to access the episode using a specified "access window" with specific time frame {see col.

10, lines 1-25, and col. 11, lines 5-11}. "*In this embodiment, the user terminal 428 are not required to store the episodes 416 or shell 432, but need only to access the server through a web browser, or the like, to access the application (episodes 416*)" {see col. 11, lines 7-11}.

In view of the teachings above, it appears that the benefits for locally executing the applications at the user electronic device (computer) vs. accessing the remote server for execution of the application are: no restriction for executing the application at the user primary electronic device (user computer), no payment of fee for accessing the application, no submission of user ID and password for executing the application on the remote server, and no restriction of period of time (specified time only) or group user only for access at the remote server (Fig. 4, server 400) {see col. 9, line 9-40, especially lines 50-67 and col. 10, lines 1-43}. In other word, the user can execute the application at any time, at no additional cost and not worrying about the user ID and password.

Therefore, it would have been obvious to modify the application accessing of CZEPLUCH by downloading the application and initiate the application (episode) locally at the user's terminal (primary electronic device) in step (b) as taught by YOUNG ET AL. for at least one of the general benefits cited above, i.e. "ease of use", without being affected by the operation of the remote server.

As for the feature of "locally executed application" in step (c "integrating…"), this is inherently included in the combination of CZEPLUCH /YOUNG ET AL. when the application (game) is initiated after "downloading the application" at the user's terminal (primary electronic device).

As for dep. claim 22 (part of 21 above) which deals with features of web page content, i.e. dynamic, this is taught in CZEPLUCH on pars. [0038 "…***dynamic appearance of the Web pages***...."] or YOUNG ET AL col. 3, lines 15-45, col. 4, lines 10-27.

As for dep. claim 24 (part of 21 above), which deals with the type or features of the application, this appears to be non-essential to the scope of the claimed invention and furthermore, it's fairly taught in CZEPLUCH Figs. 4a and 4b, [0051-0052] or YOUNG ET AL col. 4, lines 15-25 "… *new 3D rendering schemes*, …". Clearly, a more realistic video games with 3-D visualization would provide an environment wherein the player is immersed in the game like a real environment and would have been obvious to do so to improve game playing effectiveness. Alternatively, Official notice is taken that it is old and well known in the gaming art to get the player immersed in the game by using a virtual reality platform having a three-dimensional visualization. It would have been obvious to one of ordinary skill in the gaming art at the time of the applicant's invention to include a virtual reality platform having a three-dimensional visualization for the benefit cited above.

As for independent system claim 26 which is basically the system to carry out the independent method of claim 21 above, it's rejected over the system of the system of CZEPLUCH on Figs. 1 and 3 and YOUNG ET AL Figs. 4 and 5 (or vice versa) for carrying out the respective steps in the rejections of claim 21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

Also, this is an apparatus claim and intended use limitation for the system/device or apparatus, i.e. "processor for running the program" in claim 26 may not carries any patentable weight. A proper language should be "a processor is configured to … (run the program or to carry out the following steps)". Also, phrase such as "program that is executable to perform the steps of" does not appear to be the proper format for an apparatus claim as shown in claim 26.

As for independent system claim 25 which is basically the system to carry out the independent method of claims 21 and 24 above, it's rejected over the system of the system of CZEPLUCH on Figs. 1 and 3 and YOUNG ET AL Figs. 4 and 5, for carrying the respective steps in the rejections of claims 24/21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 24/21 would have been obvious to a skilled artisan.

As shown above, in independent claim 25, the use of "method steps" in all/most of the system elements such as "device that accesses", "initiating", "providing", "can be immersed", "accessing", "being …re-directed", "is exposed", "being integrated", "is performed", "generating", and "communicates", and "performed", etc., are considered as "manner" of operating the device or elements, and may not carry much patentable weight as indicated above. They are not functions, since the claim format are not in "means plus function" format or other apparatus format such as "a processor is configured to …" format. These are not "elemental structures" required in an apparatus claim. Also the term "*being capable* of" in the "2nd electronic device" is broad limitation

which the reference only needs to be "capable of" performing the functions and not necessarily have the exact structures.

As for independent article claim 27 which is basically the non-transitory computer-readable medium to carry out the independent method of claim 21 above, it's rejected over the computer-readable medium inherently included in the system of CZEPLUCH Figs. 1 and 3 or YOUNG ET AL as shown on Figs. 4 and 5 and for carrying the respective steps in the rejections of claim 21 described above. Alternatively, the set up of a computer-readable medium to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent method claim 1, which has similar limitation as in independent method claim 21 above but wherein the type of application is a game application and the content is a business-related content, these are fairly taught in CZEPLUCH [0009-0012] or YOUNG ET AL cols. 2-3.

As for dep. claim 5 (part of 1 above), which appears to deal with a user purchases an item related to the content, this is taught in pars. [0026.."reward is a rebate on one or more items offered in the Web store..", [0037 "..sales.."], [0043], [0048].

As for dep. claim 6 (part of 1 above), which deals with the type of business-related content, this is non-essential to the scope of the claimed invention and would have been obvious to select any type, brand or generic since this is not critical. Furthermore, it's fairly taught in CZEPLUCH in [0038], and [0052].

As for dep. claim 7 (part of 6/ 1 above) which deals with features of content, i.e. dynamic, this is taught in YOUNG ET AL col. 3, lines 20-45, col. 12, lines 1-10 "updated" or CZEPLUCH's general teaching of "updating data" on para. [0036].

As for dep. claims 8-9 (part of 1 above), which deal with managing the user/player transactions profiles for potential business/marketing, these are taught in Figs. 1-2, pars. [0039, 0043].

As for independent method claim 10, which has similar limitation as in independent method claims 1 and 4 above but wherein the type of application is a game application and the content is a business-related content, these are fairly taught in YOUNG ET AL cols. 2-3 or CZEPLUCH [0009-0012].

As for dep. claim 13 (part of 1 above), which deals with the well known parameters of the benefit/reward, calculated in real-time, this is taught in CZEPLUCH pars. [0027-0033, 0036, 0039 "…***update the customer's profile data***..". Alternatively, the use of "real time" data would have obvious to improve data accuracy.

As for dep. claim 14 (part of 1 above), which deals with the well known parameters of the benefit/reward, using the benefit during game, this is taught in CZEPLUCH par. [0026 "the reward is a rebate on one or more items offered in the Web store….".

As for independent system claim 15, which is basically the system to carry out the independent method of claim 1 and dep. claim 24 above, it's rejected over the system of the system of YOUNG ET AL as shown on Figs. 4 and 5 and CZEPLUCH Figs. 1 and 3 or vice versa for carrying the respective steps in the rejections of claims 1

and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 1 and 24 would have been obvious to a skilled artisan.

As shown above, in independent claim 15, the use of "method steps" in all/most of the system elements such as "device that accesses", "initiating", "providing", "can be immersed", "accessing", "being …re-directed", "is exposed", "being integrated", "is performed", "generating", and "communicates", and "performed", etc., are considered as "manner" of operating the device or elements, and may not carry much patentable weight as indicated above. They are not functions, since the claim format are not in "means plus function" format or other apparatus format such as "a processor is configured to …" format. These are not "elemental structures" required in an apparatus claim. Also the term "*being capable* of" in the "2nd electronic device" is broad limitation which the reference only needs to be "capable of" performing the functions and not necessarily have the exact structures.

As for independent method claim 16, which is basically the combination of independent method claim 1 and dep. claim 24 above, it's rejected over combination of the rejections of claims 1 and 24 as cited above.

As for dep. claim 17 (part of 16 above), which deals with the type of business or location of each provided virtual reality platform, this appears to be non-essential to the scope of the claimed invention and since it does not further limit the steps of claim 16 above, i.e. providing or initiating or red-directing but merely discusses well known type of business models such as "franchise" such as "McDonald" or "Kinko" store or "owned"

location/store. Furthermore, this is taught in YOUNG ET AL col. 4, lines 20-27, col. 13, lines 20-40. Since it's well known to a skilled artisan that any type of business can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious to select a well known business model such as "franchised" for marketing/selling a product/service if desired as mere selection of well known business operation model such as franchised or owned store.

6. Dependent claims 5, 8-9 are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH in view of YOUNG ET AL as applied to claims 1, 5-9 above, and further in view of ADAMS et al.

In general, In a similar for integrating content into an electronic device over a computerized network and awarding and redeeming incentive (promotional points) in an electronic game, ADAMS et al fairly teaches {see col. 5, lines 42-67, col. 6, lines 1-9, "..*players may accumulate promotional points by simply allowing themselves to be exposed to sponsor advertising material*...", for the benefits that the player can exchange the promotional points/incentives for goods or services by patronizing particular stores or buy particular products they may not have chosen without such incentive {see col. 9, lines 1-9} or becomes familiarized with the sponsor's products, websites, and learns how to buy merchandise using the sponsor's normal product or service purchase procedure. Moreover, the player is educated about the sponsor's and its product offering, is more likely to return directly to a sponsor's website for other purchases, and less likely to go to a competing merchant whose website may be

unfamiliar and thus more intimidating when purchase on line in the future { especially col. 16, lines 18-35}}. Note also the new added limitation of "providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application" submitted on 9/13/07, this is also taught in ADAMS et al as shown in Fig. 6, or col. 15, lines 45 to col. 16, line 32, col. 18, lines 1-42, which deals with hyperlinking or linking to website or web page of Sponsor (Fig. 6, 88) where the player can interact with the advertising materials and others. As for the limitation "customized", it's inherently included in the website/webpage of ADAMS et al. Furthermore, this is a relative term and no further limitation is shown, i.e. "customized to what? The selection of any customized features on the website or webpage of the sponsor is fairly taught in col. 18, lines 20-42, and would have been obvious to a skilled artisan customize the site as desired to meet the needs of the player.

As in dep. claim 5 (part of 2/1 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET AL to include other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., as taught by ADAMS

As for dep. claims 8-9 (part of 1 above), which deals with the other type of business-related content, these is non-essential to the scope of the claimed invention and are fairly taught in ADAMS et al col. 16-col. 18., lines 40-65.

7. Dependent claims 13-14 are rejected (2nd) under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL as applied to claim 10, 13-14, above, and further in view of ADAMS et al.

As in dep. claims 13-14 (part of 10 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET AL to include other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., as taught by ADAMS

8. Dependent claim 17 is rejected (2nd) under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL as applied to claims 16-17 above, and further in view of ADAMS et al.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform.

Furthermore, this is taught in YOUNG ET AL col. 4, lines 20-27, col. 13, lines 20-40. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET Al to provide each virtual platform at a franchise location for selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

(10) Response to Argument

1) In response to applicant's argument on pages 23-24 that the references, CZEPLUCH/YOUNG ET AL fails to teach the feature of "automatically integrating", this is not persuasive in view of the teaching of CZEPLUCH on par. [0012, 0037, 0052] as shown in the above rejection:

{see Fig. 2, Fig. 3, elements 34, 35a ,"PRODUCT 1", elements 36, 37, 39a "GAME ELEMENT 1", and

pars. [0012 "*providing an **on-line game to be played** within an, or **linked to, an on-line store**…*"], [0023 "…*The **game may be embedded** directly in the **Web pages forming the web store** (for example, in the **Web store's catalog of products and/or services**)*….."], [0024"…*a **game the elements of which are distributed over several different Web pages of the Web store** so that the **user has to visit different pages in order to play the game**. Thereby, the customer may be led to visit Web pages **which he would not visit otherwise**. This enhances the probability that **the user becomes aware of additional goods and/or services offered in the on-line store** without actively requesting such offers, which corresponds to a **push advertisement**. ...By changing the **Web pages the playing customer must visit**, ...The selection of the Web sites that the playing customer must visit can also be made customer-specific according to a known customer's profile...*"], [0025],

[0037 "..***Web pages representing the store**, which are sent to a customer as a response to a customer's request together with a store functionality inherent in these pages…**a catalog of goods and/or services for sales**; it enables the supplier and the customer to agree on a sale**…; it enables a completion of the agreed sale by payment and transfer or fulfillment of the bought goods or services**…, the on-line store also has the above-described game functionality and comprises one or more separate game related **Web pages and/or has included game-related content** in the above-mentioned catalog and other pages of the Web store...*"]

[0052 "…***the association between the game and the e-commerce contents** to which the customer should be attracted can even be enhanced **by mixing the game***

items with the e-commerce contents.... For example, in Fig. 4b the items 44 and 45 are spread over or even hidden among the catalog-page contents...."}

Therefore, the feature of "automatically integrating said content" is inherently included in the teachings above for the customer to play the game "***must visit***" which requires "automatically integrating" and the user "*becomes aware*" or "in contact" with the "*goods and/or services*". In other word, without "automatically integrating" feature, the customer would not (does not have to) visit the Web pages with information about the goods and/or services as indicated above, which is what CZEPLUCH tries to avoid since it makes no profit by letting the customer play games alone but by automatically forcing the game player to visit product web pages.

2) As for the argument on page 24 that CZEPLUCH/YOUNG ET AL fails to teach the feature of "automatically re-directing...", ", this is not persuasive in view of the teaching of CZEPLUCH on par. [0023-0024] and [0038] and Figs. 2 and 3, as shown above rejection:

{see Fig. 1, Fig. 2, Fig. 3 "pars. [0023], [0024 "…*a* ***game the elements of which are distributed over several different Web pages of the Web store*** *so that the* ***user has to visit different pages in order to play the game****. Thereby,* ***the customer may be led to visit Web pages*** *which he would not visit otherwise. This enhances the probability that* ***the user becomes aware of additional goods and/or services offered in the on-line store*** *without actively requesting such offers, which corresponds to a* ***push advertisement****. ...By* ***changing the Web pages the playing customer***

must visit,...*that the* ***customer will gather new product information is enhanced***. *The selection of the Web sites that the playing customer must visit can also be made customer-specific according to a known customer's profile...*"],

[see par. [0038 "*the* ***relevant part of the Web store and game functionality, remains on the server side****...the question whether a certain article on sale is currently available is not decided locally on the customer's browser since.... Rather, when the user selects an item, ...it will then be figured out on the* ***server's side****....Similarly, data regarding....on* ***the server's side****..."]}

As for the feature of "automatically redirecting said user (customer) to one of the Web page" is inherently included in the teachings above for the customer to play the game "***must visit***" the "Web pages of the Web store" which requires "automatically re-directing" and the user "*gather new product information*" or "*becomes aware*" or "in contact" with the "goods and/or services" which read over "content". In other word, without "automatically integrating" feature, the customer would not (does not have to) visit the Web pages with information about the goods and/or services as indicated above, which is what CZEPLUCH tries to avoid since it makes no profit by letting the customer play games alone but by automatically forcing the game player to visit product web pages. sit the Web pages as indicated above, which is what CZEPLUCH tries to avoid. These features also taught in pars. [0038] as cited above, and [0042-0043], [0047-0048] which describes the operations of Fig. 1 and Fig. 2 and other functions related to Web pages and on the 2nd electronic device such as (2) "rewarding component" , (21) "pricing component", (22) order manager", (23) "payment hander",

etc. which teaches/includes the features of “automatically re-directing said user…”. Also, see YOUNG ET AL (Fig. 4, server 400) {see col. 9, line 9-40, especially lines 50-67 and col. 10, lines 1-43}.

3) As for In response to applicant's argument on page 24 and 27 with respect to the feature of "dynamic" content of claims 22 and claim 7, this term is a "relative" language and is fairly taught in YOUNG ET AL col. 3, lines 15-45, col. 4, lines 10-27 or CZEPLUCH's general teaching of "updating data" on par. [0036]. Applicant's comment that the definition of this term is shown on page 6, $2^{n\sim}$ paragraph, of the present specification, however, this definition limitation is not in cited in the claim.

4) As for In response to applicant's argument on pages 26, 28 with respect to the feature of claims 24, and 15-16, this term is a "relative" language and is fairly taught in CZEPLUCH Figs. 4a and 4b, [0051-0052] or YOUNG ET AL col. 4, lines 15-25 "... *new 3D rendering schemes*, ...". Clearly, a more realistic video games with 3-D visualization would provide an environment wherein the player is immersed in the game like a real environment and would have been obvious to do so to improve game playing effectiveness. Alternatively, Official notice is taken that it is old and well known in the gaming art to get the player immersed in the game by using a virtual reality platform having a three-dimensional visualization. It would have been obvious to one of ordinary skill in the gaming art at the time of the applicant's invention to include a virtual reality platform having a three-dimensional visualization for the benefit cited above.

5) In response to applicant's arguments on pages 28-29 against the references individually, ADAMS ET AL, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller,* 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). ADAMS ET AL is cited to teach the limitations of dep. claims 5, 8 and 9 of claim 1. ADAMS ET AL is not cited to teach the limitations of claim 1. The limitation of claim 1 is taught by CZEPLUCH/YOUNG ET AL as cited above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Dean T Nguyen/

Primary Examiner, Art Unit 3689

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Appeals Conference Specialist

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10272408	ALTIERI, FRANCES BARBARO
	Examiner	**Art Unit**
	Tan Dean D Nguyen	3689

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

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

CLAIM		DATE								
Final	Original	07/21/2008	01/05/2009	01/05/2009	10/14/2010	06/02/2011				
	1	✓	✓	A	✓	A				
	2	-	-	-	-	-				
	3	-	-	-	-	-				
	4	-	-	-	-	-				
	5	✓	✓	A	✓	A				
	6	✓	✓	A	✓	A				
	7	✓	✓	A	✓	A				
	8	✓	✓	A	✓	A				
	9	✓	✓	A	✓	A				
	10	✓	✓	A	✓	A				
	11	-	-	-	-	-				
	12	-	-	-	-	-				
	13	✓	✓	A	✓	A				
	14	✓	✓	A	✓	A				
	15	✓	✓	A	✓	A				
	16	✓	✓	A	✓	A				
	17	✓	✓	A	✓	A				
	18	-	-	-	-	-				
	19	-	-	-	-	-				
	20	-	-	-	-	-				
	21	✓	✓	A	✓	A				
	22	✓	✓	A	✓	A				
	23	-	-	-	-	-				
	24	✓	✓	A	✓	A				
	25	✓	✓	A	✓	A				
	26	✓	✓	A	✓	A				
	27	✓	✓	A	✓	A				
	28	✓	✓	A	-	-				

OPAP IAP15 MAR 25 2011 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3629

Application No.: 10/272,408 — Examiner: Tan D. Nguyen

Filed: October 16, 2002 — Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellants submit the following:

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST....2
II. RELATED APPEALS AND INTERFERENCES....3
III. STATUS OF CLAIMS....4
IV. STATUS OF AMENDMENTS....5
V. SUMMARY OF THE CLAIMED SUBJECT MATTER....6
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL....18
VII. ARGUMENTS....19
CLAIMS APPENDIX....31
EVIDENCE APPENDIX....41
RELATED PROCEEDINGS APPENDIX....51

I. REAL PARTY IN INTEREST

The real party in interest is Frances Barbaro Altieri of 119 Juniper Road, Belmont, MA 02478.

II. RELATED APPEALS AND INTERFERENCES

This application was previously at the Board on appeal (see BPAI Appeal No.: 2010-002542). The application was remanded to the Examiner to treat issues concerning claims 27 and 28. Accordingly, claim 27 was amended and claim 28 was canceled, thereby obviating any issues concerning those claims.

There are no other applications, patents, appeals, interferences, prior and pending appeals or judicial proceedings known to the Appellant, or the Appellant's legal representative that may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 5-10, 13-17, 21, 22 and 24-27 are all the claims presently pending in the application and are rejected. No claims are allowed. Claims 2-4, 11, 12, 18-20, 23, and 28 have been cancelled. Thus, Claims 1, 5-10, 13-17, 21, 22 and 24-27 are currently on appeal.

IV. STATUS OF AMENDMENTS

No Amendments have been filed subsequent to the January 26, 2011, Final Office Action.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Appellant's invention can be summarized as providing a method of seamlessly integrating business-related content into the subject matter of an electronic game. The electronic game, which may be executed on a local device or via a network connection to a remote server, exposes the player to branded business-related content. The term branded refers to business-related content which uniquely identifies the goods and services of a particular company. The game requires the user to perform certain tasks specified in the game. In the course of conducting the tasks, the user is transparently and automatically re-directed to a corporate sponsor's customized website to finish the completion of a task. While at the sponsor's corporate website, the game player is exposed to additional business-related content which relates to the game the user is playing. All of the business-related content displays occur within the context of the player playing the game. The player has the opportunity to temporarily leave the game and act upon the business-related content to which he or she has been exposed in order to conduct real-life business at the corporate website. Following completion of the task at the customized corporate website, the player is transparently and automatically re-directed back to the original game site (see the paragraph bridging pages 1 and 2 of the specification).

Turning to the claims, they are summarized as follows:

Claim 1 – A method of integrating business-related content over a computerized network (10, 70) into a primary electronic device (2, 62) that accesses a game application (4, 64), from at least one secondary electronic device (20, 26, 32; 72, 78, 84) that accesses business-related content on a plurality of web pages (24, 30, 36; 76, 82, 88) (see, for example, page 4, the third full paragraph, page 5, lines 1-8; and Figures 1 and 2).

The method comprises:

-receiving a request at said primary electronic device (2, 62) to initiate a locally executed game application (4, 64) that is accessible at said primary electronic device, from a user (12, 60) interfaced with said network (10, 70) (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; page 8, second full paragraph; and Figures 1-3);

-initiating said game application (4, 64) at said primary electronic device (2, 62) (see page 6, lines 3 and 4; and Figure 3 (Step 100));

-automatically integrating business-related content from at least one of said web pages of said secondary electronic device (20, 26, 32; 72, 78, 84) into said locally executed game application during execution of said game application (see page 1, the third paragraph, lines 22 and 23; page 2, the second full paragraph, lines 13-15; page 3, the seventh paragraph, lines 26-28; page 4, the fourth full paragraph, lines 24-26; page 5, lines 5-10; and Figure 3 (Step 102));

-automatically re-directing said user to one of said web pages of said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game

application; (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; page 3, paragraph 7, lines 28-33; page 4, the fourth full paragraph, lines 24-26; page 5, lines 8-12; and Figure 3 (Step 104)); and

-executing a user action on said business-related content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108)).

Claim 10 - A method of integrating business-related content over a computerized network (10, 70), into an electronic device (2, 62) that accesses a game application (4, 64), from at least one secondary electronic device (20, 26, 32; 72, 78, 84) that accesses a plurality of web pages (22, 28, 34; 74, 80, 86), the method comprising:

-initiating a locally executed game application at said electronic device in response to a user request (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; and Figures 1-3 and Step 100 in Figure 3);

-providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application (see page 4, third full paragraph, lines 21-23; page 5, lines 5-8; page 6, lines 4 and 5; Figures 1-3 and Step 102);

-automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing game-related actions during said game application (see page 1, the third paragraph, lines 28-32; page 2,

the third full paragraph, lines 19-23; page 3, paragraph 7, lines 28-33; page 4, the fourth full paragraph, lines 24-26; page 5, lines 8-12; and Figure 3 (Step 104));

-executing a user action on said business-related content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108)); and

enabling the user to earn a benefit related to said business-related content based on said user action performed on said business-related content (see page 2, lines 4-9; page 3, the last line; page 4, lines 1-6 and lines 26-35; page 5, lines 10-15; Figure 1-3 and (Steps 106 and 108 in Figure 3)).

Claim 15 - A system, comprising:

a primary electronic device (136) that accesses a locally executed game application (138), said primary electronic device initiating said game application in response to a user (132) request (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; page 7, the fourth full paragraph; and Figure 4);

a virtual reality platform (134) interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application (page 2, the fourth full paragraph; page 3, the first paragraph; page 7, line 24 through page 8, line 9; Figures 4 and 5);

a secondary electronic device (142) interfaced with said primary electronic device (136) over a network (140), said secondary electronic device being capable of accessing a web page

(144) customized with business-related content (146) for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of said game application, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing said game application (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; the paragraph bridging pages 7 and 8; and Figure 5 (Steps 164 and 166));

wherein a user action is performed on said business-related content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108); page 7, lines 30-32; page 8, lines 5 and 6; Figure 5 (Step 168)), said user action generating a benefit for said user relating to said business-related content (see page 2, lines 4-9; page 3, last line; page 4, lines 1-6 and lines 26-35; page 5, lines 10-15; Figure 1-3 and (Steps 106 and 108 in Figure 3)), said benefit being external to said game application (see, for example, page 4, lines 28-31; and page 5, lines 12-15);

a memory device (39; 90) that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on the business-related content (see, for example, page 4, lines 29 and 30; page 5, lines 13-15; and Figures 1 and 2).

Claim 16 - A method of integrating business-related content over a computerized network (140), into a primary electronic device (136) that locally executes a game application (138), from at least one secondary electronic device (142) that provides business-related content (146) which is accessed by said primary electronic device (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; page 7, the fourth full paragraph; and Figure 4), said method comprising:

-providing a virtual reality platform (134) interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application (page 2, the fourth full paragraph; page 3, the first paragraph; page 7, line 24 through page 8, line 9; Figures 4 and 5);

-initiating said game application in response to a user request (see page 4, lines 22 and 23; page 6, lines 3 and 4; and Figure 5 (Steps 160 and 162));

-automatically re-directing a content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said locally executed game application, said web page being customized with business-related content for use with said game application (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; the paragraph bridging pages 7 and 8; and Figure 5 (Steps 164 and 166));

-exposing said user to said business-related content during said three-dimensional visualization at said secondary electronic device (see, for example, page 8, lines 5 and 6; Figure 5 and Step 168);

-executing a user action on said business-related content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108); page 7, lines 30-32; page 8, lines 5 and 6; Figure 5 (Step 168)); and

-earning the user a benefit based on said user action performed on the business-related content from said secondary electronic device (see page 2, lines 4-9; page 3, the last line; page 4, lines 1-6 and lines 26-35; page 5, lines 10-15; Figure 1-3 and (Steps 106 and 108 in Figure 3)), said benefit being external to said game application (see, for example, page 4, lines 28-31; and page 5, lines 12-15).

Claim 21 - A method of automatically integrating content into an electronic device over a computerized network (10, 70) (see, e.g., page 1, lines 22 and 23; and Figures 1 and 2), comprising:

-receiving a request from a user at a primary electronic device (2, 62) to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; page 8, second full paragraph; and Figures 1-3);

-initiating said at least one of said plurality of applications (4, 64) at said primary electronic device (2, 62) (see page 6, lines 3 and 4; and Figure 3 (Step 100));

-providing at least one customized web page (22, 28, 34; 74, 80, 86) at a secondary electronic device (20, 26, 32; 72, 78, 84) accessed over said computerized network by said

primary electronic device, said web page being customized with content for use with said one of said plurality of applications (4, 64);

-automatically integrating said content from said secondary electronic device into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications (see page 1, the third paragraph, lines 22 and 23; page 2, the second full paragraph, lines 13-15; page 3, the seventh paragraph, lines 26-28; page 4, the fourth full paragraph, lines 24-26; page 5, lines 5-10; and Figure 3 (Step 102));

-automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; page 3, paragraph 7, lines 28-33; page 4, the fourth full paragraph, lines 24-26; page 5, lines 8-12; and Figure 3 (Step 104)); and

-executing a user action on said content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108)), said user action generating a benefit for said user relating to said content (see page 2, lines 4-9; page 3, last line; page 4, lines 1-6 and lines 26-35; page 5, lines 10-15; Figure 1-3 and (Steps 106 and 108 in Figure 3)).

Claim 24 - The method of claim 21, further comprising:

-providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which the user interacts (see page 2, the fourth full paragraph; page 3, the first paragraph; page 7, line 24 through page 8, line 9; Figures 4 and 5).

Claim 25 - A system, comprising:

-primary electronic device (136) that accesses a plurality of locally executed applications (138), said primary electronic device initiating at least one of said plurality of applications in response to a user (132) request (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; page 7, fourth full paragraph; and Figure 4);

-a virtual reality platform (134) interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during execution of said at least one of said plurality of applications (page 2, the fourth full paragraph; page 3, the first paragraph; page 7, line 24 through page 8, line 9; Figures 4 and 5);

-a secondary electronic device (142) interfaced with said primary electronic device over a computerized network (140), said secondary electronic device being capable of accessing a web page (144) customized with content for use with said at least one of said plurality of applications, said one of said plurality of applications (138) being automatically re-directed to said customized web page at said secondary electronic device as part of the execution of said at least one of said plurality of applications, said re-direction being integrated into said one of said plurality of

locally executed applications and said re-direction occurring as part of the user executing said one of said plurality of applications (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; the paragraph bridging pages 7 and 8; and Figure 5 (Steps 164 and 166));

-wherein a user action is executed on said content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108); page 7, lines 30-32; page 8, lines 5 and 6; Figure 5 (Step 168)), said user action generating a benefit for said user relating to said content (see page 2, lines 4-9; page 3, last line; page 4, lines 1-6 and lines 26-35; page 5, lines 10-15; Figure 1-3 and (Steps 106 and 108 in Figure 3)), and

-a memory device (39; 90) that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on said content from the secondary electronic device (see, for example, page 4, lines 29 and 30; page 5, lines 13-15; and Figures 1 and 2).

Claim 26 - A computer system which automatically integrates content into an electronic device (14, 62), comprising:

at least one memory having at least one program that is executable to perform the steps comprising:

-receiving a request from a user at a primary electronic device (2, 62) to initiate at least one of a plurality of locally executed applications (4, 64) that are accessible at said primary

electronic device (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; and Figures 1-3);

-initiating said at least one of said plurality of applications (4, 64) at said primary electronic device (see page 6, lines 3 and 4; and Figure 3 (Step 100)); and

-automatically integrating content from a secondary electronic device (20, 26, 32; 72, 78, 84) that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications (4, 64) during execution of said at least one of said plurality of applications (see page 1, the third paragraph, lines 22 and 23; page 2, the second full paragraph, lines 13-15; page 3, the seventh paragraph, lines 26-28; page 4, the fourth full paragraph, lines 24-26; page 5, lines 5-10; and Figure 3 (Step 102));

-automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; page 3, paragraph 7, lines 28-33; page 4, the fourth full paragraph, lines 24-26; page 5, lines 8-12; and Figure 3 (Step 104)); and

at least one processor for running the program (see, for example, page 5, lines 3-5).

Claim 27 - A non-transitory, computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device (14, 62), the computer system having a program comprising the steps of:

-receiving a request from a user at a primary electronic device (2, 62) to initiate at least one of a plurality of locally executed applications (4, 64) that is accessible at said primary electronic device (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; and Figures 1-3);

-initiating said at least one of said plurality of applications at said primary electronic device (see page 6, lines 3 and 4; and Figure 3 (Step 100)), and

-automatically integrating content from a secondary electronic device (20, 26, 32; 72, 78, 84) that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications (4, 64) during execution of said at least one of said plurality of applications at said primary electronic device (see page 1, the third paragraph, lines 22 and 23; page 2, the second full paragraph, lines 13-15; page 3, the seventh paragraph, lines 26-28; page 4, the fourth full paragraph, lines 24-26; page 5, lines 5-10; and Figure 3 (Step 102));

-automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications, said re-direction occurring as part of the user executing said one of said plurality of applications (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; page 3, paragraph 7, lines 28-33; page 4, the fourth full paragraph, lines 24-26; page 5, lines 8-12; and Figure 3 (Step 104)); and

-executing a user action on said content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108)).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 21-22, 24 (method), 25 (system), 26 (system), 27 (product/CRM), 1, 5-9 (method), 10, 13-14 (method), 15 (system), and 16-17 (method) are rejected under 35 USC § 103(a) as allegedly being obvious over Czepluch (U.S. Patent Application Publication No. 2003/0069832) in view of Young et al. (U.S. Patent No. 6,669,564).

B. Claims 5, 8 and 9 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Czepluch and Young et al., as applied above to claims 1, 5-9, and further in view of Adams et al. (U.S. Patent No. 7,025,674).

C. Claims 13 and 14 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Czepluch and Young et al., as applied above to claims 10, 13-14, and further in view of Adams et al.

D. Claims 17 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Czepluch and Young et al., as applied above to claims 16-17, and further in view of Adams et al.

VII. ARGUMENTS

A. Rejection of Claims 1, 5-9, 10, 13, 14, 15, 16, 17, 21, 22, 24, 25, 26, and 27 under 35 USC § 103(a)

Claims 21, 26, and 27

First, with respect to the Examiner's section entitled "Principles of Law/Interpretation" (see pages 4-6 of the Final Office action of January 26, 2011), Appellant points out that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) and MPEP § 2143.03.

Addressing independent claim 21 first, as was done by the Examiner in the final rejection, the Examiner alleges that Czepluch teaches the claimed invention except for the recitation of "locally executed" applications in steps (a) and (d) according to the Examiner's designation on page No. 3 of the Final Office Action. The Examiner then relies on the secondary teaching of Young et al. to allegedly make up for this deficiency.

Czepluch relates to a method for attracting customers to an e-commerce supplier's on-line representation. An on-line game is provided for the customers within the, or linked to the, on-line representation. A customer who plays the game gets a reward or a prospect of a reward. The game has to be played repeatedly by the customer in order to get the reward or increase or maintain the prospect of the reward (see paragraph No. [0009]).

The supplier's on-line representation is a web store in which the supplier offers its goods and/or services and provides order and payment (see paragraph No. [0022]). An on-line game is provided for the customers within the, or linked to the, on-line representation. The on-line game may partly be loaded and executed on the customer's local host in his web browser. But at least, the overall control of the game is performed on-line over the Internet, for example by the e-commerce supplier or a game service supplier acting on its behalf. The game may be embedded directly in the web pages forming the Web store (for example, in the Web store's catalog of products and/or services) or can be linked to it, for example by hyperlinks which appear on pages of the Web store. There may be a separate master game page for the control of the on-line game linked to the page of the Web store (for example to the Web store's homepage) (see paragraph No. [0023]).

In the most preferred embodiment, a game is provided the elements of which (or links to the elements of which) are distributed over several different web pages of the Web store so that the user has to visit different pages in order to play the game. Thereby, the customer may be led to visit web pages which he would not visit otherwise (see paragraph No. [0024]).

Applicant vigorously disagrees with the Examiner's understanding of the teachings of Czepluch, whether taken alone or together with Young et al., because Czepluch is fundamentally different than the present invention. More specifically, Czepluch begins at a Web page or home page of a Web store and from there an on-line game is provided for users within the on-line representation, or linked thereto (see

paragraph Nos. [0022] and [0023] and Fig. 3). Alternatively, the elements of the game may be distributed over several different Web pages of the same Web store so that the user has to visit different pages in order to play the game (see paragraph No. [0024]).

In contradistinction, as was pointed out in great detail to the Examiner during the personal interview on October 8, 2008, a primary electronic device accesses an application, such as a game application, to thereby locally execute the application.

Further, content, such as business related content, from at least one secondary electronic device that accesses the content on a plurality of web pages, is *automatically* integrated into the locally executed application, such as a game application, during execution of the application. The method/system/computer readable medium of the present invention then *automatically* redirects the user to one of the web pages of the secondary electronic device from the primary electronic device, the redirection being integrated into the application and the redirection occurring as part of the user executing the application. The user can then execute a user action on the content from the secondary electronic device.

By automatically integrating the content, and automatically redirecting the user to one of the web pages, the integration and redirection take place without any deliberate action on the part of the user and are totally transparent to the user (i.e., the user is not doing anything).

Quite clearly, Czepluch fails to teach or even remotely suggest such a method/system/computer readable medium as clearly defined in claims 21, 26, and 27.

In addition to the above arguments, each of the independent claims, including claim 21, 26, and 27, was amended in the Amendment Under 37 C.F.R. 1.111 filed October 15, 2008, in order to further clarify that the application, for example, a game application, is locally executed. During the personal interview, the Examiners agreed, including the gaming expert, Examiner Weinhardt, that Czepluch fails to teach or suggest Applicant's invention, as further clarified by the noted amendments. While the Examiner now isolates the phrase "[t]he on-line game may partly be loaded and executed on the customer's local host in his web browser" mentioned above from paragraph [0023] of Czepluch as allegedly teaching executing an application (game) locally, the Examiner conveniently ignores the next sentence which states "[b]ut at least, the overall control of the game is performed on-line over the Internet, for example by the e-commerce supplier or a game service supplier acting on its behalf" (emphasis added). Moreover, Czepluch begins at a Web page or home page of a Web store and from there an on-line game is provided for users within the on-line representation, or linked thereto.

In contrast, in Appellant's invention, the user begins in the game (application) and the game requires the user to perform certain tasks specified in the game. In the course of conducting the tasks, the user is transparently and automatically re-directed to, for example, a corporate sponsor's customized website to finish the completion of a task. While at the sponsor's corporate website, the game player is exposed to additional business-related content which relates to the game the user is playing. All of the business-related content displays occur within the context of the player playing the game. The player has the opportunity to temporarily leave the game and act upon the business-

related content to which he or she has been exposed in order to conduct real-life business at the corporate website. Following completion of the task at the customized corporate website, the player is transparently and automatically re-directed back to the original game site.

The secondary teaching of Young et al. relates to the episodic delivery of entertainment content. More specifically, an application module for a game or other form of entertainment content is created with episodic content technology, which can be purchased as a CD-ROM or downloaded from a remote server. The entertainment content delivery system is implemented through a centralized server that maintains content that is made available to users at periodic intervals, for example, monthly. Thus, by providing a game in a plurality of episodes, each episode can comprise the latest technology then available.

The Appellant respectfully submits that the Examiner is misconstruing the Young et al. reference. Young et al. teach a different concept from that of the present invention. Young et al.'s disclosure is directed to each user accessing a website to download episodic content that is updated at predetermined time intervals, e.g., monthly, and either accessed at time intervals by the user, or automatically transmitted from the server to the user's terminal at predetermined time intervals (see column 9, lines 51-67). There is no step/operation of "automatically integrating said content from said secondary electronic device into said at least one of said plurality of a locally executed applications during execution of said at least one of said plurality of applications" as recited by claims 21, 26,

and 27 of the present invention. Rather, there is only episodic delivery, or time intervals between updates, disclosed in Young et al.

While Young et al. disclose, in column 1, lines 62-64, that "a new method of delivering entertainment content is needed in which technological changes can be incorporated into application modules as the changes occur," quite clearly this is referring to "episodic delivery" of the entertainment content.

Moreover, Young et al. do not teach, suggest, or provide any other basis for "automatically re-directing a user to a customized webpage on a secondary electronic device from a primary electronic device, the re-direction being integrated into a least one of the plurality of applications and the re-direction occurring as part of the user executing at least one of the plurality of applications," as recited in Appellant's claims 21, 26, and 27.

Clearly, Young et al. are completely silent with respect to this feature, and do not teach or suggest any automatic re-direction during game play.

Still further, simply because Young et al. disclose that in one embodiment users can access the episodes from their user terminal 428 through the network 424 does not make up for the deficiencies discussed in detail above. In this regard, whether the Examiner starts with Czepluch and modifies it with Young et al., or starts with Young et al. and modifies their teachings with Czepluch, the combined teachings quite clearly fail to teach, suggest, or provide any other reason for arriving at the present invention.

Claim 22

In addition to the above arguments, since the updates of entertainment in Young et al. are prestored and updated at time intervals, or episodically, this content is not "dynamic" content as defined by page 6, the second paragraph, of the present specification, which states that the dynamic content is "real-life" or real-time news or business content. In fact, Young et al. do not teach or suggest any way to implement "dynamic" or real-time content into games. Moreover, the general reference by the Examiner to "updating data" in paragraph No. [0036] or "dynamic appearance of the Web pages" in paragraph No. [0038] of Czepluch does not cure this deficiency. Thus, claim 22 is separately patentable.

Claims 24 and 25

In addition to the above arguments, both Czepluch and Young et al. are completely silent on providing a virtual reality platform interfaced with a primary electronic device, the virtual reality platform providing a three-dimensional visualization in which the user can be immersed during execution of at least one of the plurality of applications. The Examiner recognizes that the references are deficient, but simply takes Official Notice that this feature is old and well known. There is clearly no recognition of such a virtual reality platform in either Czepluch or Young et al. Also, regarding claim 25, again, it is noted that all words in a claim must be considered in judging the patentability of that claim against the prior art. Thus, claims 24 and 25 are separately patentable.

Claims 1, 5, 6, 8, 9, 10, 13 and 14

Independent claims 1 and 10 are similar to independent claim 21, but explicitly recite a method of integrating business-related content over a computerized network, into an electronic device that accesses a game application, from at least one secondary electronic device that accesses a plurality of web pages having said business-related content thereon.

In Appellant's invention as recited in independent claims 1 and 10, a primary electronic device accesses a game application, to thereby locally execute the game application. Further, business related content, from a least one secondary electronic device that accesses the business-related content on a plurality of web pages, is *automatically* integrated into the locally executed game application during execution of the game application. According to method claims 1 and 10, the present invention then *automatically* redirects the user to one of the web pages of the secondary electronic device from the primary electronic device, the redirection being integrated into the game application and the redirection occurring as part of the user executing the game application. The user can then execute a user action on the business-related content from the secondary electronic device.

A storyboard example of the invention entitled "TerraZones Storyboard" was provided to the Examiners during the personal interview of October 8, 2008, and a copy of the pertinent portion is provide herewith and listed in the Evidence Appendix of this Appeal Brief. In use, a primary electronic device accesses a game application, to thereby

locally execute the game application. Further, business related content, from a least one secondary electronic device that accesses the business related content on a plurality of web pages, is *automatically* integrated into the locally executed game application during execution of the game application. The method/system of the present invention then *automatically* redirects the user to one of the web pages of the secondary electronic device from the primary electronic device (see, for example, slides #6C and #7C where the user is automatically redirected into "PJ's Club" while playing the game and can actually see a live view of the club), the redirection being integrated into the application and the redirection occurring as part of the user executing the application (i.e., transparent to the user). The user can then execute a user action on the content from the secondary electronic device (the user can, for example, execute a user action at the club such as purchase a gift certificate).

Based on the foregoing example, it is clear that Czepluch and Young et al., whether taken alone or together, fail to teach or even remotely suggest such a method as clearly defined in claims 1 and 10.

Claims 5, 6, 8, and 9, as well as claims 13 and 14, are patentable for the reasons given above with respect to their corresponding independent claims 1 and 10, respectively.

Claim 7

Since the updates of entertainment in Young et al. are prestored and updated at time intervals, or episodically, this content is not "dynamic" content as defined by page 6, the second paragraph, of the present specification, which states that the dynamic content

is "real-life" or real-time news or business content. In fact, Young et al. do not teach or suggest any way to implement "dynamic" or real-time content into games. Moreover, the general reference by the Examiner to "updating data" in paragraph No. [0036] or "dynamic appearance of the Web pages" in paragraph No. [0038] of Czepluch does not cure this deficiency. Thus, claim 7 is separately patentable.

Claims 15 and 16

In addition to the above arguments, both Czepluch and Young et al. are completely silent on providing a virtual reality platform interfaced with a primary electronic device, the virtual reality platform providing a three-dimensional visualization in which the user can be immersed during execution of at least one of the plurality of game applications. The Examiner recognizes that the references are deficient, but simply takes Official Notice that this feature is old and well known. There is clearly no recognition of such a virtual reality platform in either Czepluch or Young et al. Thus, claims 15 and 16 are separately patentable.

B. Claims 5, 8, and 9 stand rejected under 35 USC § 103(a)

Moreover, in addition to the reasons given above for claim 1, Adams et al. '674, as well as any of the other references of record, fails to make up for the deficiencies in Czepluch and Young et al., and has been relied on merely for its teaching regarding benefits in connection with an electronic game.

C. Claims 13 and 14 stand rejected under 35 USC § 103(a)

In addition to the reasons given above with respect claim 10, Adams et al. '674, as well as any of the other references of record, fails to make up for the deficiencies in Czepluch and Young et al., and has been relied on merely for its teaching regarding benefits in connection with an electronic game.

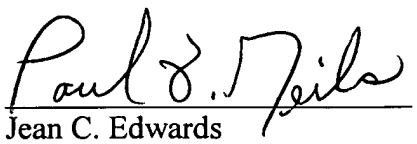
D. Claim 17 stands rejected under 35 USC § 103(a)

In addition to the reasons given above with respect claim 16, Adams et al. '674, as well as any of the other references of record, fails to make up for the deficiencies in Czepluch and Young et al., and has been relied on merely for its teaching regarding benefits in connection with an electronic game.

In view of the foregoing, the rejections of the claims should be reversed and the claims passed to issue.

Should any additional fee be required, not included herewith, please charge any deficiency or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,



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Date: March 25, 2011

CLAIMS APPENDIX

1. A method of integrating business-related content over a computerized network, into a primary electronic device that accesses a game application, from at least one secondary electronic device that accesses business-related content on a plurality of web pages, the method comprising:

receiving a request at said primary electronic device to initiate a locally executed game application that is accessible at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device;

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said locally executed game application during execution of said game application;

automatically re-directing said user to one of said web pages of said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application; and

executing a user action on said business-related content from said secondary electronic device.

2.-4. (Canceled)

5. The method of claim 1 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. The method of claim 1 wherein said game application displays branded business-related content to said user.

7. The method of claim 6 wherein said branded business-related content is dynamically updated.

8. The method of claim 1, comprising the further steps of:

executing game-related user actions in said game application as a result of user choices; and

generating a player profile based on said user choices made during said game application; wherein the player profile is specific to said user.

9. The method of claim 8 wherein said player profile is disseminated to providers of business-related content used in said game application.

10. A method of integrating business-related content over a computerized network, into an electronic device that accesses a game application, from at least one secondary electronic device that accesses a plurality of web pages, the method comprising:

initiating a locally executed game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing game-related actions during said game application;

executing a user action on said business-related content from said secondary electronic device; and

enabling the user to earn a benefit related to said business-related content based on said user action performed on said business-related content.

11.-12. (Canceled)

13. The method of claim 10 wherein said benefit for said user is calculated in real-time.

14. The method of claim 10, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. A system, comprising:

a primary electronic device that accesses a locally executed game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device being capable of accessing a web page customized with business-related content for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of said game application, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing said game application;

wherein a user action is performed on said business-related content from said secondary electronic device, said user action generating a benefit for said user relating to said business-related content, said benefit being external to said game application;

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on the business-related content.

16. A method of integrating business-related content over a computerized network, into a primary electronic device that locally executes a game application, from at least one secondary electronic device that provides business-related content which is accessed by said primary electronic device, said method comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

initiating said game application in response to a user request;

automatically re-directing a content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said locally executed game application, said web page being customized with business-related content for use with said game application;

exposing said user to said business-related content during said three-dimensional visualization at said secondary electronic device;

executing a user action on said business-related content from said secondary electronic device; and

earning the user a benefit based on said user action performed on the business-related content from said secondary electronic device, said benefit being external to said game application.

17. The method of claim 16, further comprising providing each virtual reality platform at a franchised location.

18.-20. (Canceled)

21. A method of automatically integrating content into an electronic device over a computerized network, comprising:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network;

initiating said at least one of said plurality of applications at said primary electronic device;

providing at least one customized web page at a secondary electronic device, accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

automatically integrating said content from said secondary electronic device into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content.

22. The method of claim 21, wherein said content includes dynamic content.

23. (Canceled)

24. The method of claim 21, further comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which the user interacts.

25. A system, comprising:

a primary electronic device that accesses a plurality of locally executed applications, said primary electronic device initiating at least one of said plurality of applications in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during execution of said at least one of said plurality of applications;

a secondary electronic device interfaced with said primary electronic device over a computerized network, said secondary electronic device being capable of accessing a web page customized with content for use with said at least one of said plurality of applications, said one of said plurality of applications being automatically re-directed to said customized web page at said secondary electronic device as part of the execution of said at least one of said plurality of applications, said re-direction being integrated into said one of said plurality of locally executed applications and said re-direction occurring as part of the user executing said one of said plurality of applications;

wherein a user action is executed on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, and

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on said content from the secondary electronic device.

26. A computer system which automatically integrates content into an electronic device, comprising:

at least one memory having at least one program that is executable to perform the steps comprising:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

at least one processor for running the program.

27. A non-transitory, computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device, the computer system having a program comprising the steps of:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that is accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device, and

automatically integrating content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications at said primary electronic device;

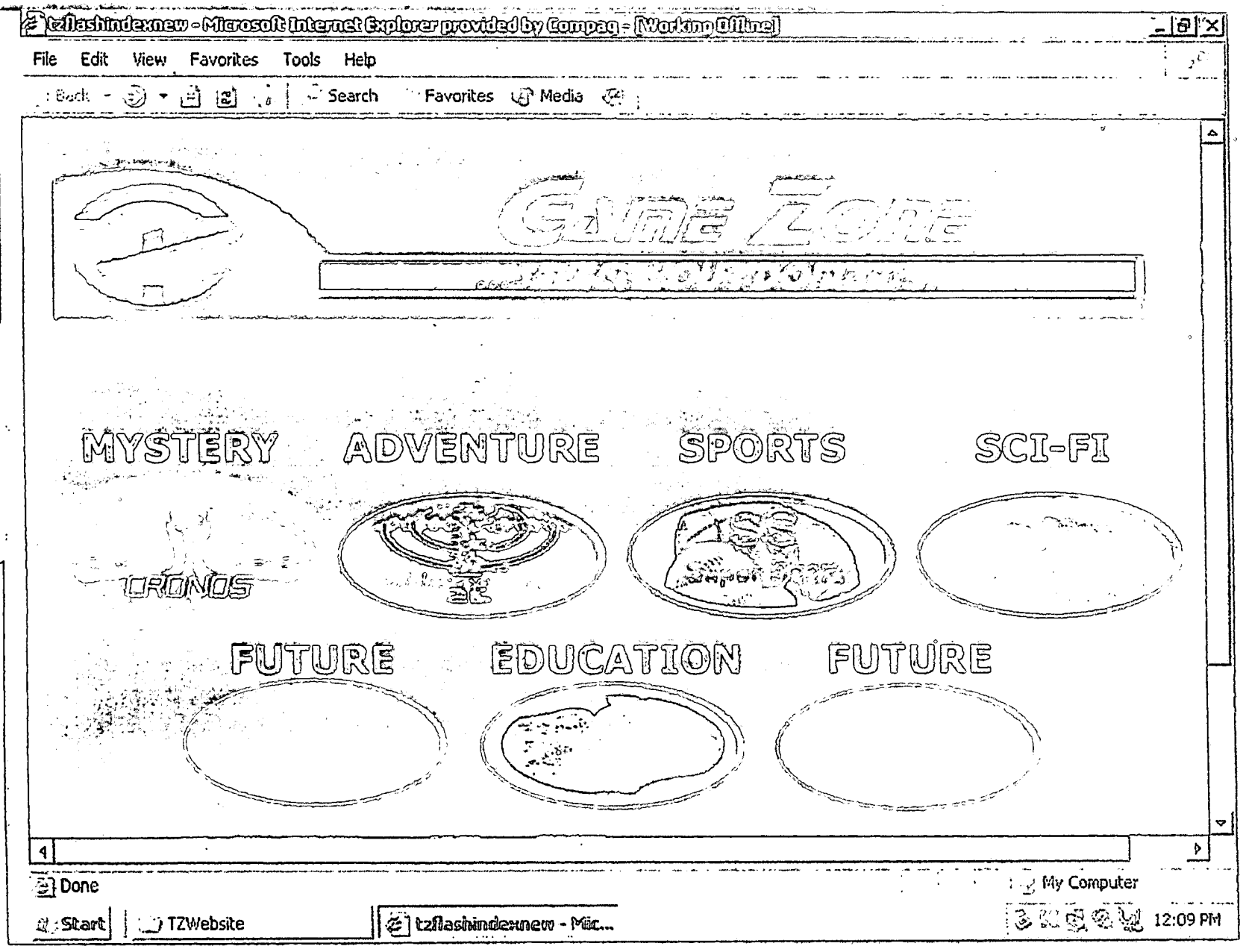
automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications, said re-direction occurring as part of the user executing said one of said plurality of applications; and

executing a user action on said content from said secondary electronic device.

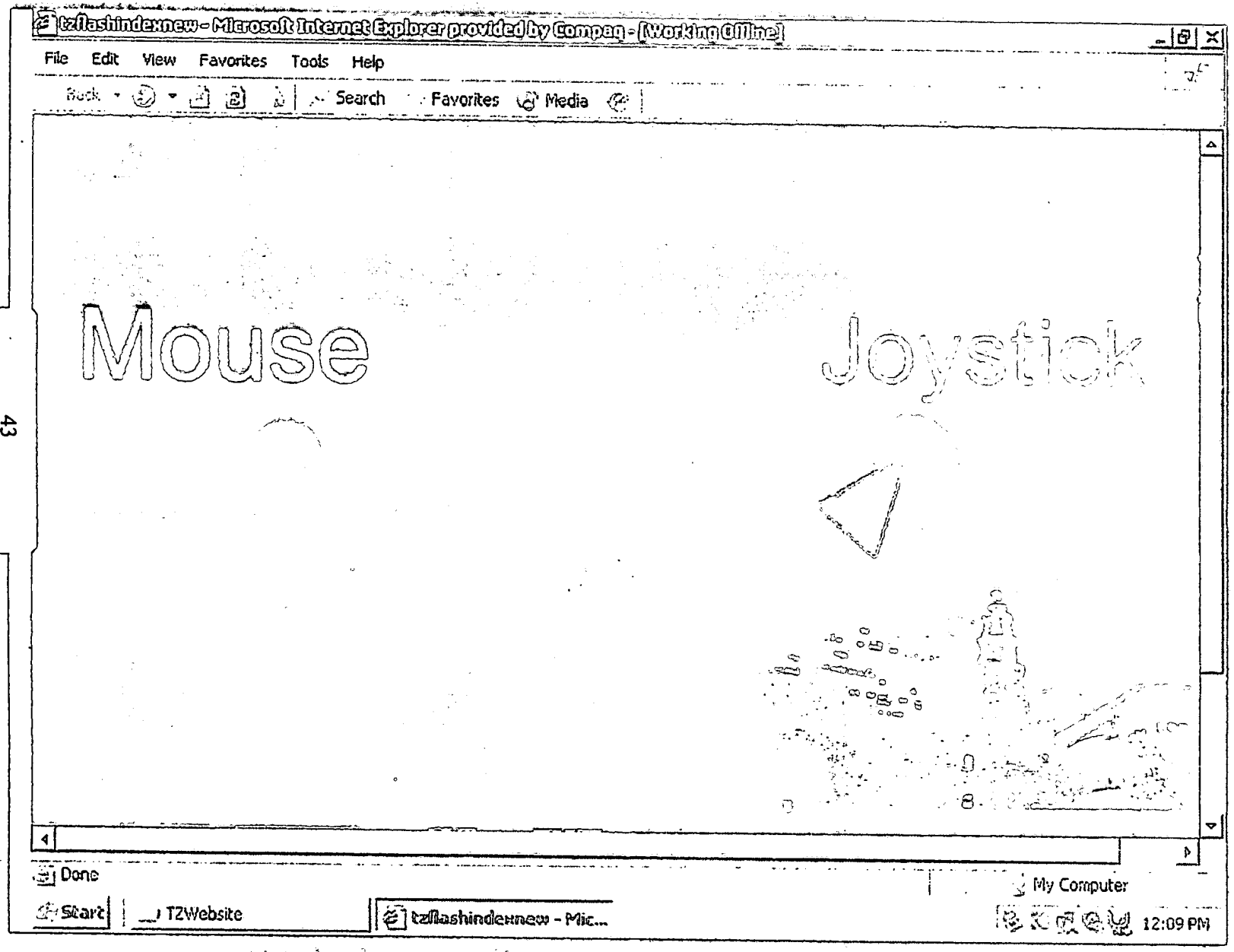
28. (Canceled)

EVIDENCE APPENDIX

Storyboard provided to the Examiner during the personal interview of October 8, 2008.



Website; visitor chooses game/genre



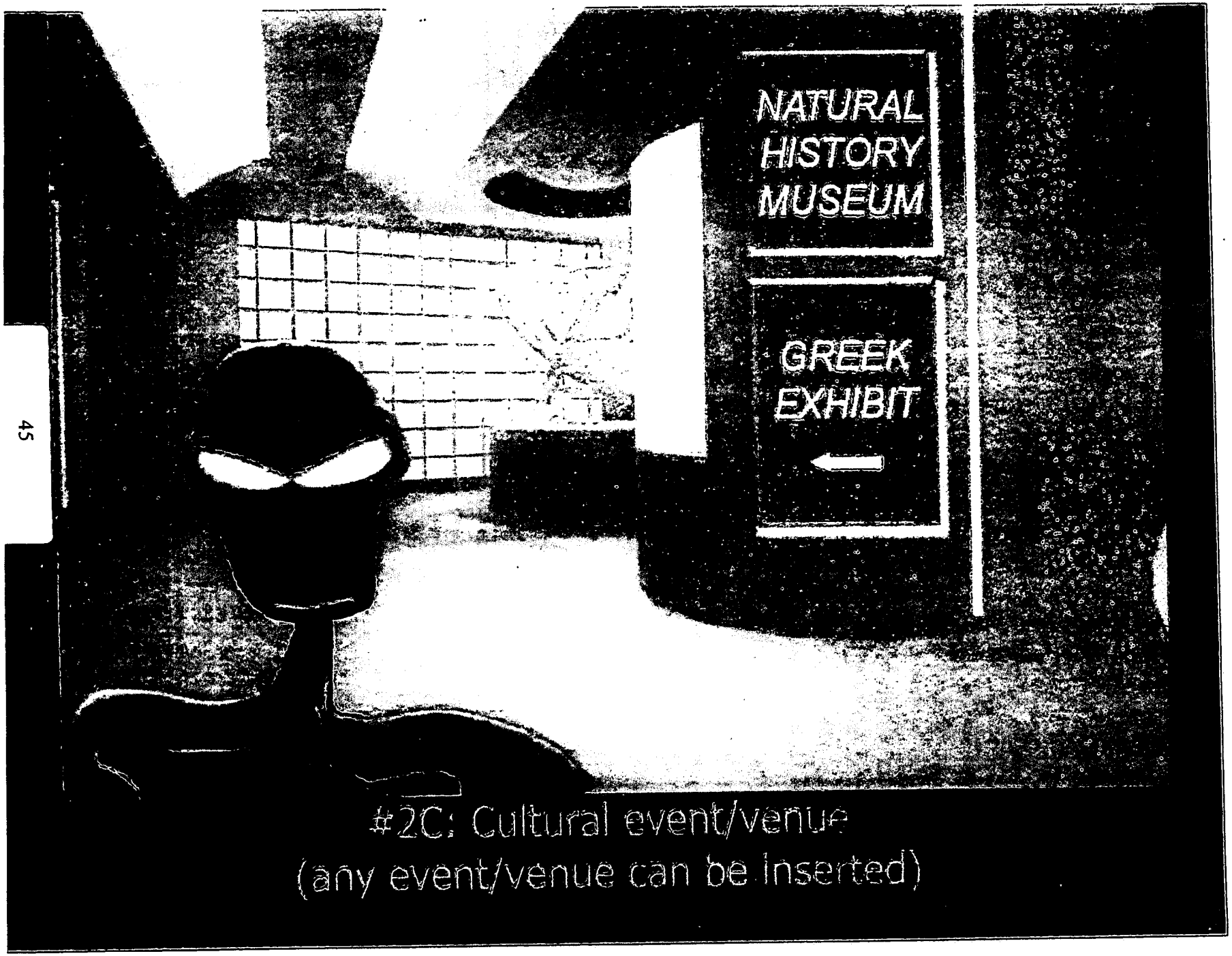
Website; visitor chooses gaming tool

Cronos Demo

Entire game integrates
2D/3D mixed web interaction
Camera POV (1st, 3rd pov)



#1C. North St Church, Boston - Any location in one can be inserted, i.e. Eiffel Tower, etc.



#2C: Cultural event/venue
(any event/venue can be inserted)

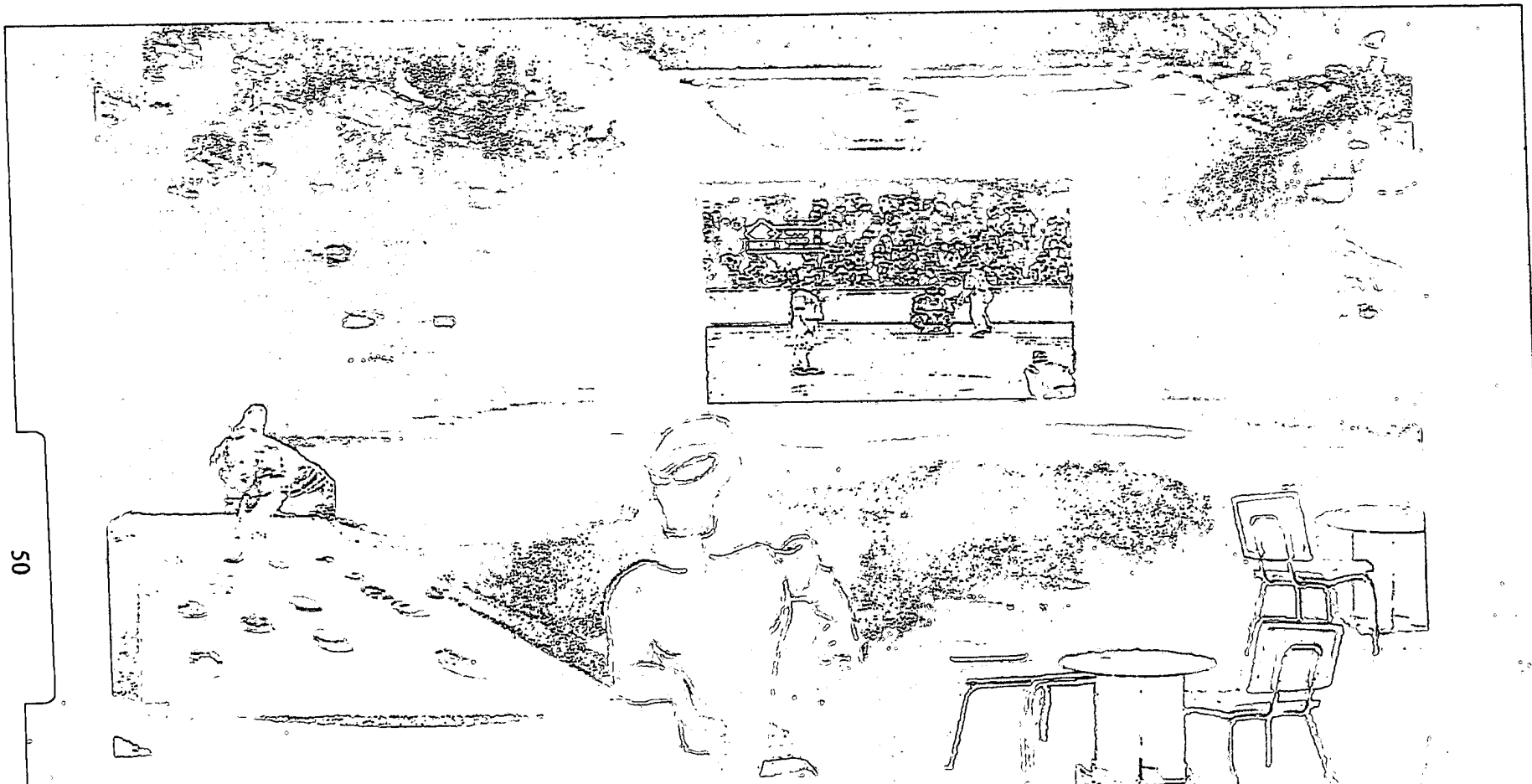
(Include sponsorship graphic)

3' x 3' Digital graphic (preferably .eps)

#4C. Close-up of product placement/animation within exterior video scene

#5C Animation within Virdao shot (can be any exterior/cityscape)

#6C. Restaurant/club/store



50

#7C: Interior/club/store

(detail includes live video – i.e. sports event)

RELATED PROCEEDINGS APPENDIX

None.

OPAP IAP15 MAR 25 2011 PATENT & TRADEMARK OFFICE

1Fm AF

PTO/SB/31 (07-09)
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Docket Number (Optional): 71457.0004

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In re Application of: Frances Barbaro ALTIERI

Application Number	Filed
10/272,408	October 16, 2002

For: SYSTEMS AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT...

Art Unit	Examiner
3689	Tan D. NGUYEN

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ Previously Paid

☑ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ Previously Paid

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____ .

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record. Registration number 41,728

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Jean C. Edwards
Signature

Jean C. Edwards, Esq.
Typed or printed name

703-394-1380
Telephone number

March 25, 2011
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Total Number of Pages in This Submission

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Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3689
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☑ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☑ Other Enclosure(s) (please Identify below):
  - Notice o f Appeal;
  - Submission of Appeal Brief;
  - Appeal Brief under 37 C.F.R. § 41.37 (51 pages).

Remarks

Please charge any deficiency or credit any overpayments to Deposit Account No. 50-0951.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Akerman Senterfitt LLP		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards, Esq.		
Date	March 25, 2011	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OPAP IAP15 MAR 25 2011 PATENT & TRADEMARK OFFICE

Attorney Dkt. No. 71457.0004
Customer No. 57362

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3629

Application No.: 10/272,408 — Examiner: Tan D. Nguyen

Filed: October 16, 2002 — Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. The Notice of Appeal fee and Appeal Brief fee were originally paid February 24, 2009 and March 12, 2009, respectively, therefore no fees should be required. However, should any additional fee be required please charge any deficiency or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 01/26/2011

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EXAMINER	
NGUYEN, TAN D	
ART UNIT	**PAPER NUMBER**
3689	

MAIL DATE	DELIVERY MODE
01/26/2011	PAPER

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.

Office Action Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3689	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *13 July 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1,5-10,13-17,21,22 and 24-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-10,13-17,21,22 and 24-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/13/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment of July 13, 2010 has been entered.

1) Claims amended: 27.

2) Claims canceled: 28.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on July 13, 2010 was filed after the mailing date of the application on October 16, 2002. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Status

3. Claims 1, 5-10, 13-17, 21-22 and 24-27 are pending. They comprise of the following groups:

1) method: 1, 5-9;

2) method: 10, 13-14;

3) system: 15;

4) method: 16-17.

5) method: 21-22, 24;

6) system: 25;

7) system: 26; and

8) article/computer readable medium (CRM): 27;

Claims canceled: 2-4, 11-12, 18-20, 23 and 28.

Claims 21-22, 24 appear to be the broadest claim set ("application" vs. "game application" in other sets of independent method claims 1, 10 and 16) and will be addressed first.

As of July 13, 2010, claim 21 is as followed:

21. (Previously Presented) A method of automatically integrating content into an electronic device over a computerized network, comprising:

a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network;

b) initiating said at least one of said plurality of applications at said primary electronic device;

c) providing at least one customized web page at a secondary electronic device, accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

d) automatically integrating said content from said secondary electronic device into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

e) automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content.

Note: for convenience or reference purpose, letters (a)-(f) are added to the beginning of each step.

Principles of Law/Interpretations

4. Independent claims 15, 25 and 26 are (appears to be) an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See (1) MPEP 2114. (2) *In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997*). Apparatus claims cover what a device is, not what a device does, i.e. "device which acts or performs ...". (3) *Hewlett-Packard Co. vs. Bausch & Lomb Inc. (Fed. Circ. 1990).* Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. (4) *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

In independent claims 15 and 25, the use of "method steps" in all/most of the system elements such as "device that accesses", "initiating", "providing", "can be immersed", "accessing", "being …re-directed", "is exposed", "being integrated", "is performed", "generating", and "communicates", and "performed", etc., are considered as "manner" of operating the device or elements, and may not carry much patentable weight as indicated above. They are not functions, since the claim format are not in "means plus function" format or other apparatus format such as "a processor is

configured to …" format. These are not "elemental structures" required in an apparatus claim. Also the term "*being capable* of" in the "2nd electronic device" is broad limitation which the reference only needs to be "capable of" performing the functions and not necessarily have the exact structures.

Also, this is an apparatus claim and intended use limitation for the system/device or apparatus, i.e. "processor for running the program" in claim 26 may not carries any patentable weight. A proper language should be "a processor is configured to … (run the program or to carry out the following steps)". Also, phrase such as "program that is executable to perform the steps of" does not appear to be the proper format for an apparatus claim as shown in claim 26.

In independent claim 10, the term "enable" clause: "enabling the user to earn…" basically reads "permits/allows the user to do a task" and wherein the "task" is "to earn a benefit". In other word, "permitting/enabling an action" is different from actually "performing an action". "Enabling", "causing" or "permitting" only requires "serving as the reason" for an "action" though, not necessarily performing the action. This can be done by issuing commands or orders, or entering into contracts. So even though the entity may do something later with the equipment that is in the technological arts, the positively recited steps of merely "enabling" can be done without operating the equipment and is not in the technological arts. Variations on this theme have been seen in other cases, using terms like "allowing" or "permitting" an action, e.g. "allowing a user to search a database". Again, these functions (elements or steps) are distinct

from actually doing the action, e.g. "modifying the input data..." and the current claim language has no such function or structural element calling for "**earning** a benefit".

Claim Rejections - 35 USC § 103

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

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

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 21-22, 24 (method[1]), 25 (system), 26 (system), 27 (product/CRM), 1, 5-9 (method[2]), 10, 13-14 (method[3]), 15 (system), and 16-17 (method[4]) are rejected under 35 U.S.C. 103(a) as obvious over CZEPLUCH in view of YOUNG ET AL.

As for independent claim 21, CZEPLUCH discloses a method of automatically integrating business content into an application (game) of an electronic device over a computerized network, comprising:

{see par. [0005 "*on-line games may be another powerful advertising and marketing..."**Advergaming** be the Future of Ineteractive advertising...*"]}

a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network;

{see Figs. 1, 2, paragraphs [0037"*response to a customer's request…*"], [0041 "*Web server 4 receives HTTP requests from the customer's Web browser 2 and returns HTTP responses in the form of documents which can be loaded, processed and displayed by the recipient…*,], [0042], and [0045 "*In Step S1 a request is received from a customer indicating that he wants to play the on-line game…*"]}

b) initiating said at least one (or 1) of said plurality of applications at said primary electronic device;

{see Figs. 1, elements 2, 3, 4, and Fig. 4, pars. [0023 "*The **on-line game** may partly **be loaded** and **executed on the customer's local host** in **his web browser**…*"], and [0024]}

c) providing at least one customized web page at a secondary electronic device, accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

{see Figs. 1, element 1 (Web server system), element 4 (Web server) which reads over "2nd electronic device", element 17 "***Web page generation***", Figs. 3, 4a, 4b, pars. [0011"*The **Web pages are to be sent to the customer** over the Internet…*"], [0023 "…*The game may be embedded directly in the **Web pages forming the web***

store *(for example, in the* ***Web store's catalog of products and/or services)****…..*], [0024"*…a* ***game the elements of which are distributed over several different Web pages of the Web store*** *so that the* ***user has to visit different pages in order to play the game****. Thereby, the customer may be led to visit Web pages which he would not visit otherwise. This enhances the probability that* ***the user becomes aware of additional goods and/or services offered in the on-line store*** *without actively requesting such offers, which corresponds to a* ***push advertisement****. ...By changing the* ***Web pages the playing customer must visit****, ...The selection of the Web sites that the playing customer must visit can also be made customer-specific according to a known customer's profile...*"], and especially [0042"*...The web page generation component 17 assembles… and* ***generates the Web pages to be sent to the customer's Web browser 2****…*"],

[0037 "..***Web pages representing the store****, which are sent to a customer as a response to a customer's request together with a store functionality inherent in these pages…****a catalog of goods and/or services for sales****; it enables the supplier and the customer to agree on a sale****…; it enables a completion of the agreed sale by payment and transfer or fulfillment of the bought goods or services****…, the on-line store also has the above-described game functionality and comprises one or more separate game related* ***Web pages and/or has included game-related content*** *in the above-mentioned catalog and other pages of the Web store...*"]

d) automatically integrating said content from said secondary electronic device into said at least one (or 1) of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

{see Fig. 2, Fig. 3, elements 34, 35a ,"PRODUCT 1", elements 36, 37, 39a "GAME ELEMENT 1", and

pars. [0012 "*providing an **on-line game to be played** within an, or **linked to, an on-line store**…"], [0023 "…The **game may be embedded** directly in the **Web pages forming the web store** (for example, in the **Web store's catalog of products and/or services**)…..], [0024"…a **game the elements of which are distributed over several different Web pages of the Web store** so that the **user has to visit different pages in order to play the game**. Thereby, the customer may be led to visit Web pages **which he would not visit otherwise**. This enhances the probability that **the user becomes aware of additional goods and/or services offered in the on-line store** without actively requesting such offers, which corresponds to a **push advertisement**. ...By changing the **Web pages the playing customer must visit**, ...The selection of the Web sites that the playing customer must visit can also be made customer-specific according to a known customer's profile..."], [0025],

[0037 "..**Web pages representing the store**, which are sent to a customer as a response to a customer's request together with a store functionality inherent in these pages…**a catalog of goods and/or services for sales**; it enables the supplier and the customer to agree on a sale**…; it enables a completion of the agreed sale by**

payment and transfer or fulfillment of the bought goods or services*..., the on-line store also has the above-described game functionality and comprises one or more separate game related* ***Web pages and/or has included game-related content*** *in the above-mentioned catalog and other pages of the Web store...*"]

[0052 "…***the association between the game and the e-commerce contents*** *to which the customer should be attracted can even be enhanced* ***by mixing the game items with the e-commerce contents.... For example, in Fig. 4b the items 44 and 45 are spread over or even hidden among the catalog-page contents...***"}

Therefore, the feature of "automatically integrating said content" is inherently included in the teachings above for the customer to play the game "***must visit***" which requires "automatically integrating" and the user "*becomes aware*" or "in contact" with the "*goods and/or services*". In other word, without "automatically integrating" feature, the customer would not (does not have to) visit the Web pages with information about the goods and/or services as indicated above, which is what CZEPLUCH tries to avoid since it makes no profit by letting the customer play games alone but by automatically forcing the game player to visit product web pages .

e) automatically re-directing said user (customer) to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

{see Fig. 1, Fig. 2, Fig. 3 “pars. [0023], [0024 “…*a* ***game the elements of which are distributed over several different Web pages of the Web store*** *so that the* ***user has to visit different pages in order to play the game***. *Thereby,* ***the customer may be led to visit Web pages*** *which he would not visit otherwise. This enhances the probability that* ***the user becomes aware of additional goods and/or services offered in the on-line store*** *without actively requesting such offers, which corresponds to a* ***push advertisement***. *...By* ***changing the Web pages the playing customer must visit****,...that the* ***customer will gather new product information is enhanced***. *The selection of the Web sites that the playing customer must visit can also be made customer-specific according to a known customer's profile...*"],

[see par. [0038 “*the* ***relevant part of the Web store and game functionality, remains on the server side****...the question whether a certain article on sale is currently available is not decided locally on the customer's browser since.... Rather, when the user selects an item, ...it will then be figured out on the* ***server's side****....Similarly, data regarding....on* ***the server's side***..."]}

As for the feature of “automatically redirecting said user (customer) to one of the Web page” is inherently included in the teachings above for the customer to play the game “***must visit***” the “Web pages of the Web store” which requires “automatically re-directing" and the user “*gather new product information*” or "*becomes aware*" or "in contact" with the "goods and/or services" which read over "content". In other word, without "automatically integrating" feature, the customer would not (does not have to) visit the Web pages with information about the goods and/or services as indicated

above, which is what CZEPLUCH tries to avoid since it makes no profit by letting the customer play games alone but by automatically forcing the game player to visit product web pages. sit the Web pages as indicated above, which is what CZEPLUCH tries to avoid. These features also taught in pars. [0038] as cited above, and [0042-0043], [0047-0048] which describes the operations of Fig. 1 and Fig. 2 and other functions related to Web pages and on the 2nd electronic device such as (2) "rewarding component" , (21) "pricing component", (22) order manager", (23) "payment hander", etc. which teaches/includes the features of "automatically re-directing said user…".

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit (reward) for said user relating to said content.

{see pars. [0006 "*Web store… provides an on-line game in the form of a "treasure hunt": The* ***customer has to find "coins" which are distributed over the several Web pages of the Web Store****. If the customer finds a certain number of coins, he or she* ***can take part in a quiz****. If the customer* ***completes the quiz*** *successfully, he* ***wins a prize which may be one of the Web store's products****.."],

[0026 "*reward may be a prize, …, in the form of money, a thing or a service…is a rebate on one or more items offered in the web store. This binds the customer more strongly to the Web store.*"],

[0027…"*the game has to be played repeatedly by the customer in order to get the reward…*"],

[0039 "***a server computer system****... a game component, a customer can play the on-line game and can get a reward or a prospect of a reward..*"], and Fig. 5 and pars. [0054-0056]}

CZEPLUCH fairly teaches the claimed invention except for expressively disclosing the initiating of the application (game) locally at the user's device (step b "initiating") and the respective "locally executed application" in step (c "integrating…"). Note on par. [0023 "*The* ***on-line game*** *may partly* ***be loaded*** *and* ***executed on the customer's local host*** *in* ***his web browser****…*"], so the concept of executing the application (game) "locally" at the user's terminal also appears to be taught by CZEPLUCH.

In a similar system for communicating with the user through the Internet for delivering application (content) to a user upon a user's request, **YOUNG ET AL** fairly teaches the two application delivering/accessing techniques:

1) the user can down load the application (episode 416) and play the application (episode 416) on the user's terminal 416 {see col. 9, lines 50-60} and a "technology shell" 432, stored in the user's terminal to enable the viewing and playing of the application (episode) at the user's terminal, in order to provide ease of use; and/or

2) the user can access the application (episode 416) at the centralized server 400 through an Internet connection. The user maybe required to submit a user ID and password, the server 400 verifies the password and user ID and allows the user to access the episode using a specified "access window" with specific time frame {see col.

10, lines 1-25, and col. 11, lines 5-11}. "*In this embodiment, the user terminal 428 are not required to store the episodes 416 or shell 432, but need only to access the server through a web browser, or the like, to access the application (episodes 416*)" {see col. 11, lines 7-11}.

In view of the teachings above, it appears that the benefits for locally executing the applications at the user electronic device (computer) vs. accessing the remote server for execution of the application are: no restriction for executing the application at the user primary electronic device (user computer), no payment of fee for accessing the application, no submission of user ID and password for executing the application on the remote server, and no restriction of period of time (specified time only) or group user only for access at the remote server (Fig. 4, server 400) {see col. 9, line 9-40, especially lines 50-67 and col. 10, lines 1-43}. In other word, the user can execute the application at any time, at no additional cost and not worrying about the user ID and password.

Therefore, it would have been obvious to modify the application accessing of CZEPLUCH by downloading the application and initiate the application (episode) locally at the user's terminal (primary electronic device) in step (b) as taught by YOUNG ET AL. for at least one of the general benefits cited above, i.e. "ease of use", without being affected by the operation of the remote server.

As for the feature of "locally executed application" in step (c "integrating…"), this is inherently included in the combination of CZEPLUCH /YOUNG ET AL. when the application (game) is initiated after "downloading the application" at the user's terminal (primary electronic device).

As for dep. claim 22 (part of 21 above) which deals with features of web page content, i.e. dynamic, this is taught in CZEPLUCH on pars. [0038 "…***dynamic appearance of the Web pages***...."] or YOUNG ET AL col. 3, lines 15-45, col. 4, lines 10-27.

As for dep. claim 24 (part of 21 above), which deals with the type or features of the application, this appears to be non-essential to the scope of the claimed invention and furthermore, it's fairly taught in CZEPLUCH Figs. 4a and 4b, [0051-0052] or YOUNG ET AL col. 4, lines 15-25 "… *new 3D rendering schemes*, …". Clearly, a more realistic video games with 3-D visualization would provide an environment wherein the player is immersed in the game like a real environment and would have been obvious to do so to improve game playing effectiveness. Alternatively, Official notice is taken that it is old and well known in the gaming art to get the player immersed in the game by using a virtual reality platform having a three-dimensional visualization. It would have been obvious to one of ordinary skill in the gaming art at the time of the applicant's invention to include a virtual reality platform having a three-dimensional visualization for the benefit cited above.

As for independent system claim 26 which is basically the system to carry out the independent method of claim 21 above, it's rejected over the system of the system of CZEPLUCH on Figs. 1 and 3 and YOUNG ET AL Figs. 4 and 5 (or vice versa) for carrying out the respective steps in the rejections of claim 21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

Also, this is an apparatus claim and intended use limitation for the system/device or apparatus, i.e. "processor for running the program" in claim 26 may not carries any patentable weight. A proper language should be "a processor is configured to … (run the program or to carry out the following steps)". Also, phrase such as "program that is executable to perform the steps of" does not appear to be the proper format for an apparatus claim as shown in claim 26.

As for independent system claim 25 which is basically the system to carry out the independent method of claims 21 and 24 above, it's rejected over the system of the system of CZEPLUCH on Figs. 1 and 3 and YOUNG ET AL Figs. 4 and 5, for carrying the respective steps in the rejections of claims 24/21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 24/21 would have been obvious to a skilled artisan.

As shown above, in independent claim 25, the use of "method steps" in all/most of the system elements such as "device that accesses", "initiating", "providing", "can be immersed", "accessing", "being …re-directed", "is exposed", "being integrated", "is performed", "generating", and "communicates", and "performed", etc., are considered as "manner" of operating the device or elements, and may not carry much patentable weight as indicated above. They are not functions, since the claim format are not in "means plus function" format or other apparatus format such as "a processor is configured to …" format. These are not "elemental structures" required in an apparatus claim. Also the term "*being capable* of" in the "2nd electronic device" is broad limitation

which the reference only needs to be “capable of” performing the functions and not necessarily have the exact structures.

As for independent article claim 27 which is basically the non-transitory computer-readable medium to carry out the independent method of claim 21 above, it’s rejected over the computer-readable medium inherently included in the system of CZEPLUCH Figs. 1 and 3 or YOUNG ET AL as shown on Figs. 4 and 5 and for carrying the respective steps in the rejections of claim 21 described above. Alternatively, the set up of a computer-readable medium to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent method claim 1, which has similar limitation as in independent method claim 21 above but wherein the type of application is a game application and the content is a business-related content, these are fairly taught in CZEPLUCH [0009-0012] or YOUNG ET AL cols. 2-3.

As for dep. claim 5 (part of 1 above), which appears to deal with a user purchases an item related to the content, this is taught in pars. [0026..”reward is a rebate on one or more items offered in the Web store..", [0037 "..sales.."], [0043], [0048].

As for dep. claim 6 (part of 1 above), which deals with the type of business-related content, this is non-essential to the scope of the claimed invention and would have been obvious to select any type, brand or generic since this is not critical. Furthermore, it’s fairly taught in CZEPLUCH in [0038], and [0052].

As for dep. claim 7 (part of 6/ 1 above) which deals with features of content, i.e. dynamic, this is taught in YOUNG ET AL col. 3, lines 20-45, col. 12, lines 1-10 "updated" or CZEPLUCH's general teaching of "updating data" on para. [0036].

As for dep. claims 8-9 (part of 1 above), which deal with managing the user/player transactions profiles for potential business/marketing, these are taught in Figs. 1-2, pars. [0039, 0043].

As for independent method claim 10, which has similar limitation as in independent method claims 1 and 4 above but wherein the type of application is a game application and the content is a business-related content, these are fairly taught in YOUNG ET AL cols. 2-3 or CZEPLUCH [0009-0012].

As for dep. claim 13 (part of 1 above), which deals with the well known parameters of the benefit/reward, calculated in real-time, this is taught in CZEPLUCH pars. [0027-0033, 0036, 0039 "…***update the customer's profile data***..". Alternatively, the use of "real time" data would have obvious to improve data accuracy.

As for dep. claim 14 (part of 1 above), which deals with the well known parameters of the benefit/reward, using the benefit during game, this is taught in CZEPLUCH par. [0026 "the reward is a rebate on one or more items offered in the Web store….".

As for independent system claim 15, which is basically the system to carry out the independent method of claim 1 and dep. claim 24 above, it's rejected over the system of the system of YOUNG ET AL as shown on Figs. 4 and 5 and CZEPLUCH Figs. 1 and 3 or vice versa for carrying the respective steps in the rejections of claims 1

and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 1 and 24 would have been obvious to a skilled artisan.

As shown above, in independent claim 15, the use of "method steps" in all/most of the system elements such as "device that accesses", "initiating", "providing", "can be immersed", "accessing", "being …re-directed", "is exposed", "being integrated", "is performed", "generating", and "communicates", and "performed", etc., are considered as "manner" of operating the device or elements, and may not carry much patentable weight as indicated above. They are not functions, since the claim format are not in "means plus function" format or other apparatus format such as "a processor is configured to …" format. These are not "elemental structures" required in an apparatus claim. Also the term "*being capable* of" in the "2nd electronic device" is broad limitation which the reference only needs to be "capable of" performing the functions and not necessarily have the exact structures.

As for independent method claim 16, which is basically the combination of independent method claim 1 and dep. claim 24 above, it's rejected over combination of the rejections of claims 1 and 24 as cited above.

As for dep. claim 17 (part of 16 above), which deals with the type of business or location of each provided virtual reality platform, this appears to be non-essential to the scope of the claimed invention and since it does not further limit the steps of claim 16 above, i.e. providing or initiating or red-directing but merely discusses well known type of business models such as "franchise" such as "McDonald" or "Kinko" store or "owned"

location/store. Furthermore, this is taught in YOUNG ET AL col. 4, lines 20-27, col. 13, lines 20-40. Since it's well known to a skilled artisan that any type of business can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious to select a well known business model such as "franchised" for marketing/selling a product/service if desired as mere selection of well known business operation model such as franchised or owned store.

8. Dependent claims 5, 8-9 are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH in view of YOUNG ET AL as applied to claims 1, 5-9 above, and further in view of ADAMS et al.

In general, In a similar for integrating content into an electronic device over a computerized network and awarding and redeeming incentive (promotional points) in an electronic game, ADAMS et al fairly teaches {see col. 5, lines 42-67, col. 6, lines 1-9, "..*players may accumulate promotional points by simply allowing themselves to be exposed to sponsor advertising material*...", for the benefits that the player can exchange the promotional points/incentives for goods or services by patronizing particular stores or buy particular products they may not have chosen without such incentive {see col. 9, lines 1-9} or becomes familiarized with the sponsor's products, websites, and learns how to buy merchandise using the sponsor's normal product or service purchase procedure. Moreover, the player is educated about the sponsor's and its product offering, is more likely to return directly to a sponsor's website for other purchases, and less likely to go to a competing merchant whose website may be

unfamiliar and thus more intimidating when purchase on line in the future { especially col. 16, lines 18-35}}. Note also the new added limitation of "providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application" submitted on 9/13/07, this is also taught in ADAMS et al as shown in Fig. 6, or col. 15, lines 45 to col. 16, line 32, col. 18, lines 1-42, which deals with hyperlinking or linking to website or web page of Sponsor (Fig. 6, 88) where the player can interact with the advertising materials and others. As for the limitation "customized", it's inherently included in the website/webpage of ADAMS et al. Furthermore, this is a relative term and no further limitation is shown, i.e. "customized to what? The selection of any customized features on the website or webpage of the sponsor is fairly taught in col. 18, lines 20-42, and would have been obvious to a skilled artisan customize the site as desired to meet the needs of the player.

As in dep. claim 5 (part of 2/1 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET AL to include other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., as taught by ADAMS

As for dep. claims 8-9 (part of 1 above), which deals with the other type of business-related content, these is non-essential to the scope of the claimed invention and are fairly taught in ADAMS et al col. 16-col. 18., lines 40-65.

9. Dependent claims 13-14 are rejected (2nd) under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL as applied to claim 10, 13-14, above, and further in view of ADAMS et al.

As in dep. claims 13-14 (part of 10 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET AL to include other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., as taught by ADAMS

10. Dependent claim 17 is rejected (2nd) under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL as applied to claims 16-17 above, and further in view of ADAMS et al.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform.

Furthermore, this is taught in YOUNG ET AL col. 4, lines 20-27, col. 13, lines 20-40. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET Al to provide each virtual platform at a franchise location for selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

Response to Arguments

11. Applicant's arguments filed July 13, 2010 have been fully considered but they are not persuasive. Applicant's statement that “With respect to the outstanding prior art rejections of claims 1, 5-10, 13-17, 21, 22 and 24-27, the Applicant's traversal of these rejections is set forth in detail in the Appeal Brief filed on March 12, 2009 (see especially pages 21-29), and these traversal arguments are incorporated herein in their entirety by reference. Accordingly, claims 1, 5-10, 13-17, 21, 22 and 24-27 are patentable” is noted but not persuasive in view of the examiner’s rejections above.

Conclusion

12. **THIS ACTION IS MADE FINAL.** 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 mailing date of this final action.

No claims are allowed.

13. 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 any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 27**2**-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is (571) 27**3**-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689

Notice of References Cited	Application/Control No. 10/272,408	Applicant(s)/Patent Under Reexamination ALTIERI, FRANCES BARBARO	
	Examiner Tan Dean D. Nguyen	Art Unit 3689	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,243,104	06-2001	Murray, Peter Noel	345/629
*	B	US-7,073,129	07-2006	Robarts et al.	715/740
*	C	US-2003/0004791	01-2003	Kojima, Kazuo	705/12
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10272408	ALTIERI, FRANCES BARBARO
	Examiner	**Art Unit**
	Tan Dean D Nguyen	3689

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

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

CLAIM		DATE								
Final	Original	07/21/2008	01/05/2009	01/05/2009	10/14/2010					
	1	✓	✓	A	✓					
	2	-	-	-	-					
	3	-	-	-	-					
	4	-	-	-	-					
	5	✓	✓	A	✓					
	6	✓	✓	A	✓					
	7	✓	✓	A	✓					
	8	✓	✓	A	✓					
	9	✓	✓	A	✓					
	10	✓	✓	A	✓					
	11	-	-	-	-					
	12	-	-	-	-					
	13	✓	✓	A	✓					
	14	✓	✓	A	✓					
	15	✓	✓	A	✓					
	16	✓	✓	A	✓					
	17	✓	✓	A	✓					
	18	-	-	-	-					
	19	-	-	-	-					
	20	-	-	-	-					
	21	✓	✓	A	✓					
	22	✓	✓	A	✓					
	23	-	-	-	-					
	24	✓	✓	A	✓					
	25	✓	✓	A	✓					
	26	✓	✓	A	✓					
	27	✓	✓	A	✓					
	28	✓	✓	A	-					

OPAP IAP19 JUL 13 2010 PATENT & TRADEMARK OFFICE

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.N./

PTO/SB/08a (07-09)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3689
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US- 5,742,521	04-21-1998	Ellenby et al.	
	2	US- 6,409,599	06-05-2002	Sprout et al.	
	3	US- 6,795,041	09-21-2004	Ogawa et al.	
	4	US- 7,073,129	07-04-2006	Robarts et al.	
	5	US- 7,570,261	08-04-2009	Edecker et al.	
	6	US- 7,693,702	04-06-2010	Kerner et al.	
	7	US- 2004/0004583	01-08-2004	Ogawa et al.	
	8	US- 2004/0113887	06-17-2004	Pair et al.	
	9	US- 2005/0035980	02-17-2005	Lonsing	
	10	US- 2005/0251494	11-10-2005	Maria Jansen	
	11	US- 6,243,104	06-05-2001	Murray	
	12	US- 6,648,479	11-18-2003	Gustafsson et al.	
	13	US- 6,871,137	03-22-2005	Scaer et al.	
	14	US- 7,162,054	01-09-2007	Meisner et al.	
	15	US- 7,676,372	03-09-2010	Oba	
	16	US- 2003/0004791	01-02-2003	Kojima	
	17	US- 2004/0095378	05-20-2004	Vigue et al.	
	18	US- 2004/0131232	07-08-2004	Meisner et al.	
	19	US- 2005/0131582	06-16-2005	Kazi et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature	/Tan Nguyen/	Date Considered	01/25/2011

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours 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, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 09/28/2010

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

EXAMINER	
NGUYEN, TAN D	
ART UNIT	**PAPER NUMBER**
3689	

MAIL DATE	DELIVERY MODE
09/28/2010	PAPER

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.

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AKERMAN SENTERFITT

8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

Appeal No: 2010-012420
Application: 10/272,408
Appellant: Frances Barbaro Altieri

Board of Patent Appeals and Interferences
Docketing Notice

Application 10/272,408 was received from the Technology Center at the Board on September 27, 2010 and has been assigned Appeal No: 2010-012420.

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

The facsimile number of the Board is 571-273-0052. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 571-272-9797 and referencing the appeal number listed above.

By order of the Board of Patent Appeals and Interferences.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 09/28/2010

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
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VIENNA, VA 22182-2683

EXAMINER	
NGUYEN, TAN D	
ART UNIT	**PAPER NUMBER**
3689	

MAIL DATE	DELIVERY MODE
09/28/2010	PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRANCES BARBARO ALTIERI

Appeal 2010-012420
Application 10/272,408
Technology Center 3600

Before STEVEN J. BARTLETT, *Support Division 2 Manager.*

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 27, 2010. A Docketing Notice was mailed on September 28, 2010. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issues and to take necessary corrective action.

REQUEST TO REOPEN PROSECUTION

Appellant filed a Request to Reopen Prosecution on July 13, 2010. There is no indication on the record that the Examiner has considered the above Request to Reopen Prosecution.

Accordingly, it is ordered that the application is remanded to the Examiner:

1) to Reopen Prosecution; and

2) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

babc

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

OPAP IAP19
JUL 13 2010
PATENT & TRADEMARK OFFICE

Attorney Docket: 71457-0004
Customer No.: 57362

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	BPAI Appeal No.: 2010-002542
Frances B. ALTIERI	Group Art Unit: 3689
Application No.: 10/272,408	Examiner: Tan D. Nguyen
Filed: October 16, 2002	Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

AMENDMENT UNDER 37 C.F.R. § 1.111

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

Sir:

In response to the Supplemental Examiner's Answer dated June 23, 2010, please reopen prosecution and amend the above-identified application as follows:

AMENDMENTS TO THE CLAIMS:

This listing of claims replaces all prior versions, and listings, of claims in this application:

1. (Previously Presented) A method of integrating business-related content over a computerized network, into a primary electronic device that accesses a game application, from at least one secondary electronic device that accesses business-related content on a plurality of web pages, the method comprising:

receiving a request at said primary electronic device to initiate a locally executed game application that is accessible at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device;

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said locally executed game application during execution of said game application;

automatically re-directing said user to one of said web pages of said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application; and

executing a user action on said business-related content from said secondary electronic device.

2.-4. (Canceled)

5. (Previously Presented) The method of claim 1 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. (Original) The method of claim 1 wherein said game application displays branded business-related content to said user.

7. (Original) The method of claim 6 wherein said branded business-related content is dynamically updated.

8. (Previously Presented) The method of claim 1, comprising the further steps of:

executing game-related user actions in said game application as a result of user choices; and

generating a player profile based on said user choices made during said game application; wherein the player profile is specific to said user.

9. (Previously Presented) The method of claim 8 wherein said player profile is disseminated to providers of business-related content used in said game application.

10. (Previously Presented) A method of integrating business-related content over a computerized network, into an electronic device that accesses a game application, from at least one secondary electronic device that accesses a plurality of web pages, the method comprising:

initiating a locally executed game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing game-related actions during said game application;

executing a user action on said business-related content from said secondary electronic device; and

enabling the user to earn a benefit related to said business-related content based on said user action performed on said business-related content.

11.-12. (Canceled)

13. (Previously Presented) The method of claim 10 wherein said benefit for said user is calculated in real-time.

14. (Previously Presented) The method of claim 10, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. (Previously Presented) A system, comprising:

a primary electronic device that accesses a locally executed game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device being capable of accessing a web page customized with business-related content for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of said game application, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing said game application;

wherein a user action is performed on said business-related content from said secondary electronic device, said user action generating a benefit for said user relating to said business-related content, said benefit being external to said game application;

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on the business-related content.

16. (Previously Presented) A method of integrating business-related content over a computerized network, into a primary electronic device that locally executes a game application, from at least one secondary electronic device that provides business-related content which is accessed by said primary electronic device, said method comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

initiating said game application in response to a user request;

automatically re-directing a content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said locally executed game application, said web page being customized with business-related content for use with said game application;

exposing said user to said business-related content during said three-dimensional visualization at said secondary electronic device;

executing a user action on said business-related content from said secondary electronic device; and

earning the user a benefit based on said user action performed on the business-related content from said secondary electronic device, said benefit being external to said game application.

17. (Previously Presented) The method of claim 16, further comprising providing each virtual reality platform at a franchised location.

18.-20. (Canceled)

21. (Previously Presented) A method of automatically integrating content into an electronic device over a computerized network, comprising:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network;

initiating said at least one of said plurality of applications at said primary electronic device;

providing at least one customized web page at a secondary electronic device, accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

automatically integrating said content from said secondary electronic device into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content.

22. (Previously Presented) The method of claim 21, wherein said content includes dynamic content.

23. (Canceled)

24. (Previously Presented) The method of claim 21, further comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which the user interacts.

25. (Previously Presented) A system, comprising:

a primary electronic device that accesses a plurality of locally executed applications, said primary electronic device initiating at least one of said plurality of applications in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during execution of said at least one of said plurality of applications;

a secondary electronic device interfaced with said primary electronic device over a computerized network, said secondary electronic device being capable of accessing a web page customized with content for use with said at least one of said plurality of applications, said one of said plurality of applications being automatically re-directed to said customized web page at

said secondary electronic device as part of the execution of said at least one of said plurality of applications, said re-direction being integrated into said one of said plurality of locally executed applications and said re-direction occurring as part of the user executing said one of said plurality of applications;

wherein a user action is executed on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, and

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on said content from the secondary electronic device.

26. (Previously Presented) A computer system which automatically integrates content into an electronic device, comprising:

at least one memory having at least one program that is executable to perform the steps comprising:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of

said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

at least one processor for running the program.

27. (Currently Amended) A non-transitory, computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device, the computer system having a program comprising the steps of:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that is accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device, and

automatically integrating content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications at said primary electronic device;

automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications, said re-direction occurring as part of the user executing said one of said plurality of applications; and

executing a user action on said content from said secondary electronic device.

28. (Canceled)

REMARKS

Claims 1, 5-10, 13-17, 21, 22 and 24-27 are pending in this application and are rejected. For reasons discussed in detail below, Applicant respectfully requests that the Examiner reopen prosecution by filing the present Amendment under 37 CFR § 1.111 (which will be treated as a request to withdraw the appeal). In this regard, claim 27 has been amended, and claim 28 has been canceled without prejudice or disclaimer.

Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

New Grounds of Rejection

Claim Rejection under 35 U.S.C. § 112

Claim 28 was rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim Rejection under 35 U.S.C. § 101

Claim 27, which is a computer readable media, is rejected under 35 USC § 101 because the claimed invention is directed toward non-statutory subject matter.

Grounds of Rejection

Claim Rejections under 35 U.S.C. § 103

Claims 1, 6, 7, 10, 13, 15, 16, 17, 21, 22, 24, 25, 26, 27, and 28 were rejected under 35 USC § 103(a) has allegedly been obvious over U.S. Patent No. Application Publication No. 2003/0069832 to Czepluch (hereinafter 'Czepluch') in view of U.S. Patent No. 6,669,564 to Young et al. (hereinafter 'Young'), or vice versa.

Claims 5, 8 and 9 were rejected under 35 USC § 103(a) as allegedly being unpatentable over Czepluch and Young, or vice versa, as applied above to claim 1, and further in view of U.S. Patent No. 7,025,674 to Adams et al. (hereinafter 'Adams').

Claims 13 and 14 were rejected under 35 USC § 103(a) as allegedly being unpatentable over Czepluch and Young, or vice versa, as applied above to claim 10, and further in view of Adams.

Claim 17 was rejected under 35 USC § 103(a) as allegedly being unpatentable over Czepluch and Young, or vice versa, as applied above to claim 16, and further in view of Adams.

For the following reasons, these rejections are respectfully traversed.

Remarks

In the Supplemental Examiner's Answer, the Examiner has raised two new grounds of rejection regarding claims 27 and 28 based on the Remand from the Board of Patent Appeals and Interferences dated June 9, 2010. With respect to claim 27, the Examiner has rejected the claim under 35 USC § 101 as the recitation of a "computer readable medium" encompasses a signal *per se* since the specification provides no special definition of the medium. With respect to claim 28, the Examiner has rejected the claim under 35 USC § 112, second paragraph, as the claim is allegedly indefinite because the specification does not adequately define sufficient structure to perform the function of each of the three means-plus-function recitations listed on page No. 3 of the Supplemental Examiner's Answer.

In view of the new grounds of rejection, the Examiner indicates that Applicant has two options: (1) Reopen prosecution by filing an Amendment under 37 CFR § 1.111 (which will be treated as a request to withdraw the appeal); or (2) Request that the Appeal be maintained by filing a Reply Brief without any amendments.

For the reasons discussed in detail below, Applicant is pursuing option (1) to reopen prosecution by filing an Amendment under 37 CFR 1.111 to amend claim 27 and to cancel claim 28.

In particular, with respect to claim 27, Applicant has amended the claim to recite a "non-transitory computer readable medium" as recommended by Director Kappos in his Memo of January 26, 2010 (copy enclosed). This amendment should obviate the rejection under § 101. Moreover, as is evident from the date of Director Kappos's Memo, the issue of computer readable medium claims potentially encompassing signals *per se* was first raised by the Patent Office only after the Appeal Brief was filed, so that there was no opportunity do address the issue until now.

With respect to claim 28, although Applicant submits that the means-plus-function recitations noted by the Examiner have adequate structure in the specification. In particular, Applicant clearly pointed out in the Appeal Brief filed on March 12, 2009, support for the various means-plus-function claim recitations in claim 28 (see pages 18 and 19 of the Appeal Brief). Notwithstanding this, the Examiner maintains that there is not sufficient structure for performing the claimed function in each of the three means-plus-function recitations noted by the Examiner. Namely, the corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer or microprocessor. Although Applicant referred to the steps 102, 104, 106, and 108 in the flow chart of Figure 3 and the corresponding disclosure in the specification, the Examiner's position is that there is no clear indication how each function is achieved to provide sufficient structure.

Nevertheless, without acquiescing to the correctness of the Examiner's position and to advance the prosecution of the present application, Applicant is canceling claim 28 to overcome the § 112, second paragraph, rejection and thus remove this issue from appeal.

With respect to the outstanding prior art rejections of claims 1, 5-10, 13-17, 21, 22 and 24-27, the Applicant's traversal of these rejections is set forth in detail in the Appeal Brief filed on March 12, 2009 (see especially pages 21-29), and these traversal arguments are incorporated herein in their entirety by reference. Accordingly, claims 1, 5-10, 13-17, 21, 22 and 24-27 are patentable.

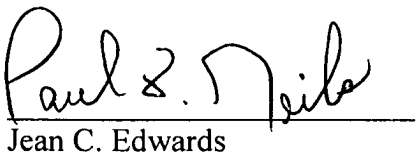
Although prosecution will be reopened and the previous appeal filed on March 12, 2009, withdrawn, it is the Applicant's understanding that, if necessary, a new Notice of Appeal and revised Appeal Brief with amended claim 27 and with claim 28 being canceled can then be filed. Moreover, it is Applicant's further understanding that she will not have to pay new government Notice of Appeal and Appeal Brief fees, but only the difference in fees if the Patent Office fees have increased since the original Appeal Brief was filed in 2009 until the time of filing the new appeal.

Conclusion

Based on the foregoing, all of the claims should be in form for allowance and such action is hereby solicited. If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,



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OPAP IAP19
JUL 1 3 2010
PATENT & TRADEMARK OFFICE

Subject Matter Eligibility of Computer Readable Media

The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. *See In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. *See* MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. *See In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101*, Aug. 24, 2009; p. 2.

The USPTO recognizes that applicants may have claims directed to computer readable media that cover signals *per se*, which the USPTO must reject under 35 U.S.C. § 101 as covering both non-statutory subject matter and statutory subject matter. In an effort to assist the patent community in overcoming a rejection or potential rejection under 35 U.S.C. § 101 in this situation, the USPTO suggests the following approach. A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim. *Cf. Animals – Patentability*, 1077 *Off. Gaz. Pat. Office* 24 (April 21, 1987) (suggesting that applicants add the limitation "non-human" to a claim covering a multi-cellular organism to avoid a rejection under 35 U.S.C. § 101). Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning that includes signals *per se*. The limited situations in which such an amendment could raise issues of new matter occur, for example, when the specification does not support a non-transitory embodiment because a signal *per se* is the only viable embodiment such that the amended claim is impermissibly broadened beyond the supporting disclosure. *See, e.g., Gentry Gallery, Inc. v. Berkline Corp.*, 134 F.3d 1473 (Fed. Cir. 1998).

Date: 1/26/10

David J. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

OPAP IAP19 JUL 13 2010 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI

Group Art Unit: 3629

Application No.: 10/272,408

Examiner: Tan D. Nguyen

Filed: October 16, 2002

Confirmation No.: 1927

Appeal No.: 2010-002542

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

INFORMATION DISCLOSURE STATEMENT

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

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the U.S. Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO/SB/08A. It is requested that the information on Form PTO/SB/08A be considered during the prosecution of this application, and that the references be made of record and appear among the "References Cited" on any issued patent.

Listed on Form PTO/SB/08A are references 1-19 which were first cited and characterized in the Office Action issued on May 19, 2010, in connection with related U.S. Patent Application No. 12/073,966. The U.S. references are not included in this submission as it is assumed that the USPTO has these references readily available.

07/14/2010 SZEWDIE1 00000001 500951 10272408
01 FC:1806 180.00 DA

____This Information Disclosure Statement is being submitted:

____ (1) within three months of the filing date of the application; or

____(2) after the filing date of the application and before the mailing date of a first Office Action on the merits; or

____(3) before the mailing of a first Office Action after the filing of a Request for Continued Examination; and thus, no Statement under 37 C.F.R. §1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

____This Information Disclosure Statement is being submitted after the above periods (1)-(3), but before a Final Office Action or Notice of Allowance, a Statement under 37 CFR 1.97(e) is provided (see below), and no fee under 37 CFR 1.17(p) is due.

__X_This Information Disclosure Statement is being submitted after the above periods (1)-(3), but before a Final Office Action or Notice of Allowance, and no Statement under 37 CFR 1.97(e) is provided, the fee under 37 CFR 1.17(p) is enclosed.

___This Information Disclosure Statement is being submitted after the mailing date of a Final Office Action or Notice of Allowance, but before payment of the Issue Fee, and a Statement under 37 CFR 1.97(e) is provided (see below), and the fee under 37 CFR 1.17(p) is enclosed.

____ Statement under 37 CFR 1.97(e)(1): Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

___ Statement under 37 CFR 1.97(e)(2): No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to our knowledge, after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual

designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

__X__ Fee under 37 CFR 1.17(p) is enclosed (see Fee Transmittal).

The submission of the listed documents is not intended as an admission that any such documents constitute prior art against the claims of the present application. Applicant(s) do(es) not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicant(s) hereby petition(s) for any extension of time that may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,

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OPAP IAP19 JUL 13 2010 PATENT & TRADEMARK OFFICE

PTO/SB/08a (07-09)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3689
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US- 5,742,521	04-21-1998	Ellenby et al.	
	2	US- 6,409,599	06-05-2002	Sprout et al.	
	3	US- 6,795,041	09-21-2004	Ogawa et al.	
	4	US- 7,073,129	07-04-2006	Robarts et al.	
	5	US- 7,570,261	08-04-2009	Edecker et al.	
	6	US- 7,693,702	04-06-2010	Kerner et al.	
	7	US- 2004/0004583	01-08-2004	Ogawa et al.	
	8	US- 2004/0113887	06-17-2004	Pair et al.	
	9	US- 2005/0035980	02-17-2005	Lonsing	
	10	US- 2005/0251494	11-10-2005	Maria Jansen	
	11	US- 6,243,104	06-05-2001	Murray	
	12	US- 6,648,479	11-18-2003	Gustafsson et al.	
	13	US- 6,871,137	03-22-2005	Scaer et al.	
	14	US- 7,162,054	01-09-2007	Meisner et al.	
	15	US- 7,676,372	03-09-2010	Oba	
	16	US- 2003/0004791	01-02-2003	Kojima	
	17	US- 2004/0095378	05-20-2004	Vigue et al.	
	18	US- 2004/0131232	07-08-2004	Meisner et al.	
	19	US- 2005/0131582	06-16-2005	Kazi et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours 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, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OPAP JUL 13 2010 PATENT & TRADEMARK OFFICE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3689
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
  - [x] Fee Attached
- [x] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [x] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):
  - Request to Reopen Prosecution;
  - Amendment Under 37 C.F.R. § 1.111 in response to the Supplemental Examiner's Answer dated June 23, 2010, with Director Kappos memo;
  - Information Disclosure Statement (IDS) with IDS Form PTO/SB/08A.

Remarks

Please charge any deficiency or credit any overpayments to Deposit Account No. 50-0951.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Akerman Senterfitt LLP		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards, Esq.		
Date	July 13, 2010	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/17 (10-08)
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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2009

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($)	180.00

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Examiner Name	Tan D. NGUYEN
Art Unit	3689
Attorney Docket No.	71457.0004

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 50-0951 Deposit Account Name: Akerman Senterfitt

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims		Extra Claims	Fee ($)		Fee Paid ($)
_____	- 20 or HP =	_____	x _____	=	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims		Extra Claims	Fee ($)		Fee Paid ($)
_____	- 3 or HP =	_____	x _____	=	_____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $270 ($135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof	Fee ($)		Fee Paid ($)
_____	- 100 =	_____	/ 50 =	_____ (round up to a whole number)	x _____	=	_____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Information Disclosure Statement Fee	180.00

SUBMITTED BY

Signature	Jean C. Edwards	Registration No. (Attorney/Agent) 41,728	Telephone 703-394-1380
Name (Print/Type)	Jean C. Edwards, Esq.		Date July 13, 2010

This collection of information is required by 37 CFR 1.136. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of:

Frances B. ALTIERI

Application No.: 10/272,408

Filed: October 16, 2002

Appeal No.: 2010-002542

Group Art Unit: 3829

Examiner: Tan D. Nguyen

Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

REQUEST TO REOPEN PROSECUTION

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

Sir:

In response to the Supplemental Examiner's Answer dated June 23, 2010, Applicant respectfully requests that prosecution be reopened to consider and enter the Amendment under 37 C.F.R. § 1.111 submitted concurrently herewith.

Applicant hereby petitions for any extension of time that may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,

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Date: July 13, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 06/23/2010

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EXAMINER	
NGUYEN, TAN D	
ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
06/23/2010	PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/272,408
Filing Date: October 16, 2002
Appellant(s): ALTIERI, FRANCES BARBARO

Jean C. Edwards
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the appeal brief filed March 12, 2009 appealing from the Office action mailed January 09, 2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 5-10, 13-17, 21-22 and 24-28.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

NEW GROUND(S) OF REJECTION

Claim 28 is rejected under 35 USC § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim(s) recites/recite the following means (or step) plus function limitation:

(1) means for automatically integrating content from a secondary electronic device…

(2) means for automatically re-directing said user to one of said web pages at said secondary electronic device…

(3) means for executing a user action on said content at said secondary electronic device

These limitations invoke 35 USC § 112, ¶ 6 because it meets the 3-prong analysis set forth in MPEP 2181 as it recites the phrase "means for" or "step for" (or appellant identifies the limitation as a means (or step) plus function limitation in the appeal brief) and the phrase is modified by functional language and it is not modified by sufficient structure, material, or acts for performing the recited function. Also see *Altiris Inc. v. Semantec Corp.*, 318 F.3d 1363, 1375 (Fed. Cir. 2003). 35 USC § 112, ¶ 6, requires such claim to be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. "If one employs means plus function language in a claim, one must set forth in the specification an adequate

disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section § 112." *In re Donaldson Co.*, 16 F.3d 1189, 1195, 29 USPQ 1845, 1850 (Fed. Cir. 1994)(in banc.). For a computer-implemented means-plus-function claim limitation that invokes 35 USC § 112, ¶ 6, the corresponding structure is required to be more than simply a general purpose computer. *Aristocrat Technologies, Inc. v. International Game Technology*, 521 F.3d 1328, 1333, 86 USPQ2d 1235, 1239-40 (Fed. Cir. 2008). The corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer. *WMS Gaming,Inc. v. International Game Technology*, 184 F.3d 1339, 51 USPQ2d 1385 (Fed. Cir. 1999). The written description must at least disclose the algorithm that transforms the general purpose microprocessor to a special purpose computer programmed to perform the claimed function. *Aristocrat*, 521 F.3d at 1338, 86 USPQ2d at 1242.

In the instant application, the following portions of the specification and drawings may appear to describe the corresponding structure for performing the claimed function:

For (1): Figs. 3, step 102, fig. 5; specification at page 1, third full paragraph, page 2 second full paragraph, page 3 last paragraph, page 4 fourth full paragraph, page 5 first paragraph.

However, the specification and drawings do not disclose sufficient corresponding structure, material or acts for performing the claimed function.

The specification and the figures merely provide a circular explanation in the form of desired results when describing the corresponding structure responsible for the recited function of automatically integrating content from a secondary device. While the disclosure does include primary and secondary electronic devices, no clear indication is given as to how this is specifically achieved. As a result, the corresponding structure to this means has not been clearly established.

For (2): Figs. 3, step 104, fig. 5; specification at page 1, third full paragraph, page 2 third full paragraph, page 3 last paragraph, page 4 fourth full paragraph, page 5 first paragraph.

However, the specification and drawings do not disclose sufficient corresponding structure, material or acts for performing the claimed function.

The specification and the figures merely provide a circular explanation in the form of desired results when describing the corresponding structure responsible for the recited function of automatically re-directing said user to one of said web pages. While the disclosure does include primary and secondary electronic devices, no clear indication is given as to how this is specifically achieved. As a result, the corresponding structure to this means has not been clearly established.

However, the specification and drawings do not disclose sufficient corresponding structure, material or acts for performing the claimed function.

For (3): Figs. 3, steps 106 and 108, fig. 5; specification at paragraph bridging pages 1 and 2, page 3 last paragraph, page 4 fourth full paragraph, page 5 first paragraph.

The specification and the figures merely provide a circular explanation in the form of desired results when describing the corresponding structure responsible for the recited function of executing a user action on said content at said secondary electronic device. While the disclosure does include primary and secondary electronic devices, no clear indication is given as to how this is specifically achieved. As a result, the corresponding structure to this means has not been clearly established.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 27, which is a computer readable media, is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 27 recites a “computer readable medium” with contents that cause a computer system to perform functions. The specification provides no special definition for the medium. Thus, based on the broadest reasonable interpretation of “computer readable medium”, claim 27 does not fall into one of the four statutory categories of invention in that it encompasses a signal per se in view of the ordinary and customary meaning of the term.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,669,564	**YOUNG ET AL**	**12-2003**
7,025,674	**ADAMS ET AL.**	**4-2006**
2003/0069832	**CZEPLUCH**	**4-2003**

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Status

1. Claims 1, 5-10, 13-17, 21-22 and 24-28 are pending and rejected as followed. Claims 2-4, 11-12 and 23 have been canceled. They comprise:

1) method[1]: 21-22, 24 (amended);

2) system: 25 (amended);

3) system: 26 (amended);

4) product: 27 (amended);

5) system: 28 (amended);

6) method[2]: 1, 5-9 (amended);

7) method[3]: 10, 13-14 (amended);

8) system: 15 (amended); and

9) method[4]: 16-17 (amended).

Claims 21-22, 24 appear to be the broadest claim set and will be addressed first.

Claim Rejections - 35 USC § 103

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

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

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 21-22, 24 (method[1]), **25** (system), **26** (system), **27** (product), **28** (system), **1, 6-7** (method[2]), **10, 13** (method[3]), **15** (system), and **16**-17 (method[4]) **are rejected under 35 U.S.C. 103(a) as obvious over CZEPLUCH in view of YOUNG ET AL or vice versa.**

As of 10/15/2008, independent method claim 21 is as followed:

21. (Currently Amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network;

(b) initiating said at least one of said plurality of applications at said primary electronic device;

c) providing at least one customized web page at a secondary electronic device accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

d) automatically integrating said content from said secondary electronic device into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

e) automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content.

[said benefit being external to said one of said plurality of applications; wherein the benefit is usable within the at least one of the plurality of applications.]

Note: for convenience purpose, letters (a)-(f) are added to the beginning of each step.

Similarly, **CZEPLUCH** discloses a method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device interfaced with said network;

{see Figs. 1, 2, paragraphs [0037], [0041] and [0045]}

(b) initiating said at least one of said plurality of applications at said primary electronic device;

{see Figs. 2, pars. [0042], [0045]}

c) providing at least one customized web page at a secondary electronic device accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

{see Figs. 3, 4a, 4b, pars. [0052]}

d) automatically integrating said content from said secondary electronic device into said at least one of said plurality of applications during execution of said at least one of said plurality of applications;

{see pars. [0024]}

e) automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

{see Fig. 2, pars. [0024], [0038]}

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications; wherein the benefit is usable within the at least one of the plurality of applications.

{see pars. [0010]-[0011], [0052]}

CZEPLUCH fairly teaches the claimed invention except for the new limitation of “locally executed" applications on steps (a) and (d).

In a similar for integrating content into an electronic device over a computerized network, YOUNG ET AL teaches steps (a), (b) and (d) above and wherein the benefits for locally executing the applications at the user electronic device (computer) vs. accessing the remote server for execution of the application are: no restriction for

executing the application at the user primary electronic device (user computer), no payment of fee for accessing the application, no submission of user ID and password for executing the application on the remote server, and no restriction of period of time (specified time only) or group user only for access at the remote server (Fig. 4, server 400) {see col. 9, line 9-40, especially lines 50-67 and col. 10, lines 1-43}. In other word, the user can execute the application at any time, at no additional cost and not worrying about the user ID and password. It would have been obvious to modify steps (a) and (d) of CZEPLUCH by doing it locally on the user primary electronic device (user computer) for at least 1 of the many benefits cited above which is more convenient and cheaper as taught by YOUNG ET AL.

Alternatively, it would have been obvious to modify the teachings of YOUNG ET AL by including steps (c), (e) and (f) to automatically re-directing the user into the customized web pages at the secondary electronic device for generating a benefit as taught in CZEPLUCH above.

As for dep. claim 22 (part of 21 above) which deals with features of content, i.e. dynamic, this is taught in YOUNG ET AL col. 3, lines 15-45, col. 4, lines 10-27 or CZEPLUCH's general teaching of "updating data" on para. [0036].

As for dep. claim 24 (part of 21 above), which deals with the type or features of the application, this is non-essential to the scope of the claimed invention and furthermore, it's fairly taught in CZEPLUCH Figs. 4a and 4b, [0051-0052] or YOUNG ET AL col. 4, lines 15-25 "... *new 3D rendering schemes*, ...". Clearly, a more realistic video games with 3-D visualization would provide an environment wherein the player is

immersed in the game like a real environment and would have been obvious to do so to improve game playing effectiveness. Alternatively, Official notice is taken that it is old and well known in the gaming art to get the player immersed in the game by using a virtual reality platform having a three-dimensional visualization. It would have been obvious to one of ordinary skill in the gaming art at the time of the applicant's invention to include a virtual reality platform having a three-dimensional visualization for the benefit cited above.

As for independent system claim 26 which is basically the system to carry out the independent method of claim 21 above, it's rejected over the system of the system of CZEPLUCH on Figs. 1 and 3 and YOUNG ET AL Figs. 4 and 5 (or vice versa) for carrying out the respective steps in the rejections of claim 21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 25 which is basically the system to carry out the independent method of claims 21 and 24 above, it's rejected over the system of the system of CZEPLUCH on Figs. 1 and 3 and YOUNG ET AL Figs. 4 and 5, for carrying the respective steps in the rejections of claims 24/21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 24/21 would have been obvious to a skilled artisan.

As for independent product claim 27 which is basically the computer-readable medium to carry out the independent method of claim 21 above, it's rejected over the computer-readable medium inherently included in the system of YOUNG ET AL as shown on Figs. 4 and 5 and CZEPLUCH Figs. 1 and 3 for carrying the respective steps in the rejections of claim 21 described above. Alternatively, the set up of a computer-readable medium to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 28, which are basically the system to carry out the method of claim 21 above, they are rejected over the system of the system of YOUNG ET AL as shown on Figs. 4 and 5 and CZEPLUCH Figs. 1 and 3 for carrying the respective steps in the rejections of claims 21 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent method claim 1, which has similar limitation as in independent method claim 21 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in CZEPLUCH [0009-0012] or YOUNG ET AL cols. 2-3.

As for dep. claim 6 (part of 1 above), which deals with the type of business-related content, this is non-essential to the scope of the claimed invention and would

have been obvious to select any type, brand or generic since this is not critical. Furthermore, it's fairly taught in CZEPLUCH in [0038], and [0052].

As for dep. claim 7 (part of 6/ 1 above) which deals with features of content, i.e. dynamic, this is taught in YOUNG ET AL col. 3, lines 20-45, col. 12, lines 1-10 "updated" or CZEPLUCH's general teaching of "updating data" on para. [0036].

As for independent method claim 10, which has similar limitation as in independent method claims 1 and 4 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in YOUNG ET AL cols. 2-3 or CZEPLUCH [0009-0012].

As for independent system claim 15, which is basically the system to carry out the independent method of claim 1 and dep. claim 24 above, it's rejected over the system of the system of YOUNG ET AL as shown on Figs. 4 and 5 and CZEPLUCH Figs. 1 and 3 or vice versa for carrying the respective steps in the rejections of claims 1 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 1 and 24 would have been obvious to a skilled artisan.

As for independent method claim 16, which is basically the combination of independent method claim 1 and dep. claim 24 above, it's rejected over combination of the rejections of claims 1 and 24 as cited above.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not

receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Furthermore, this is taught in YOUNG ET AL col. 4, lines 20-27, col. 13, lines 20-40. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

5. Claims 5, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL or vice versa as applied to claims 1, 6-7 above, and further in view of ADAMS et al.

In general, In a similar for integrating content into an electronic device over a computerized network and awarding and redeeming incentive (promotional points) in an electronic game, ADAMS et al fairly teaches {see col. 5, lines 42-67, col. 6, lines 1-9, "..*players may accumulate promotional points by simply allowing themselves to be exposed to sponsor advertising material*...", for the benefits that the player can exchange the promotional points/incentives for goods or services by patronizing particular stores or buy particular products they may not have chosen without such incentive {see col. 9, lines 1-9} or becomes familiarized with the sponsor's products, websites, and learns how to buy merchandise using the sponsor's normal product or service purchase procedure. Moreover, the player is educated about the sponsor's and

its product offering, is more likely to return directly to a sponsor's website for other purchases, and less likely to go to a competing merchant whose website may be unfamiliar and thus more intimidating when purchase on line in the future { especially col. 16, lines 18-35}}. Note also the new added limitation of "providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application" submitted on 9/13/07, this is also taught in ADAMS et al as shown in Fig. 6, or col. 15, lines 45 to col. 16, line 32, col. 18, lines 1-42, which deals with hyper-linking or linking to website or web page of Sponsor (Fig. 6, 88) where the player can interact with the advertising materials and others. As for the limitation "customized", it's inherently included in the website/webpage of ADAMS et al. Furthermore, this is a relative term and no further limitation is shown, i.e. "customized to what? The selection of any customized features on the website or webpage of the sponsor is fairly taught in col. 18, lines 20-42, and would have been obvious to a skilled artisan customize the site as desired to meet the needs of the player.

As in dep. claim 5 (part of 2/1 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET AL to include other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing

benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., as taught by ADAMS

As for dep. claims 8-9 (part of 1 above), which deals with the other type of business-related content, these is non-essential to the scope of the claimed invention and are fairly taught in ADAMS et al col. 16-col. 18., lines 40-65.

6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL or vice versa as applied to claim 10 above, and further in view of ADAMS et al.

As in dep. claims 13-14 (part of 10 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET AL to include other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., as taught by ADAMS

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL or vice versa as applied to claim 16 above, and further in view of ADAMS et al.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Furthermore, this is taught in YOUNG ET AL col. 4, lines 20-27, col. 13, lines 20-40. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET Al to provide each virtual platform at a franchise location for selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

(10) Response to Argument

In response to applicant's argument on pages 24-25 that the references, CZEPLUCH/YOUNG ET AL fails to teach the feature of "automatically integrating", this is not persuasive in view of the teaching of CZEPLUCH on par. [0024]. As for the argument on page 25 that CZEPLUCH/YOUNG ET AL fails to teach the feature of

"automatically re-directing...", ", this is not persuasive in view of the teaching of CZEPLUCH on par. [0024] and [0038] and Fig. 2 and YOUNG ET AL (Fig. 4, server 400) {see col. 9, line 9-40, especially lines 50-67 and col. 10, lines 1-43}.

As for In response to applicant's argument on page 25 and 28 with respect to the feature of "dynamic" content of claims 22 and claim 7, this term is a "relative" language and is fairly taught in YOUNG ET AL col. 3, lines 15-45, col. 4, lines 10-27 or CZEPLUCH's general teaching of "updating data" on par. [0036]. Applicant's comment that the definition of this term is shown on page 6, $2^{n\sim}$ paragraph, of the present specification, however, this definition limitation is not in cited in the claim.

As for In response to applicant's argument on pages 26, 28 with respect to the feature of claims 24, and 15-16, this term is a "relative" language and is fairly taught in CZEPLUCH Figs. 4a and 4b, [0051-0052] or YOUNG ET AL col. 4, lines 15-25 "... *new 3D rendering schemes*, ...". Clearly, a more realistic video games with 3-D visualization would provide an environment wherein the player is immersed in the game like a real environment and would have been obvious to do so to improve game playing effectiveness. Alternatively, Official notice is taken that it is old and well known in the gaming art to get the player immersed in the game by using a virtual reality platform having a three-dimensional visualization. It would have been obvious to one of ordinary skill in the gaming art at the time of the applicant's invention to include a virtual reality platform having a three-dimensional visualization for the benefit cited above.

In response to applicant's arguments on page 29 against the references individually, ADAMS ET AL, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller,* 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). ADAMS ET AL is cited to teach the limitations of dep. claims 5, 8 and 9 of claim 1. ADAMS ET AL is not cited to teach the limitations of claim 1. The limitation of claim 1 is taught by CZEPLUCH/YOUNG ET AL as cited above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section **(9)** above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

/Tan Dean D. Nguyen/

Primary Examiner, Art Unit 3689

June 16, 2010

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

Director:

/Wynn W. Coggins/

Director, TC 3600

Conferees:

1)

Vincent Millin/vm/

Appeals Conference Specialist

2) Janice Mooneyham, SPE 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 06/09/2010

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

EXAMINER	
NGUYEN, TAN D	
ART UNIT	**PAPER NUMBER**
3689	

MAIL DATE	DELIVERY MODE
06/09/2010	PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRANCES BARBARO ALTIERI

Appeal 2010-002542
Application 10/272,408
Technology Center 3600

Before DALE M. SHAW, *Division 2 Support Administrator.*

ORDER REMANDING APPEAL TO EXAMINER

This is a Director ordered remand under 37 CFR §41.35(c) for the matter identified below. Accordingly, the application is herewith being remanded to the Examiner.

This application was electronically received at the Board of Patent Appeals and Interferences on January 4, 2010. A Docketing Notice was mailed and Appeal No. 2010-002542 was assigned on January 20, 2010.

Claims 27 and 28 of the instant application contain functional language that may be indefinite under 35 U.S.C. § 112, 2nd paragraph. *See Ex Parte Rodriquez,* 2009 WL 3756279 (BPAI 2009) and *Aristocrat Techs.*

Austl. Pty. Ltd. v. Int'l. Game Tech., 521 F.3d 1328 (Fed Cir. 2008). On September 2, 2008 the Deputy Commissioner for Patent Examination Policy, John J. Love, issued a memorandum entitled "Rejections under 35 U.S.C. 112, second paragraph, when examining means (or step) plus function claim limitations under 35 U.S.C. 112, sixth paragraph", located at: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/section_112_6th_09_02_2008.pdf . Thus, there is a question as to whether claims 27 and 28 and the claims which depend upon these claims, meet the requirements of being definite under 35 U.S.C. § 112, 2nd paragraph.

Accordingly, it is

ORDERED that the application is remanded to the Examiner to determine if claims 27 and 28 and the claims which depend upon these claims, meet the requirements of 35 U.S.C. § 112, 2nd paragraph.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/mls

AKERMAN SENTERFITT
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VIENNA, VA 22182-2683

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UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 01/20/2010

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EXAMINER	
NGUYEN, TAN D	
ART UNIT	**PAPER NUMBER**
3689	

MAIL DATE	DELIVERY MODE
01/20/2010	PAPER

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United States Patent and Trademark Office

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

Appeal No: 2010-002542
Application: 10/272,408
Appellant: Frances Barbaro Altieri

Board of Patent Appeals and Interferences
Docketing Notice

Application 10/272,408 was received from the Technology Center at the Board on January 04, 2010 and has been assigned Appeal No: 2010-002542.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on:	March 12, 2009
Reply Brief filed on:	NONE
Request for Hearing filed on:	July 06, 2009

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

The facsimile number of the Board is 571-273-0052. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 571-272-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 09/18/2009

AKERMAN SENTERFITT
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EXAMINER	
NGUYEN, TAN D	
ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
09/18/2009	PAPER

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10272408	10/16/2002	ALTIERI, FRANCES BARBARO	TZB-001

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

EXAMINER	
Tan Dean D.. Nguyen	
ART UNIT	**PAPER**
3689	20090916

DATE MAILED:

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

Commissioner for Patents

The following supplemental information, "Headings", are added to the Examiner's Answer of 06/02/2009:

(3) Status of Claims
The statement of the status of claims contained in the brief is correct.

(5) Summary of Claimed Subject Matter
The summary of claimed subject matter contained in the brief is correct.

The case is forwarded to the Board (BPAI) for decision.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 09/04/2009

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EXAMINER	
NGUYEN, TAN D	
ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
09/04/2009	PAPER

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10272408	10/16/2002	ALTIERI, FRANCES BARBARO	TZB-001

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

EXAMINER	
Tan Dean D.. Nguyen	
ART UNIT	**PAPER**
3689	20090902

DATE MAILED:

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

Commissioner for Patents

The request for Oral Hearing filed on 7/6/09 is noted. The request is being processed by the Board of Appeal. The case is at the Board of Appeal for decision.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689

OIPE IAP42 JUL 06 2009 PATENT & TRADEMARK OFFICE

PTO/SB/32 (06-09)
Approved for use through 07/31/2009. OMB 0651-0031
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REQUEST FOR ORAL HEARING BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional): 71457.0004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____

Signature _____

Typed or printed name _____

In re Application of: Frances Barbaro ALTIERI

Application Number	Filed
10/272,408	October 16, 2002

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT

Art Unit	Examiner
3689	Tan D. NGUYEN

Applicant hereby requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.

The fee for this Request for Oral Hearing is (37 CFR 41.20(b)(3)) $ 1,080.00

- [x] Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ 540.00
- [ ] A check in the amount of the fee is enclosed.
- [ ] Payment by credit card. Form PTO-2038 is attached.
- [ ] The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- [x] The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0951 .
- [ ] A petition for an extension of time under 37 CFR 1.136(b) (PTO/SB/23) is enclosed. For extensions of time in reexamination proceedings, see 37 CFR 1.550.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 41,728 .
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____

Jean C. Edwards
Signature

Jean C. Edwards
Typed or printed name

July 6, 2009
Date

703-394-1380
Telephone number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

07/07/2009 SHOHAMME 00000056 500951 10272408
01 FC:2403 540.00 DA

- [x] *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.20(b)(3). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Doc Code: TRAN.LET

Document Description: Transmittal Letter

PTO/SB/21 (06-09)
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OIPE
JUL 06 2009
PATENT & TRADEMARK OFFICE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3689
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☑ Other Enclosure(s) (please Identify below):
  - PTO/SB/32 Request for Oral Hearing
  - Fee Transmittal

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Akerman Senterfitt		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards		
Date	July 6, 2009	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OIPE IAP42
JUL 06 2009
PATENT & TRADEMARK OFFICE

PTO/SB/17 (10-08)
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Effective 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2009

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($)

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Examiner Name	Tan D. NGUYEN
Art Unit	3689
Attorney Docket No.	71457.0004

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 50-0951 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____	x _____	= _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____	x _____	= _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims Fee ($)	Multiple Dependent Claims Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $270 ($135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____ / 50 =	_____ (round **up** to a whole number)	x _____	= _____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Request Oral Hearing Fee	$ 540.00

SUBMITTED BY

Signature	Jean C. Edwards	Registration No. (Attorney/Agent) 41,728	Telephone 703-394-1380
Name (Print/Type)	Jean C. Edwards		Date July 6, 2009

This collection of information is required by 37 CFR 1.136. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 06/02/2009

AKERMAN SENTERFITT
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EXAMINER	
NGUYEN, TAN D	

ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
06/02/2009	PAPER

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.

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Commissioner for Patents
United States Patent and Trademark Office
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/272,408
Filing Date: October 16, 2002
Appellant(s): ALTIERI, FRANCES BARBARO

MAILED

JUN 0 2 2009

GROUP 3600

Jean C. Edwards
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 12, 2009 appealing from the Office action mailed January 09, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(4) Status of Amendments

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

6,669,564	**YOUNG ET AL**	**12-2003**
7,025,674	**ADAMS ET AL**	**4-2006**
2003/0069832	**CZEPLUCH**	**4-2003**

(9) Grounds of Rejection

Claim Status

1. Claims 1, 5-10, 13-17, 21-22 and 24-28 are pending and rejected as followed. Claims 2-4, 11-12 and 23 have been canceled. They comprise:

1) method[1]: 21-22, 24 (amended);

2) system: 25 (amended);

3) system: 26 (amended);

4) product: 27 (amended);

5) system: 28 (amended);

6) method[2]: 1, 5-9 (amended);

7) method[3]: 10, 13-14 (amended);

8) system: 15 (amended); and

9) method[4]: 16-17 (amended).

Claims 21-22, 24 appear to be the broadest claim set and will be addressed first.

Claim Rejections - 35 USC § 103

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

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

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 21-22, 24 (method[1]), **25** (system), **26** (system), **27** (product), **28** (system), **1, 6-7** (method[2]), **10, 13** (method[3]), **15** (system), and **16**-17 (method[4]) **are rejected under 35 U.S.C. 103(a) as obvious over CZEPLUCH in view of YOUNG ET AL or vice versa.**

As of 10/15/2008, independent method claim 21 is as followed:

21. (Currently Amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network;

(b) initiating said at least one of said plurality of applications at said primary electronic device;

c) providing at least one customized web page at a secondary electronic device accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

d) automatically integrating said content from said secondary electronic device into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

e) automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content.

[said benefit being external to said one of said plurality of applications; wherein the benefit is usable within the at least one of the plurality of applications.]

Note: for convenience purpose, letters (a)-(f) are added to the beginning of each step.

Similarly, **CZEPLUCH** discloses a method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device interfaced with said network;

{see Figs. 1, 2, paragraphs [0037], [0041] and [0045]}

(b) initiating said at least one of said plurality of applications at said primary electronic device;

{see Figs. 2, pars. [0042], [0045]}

c) providing at least one customized web page at a secondary electronic device accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

{see Figs. 3, 4a, 4b, pars. [0052]}

d) automatically integrating said content from said secondary electronic device into said at least one of said plurality of applications during execution of said at least one of said plurality of applications;

{see pars. [0024]}

e) automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

{see Fig. 2, pars. [0024], [0038]}

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications; wherein the benefit is usable within the at least one of the plurality of applications.

{see pars. [0010]-[0011], [0052]}

CZEPLUCH fairly teaches the claimed invention except for the new limitation of "locally executed" applications on steps (a) and (d).

In a similar for integrating content into an electronic device over a computerized network, YOUNG ET AL teaches steps (a), (b) and (d) above and wherein the benefits for locally executing the applications at the user electronic device (computer) vs. accessing the remote server for execution of the application are: no restriction for executing the application at the user primary electronic device (user computer), no payment of fee for accessing the application, no submission of user ID and password for executing the application on the remote server, and no restriction of period of time (specified time only) or group user only for access at the remote server (Fig. 4, server 400) {see col. 9, line 9-40, especially lines 50-67 and col. 10, lines 1-43}. In other word,

the user can execute the application at any time, at no additional cost and not worrying about the user ID and password. It would have been obvious to modify steps (a) and (d) of CZEPLUCH by doing it locally on the user primary electronic device (user computer) for at least 1 of the many benefits cited above which is more convenient and cheaper as taught by YOUNG ET AL.

Alternatively, it would have been obvious to modify the teachings of YOUNG ET AL by including steps (c), (e) and (f) to automatically re-directing the user into the customized web pages at the secondary electronic device for generating a benefit as taught in CZEPLUCH above.

As for dep. claim 22 (part of 21 above) which deals with features of content, i.e. dynamic, this is taught in YOUNG ET AL col. 3, lines 15-45, col. 4, lines 10-27 or CZEPLUCH's general teaching of "updating data" on para. [0036].

As for dep. claim 24 (part of 21 above), which deals with the type or features of the application, this is non-essential to the scope of the claimed invention and furthermore, it's fairly taught in CZEPLUCH Figs. 4a and 4b, [0051-0052] or YOUNG ET AL col. 4, lines 15-25 "... *new 3D rendering schemes*, ...". Clearly, a more realistic video games with 3-D visualization would provide an environment wherein the player is immersed in the game like a real environment and would have been obvious to do so to improve game playing effectiveness. Alternatively, Official notice is taken that it is old and well known in the gaming art to get the player immersed in the game by using a virtual reality platform having a three-dimensional visualization. It would have been obvious to one of ordinary skill in the gaming art at the time of the applicant's invention

to include a virtual reality platform having a three-dimensional visualization for the benefit cited above.

As for independent system claim 26 which is basically the system to carry out the independent method of claim 21 above, it's rejected over the system of the system of CZEPLUCH on Figs. 1 and 3 and YOUNG ET AL Figs. 4 and 5 (or vice versa) for carrying out the respective steps in the rejections of claim 21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 25 which is basically the system to carry out the independent method of claims 21 and 24 above, it's rejected over the system of the system of CZEPLUCH on Figs. 1 and 3 and YOUNG ET AL Figs. 4 and 5, for carrying the respective steps in the rejections of claims 24/21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 24/21 would have been obvious to a skilled artisan.

As for independent product claim 27 which is basically the computer-readable medium to carry out the independent method of claim 21 above, it's rejected over the computer-readable medium inherently included in the system of YOUNG ET AL as shown on Figs. 4 and 5 and CZEPLUCH Figs. 1 and 3 for carrying the respective steps in the rejections of claim 21 described above. Alternatively, the set up of a computer-

readable medium to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 28, which are basically the system to carry out the method of claim 21 above, they are rejected over the system of the system of YOUNG ET AL as shown on Figs. 4 and 5 and CZEPLUCH Figs. 1 and 3 for carrying the respective steps in the rejections of claims 21 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent method claim 1, which has similar limitation as in independent method claim 21 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in CZEPLUCH [0009-0012] or YOUNG ET AL cols. 2-3.

As for dep. claim 6 (part of 1 above), which deals with the type of business-related content, this is non-essential to the scope of the claimed invention and would have been obvious to select any type, brand or generic since this is not critical. Furthermore, it's fairly taught in CZEPLUCH in [0038], and [0052].

As for dep. claim 7 (part of 6/ 1 above) which deals with features of content, i.e. dynamic, this is taught in YOUNG ET AL col. 3, lines 20-45, col. 12, lines 1-10 "updated" or CZEPLUCH's general teaching of "updating data" on para. [0036].

As for independent method claim 10, which has similar limitation as in independent method claims 1 and 4 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in YOUNG ET AL cols. 2-3 or CZEPLUCH [0009-0012].

As for independent system claim 15, which is basically the system to carry out the independent method of claim 1 and dep. claim 24 above, it's rejected over the system of the system of YOUNG ET AL as shown on Figs. 4 and 5 and CZEPLUCH Figs. 1 and 3 or vice versa for carrying the respective steps in the rejections of claims 1 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 1 and 24 would have been obvious to a skilled artisan.

As for independent method claim 16, which is basically the combination of independent method claim 1 and dep. claim 24 above, it's rejected over combination of the rejections of claims 1 and 24 as cited above.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Furthermore, this is taught in YOUNG ET AL col. 4, lines 20-27, col. 13, lines 20-40. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system

for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

5. Claims 5, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL or vice versa as applied to claims 1, 6-7 above, and further in view of ADAMS et al.

In general, In a similar for integrating content into an electronic device over a computerized network and awarding and redeeming incentive (promotional points) in an electronic game, ADAMS et al fairly teaches {see col. 5, lines 42-67, col. 6, lines 1-9, "*..players may accumulate promotional points by simply allowing themselves to be exposed to sponsor advertising material...*", for the benefits that the player can exchange the promotional points/incentives for goods or services by patronizing particular stores or buy particular products they may not have chosen without such incentive {see col. 9, lines 1-9} or becomes familiarized with the sponsor's products, websites, and learns how to buy merchandise using the sponsor's normal product or service purchase procedure. Moreover, the player is educated about the sponsor's and its product offering, is more likely to return directly to a sponsor's website for other purchases, and less likely to go to a competing merchant whose website may be unfamiliar and thus more intimidating when purchase on line in the future { especially col. 16, lines 18-35}}. Note also the new added limitation of "providing at least one customized web page at said secondary electronic device, said web page customized

with business-related content for use with said game application" submitted on 9/13/07, this is also taught in ADAMS et al as shown in Fig. 6, or col. 15, lines 45 to col. 16, line 32, col. 18, lines 1-42, which deals with hyperlinking or linking to website or web page of Sponsor (Fig. 6, 88) where the player can interact with the advertising materials and others. As for the limitation "customized", it's inherently included in the website/webpage of ADAMS et al. Furthermore, this is a relative term and no further limitation is shown, i.e. "customized to what? The selection of any customized features on the website or webpage of the sponsor is fairly taught in col. 18, lines 20-42, and would have been obvious to a skilled artisan customize the site as desired to meet the needs of the player.

As in dep. claim 5 (part of 2/1 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET AL to include other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., as taught by ADAMS

As for dep. claims 8-9 (part of 1 above), which deals with the other type of business-related content, these is non-essential to the scope of the claimed invention and are fairly taught in ADAMS et al col. 16-col. 18., lines 40-65.

6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL or vice versa as applied to claim 10 above, and further in view of ADAMS et al.

As in dep. claims 13-14 (part of 10 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET AL to include other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., as taught by ADAMS

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL or vice versa as applied to claim 16 above, and further in view of ADAMS et al.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Furthermore, this is taught in YOUNG ET AL col. 4, lines 20-27, col. 13, lines 20-40. Since it's well known to a skilled artisan that any location can set up the virtual reality

platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET Al to provide each virtual platform at a franchise location for selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

(10) Response to Argument

In response to applicant's argument on pages 24-25 that the references, CZEPLUCH /YOUNG ET AL fails to teach the feature of "automatically integrating", this is not persuasive in view of the teaching of CZEPLUCH on par. [0024]. As for the argument on page 25 that CZEPLUCH /YOUNG ET AL fails to teach the feature of "automatically re-directing...", ", this is not persuasive in view of the teaching of CZEPLUCH on par. [0024] and [0038] and Fig. 2 and YOUNG ET AL (Fig. 4, server 400) {see col. 9, line 9-40, especially lines 50-67 and col. 10, lines 1-43}.

As for In response to applicant's argument on page 25 and 28 with respect to the feature of "dynamic" content of claims 22 and claim 7, this term is a "relative" language and is fairly taught in YOUNG ET AL col. 3, lines 15-45, col. 4, lines 10-27 or

CZEPLUCH's general teaching of "updating data" on par. [0036]. Applicant's comment that the definition of this term is shown on page 6, 2nd paragraph, of the present specification, however, this definition limitation is not in cited in the claim.

As for In response to applicant's argument on pages 26, 28 with respect to the feature of claims 24, and 15-16, this term is a "relative" language and is fairly taught in CZEPLUCH Figs. 4a and 4b, [0051-0052] or YOUNG ET AL col. 4, lines 15-25 "... *new 3D rendering schemes*, ...". Clearly, a more realistic video games with 3-D visualization would provide an environment wherein the player is immersed in the game like a real environment and would have been obvious to do so to improve game playing effectiveness. Alternatively, Official notice is taken that it is old and well known in the gaming art to get the player immersed in the game by using a virtual reality platform having a three-dimensional visualization. It would have been obvious to one of ordinary skill in the gaming art at the time of the applicant's invention to include a virtual reality platform having a three-dimensional visualization for the benefit cited above.

In response to applicant's arguments on page 29 against the references individually, ADAMS ET AL, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). ADAMS ET AL is cited to teach the limitations of dep. claims 5, 8 and 9 of claim 1. ADAMS ET AL is not cited to teach the limitations of claim 1. The limitation of claim 1 is taught by CZEPLUCH /YOUNG ET AL as cited above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

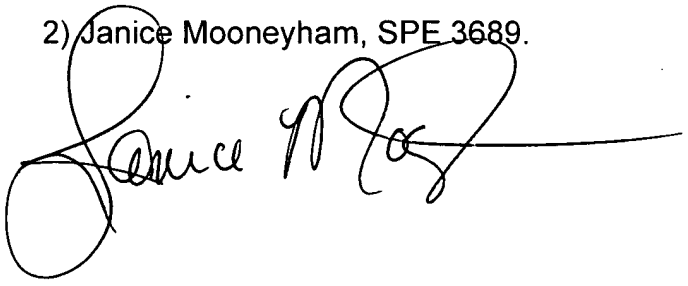
/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689

Conferees:

1) Vincent Millin /vm/

Appeals Practice Specialist

2) Janice Mooneyham, SPE 3689.



Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10272408	ALTIERI, FRANCES BARBARO
	Examiner	Art Unit
	Tan Dean D Nguyen	3689

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

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

CLAIM		DATE								
Final	Original	07/21/2008	01/05/2009	01/05/2009						
	1	✓	✓	A						
	2	-	-	-						
	3	-	-	-						
	4	-	-	-						
	5	✓	✓	A						
	6	✓	✓	A						
	7	✓	✓	A						
	8	✓	✓	A						
	9	✓	✓	A						
	10	✓	✓	A						
	11	-	-	-						
	12	-	-	-						
	13	✓	✓	A						
	14	✓	✓	A						
	15	✓	✓	A						
	16	✓	✓	A						
	17	✓	✓	A						
	18	-	-	-						
	19	-	-	-						
	20	-	-	-						
	21	✓	✓	A						
	22	✓	✓	A						
	23	-	-	-						
	24	✓	✓	A						
	25	✓	✓	A						
	26	✓	✓	A						
	27	✓	✓	A						
	28	✓	✓	A						

OIPE MP81
MAR 12 2009
PATENT & TRADEMARK OFFICE

1 Final AF 362.9

PTO/SB/21 (02-09)
Approved for use through 03/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	9

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. Altieri
Art Unit	3629
Examiner Name	T. D. Nguyen
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
- [x] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [x] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please Identify below):

Remarks

Please charge any fees or credit any overpayments to Deposit Account No. 50-0951.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	AKERMAN SENTERFITT, LLP		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards		
Date	March 12, 2009	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2009

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 270.00

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. Altieri
Examiner Name	T. D. Nguyen
Art Unit	3629
Attorney Docket No.	71457.0004

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 50-0951 Deposit Account Name: AKERMAN SENTERFITT, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____ x	_____ =	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____ x	_____ =	_____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $270 ($135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	0 / 50 =	_____ (round **up** to a whole number) x	_____ =	_____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Appeal Brief fee	$270.00

SUBMITTED BY

Signature	Jean C. Edwards	Registration No. (Attorney/Agent) 41,728	Telephone 703-394-1380
Name (Print/Type)	Jean C. Edwards		Date March 12, 2009

This collection of information is required by 37 CFR 1.136. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OIPE MAR 12 2009 PATENT & TRADEMARK OFFICE

Attorney Dkt. No. 71457.0004
Customer No. 57362

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3629

Application No.: 10/272,408 — Examiner: Tan D. Nguyen

Filed: October 16, 2002 — Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3629

Application No.: 10/272,408 — Examiner: Tan D. Nguyen

Filed: October 16, 2002 — Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellants submit the following:

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST....2
II. RELATED APPEALS AND INTERFERENCES....3
III. STATUS OF CLAIMS....4
IV. STATUS OF AMENDMENTS....5
V. SUMMARY OF THE CLAIMED SUBJECT MATTER....6
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL....20
VII. ARGUMENTS....21
CLAIMS APPENDIX....31
EVIDENCE APPENDIX....41
RELATED PROCEEDINGS APPENDIX....51

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I. REAL PARTY IN INTEREST

The real party in interest is Frances Barbaro Altieri of 119 Juniper Road, Belmont, MA 02478.

II. RELATED APPEALS AND INTERFERENCES

There are no other applications, patents, appeals, interferences, prior and pending appeals or judicial proceedings known to the Appellant, or the Appellant's legal representative that may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 5-10, 13-17, 21, 22 and 24-28 are all the claims presently pending in the application and are rejected. No claims are allowed. Claims 2-4, 11, 12 and 23 have been cancelled. Thus, Claims 1, 5-10, 13-17, 21, 22 and 24-28 are currently on appeal.

IV. STATUS OF AMENDMENTS

No Amendments have been filed subsequent to the January 9, 2009, Final Office Action.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Appellant's invention can be summarized as providing a method of seamlessly integrating business-related content into the subject matter of an electronic game. The electronic game, which may be executed on a local device or via a network connection to a remote server, exposes the player to branded business-related content. The term branded refers to business-related content which uniquely identifies the goods and services of a particular company. The game requires the user to perform certain tasks specified in the game. In the course of conducting the tasks, the user is transparently and automatically re-directed to a corporate sponsor's customized website to finish the completion of a task. While at the sponsor's corporate website, the game player is exposed to additional business-related content which relates to the game the user is playing. All of the business-related content displays occur within the context of the player playing the game. The player has the opportunity to temporarily leave the game and act upon the business-related content to which he or she has been exposed in order to conduct real-life business at the corporate website. Following completion of the task at the customized corporate website, the player is transparently and automatically re-directed back to the original game site (see the paragraph bridging pages 1 and 2 of the specification).

Turning to the claims, they are summarized as follows:

Claim 1 – A method of integrating business-related content over a computerized network (10, 70) into a primary electronic device (2, 62) that accesses a game application (4, 64), from at least one secondary electronic device (20, 26, 32; 72, 78, 84) that accesses business-related content on a plurality of web pages (24, 30, 36; 76, 82, 88) (see, for example, page 4, the third full paragraph, page 5, lines 1-8; and Figures 1 and 2).

The method comprises:

-receiving a request at said primary electronic device (2, 62) to initiate a locally executed game application (4, 64) that is accessible at said primary electronic device, from a user (12, 60) interfaced with said network (10, 70) (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; page 8, second full paragraph; and Figures 1-3);

-initiating said game application (4, 64) at said primary electronic device (2, 62) (see page 6, lines 3 and 4; and Figure 3 (Step 100));

-automatically integrating business-related content from at least one of said web pages of said secondary electronic device (20, 26, 32; 72, 78, 84) into said locally executed game application during execution of said game application (see page 1, the third paragraph, lines 22 and 23; page 2, the second full paragraph, lines 13-15; page 3, the seventh paragraph, lines 26-28; page 4, the fourth full paragraph, lines 24-26; page 5, lines 5-10; and Figure 3 (Step 102));

-automatically re-directing said user to one of said web pages of said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game

application; (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; page 3, paragraph 7, lines 28-33; page 4, the fourth full paragraph, lines 24-26; page 5, lines 8-12; and Figure 3 (Step 104)); and

-executing a user action on said business-related content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108)).

Claim 10 - A method of integrating business-related content over a computerized network (10, 70), into an electronic device (2, 62) that accesses a game application (4, 64), from at least one secondary electronic device (20, 26, 32; 72, 78, 84) that accesses a plurality of web pages (22, 28, 34; 74, 80, 86), the method comprising:

-initiating a locally executed game application at said electronic device in response to a user request (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; and Figures 1-3 and Step 100 in Figure 3);

-providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application (see page 4, third full paragraph, lines 21-23; page 5, lines 5-8; page 6, lines 4 and 5; Figures 1-3 and Step 102);

-automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing game-related actions during said game application (see page 1, the third paragraph, lines 28-32; page 2,

the third full paragraph, lines 19-23; page 3, paragraph 7, lines 28-33; page 4, the fourth full paragraph, lines 24-26; page 5, lines 8-12; and Figure 3 (Step 104));

-executing a user action on said business-related content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108)); and

enabling the user to earn a benefit related to said business-related content based on said user action performed on said business-related content (see page 2, lines 4-9; page 3, the last line; page 4, lines 1-6 and lines 26-35; page 5, lines 10-15; Figure 1-3 and (Steps 106 and 108 in Figure 3)).

Claim 15 - A system, comprising:

a primary electronic device (136) that accesses a locally executed game application (138), said primary electronic device initiating said game application in response to a user (132) request (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; page 7, the fourth full paragraph; and Figure 4);

a virtual reality platform (134) interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application (page 2, the fourth full paragraph; page 3, the first paragraph; page 7, line 24 through page 8, line 9; Figures 4 and 5);

a secondary electronic device (142) interfaced with said primary electronic device (136) over a network (140), said secondary electronic device being capable of accessing a web page

(144) customized with business-related content (146) for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of said game application, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing said game application (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; the paragraph bridging pages 7 and 8; and Figure 5 (Steps 164 and 166));

wherein a user action is performed on said business-related content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108); page 7, lines 30-32; page 8, lines 5 and 6; Figure 5 (Step 168)), said user action generating a benefit for said user relating to said business-related content (see page 2, lines 4-9; page 3, last line; page 4, lines 1-6 and lines 26-35; page 5, lines 10-15; Figure 1-3 and (Steps 106 and 108 in Figure 3)), said benefit being external to said game application (see, for example, page 4, lines 28-31; and page 5, lines 12-15);

a memory device (39; 90) that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on the business-related content (see, for example, page 4, lines 29 and 30; page 5, lines 13-15; and Figures 1 and 2).

Claim 16 - A method of integrating business-related content over a computerized network (140), into a primary electronic device (136) that locally executes a game application (138), from at least one secondary electronic device (142) that provides business-related content (146) which is accessed by said primary electronic device (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; page 7, the fourth full paragraph; and Figure 4), said method comprising:

-providing a virtual reality platform (134) interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application (page 2, the fourth full paragraph; page 3, the first paragraph; page 7, line 24 through page 8, line 9; Figures 4 and 5);

-initiating said game application in response to a user request (see page 4, lines 22 and 23; page 6, lines 3 and 4; and Figure 5 (Steps 160 and 162));

-automatically re-directing a content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said locally executed game application, said web page being customized with business-related content for use with said game application (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; the paragraph bridging pages 7 and 8; and Figure 5 (Steps 164 and 166));

-exposing said user to said business-related content during said three-dimensional visualization at said secondary electronic device (see, for example, page 8, lines 5 and 6; Figure 5 and Step 168);

-executing a user action on said business-related content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108); page 7, lines 30-32; page 8, lines 5 and 6; Figure 5 (Step 168)); and

-earning the user a benefit based on said user action performed on the business-related content from said secondary electronic device (see page 2, lines 4-9; page 3, the last line; page 4, lines 1-6 and lines 26-35; page 5, lines 10-15; Figure 1-3 and (Steps 106 and 108 in Figure 3)), said benefit being external to said game application (see, for example, page 4, lines 28-31; and page 5, lines 12-15).

Claim 21 - A method of automatically integrating content into an electronic device over a computerized network (10, 70) (see, e.g., page 1, lines 22 and 23; and Figures 1 and 2), comprising:

-receiving a request from a user at a primary electronic device (2, 62) to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; page 8, second full paragraph; and Figures 1-3);

-initiating said at least one of said plurality of applications (4, 64) at said primary electronic device (2, 62) (see page 6, lines 3 and 4; and Figure 3 (Step 100));

-providing at least one customized web page (22, 28, 34; 74, 80, 86) at a secondary electronic device (20, 26, 32; 72, 78, 84) accessed over said computerized network by said

primary electronic device, said web page being customized with content for use with said one of said plurality of applications (4, 64);

-automatically integrating said content from said secondary electronic device into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications (see page 1, the third paragraph, lines 22 and 23; page 2, the second full paragraph, lines 13-15; page 3, the seventh paragraph, lines 26-28; page 4, the fourth full paragraph, lines 24-26; page 5, lines 5-10; and Figure 3 (Step 102));

-automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; page 3, paragraph 7, lines 28-33; page 4, the fourth full paragraph, lines 24-26; page 5, lines 8-12; and Figure 3 (Step 104)); and

-executing a user action on said content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108)), said user action generating a benefit for said user relating to said content (see page 2, lines 4-9; page 3, last line; page 4, lines 1-6 and lines 26-35; page 5, lines 10-15; Figure 1-3 and (Steps 106 and 108 in Figure 3)).

Claim 24 - The method of claim 21, further comprising:

-providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which the user interacts (see page 2, the fourth full paragraph; page 3, the first paragraph; page 7, line 24 through page 8, line 9; Figures 4 and 5).

Claim 25 - A system, comprising:

-primary electronic device (136) that accesses a plurality of locally executed applications (138), said primary electronic device initiating at least one of said plurality of applications in response to a user (132) request (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; page 7, fourth full paragraph; and Figure 4);

-a virtual reality platform (134) interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during execution of said at least one of said plurality of applications (page 2, the fourth full paragraph; page 3, the first paragraph; page 7, line 24 through page 8, line 9; Figures 4 and 5);

-a secondary electronic device (142) interfaced with said primary electronic device over a computerized network (140), said secondary electronic device being capable of accessing a web page (144) customized with content for use with said at least one of said plurality of applications, said one of said plurality of applications (138) being automatically re-directed to said customized web page at said secondary electronic device as part of the execution of said at least one of said plurality of applications, said re-direction being integrated into said one of said plurality of

locally executed applications and said re-direction occurring as part of the user executing said one of said plurality of applications (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; the paragraph bridging pages 7 and 8; and Figure 5 (Steps 164 and 166));

-wherein a user action is executed on said content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108); page 7, lines 30-32; page 8, lines 5 and 6; Figure 5 (Step 168)), said user action generating a benefit for said user relating to said content (see page 2, lines 4-9; page 3, last line; page 4, lines 1-6 and lines 26-35; page 5, lines 10-15; Figure 1-3 and (Steps 106 and 108 in Figure 3)), and

-a memory device (39; 90) that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on said content from the secondary electronic device (see, for example, page 4, lines 29 and 30; page 5, lines 13-15; and Figures 1 and 2).

Claim 26 - A computer system which automatically integrates content into an electronic device (14, 62), comprising:

at least one memory having at least one program that is executable to perform the steps comprising:

-receiving a request from a user at a primary electronic device (2, 62) to initiate at least one of a plurality of locally executed applications (4, 64) that are accessible at said primary

electronic device (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; and Figures 1-3);

-initiating said at least one of said plurality of applications (4, 64) at said primary electronic device (see page 6, lines 3 and 4; and Figure 3 (Step 100)); and

-automatically integrating content from a secondary electronic device (20, 26, 32; 72, 78, 84) that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications (4, 64) during execution of said at least one of said plurality of applications (see page 1, the third paragraph, lines 22 and 23; page 2, the second full paragraph, lines 13-15; page 3, the seventh paragraph, lines 26-28; page 4, the fourth full paragraph, lines 24-26; page 5, lines 5-10; and Figure 3 (Step 102));

-automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; page 3, paragraph 7, lines 28-33; page 4, the fourth full paragraph, lines 24-26; page 5, lines 8-12; and Figure 3 (Step 104)); and

at least one processor for running the program (see, for example, page 5, lines 3-5).

Claim 27 - A computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device (14, 62), the computer system having a program comprising the steps of:

-receiving a request from a user at a primary electronic device (2, 62) to initiate at least one of a plurality of locally executed applications (4, 64) that is accessible at said primary electronic device (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; and Figures 1-3);

-initiating said at least one of said plurality of applications at said primary electronic device (see page 6, lines 3 and 4; and Figure 3 (Step 100)), and

-automatically integrating content from a secondary electronic device (20, 26, 32; 72, 78, 84) that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications (4, 64) during execution of said at least one of said plurality of applications at said primary electronic device (see page 1, the third paragraph, lines 22 and 23; page 2, the second full paragraph, lines 13-15; page 3, the seventh paragraph, lines 26-28; page 4, the fourth full paragraph, lines 24-26; page 5, lines 5-10; and Figure 3 (Step 102));

-automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications, said re-direction occurring as part of the user executing said one of said plurality of applications (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; page 3, paragraph 7, lines 28-33; page 4, the fourth full paragraph, lines 24-26; page 5, lines 8-12; and Figure 3 (Step 104)); and

-executing a user action on said content from said secondary electronic device (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108)).

Claim 28 - A computer system having a program for automatically integrating content into an electronic device (14, 62), comprising:

-means for receiving a request at a primary electronic device (2, 62) to initiate at least one of a plurality of locally executed applications that are accessible at said primary electronic device (see page 1, the third full paragraph; page 4, the third full paragraph; page 5, lines 1-5; page 6, lines 3 and 4; and Figures 1-3);

-means for initiating said at least one of said plurality of applications (4, 64) at said primary electronic device (see page 6, lines 3 and 4; and Figure 3 (Step 100));

-means for automatically integrating content from a secondary electronic device (20, 26, 32; 72, 78, 84) that is capable of accessing a plurality of web pages (22, 28, 34; 74, 80, 86), which contain the content, into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications (see page 1, the third paragraph, lines 22 and 23; page 2, the second full paragraph, lines 13-15; page 3, the seventh paragraph, lines 26-28; page 4, the fourth full paragraph, lines 24-26; page 5, lines 5-10; and Figure 3 (Step 102));

-means for automatically re-directing said user to one of said web pages at said secondary electronic device (20, 26, 32; 72, 78, 84) from said primary electronic device, said re-direction being integrated into said one of said plurality of applications, said re-direction occurring as part of the user executing said one of said plurality of applications (see page 1, the third paragraph, lines 28-32; page 2, the third full paragraph, lines 19-23; page 3, paragraph 7, lines 28-33; page 4, the fourth full paragraph, lines 24-26; page 5, lines 8-12; and Figure 3 (Step 104)); and

-means for executing a user action on said content at said secondary electronic device (20, 26, 32; 72, 78, 84) (see the sentence bridging pages 1 and 2; page 3, the seventh paragraph, lines 31-34; page 4, the fourth full paragraph, lines 26-28; page 5, lines 12 and 13; and Figure 3 (Steps 106 and 108)).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1, 6, 7, 10, 13, 15, 16, 17, 21, 22, 24, 25, 26, 27, and 28 stand rejected under 35 USC § 103(a) has allegedly been obvious over Czepluch (U.S. Patent No. Application Publication No. 2003/0069832) in view of Young et al. (U.S. Patent No. 6,669,564) or vice versa.

B. Claims 5, 8 and 9 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Czepluch and Young et al. or vice versa as applied above to claim 1, and further in view of Adams et al. (U.S. Patent No. 7,025,674).

C. Claims 13 and 14 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Czepluch and Young et al. or vice versa as applied above to claim 10, and further in view of Adams et al.

D. Claims 17 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Czepluch and Young et al. or vice versa as applied above to claim 16, and further in view of Adams et al.

VII. ARGUMENTS

A. Rejection of Claims 1, 6, 7, 10, 13, 15, 16, 17, 21, 22, 24, 25, 26, 27, and 28 under 35 USC § 103(a)

Claims 21 and 26-28

Addressing the claims in the order in which they are treated by the Examiner, the Examiner alleges that Czepluch teaches the claimed invention except for the recitation of "locally executed" applications in steps (a) and (d) according to the Examiner's designation. The Examiner then relies on the secondary teaching of Young et al. to allegedly make up for this deficiency.

Czepluch relates to a method for attracting customers to an e-commerce supplier's on-line representation. An on-line game is provided for the customers within the, or linked to the, on-line representation. A customer who plays the game gets a reward or a prospect of a reward. The game has to be played repeatedly by the customer in order to get the reward or increase or maintain the prospect of the reward (see paragraph No. [0009]).

The supplier's on-line representation is a web store in which the supplier offers its goods and/or services and provides order and payment (see paragraph No. [0022]). An on-line game is provided for the customers within the, or linked to the, on-line representation. The on-line game may partly be loaded and executed on the customer's local host in his web browser. But at least, the overall control of the game is performed on-line over the Internet, for example by the e-commerce supplier or a game service supplier acting on its behalf. The game may be embedded directly in the web

pages forming the Web store (for example, in the Web store's catalog of products and/or services) or can be linked to it, for example by hyperlinks which appear on pages of the Web store. There may be a separate master game page for the control of the on-line game linked to the page of the Web store (for example to the Web store's homepage) (see paragraph No. [0023]).

In the most preferred embodiment, a game is provided the elements of which (or links to the elements of which) are distributed over several different web pages of the Web store so that the user has to visit different pages in order to play the game. Thereby, the customer may be led to visit web pages which he would not visit otherwise (see paragraph No. [0024]).

Applicant vigorously disagrees with the Examiner's understanding of the teachings of Czepluch, whether taken alone or together with Young et al., because Czepluch is fundamentally different than the present invention. More specifically, Czepluch's begins at a Web page or home page of a Web store and from there an on-line game is provided for users within the on-line representation, or linked thereto (see paragraph Nos. [0022] and [0023] and Fig. 3). Alternatively, the elements of the game may be distributed over several different Web pages of the same Web store so that the user has to visit different pages in order to play the game (see paragraph No. [0024]).

In contradistinction, as was pointed out in great detail to the Examiner during the personal interview on October 8, 2008, a primary electronic device accesses an application, such as a game application, to thereby locally execute the application.

Further, content, such as business related content, from at least one secondary electronic device that accesses the content on a plurality of web pages, is *automatically* integrated into the locally executed application, such as a game application, during execution of the application. The method/system/computer readable medium of the present invention then *automatically* redirects the user to one of the web pages of the secondary electronic device from the primary electronic device, the redirection being integrated into the application and the redirection occurring as part of the user executing the application. The user can then execute a user action on the content from the secondary electronic device.

By automatically integrating the content, and automatically redirecting the user to one of the web pages, the integration and redirection take place without any deliberate action on the part of the user and are totally transparent to the user (i.e., the user is not doing anything).

Quite clearly, Czepluch fails to teach or even remotely suggest such a method/system/computer readable medium as clearly defined in claims 21 and 26-28.

In addition to the above arguments, each of the independent claims, including claim 21 and 26-28, was amended in the Amendment Under 37 C.F.R. 1.111 filed October 15, 2008, in order to further clarify that the application, for example, a game application, is locally executed. During the personal interview, the Examiners agreed, including the gaming expert, Examiner Weinhardt, that Czepluch fails to teach or suggest Applicant's invention, as further clarified by the present amendments.

The secondary teaching of Young et al. relates to the episodic delivery of entertainment content. More specifically, an application module for a game or other form of entertainment content is created with episodic content technology, which can be purchased as a CD-ROM or downloaded from a remote server. The entertainment content delivery system is implemented through a centralized server that maintains content that is made available to users at periodic intervals, for example, monthly. Thus, by providing a game in a plurality of episodes, each episode can comprise the latest technology then available.

The Appellant respectfully submits that the Examiner is misconstruing the Young et al. reference. Young et al. teach a different concept from that of the present invention. Young et al.'s disclosure is directed to each user accessing a website to download episodic content that is updated at predetermined time intervals, e.g., monthly, and either accessed at time intervals by the user, or automatically transmitted from the server to the user's terminal at predetermined time intervals (see column 9, lines 51-67). There is no step/operation of "automatically integrating said content from said secondary electronic device into said at least one of said plurality of a locally executed applications during execution of said at least one of said plurality of applications" as recited by claims 21 and 26-28 of the present invention. Rather, there is only episodic delivery, or time intervals between updates, disclosed in Young et al.

While Young et al. disclose, in column 1, lines 62-64, that "a new method of delivering entertainment content is needed in which technological changes can be

incorporated into application modules as the changes occur," quite clearly this is referring to "episodic delivery" of the entertainment content.

Moreover, Young et al. do not teach, suggest, or provide any other basis for "automatically re-directing a user to a customized webpage on a secondary electronic device from a primary electronic device, the re-direction being integrated into a least one of the plurality of applications and the re-direction occurring as part of the user executing at least one of the plurality of applications," as recited in Appellant's claims 21 and 26-28.

Clearly, Young et al. are completely silent with respect to this feature, and do not teach or suggest any automatic re-direction during game play.

Still further, simply because Young et al. disclose that in one embodiment users can access the episodes from their user terminal 428 through the network 424 does not make up for the deficiencies discussed in detail above. In this regard, whether the Examiner starts with Czepluch and modifies it with Young et al., or starts with Young et al. and modifies their teachings with Czepluch, the combined teachings quite clearly fail to teach, suggest, or provide any other reason for arriving at the present invention.

Claim 22

In addition to the above arguments, since the updates of entertainment in Young et al. are prestored and updated at time intervals, or episodically, this content is not "dynamic" content as defined by page 6, the second paragraph, of the present specification, which states that the dynamic content is "real-life" or real-time news or business content. In fact, Young et al. do not teach or suggest any way to implement

"dynamic" or real-time content into games. Moreover, the general reference by the Examiner to "updating data" in paragraph No. [0036] of Czepluch does not cure this deficiency. Thus, claim 22 is separately patentable.

Claims 24 and 25

In addition to the above arguments, both Czepluch and Young et al. are completely silent on providing a virtual reality platform interfaced with a primary electronic device, the virtual reality platform providing a three-dimensional visualization in which the user can be immersed during execution of at least one of the plurality of applications. The Examiner recognizes that the references are deficient, but simply maintains that this feature is non-essential to the scope of the claimed invention. There is clearly no recognition of such a virtual reality platform in either Czepluch or Young et al. Thus, claims 24 and 25 are separately patentable.

Claims 1, 6 and 10

Independent claims 1 and 10 are similar to independent claim 21, but explicitly recite a method of integrating business-related content over a computerized network, into an electronic device that accesses a game application, from at least one secondary electronic device that accesses a plurality of web pages having said business-related content thereon.

In Appellant's invention as recited in independent claims 1 and 10, a primary electronic device accesses a game application, to thereby locally execute the game

application. Further, business related content, from a least one secondary electronic device that accesses the business-related content on a plurality of web pages, is *automatically* integrated into the locally executed game application during execution of the game application. According to method claims 1 and 10, the present invention then *automatically* redirects the user to one of the web pages of the secondary electronic device from the primary electronic device, the redirection being integrated into the game application and the redirection occurring as part of the user executing the game application. The user can then execute a user action on the business-related content from the secondary electronic device.

A storyboard example of the invention entitled "TerraZones Storyboard" was provided to the Examiners during the personal interview of October 8, 2008, and a copy of the pertinent portion is provide herewith and listed in the Evidence Appendix of this Appeal Brief. In use, a primary electronic device accesses a game application, to thereby locally execute the game application. Further, business related content, from a least one secondary electronic device that accesses the business related content on a plurality of web pages, is *automatically* integrated into the locally executed game application during execution of the game application. The method/system of the present invention then *automatically* redirects the user to one of the web pages of the secondary electronic device from the primary electronic device (see, for example, slides #6C and #7C where the user is automatically redirected into "PJ's Club" while playing the game and can actually see a live view of the club), the redirection being integrated into the application and the redirection occurring as part of the user executing the application (i.e., transparent

to the user). The user can then execute a user action on the content from the secondary electronic device (the user can, for example, execute a user action at the club such as purchase a gift certificate).

Based on the foregoing example, it is clear that Czepluch and Young et al., whether taken alone or together, fail to teach or even remotely suggest such a method as clearly defined in claims 1 and 10.

Claim 7

Since the updates of entertainment in Young et al. are prestored and updated at time intervals, or episodically, this content is not "dynamic" content as defined by page 6, the second paragraph, of the present specification, which states that the dynamic content is "real-life" or real-time news or business content. In fact, Young et al. do not teach or suggest any way to implement "dynamic" or real-time content into games. Moreover, the general reference by the Examiner to "updating data" in paragraph No. [0036] of Czepluch does not cure this deficiency. Thus, claim 7 is separately patentable.

Claims 15 and 16

In addition to the above arguments, both Czepluch and Young et al. are completely silent on providing a virtual reality platform interfaced with a primary electronic device, the virtual reality platform providing a three-dimensional visualization in which the user can be immersed during execution of at least one of the plurality of game applications. The Examiner recognizes that the references are deficient, but simply maintains that this feature is non-essential to the scope of the claimed invention. There is

clearly no recognition of such a virtual reality platform in either Czepluch or Young et al. Thus, claims 15 and 16 are separately patentable.

B. Claims 5, 8 and 9 stand rejected under 35 USC § 103(a)

Moreover, in addition to the reasons given above for claim 1, Adams et al. '674, as well as any of the other references of record, fails to make up for the deficiencies in Czepluch and Young et al., and has been relied on merely for its teaching regarding benefits in connection with an electronic game.

C. Claims 13 and 14 stand rejected under 35 USC § 103(a)

In addition to the reasons given above with respect claim 10, Adams et al. '674, as well as any of the other references of record, fails to make up for the deficiencies in Czepluch and Young et al., and has been relied on merely for its teaching regarding benefits in connection with an electronic game.

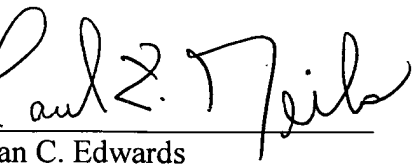
D. Claims 17 stands rejected under 35 USC § 103(a)

In addition to the reasons given above with respect claim 16, Adams et al. '674, as well as any of the other references of record, fails to make up for the deficiencies in Czepluch and Young et al., and has been relied on merely for its teaching regarding benefits in connection with an electronic game.

In view of the foregoing, the rejections of the claims should be reversed and the claims passed to issue.

Should any additional fee be required, not included herewith, please charge any deficiency or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,



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Date: March 12, 2009

CLAIMS APPENDIX

1. A method of integrating business-related content over a computerized network, into a primary electronic device that accesses a game application, from at least one secondary electronic device that accesses business-related content on a plurality of web pages, the method comprising:

receiving a request at said primary electronic device to initiate a locally executed game application that is accessible at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device;

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said locally executed game application during execution of said game application;

automatically re-directing said user to one of said web pages of said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application; and

executing a user action on said business-related content from said secondary electronic device.

2.-4. (Canceled)

5. The method of claim 1 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. The method of claim 1 wherein said game application displays branded business-related content to said user.

7. The method of claim 6 wherein said branded business-related content is dynamically updated.

8. The method of claim 1, comprising the further steps of:

executing game-related user actions in said game application as a result of user choices; and

generating a player profile based on said user choices made during said game application;

wherein the player profile is specific to said user.

9. The method of claim 8 wherein said player profile is disseminated to providers of business-related content used in said game application.

10. A method of integrating business-related content over a computerized network, into an electronic device that accesses a game application, from at least one secondary electronic device that accesses a plurality of web pages, the method comprising:

initiating a locally executed game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing game-related actions during said game application;

executing a user action on said business-related content from said secondary electronic device; and

enabling the user to earn a benefit related to said business-related content based on said user action performed on said business-related content.

11.-12. (Canceled)

13. The method of claim 10 wherein said benefit for said user is calculated in real-time.

14. The method of claim 10, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. A system, comprising:

a primary electronic device that accesses a locally executed game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device being capable of accessing a web page customized with business-related content for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of said game application, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing said game application;

wherein a user action is performed on said business-related content from said secondary electronic device, said user action generating a benefit for said user relating to said business-related content, said benefit being external to said game application;

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on the business-related content.

16. A method of integrating business-related content over a computerized network, into a primary electronic device that locally executes a game application, from at least one secondary electronic device that provides business-related content which is accessed by said primary electronic device, said method comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

initiating said game application in response to a user request;

automatically re-directing a content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said locally executed game application, said web page being customized with business-related content for use with said game application;

exposing said user to said business-related content during said three-dimensional visualization at said secondary electronic device;

executing a user action on said business-related content from said secondary electronic device; and

earning the user a benefit based on said user action performed on the business-related content from said secondary electronic device, said benefit being external to said game application.

17. The method of claim 16, further comprising providing each virtual reality platform at a franchised location.

18.-20. (Canceled)

21. A method of automatically integrating content into an electronic device over a computerized network, comprising:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network;

initiating said at least one of said plurality of applications at said primary electronic device;

providing at least one customized web page at a secondary electronic device, accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

automatically integrating said content from said secondary electronic device into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content.

22. The method of claim 21, wherein said content includes dynamic content.

23. (Canceled)

24. The method of claim 21, further comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which the user interacts.

25. A system, comprising:

a primary electronic device that accesses a plurality of locally executed applications, said primary electronic device initiating at least one of said plurality of applications in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during execution of said at least one of said plurality of applications;

a secondary electronic device interfaced with said primary electronic device over a computerized network, said secondary electronic device being capable of accessing a web page customized with content for use with said at least one of said plurality of applications, said one of said plurality of applications being automatically re-directed to said customized web page at said secondary electronic device as part of the execution of said at least one of said plurality of applications, said re-direction being integrated into said one of said plurality of locally executed applications and said re-direction occurring as part of the user executing said one of said plurality of applications;

wherein a user action is executed on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, and

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on said content from the secondary electronic device.

26. A computer system which automatically integrates content into an electronic device, comprising:

at least one memory having at least one program that is executable to perform the steps comprising:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

at least one processor for running the program.

27. A computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device, the computer system having a program comprising the steps of:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that is accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device, and

automatically integrating content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications at said primary electronic device;

automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications, said re-direction occurring as part of the user executing said one of said plurality of applications; and

executing a user action on said content from said secondary electronic device.

28. A computer system having a program for automatically integrating content into an electronic device, comprising:

means for receiving a request at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible at said primary electronic device;

means for initiating said at least one of said plurality of applications at said primary electronic device; and

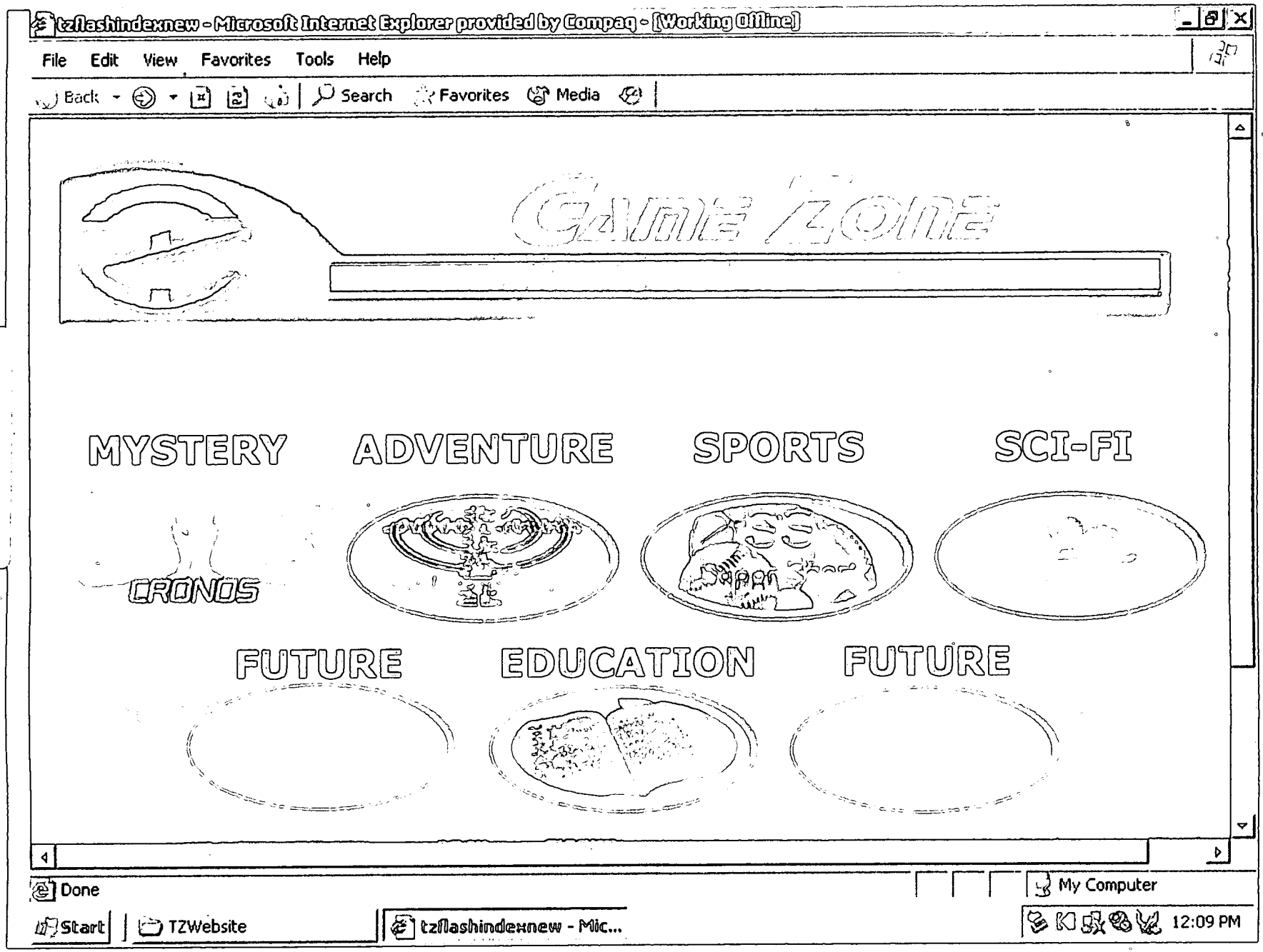
means for automatically integrating content from a secondary electronic device that is capable of accessing a plurality of web pages, which contain the content, into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

means for automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications, said re-direction occurring as part of the user executing said one of said plurality of applications; and

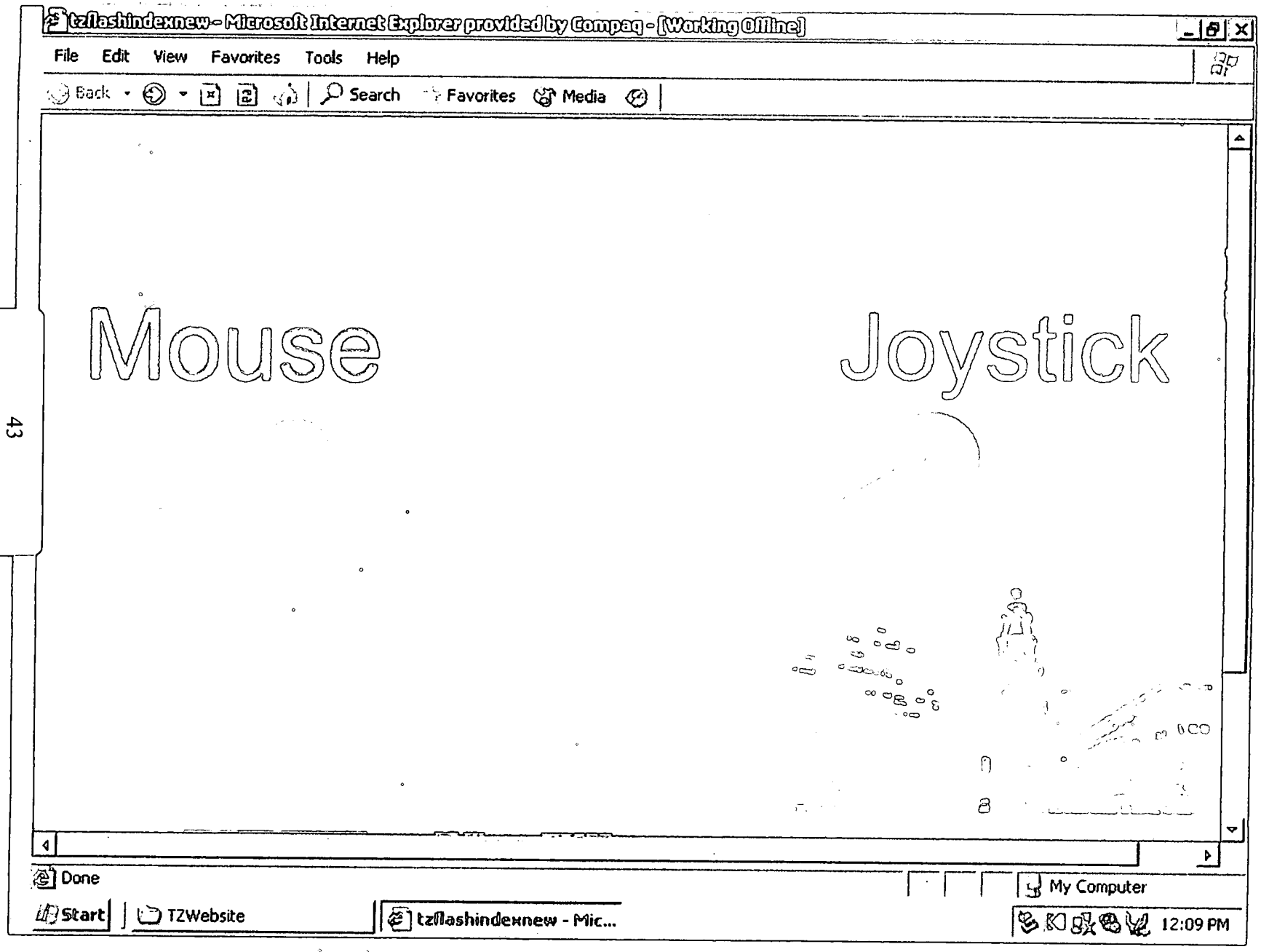
means for executing a user action on said content at said secondary electronic device.

EVIDENCE APPENDIX

Storyboard provided to the Examiner during the personal interview of October 8, 2008.

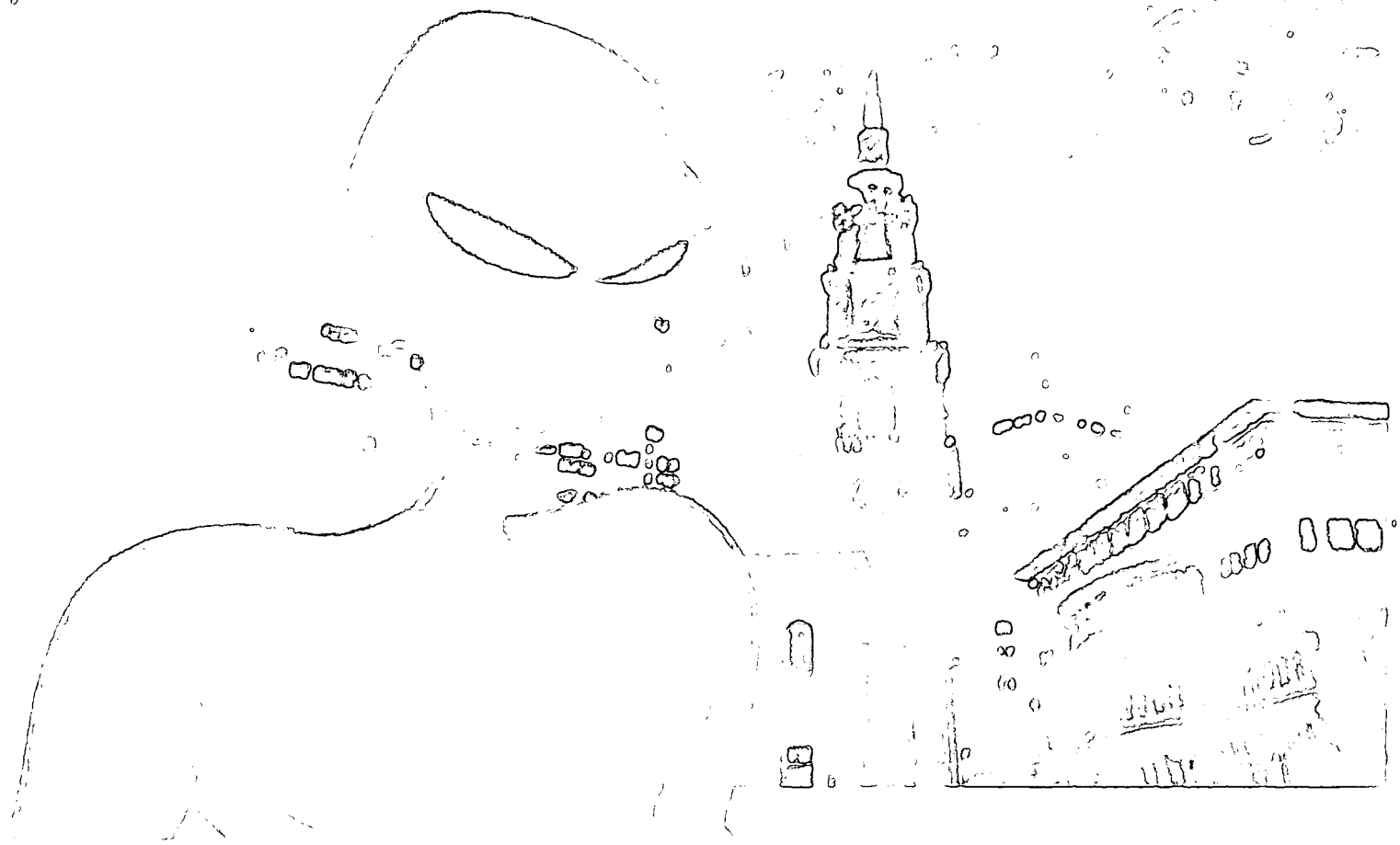


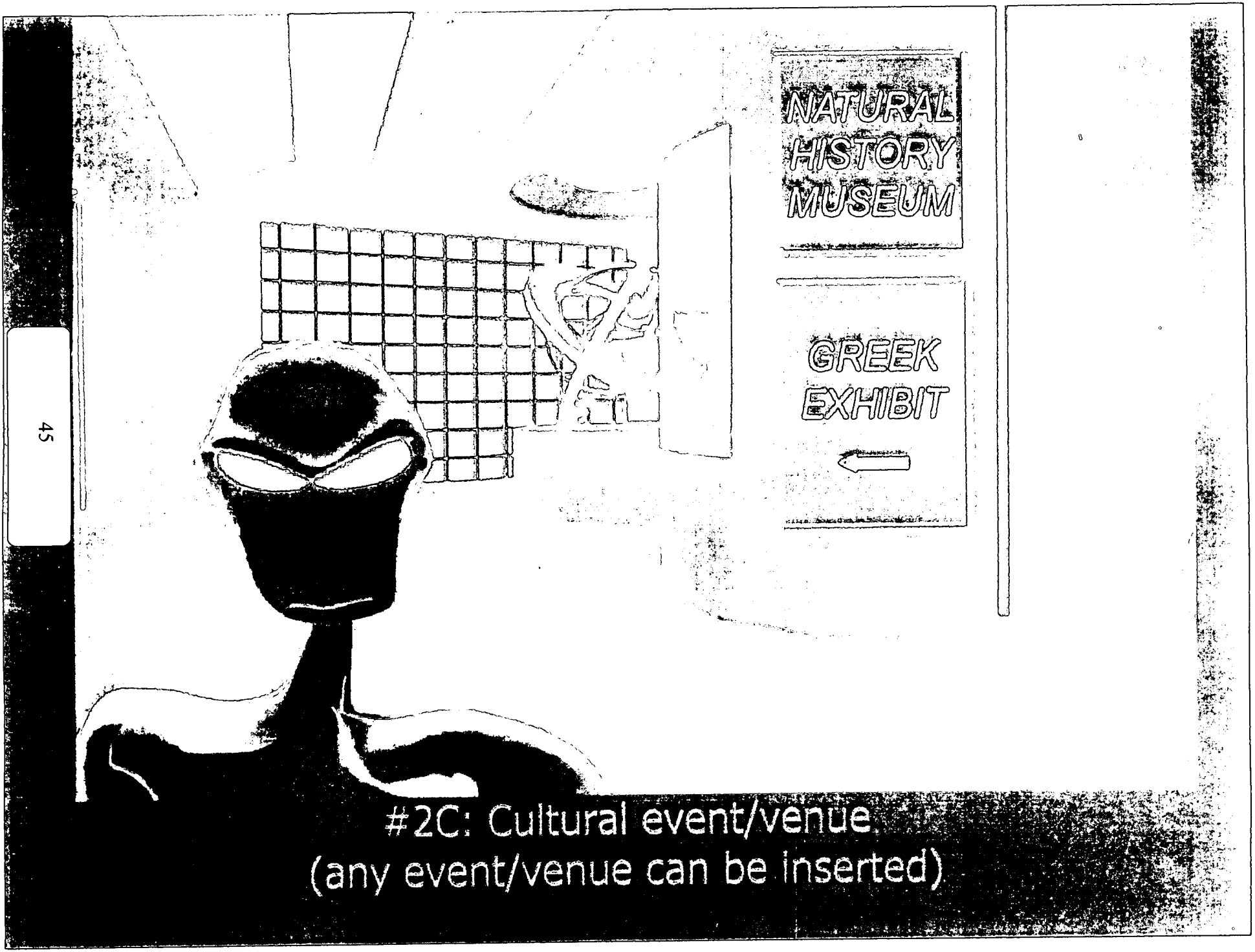
Website; visitor chooses game genre



Website; visitor chooses gaming tool

Cronos Demo





#2C: Cultural event/venue.
(any event/venue can be inserted)

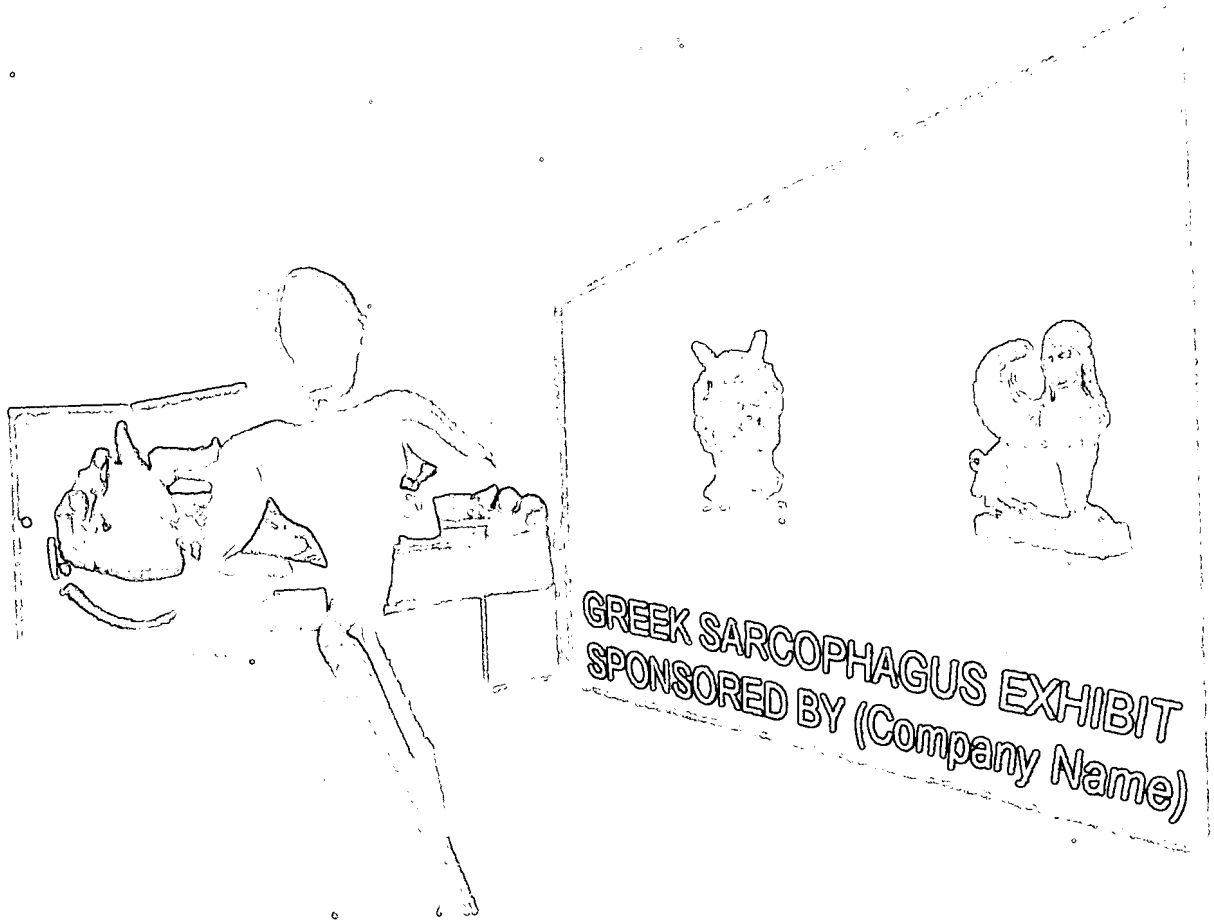
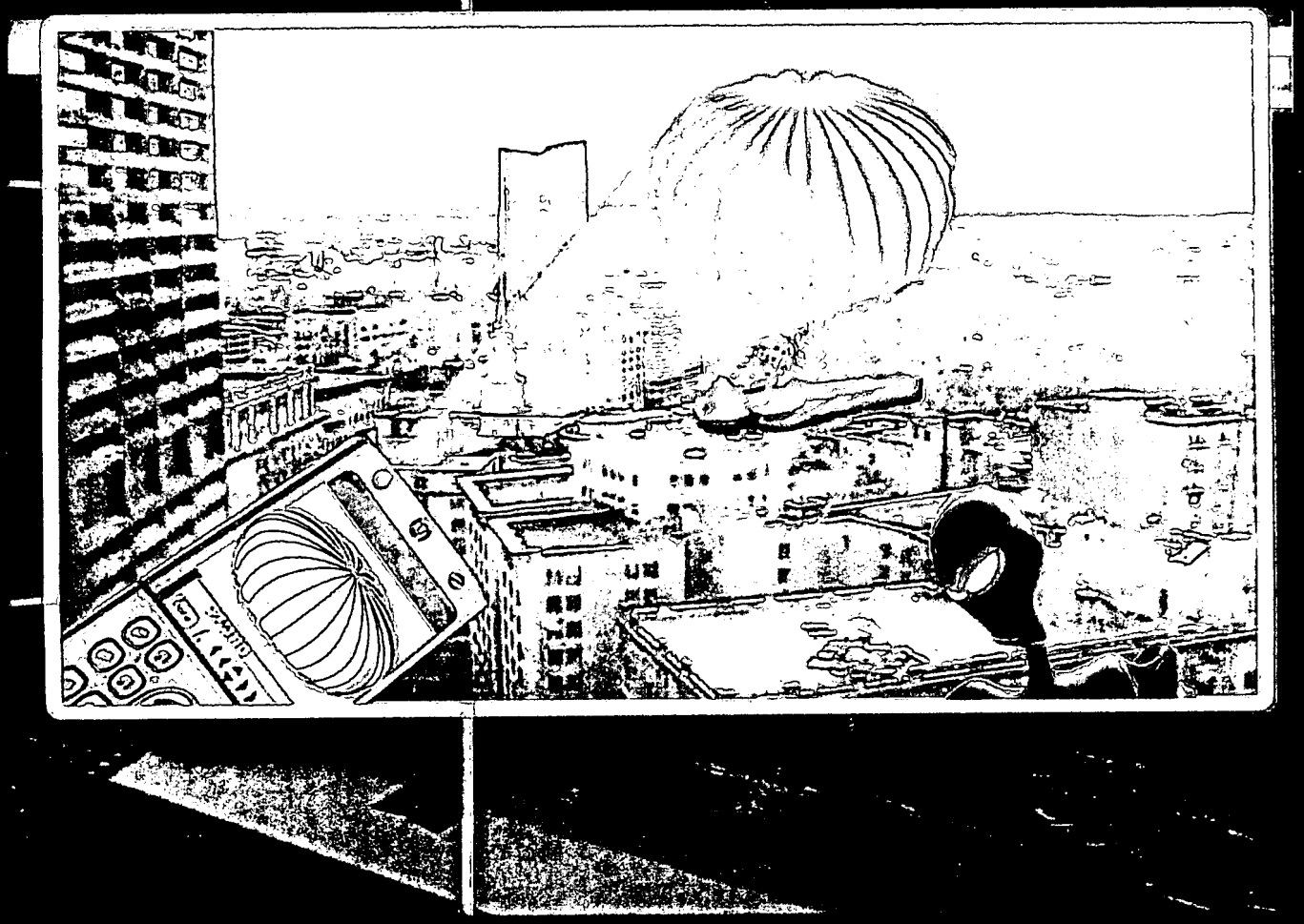
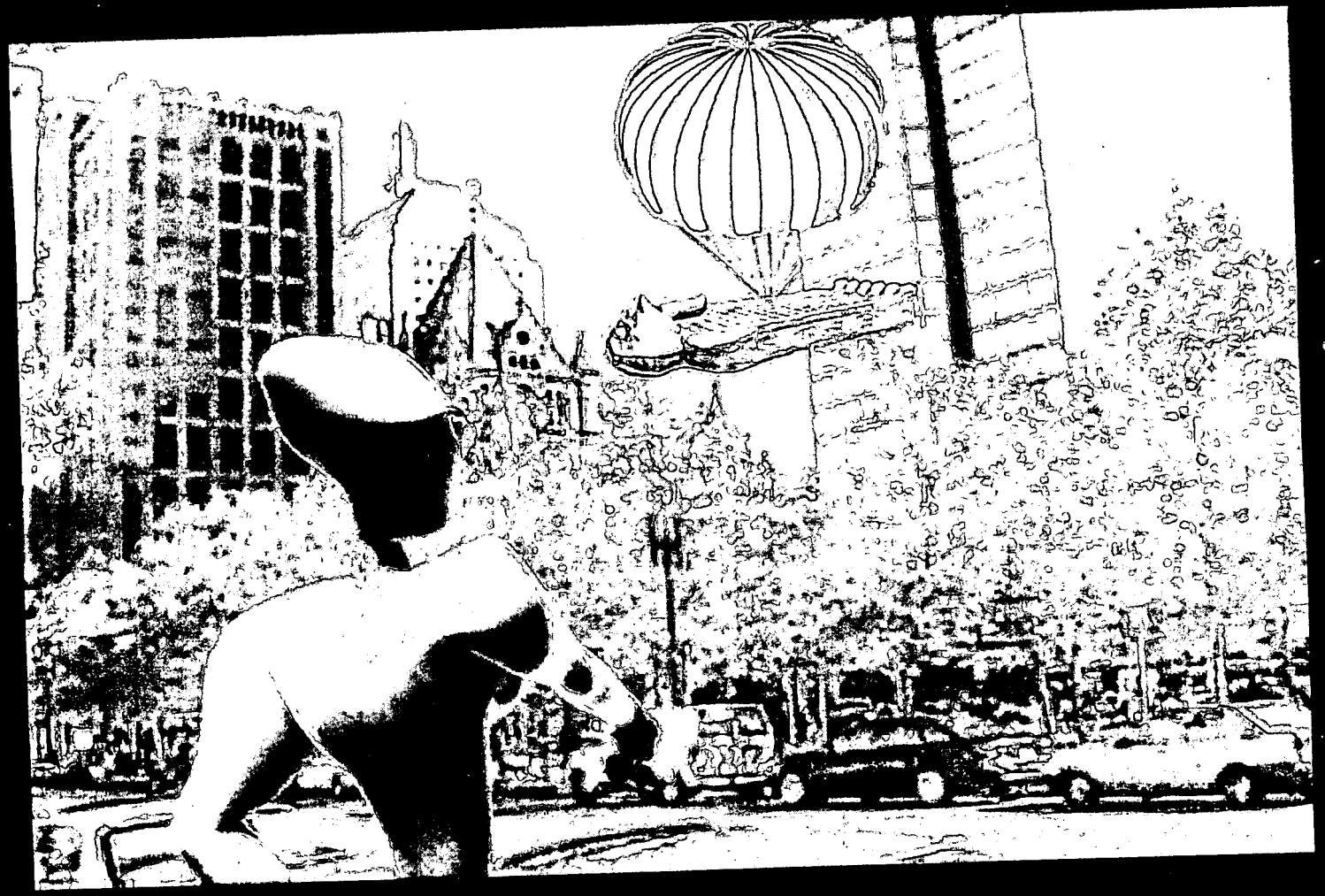


Figure 3C: Detail of exhibit panel (graphic)
(includes sponsorship recognition)



#4C: Close-up of product placement/animation with exterior video scene



#5C: Animation within video shot (can be any exterior/cityscape)



#6C: Restaurant/club/store



#7C: Interior/club/store
(detail includes live video – i.e. sports event)

RELATED PROCEEDINGS APPENDIX

None.

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FEB 24 2009
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PTO/SB/21 (01-08)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. ALTIERI
Art Unit	3629
Examiner Name	Tan D. Nguyen
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
  - [x] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [x] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please Identify below):

Remarks

Please charge any fees or credit any overpayments to Deposit Account No. 50-0951.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	AKERMAN SENTERFITT, LLP		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards		
Date	February 24, 2009	Reg. No.	41,728

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2009

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 270.00

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. ALTIERI
Examiner Name	Tan D. Nguyen
Art Unit	3629
Attorney Docket No.	71457.0004/181303

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 50-0951 Deposit Account Name: AKERMAN SENTERFITT, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims		Extra Claims	Fee ($)		Fee Paid ($)
_____	- 20 or HP =	_____	x _____	=	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims		Extra Claims	Fee ($)		Fee Paid ($)
_____	- 3 or HP =	_____	x _____	=	_____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $270 ($135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof	Fee ($)		Fee Paid ($)
_____	- 100 =	_____	/ 50 =	_____ (round up to a whole number)	x _____	=	_____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Notice of Appeal Fee	270.00

SUBMITTED BY

Signature	Jean C. Edwards	Registration No. (Attorney/Agent) 41,728	Telephone 703-394-1380
Name (Print/Type)	Jean C. Edwards		Date February 24, 2009

This collection of information is required by 37 CFR 1.136. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional): 71457.0004/181303

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on _____

Signature _____

Typed or printed name _____

In re Application of: Frances B. ALTIERI

Application Number	Filed
10/272,408	October 16, 2002

For SYSTEM AND METHOD FOR ...

Art Unit	Examiner
3629	Tan D. Nguyen

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 540.00

☑ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ 270.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☑ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0951 .

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number 41,728

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Jean C. Edwards
Signature

Jean C. Edwards
Typed or printed name

(703) 394-1380
Telephone number

February 24, 2009
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 01/09/2009

AKERMAN SENTERFITT
801 PENNSYLVANIA AVENUE N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER	
NGUYEN, TAN D	
ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
01/09/2009	PAPER

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.

Office Action Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3689	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *15 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1,5-10,13-17,21,22 and 24-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-10,13-17,21,22 and 24-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed 10/15/2008 has been entered.

Claim Status

1. Claims 1, 5-10, 13-17, 21-22 and 24-28 are pending and rejected as followed. Claims 2-4, 11-12 and 23 have been canceled. They comprise:

1) method[1]: 21-22, 24 (amended);

2) system: 25 (amended);

3) system: 26 (amended);

4) product: 27 (amended);

5) system: 28 (amended);

6) method[2]: 1, 5-9 (amended);

7) method[3]: 10, 13-14 (amended);

8) system: 15 (amended); and

9) method[4]: 16-17 (amended).

Claims 21-22, 24 appear to be the broadest claim set and will be addressed first.

Claim Rejections - 35 USC § 112

2. The rejections of claims 1, 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, have been withdrawn due to applicant's amendment of 10/15/2008.

Claim Rejections - 35 USC § 103

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

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

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 21-22, 24 (method[1]), **25** (system), **26** (system), **27** (product), **28** (system), **1, 6-7** (method[2]), **10, 13** (method[3]), **15** (system), and **16**-17 (method[4]) **are rejected under 35 U.S.C. 103(a) as obvious over CZEPLUCH in view of YOUNG ET AL or vice versa.**

As of 10/15/2008, independent method claim 21 is as followed:

21. (Currently Amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network;

(b) initiating said at least one of said plurality of applications at said primary electronic device;

c) providing at least one customized web page at a secondary electronic device accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

d) automatically integrating said content from said secondary electronic device into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

e) automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content.

[said benefit being external to said one of said plurality of applications; wherein the benefit is usable within the at least one of the plurality of applications.]

Note: for convenience purpose, letters (a)-(f) are added to the beginning of each step.

Similarly, **CZEPLUCH** discloses a method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device interfaced with said network;

{see Figs. 1, 2, paragraphs [0037], [0041] and [0045]}

(b) initiating said at least one of said plurality of applications at said primary electronic device;

{see Figs. 2, pars. [0042], [0045]}

c) providing at least one customized web page at a secondary electronic device accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

{see Figs. 3, 4a, 4b, pars. [0052]}

d) automatically integrating said content from said secondary electronic device into said at least one of said plurality of applications during execution of said at least one of said plurality of applications;

{see pars. [0024]}

e) automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

{see Fig. 2, pars. [0024], [0038]}

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications; wherein the benefit is usable within the at least one of the plurality of applications.

{see pars. [0010]-[0011], [0052]}

CZEPLUCH fairly teaches the claimed invention except for the new limitation of "locally executed" applications on steps (a) and (d).

In a similar for integrating content into an electronic device over a computerized network, YOUNG ET AL teaches steps (a), (b) and (d) above and wherein the benefits for locally executing the applications at the user electronic device (computer) vs. accessing the remote server for execution of the application are: no restriction for executing the application at the user primary electronic device (user computer), no payment of fee for accessing the application, no submission of user ID and password for executing the application on the remote server, and no restriction of period of time (specified time only) or group user only for access at the remote server (Fig. 4, server 400) {see col. 9, line 9-40, especially lines 50-67 and col. 10, lines 1-43}. In other word,

the user can execute the application at any time, at no additional cost and not worrying about the user ID and password. It would have been obvious to modify steps (a) and (d) of CZEPLUCH by doing it locally on the user primary electronic device (user computer) for at least 1 of the many benefits cited above which is more convenient and cheaper as taught by YOUNG ET AL.

Alternatively, it would have been obvious to modify the teachings of YOUNG ET AL by including steps (c), (e) and (f) to automatically re-directing the user into the customized web pages at the secondary electronic device for generating a benefit as taught in CZEPLUCH above.

As for dep. claim 22 (part of 21 above) which deals with features of content, i.e. dynamic, this is taught in YOUNG ET AL col. 3, lines 15-45, col. 4, lines 10-27 or CZEPLUCH's general teaching of "updating data" on para. [0036].

As for dep. claim 24 (part of 21 above), which deals with the type or features of the application, this is non-essential to the scope of the claimed invention and furthermore, it's fairly taught in CZEPLUCH Figs. 4a and 4b, [0051-0052] or YOUNG ET AL col. 4, lines 15-25 "… *new 3D rendering schemes*, …". Clearly, a more realistic video games with 3-D visualization would provide an environment wherein the player is immersed in the game like a real environment and would have been obvious to do so to improve game playing effectiveness. Alternatively, Official notice is taken that it is old and well known in the gaming art to get the player immersed in the game by using a virtual reality platform having a three-dimensional visualization. It would have been obvious to one of ordinary skill in the gaming art at the time of the applicant's invention

to include a virtual reality platform having a three-dimensional visualization for the benefit cited above.

As for independent system claim 26 which is basically the system to carry out the independent method of claim 21 above, it's rejected over the system of the system of CZEPLUCH on Figs. 1 and 3 and YOUNG ET AL Figs. 4 and 5 (or vice versa) for carrying out the respective steps in the rejections of claim 21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 25 which is basically the system to carry out the independent method of claims 21 and 24 above, it's rejected over the system of the system of CZEPLUCH on Figs. 1 and 3 and YOUNG ET AL Figs. 4 and 5, for carrying the respective steps in the rejections of claims 24/21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 24/21 would have been obvious to a skilled artisan.

As for independent product claim 27 which is basically the computer-readable medium to carry out the independent method of claim 21 above, it's rejected over the computer-readable medium inherently included in the system of YOUNG ET AL as shown on Figs. 4 and 5 and CZEPLUCH Figs. 1 and 3 for carrying the respective steps in the rejections of claim 21 described above. Alternatively, the set up of a computer-

readable medium to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 28, which are basically the system to carry out the method of claim 21 above, they are rejected over the system of the system of YOUNG ET AL as shown on Figs. 4 and 5 and CZEPLUCH Figs. 1 and 3 for carrying the respective steps in the rejections of claims 21 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent method claim 1, which has similar limitation as in independent method claim 21 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in CZEPLUCH [0009-0012] or YOUNG ET AL cols. 2-3.

As for dep. claim 6 (part of 1 above), which deals with the type of business-related content, this is non-essential to the scope of the claimed invention and would have been obvious to select any type, brand or generic since this is not critical. Furthermore, it's fairly taught in CZEPLUCH in [0038], and [0052].

As for dep. claim 7 (part of 6/ 1 above) which deals with features of content, i.e. dynamic, this is taught in YOUNG ET AL col. 3, lines 20-45, col. 12, lines 1-10 "updated" or CZEPLUCH's general teaching of "updating data" on para. [0036].

As for independent method claim 10, which has similar limitation as in independent method claims 1 and 4 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in YOUNG ET AL cols. 2-3 or CZEPLUCH [0009-0012].

As for independent system claim 15, which is basically the system to carry out the independent method of claim 1 and dep. claim 24 above, it's rejected over the system of the system of YOUNG ET AL as shown on Figs. 4 and 5 and CZEPLUCH Figs. 1 and 3 or vice versa for carrying the respective steps in the rejections of claims 1 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 1 and 24 would have been obvious to a skilled artisan.

As for independent method claim 16, which is basically the combination of independent method claim 1 and dep. claim 24 above, it's rejected over combination of the rejections of claims 1 and 24 as cited above.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Furthermore, this is taught in YOUNG ET AL col. 4, lines 20-27, col. 13, lines 20-40. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system

for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

6. Claims 5, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL or vice versa as applied to claims 1, 6-7 above, and further in view of ADAMS et al.

In general, In a similar for integrating content into an electronic device over a computerized network and awarding and redeeming incentive (promotional points) in an electronic game, ADAMS et al fairly teaches {see col. 5, lines 42-67, col. 6, lines 1-9, "..*players may accumulate promotional points by simply allowing themselves to be exposed to sponsor advertising material*...", for the benefits that the player can exchange the promotional points/incentives for goods or services by patronizing particular stores or buy particular products they may not have chosen without such incentive {see col. 9, lines 1-9} or becomes familiarized with the sponsor's products, websites, and learns how to buy merchandise using the sponsor's normal product or service purchase procedure. Moreover, the player is educated about the sponsor's and its product offering, is more likely to return directly to a sponsor's website for other purchases, and less likely to go to a competing merchant whose website may be unfamiliar and thus more intimidating when purchase on line in the future { especially col. 16, lines 18-35}}. Note also the new added limitation of "providing at least one customized web page at said secondary electronic device, said web page customized

with business-related content for use with said game application" submitted on 9/13/07, this is also taught in ADAMS et al as shown in Fig. 6, or col. 15, lines 45 to col. 16, line 32, col. 18, lines 1-42, which deals with hyperlinking or linking to website or web page of Sponsor (Fig. 6, 88) where the player can interact with the advertising materials and others. As for the limitation "customized", it's inherently included in the website/webpage of ADAMS et al. Furthermore, this is a relative term and no further limitation is shown, i.e. "customized to what? The selection of any customized features on the website or webpage of the sponsor is fairly taught in col. 18, lines 20-42, and would have been obvious to a skilled artisan customize the site as desired to meet the needs of the player.

As in dep. claim 5 (part of 2/1 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET AL to include other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., as taught by ADAMS

As for dep. claims 8-9 (part of 1 above), which deals with the other type of business-related content, these is non-essential to the scope of the claimed invention and are fairly taught in ADAMS et al col. 16-col. 18., lines 40-65.

7. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL or vice versa as applied to claim 10 above, and further in view of ADAMS et al.

As in dep. claims 13-14 (part of 10 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET AL to include other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., as taught by ADAMS

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over CZEPLUCH /YOUNG ET AL or vice versa as applied to claim 16 above, and further in view of ADAMS et al.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Furthermore, this is taught in YOUNG ET AL col. 4, lines 20-27, col. 13, lines 20-40. Since it's well known to a skilled artisan that any location can set up the virtual reality

platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game. It would have been obvious to modify the teachings of CZEPLUCH /YOUNG ET Al to provide each virtual platform at a franchise location for selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

Response to Arguments

9. Applicant's arguments filed 10/15/08 have been fully considered but they are not persuasive in view of the new ground of rejections which are caused by applicant's amendment of the independent claims and other claims.

Conclusion

10. 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.

No claims are allowed.

11. 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 any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689

Notice of References Cited	Application/Control No. 10/272,408	Applicant(s)/Patent Under Reexamination ALTIERI, FRANCES BARBARO	
	Examiner Tan Dean D. Nguyen	Art Unit 3689	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,669,564	12-2003	Young et al.	463/42
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10272408	ALTIERI, FRANCES BARBARO
	Examiner	Art Unit
	Tan Dean D Nguyen	3689

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

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

CLAIM		DATE								
Final	Original	07/21/2008	01/05/2009	01/05/2009						
	1	✓	✓							
	2	-	-							
	3	-	-							
	4	-	-							
	5	✓	✓							
	6	✓	✓							
	7	✓	✓							
	8	✓	✓							
	9	✓	✓							
	10	✓	✓							
	11	-	-							
	12	-	-							
	13	✓	✓							
	14	✓	✓							
	15	✓	✓							
	16	✓	✓							
	17	✓	✓							
	18	-	-							
	19	-	-							
	20	-	-							
	21	✓	✓							
	22	✓	✓							
	23	-	-							
	24	✓	✓							
	25	✓	✓							
	26	✓	✓							
	27	✓	✓							
	28	✓	✓							

OIPE IAP66 OCT 15 2008 PATENT & TRADEMARK OFFICE U.S.

IFW 3629

PTO/SB/21 (09-08)
Approved for use through 10/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. ALTIERI
Art Unit	3629
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

Remarks

Please charge any fees or credit any overpayments to Deposit Account No. 50-0951.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	AKERMAN SENTERFITT		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards, Esq.		
Date	October 15, 2008	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OIPE IAP66
OCT 15 2008
PATENT & TRADEMARK OFFICE

Attorney Docket: 71457-0004
Customer No.: 57362

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3629

Application No.: 10/272,408 — Examiner: Tan D. Nguyen

Filed: October 16, 2002 — Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

AMENDMENT UNDER 37 C.F.R. § 1.111

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

Sir:

In response to the Office Action dated July 25, 2008, please amend the above-identified application as follows:

AMENDMENTS TO THE CLAIMS:

This listing of claims replaces all prior versions, and listings, of claims in this application:

1. (Currently Amended) A method of integrating business-related content over a computerized network, into a primary electronic device that accesses a game application, from at least one secondary electronic device that accesses business-related content on a plurality of web pages, the method comprising:

receiving a request at said primary electronic device to initiate a locally executed game application that is accessible at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device;

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said locally executed game application during execution of said game application;

automatically re-directing said user to one of said web pages of said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application; and

executing a user action on said business-related content from said secondary electronic device~~; and~~

~~enabling the user to earn a benefit related to said business-related content based on said user action performed on said business-related content, said benefit which is external to the game application~~.

2.-4. (Canceled)

5. (Previously Presented) The method of claim 1 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. (Original) The method of claim 1 wherein said game application displays branded business-related content to said user.

7. (Original) The method of claim 6 wherein said branded business-related content is dynamically updated.

8. (Previously Presented) The method of claim 1, comprising the further steps of:

executing game-related user actions in said game application as a result of user choices; and

generating a player profile based on said user choices made during said game application; wherein the player profile is specific to said user.

9. (Previously Presented) The method of claim 8 wherein said player profile is disseminated to providers of business-related content used in said game application.

10. (Currently Amended) A method of integrating business-related content over a computerized network, into an electronic device that accesses a game application, from at least one secondary electronic device that accesses a plurality of web pages, the method comprising:

initiating a locally executed game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing game-related actions during said game application;

executing a user action on said business-related content from said secondary electronic device; and

enabling the user to earn a benefit related to said business-related content based on said user action performed on said business-related content~~, said benefit which is external to the game application~~.

11.-12. (Canceled)

13. (Previously Presented) The method of claim 10 wherein said benefit for said user is calculated in real-time.

14. (Previously Presented) The method of claim 10, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. (Currently Amended) A system, comprising:

a primary electronic device that accesses a locally executed game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device being capable of accessing a web page customized with business-related content for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of said game application, said re-direction being integrated into said locally executed game application and said re-direction occurring as part of the user executing said game application;

wherein a user action is performed on said business-related content from said secondary electronic device, said user action generating a benefit for said user relating to said business-related content, said benefit being external to said game application;

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on the business-related content.

16. (Currently Amended) A method of integrating business-related content over a computerized network, into a primary electronic device that locally executes a game application, from at least one secondary electronic device that provides business-related content which is accessed by said primary electronic device, said method comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

initiating said game application in response to a user request;

automatically re-directing a content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said locally executed game application, said web page being customized with business-related content for use with said game application;

exposing said user to said business-related content during said three-dimensional visualization at said secondary electronic device;

executing a user action on said business-related content from said secondary electronic device; and

earning ~~enabling~~ the user ~~to earn~~ a benefit based on said user action performed on the business-related content from said secondary electronic device, said benefit being external to said game application.

17. (Previously Presented) The method of claim 16, further comprising providing each virtual reality platform at a franchised location.

18.-20. (Canceled)

21. (Currently Amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible to said primary electronic device interfaced with said network;

initiating said at least one of said plurality of applications at said primary electronic device;

providing at least one customized web page at a secondary electronic device, accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

automatically integrating said content from said secondary electronic device into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content~~, said benefit being external to said one of said plurality of applications;~~

~~wherein the benefit is usable within at least one of the plurality of applications~~.

22. (Previously Presented) The method of claim 21, wherein said content includes dynamic content.

23. (Canceled)

24. (Previously Presented) The method of claim 21, further comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which the user interacts.

25. (Currently Amended) A system, comprising:

a primary electronic device that accesses a plurality of locally executed applications, said primary electronic device initiating at least one of said plurality of applications in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during execution of said at least one of said plurality of applications;

a secondary electronic device interfaced with said primary electronic device over a computerized network, said secondary electronic device being capable of accessing a web page customized with content for use with said at least one of said plurality of applications, said one of said plurality of applications being automatically re-directed to said customized web page at said secondary electronic device as part of the execution of said at least one of said plurality of applications, said re-direction being integrated into said one of said plurality of locally executed applications and said re-direction occurring as part of the user executing said one of said plurality of applications;

wherein a user action is executed on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content~~, said benefit being external to said one of said plurality of applications;~~ and

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store said benefit earned by the user based on said user action performed on said content from the secondary electronic device~~,~~

~~wherein the benefit is usable within at least one of the plurality of applications~~.

26. (Currently Amended) A computer system which automatically integrates content into an electronic device, comprising:

at least one memory having at least one program that is executable to perform the steps comprising:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications;

~~executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications; and~~

~~wherein the benefit is usable within the at least one of the plurality of applications;~~ and

at least one processor for running the program.

27. (Currently Amended) A computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device, the computer system having a program comprising the steps of:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of locally executed applications that is accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device, and

automatically integrating content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications at said primary electronic device;

automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications, said re-direction occurring as part of the user executing said one of said plurality of applications; and

executing a user action on said content from said secondary electronic device~~, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications;~~ .

28. (Currently Amended) A computer system having a program for automatically integrating content into an electronic device, comprising:

means for receiving a request at a primary electronic device to initiate at least one of a plurality of locally executed applications that are accessible at said primary electronic device;

means for initiating said at least one of said plurality of applications at said primary electronic device; and

means for automatically integrating content from a secondary electronic device that is capable of accessing a plurality of web pages, which contain the content, into said at least one of said plurality of locally executed applications during execution of said at least one of said plurality of applications;

means for automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications, said re-direction occurring as part of the user executing said one of said plurality of applications; and

means for executing a user action on said content at said secondary electronic device~~, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications; and~~

~~means for enabling a benefit to be earned based on said user action performed on said content from the secondary electronic device, wherein the benefit is usable within the at least one of the plurality of applications~~.

REMARKS

Claims 1, 5-10, 13-17, 21, 22 and 24-28 are pending in this application and are rejected. Claims 2-4, 11, 12 and 23 have been canceled without prejudice or disclaimer. Selected claims have been amended to further clarify the invention, and not for reasons of patentability.

Reconsideration and allowance of all rejected claims are respectfully requested in view of the following remarks.

Examiner's Interview

Applicant would like to thank the Examiner and his Supervisor for the courtesies extended to Applicant's representatives during the interview conducted October 8, 2008. During the interview, the Czepluch and Adams et al. prior art references were discussed, and Supervisory Examiner Mooneyham, Examiner Nguyen and Examiner Weinhardt agreed that the incorporation of the term "locally executed" to describe where the application (e.g., game application) is accessed by the primary electronic device into the independent claims would distinguish the independent claims over the prior art. The independent claims have been amended as agreed upon and are clearly patentable as discussed in more detail below in connection with the prior art rejections.

Claim Rejection under § 112, Second Paragraph

Claims 1 and 5-9 are rejected under 35 USC 112, second paragraph, as being indefinite. In particular, in the last step of claim 1, the Examiner maintains that the claim is vague since it is unclear how the benefit can be both external and internal. Accordingly, without acquiescing to the correctness of the Examiner's rejection, Applicant has deleted the final step of claim 1 to remove any possible ambiguity. Similarly, Applicant has amended independent claims 10, 21,

25, 26, 27 and 28. Reconsideration and withdrawal of the rejection under § 112, second paragraph, is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 1, 5-10, 13-17, 21, 22 and 24-28 stand rejected under 35 USC § 103(a) as being obvious over Czepluch in view of Adams et al. For the following reasons, Applicant respectfully traverses this rejection.

Examiner alleges that Czepluch teaches the claimed invention except for the fact that the benefit is external to one of the plurality of applications. The Examiner then relies on the secondary teaching of Adams et al. to allegedly make up for this deficiency.

However, as was discussed in detail during the personal interview on October 8, 2008, Applicant vigorously disagrees with the Examiner's understanding of the teachings of Czepluch, whether taken alone or together with Adams et al., because Czepluch is fundamentally different than the present invention. More specifically, Czepluch's begins at a Web page or home page of a Web store and from there an on-line game is provided for users within the on-line representation, or linked thereto (see paragraph Nos. [0022] and [0023] and Fig. 3). Alternatively, the elements of the game may be distributed over several different Web pages of the same Web store so that the user has to visit different pages in order to play the game (see paragraph No. [0024]).

In contradistinction, as was pointed out in great detail during the personal interview, a primary electronic device accesses an application, such as a game application, to thereby locally execute the application. Further, business related content, from a least one secondary electronic

device that accesses the business-related content on a plurality of web pages, is *automatically* integrated into the locally executed application, such as a game application, during execution of the application. The method/system of the present invention then *automatically* redirects the user to one of the web pages of the secondary electronic device from the primary electronic device, the redirection being integrated into the game application and the redirection occurring as part of the user executing the game application. The user can then execute a user action on the business-related content from the secondary electronic device.

Quite clearly, Czepluch fails to teach or even remotely suggest such a method/system as clearly defined in all of the independent claims. Moreover, Adams et al. '674, as well as any of the other references of record, fails to make up for the deficiencies in Czepluch, and has been relied on merely for its teaching regarding benefits in connection with an electronic game.

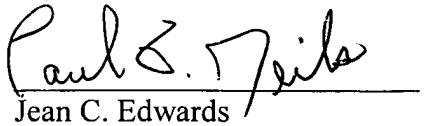
In addition to the above arguments, each of the independent claims has been amended in order to further clarify that the application, for example, a game application, is locally executed. During the personal interview, the Examiners agreed, including the gaming expert, Examiner Weinhardt, that Czepluch fails to teach or suggest Applicant's invention, as further clarified by the present amendments.

The dependent claims are patentable based on their dependency as well as the recitations set forth therein.

Based on the foregoing, all of the claims should be in form for allowance and such action is hereby solicited. If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,



Jean C. Edwards
Registration No. 41,728
Paul F. Neils
Registration No. 33,102

(57362)
AKERMAN SENTERFITT
801 Pennsylvania Avenue
Suite 600
Washington, D.C. 20004
202-393-1719 – telephone
202-824-1791 - fax
Date: October 15, 2008

PTO/SB/06 (07-06)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/272,408	Filing Date 10/16/2002	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT		(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	10/15/2008	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 19	Minus	** 28	= 0	X $26 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 9	Minus	***11	= 0	X $110 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/JOY DOBBS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 07/25/2008

AKERMAN SENTERFITT
801 PENNSYLVANIA AVENUE N.W.
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WASHINGTON, DC 20004

EXAMINER	
NGUYEN, TAN D	
ART UNIT	**PAPER NUMBER**
3689	

MAIL DATE	DELIVERY MODE
07/25/2008	PAPER

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.

Office Action Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3689	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *28 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1,5-10,13-17,21,22 and 24-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-10,13-17,21,22 and 24-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/28/08 has been entered.

Claim Status

Claims 1, 5-10, 13-17, 21-22 and 24-28 are pending and rejected as followed. Claims 2-4, 11-12 and 23 have been canceled. Claims 21-22, 24 appear to be the broadest claim set and will be addressed first.

Claim Rejections - 35 USC § 112

Claims 1, 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, step (f) "…,said benefit being external to said one of said plurality of applications; wherein the benefit is usable within the at least one of the plurality of applications " is vague since the benefit can both be external and internal.

Claim Rejections - 35 USC § 103

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

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

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 21-22, 24 (method[1]), **25** (system), **26** (system), **27** (product), **28** (system), **1, 5-9** (method[2]), **10, 13-14** (method[3]), **15** (system), and **16**-17 (method[4]) **are rejected under 35 U.S.C. 103(a) as obvious over CZEPLUCH in view of ADAMS et al.**

As of 4/28/08, independent method claim 21 is as followed:

21. (Currently Amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device interfaced with said network;

(b) initiating said at least one of said plurality of applications at said primary electronic device;

c) providing at least one customized web page at a secondary electronic device accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

d) automatically integrating said content from said secondary electronic device into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; e) automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications; wherein the benefit is usable within the at least one of the plurality of applications.

Note: for convenience purpose, letters (a)-(f) are added to the beginning of each step.

Similarly, **CZEPLUCH** discloses a method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request from a user at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device interfaced with said network;

{see Figs. 1, 2, paragraphs [0037], [0041] and [0045]}

(b) initiating said at least one of said plurality of applications at said primary electronic device;

{see Figs. 2, pars. [0042], [0045]}

c) providing at least one customized web page at a secondary electronic device accessed over said computerized network by said primary electronic device, said web page being customized with content for use with said one of said plurality of applications;

{see Figs. 3, 4a, 4b, pars. [0052]}

d) automatically integrating said content from said secondary electronic device into said at least one of said plurality of applications during execution of said at least one of said plurality of applications;

{see pars. [0024]}

e) automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

{see Fig. 2, pars. [0024], [0038]}

f) executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, said benefit

being external to said one of said plurality of applications; wherein the benefit is usable within the at least one of the plurality of applications.

{see pars. [0010]-[0011], [0052]}

CZEPLUCH fairly teaches the claimed invention except for the last phrase of the last step "said benefit being external to said one of said plurality of applications".

In a similar for integrating content into an electronic device over a computerized network and awarding and redeeming incentive (promotional points) in an electronic game, **ADAMS et al** fairly teaches steps (c) as well as step (d) above {see col. 5, lines 42-67, col. 6, lines 1-9, "*..players may accumulate promotional points by simply allowing themselves to be exposed to sponsor advertising material*...", for the benefits that the player can exchange the promotional points/incentives for goods or services by patronizing particular stores or buy particular products they may not have chosen without such incentive {see col. 9, lines 1-9} or becomes familiarized with the sponsor's products, websites, and learns how to buy merchandise using the sponsor's normal product or service purchase procedure. Moreover, the player is educated about the sponsor's and its product offering, is more likely to return directly to a sponsor's website for other purchases, and less likely to go to a competing merchant whose website may be unfamiliar and thus more intimidating when purchase on line in the future { especially col. 16, lines 18-35}}. Note also the new added limitation of "providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application" submitted

on 9/13/07, this is also taught in ADAMS et al as shown in Fig. 6, or col. 15, lines 45 to col. 16, line 32, col. 18, lines 1-42, which deals with hyperlinking or linking to website or web page of Sponsor (Fig. 6, 88) where the player can interact with the advertising materials and others. As for the limitation "customized", it's inherently included in the website/webpage of ADAMS et al. Furthermore, this is a relative term and no further limitation is shown, i.e. "customized to what? The selection of any customized features on the website or webpage of the sponsor is fairly taught in col. 18, lines 20-42, and would have been obvious to a skilled artisan customize the site as desired to meet the needs of the player.

It would have been obvious to modify the teachings of CZEPLUCH by including step (d) as taught by ADAMS et al for at least one of the many benefits cited above for the benefits that the player can exchange the promotional points/incentives for goods or services by patronizing particular stores or buy particular products they may not have chosen without such incentive {see col. 9, lines 1-9} .

As for dep. claim 22 (part of 21 above) which deals with features of content, i.e. dynamic, this is taught in ADAMS et al col. 1, lines 65-67 "updated" or CZEPLUCH's general teaching of "updating data" on para. [0036].

As for dep. claim 24 (part of 21 above), which deals with the type or features of the application, this is non-essential to the scope of the claimed invention and furthermore, it's fairly taught in CZEPLUCH Figs. 4a and 4b, [0051-0052]}. Clearly, a more realistic video games with 3-D visualization would provide an environment wherein the player is immersed in the game like a real environment and would have been

obvious to do so to improve game playing effectiveness. Alternatively, Official notice is taken that it is old and well known in the gaming art to get the player immersed in the game by using a virtual reality platform having a three-dimensional visualization. It would have been obvious to one of ordinary skill in the gaming art at the time of the applicant's invention to include a virtual reality platform having a three-dimensional visualization for the benefit cited above.

As for independent system claim 26 which is basically the system to carry out the independent method of claim 21 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and CZEPLUCH Figs. 1 and 3 for carrying the respective steps in the rejections of claim 21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 25 which is basically the system to carry out the independent method of claims 21 and 24 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and CZEPLUCH Figs. 1 and 3 for carrying the respective steps in the rejections of claims 24/21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 24/21 would have been obvious to a skilled artisan.

As for independent product claim 27 which is basically the computer-readable medium to carry out the independent method of claim 21 above, it's rejected over the

computer-readable medium inherently included in the system of ADAMS et al as shown on Figs. 4 and 6 and CZEPLUCH Figs. 1 and 3 for carrying the respective steps in the rejections of claim 21 described above. Alternatively, the set up of a computer-readable medium to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 28, which are basically the system to carry out the method of claim 21 above, they are rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and CZEPLUCH Figs. 1 and 3 for carrying the respective steps in the rejections of claims 21 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent method claim 1, which has similar limitation as in independent method claim 21 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in ADAMS et al see abstract, or col. 3, lines 50-67, col. 6, lines 1-20 or CZEPLUCH [0009-0012].

As in dep. claim 5 (part of 2/1 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34.

As for dep. claim 6 (part of 1 above), which deals with the type of business-related content, this is non-essential to the scope of the claimed invention and would have been obvious to select any type, brand or generic since this is not critical. Furthermore, it's fairly taught in CZEPLUCH in [0038], and [0052].

As for dep. claim 7 (part of 6/ 1 above) which deals with features of content, i.e. dynamic, this is taught in ADAMS et al col. 1, lines 65-67 "updated" or CZEPLUCH's general teaching of "updating data" on para. [0036].

As for dep. claims 8-9 (part of 1 above), which deals with the other type of business-related content, these is non-essential to the scope of the claimed invention and are fairly taught in ADAMS et al col. 16-col. 18., lines 40-65.

As for independent method claim 10, which has similar limitation as in independent method claims 1 and 4 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in ADAMS et al see abstract, or col. 3, lines 50-67, col. 6, lines 1-20 or CZEPLUCH [0009-0012].

As in dep. claim 14 (part of 11/1 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34.

As for independent system claim 15, which is basically the system to carry out the independent method of claim 1 and dep. claim 24 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and CZEPLUCH Figs. 1 and 3 for carrying the respective steps in the rejections of claims 1 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 1 and 24 would have been obvious to a skilled artisan.

As for independent method claim 16, which is basically the combination of independent method claim 1 and dep. claim 24 above, it's rejected over combination of the rejections of claims 1 and 24 as cited above.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

Response to Arguments

5. Applicant's arguments filed 5/5/08 have been fully considered but they are not persuasive in view of the new ground of rejections.

No claims are allowed.

6. 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 any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689

Notice of References Cited	Application/Control No. 10/272,408	Applicant(s)/Patent Under Reexamination ALTIERI, FRANCES BARBARO	
	Examiner Tan Dean D. Nguyen	Art Unit 3689	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0069832	04-2003	Czepluch, Ralf	705/37
*	B	US-6,595,859	07-2003	Lynn, Scott W.	463/42
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10272408	ALTIERI, FRANCES BARBARO
	Examiner	Art Unit
	Tan Dean D Nguyen	3689

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

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

CLAIM		DATE								
Final	Original	07/21/2008								
	1	✓								
	2	-								
	3	-								
	4	-								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
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	19	-								
	20	-								
	21	✓								
	22	✓								
	23	-								
	24	✓								
	25	✓								
	26	✓								
	27	✓								
	28	✓								

APR 28 2008
PATENT & TRADEMARK OFFICE

PTO/SB/30 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3689
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

   a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

      i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. ☐ Other _____

   b. ☑ Enclosed

      i. ☑ Amendment/Reply

      ii. ☐ Affidavit(s)/ Declaration(s)

      iii. ☐ Information Disclosure Statement (IDS)

      iv. ☐ Other _____

2. Miscellaneous

   a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

   b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. ☑ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0951. I have enclosed a duplicate copy of this sheet.

      i. ☑ RCE fee required under 37 CFR 1.17(e)

      ii. ☑ Extension of time fee (37 CFR 1.136 and 1.17)

      04/29/2008 SDIRETA1 00000042 500951 10272408
      01 FC:2801 405.00 DA

      iii. ☐ Other _____

   b. ☐ Check in the amount of $ _____ enclosed

   c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	Jean C. Edwards	Date	April 28, 2008
Name (Print/Type)	Jean C. Edwards, Esq.	Registration No.	41,728

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print/Type)		Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXPEDITED PROCESSING REQUESTED
Attorney Docket: 71457-0004
Customer No.: 57362



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3689

Application No.: 10/272,408 — Examiner: Tan D. Nguyen

Filed: October 16, 2002 — Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

PETITION FOR EXTENSION OF TIME

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

Sir:

Applicant petitions for a two (2) month extension of time to submit the concurrently filed Request for Continued Examination (RCE) and Amendment under 37 C.F.R. § 1.114, in connection with the referenced application, from February 27, 2008, to April 28, 2008 (April 27, 2008 being a Sunday).

04/29/2008 SDIRETA1 00000042 500951 10272408
02 FC:2252 230.00 DA

The Commissioner is authorized to charge the Extension Fee at the Small Entity Rate to Deposit Account 50-0951, as well as any additional fees or underpayment of fees which may be required to maintain the pendency of this case, or, to credit thereto any overpayment made in connection with this matter.

Respectfully submitted,

Jean C. Edwards

Jean C. Edwards
Registration No. 41,728

(57362)
AKERMAN SENTERFITT
801 Pennsylvania Avenue N.W.
Suite 600
Washington, D.C. 20004
202-824-1719 - phone
202-824-1791 – fax
Date: April 28, 2008

OIPE
APR 28 2008
PATENT & TRADEMARK OFFICE

PTO/SB/17 (10-07)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2008

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 635.00

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Examiner Name	Tan D. NGUYEN
Art Unit	3689
Attorney Docket No.	71457.0004

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 50-0951 Deposit Account Name: AKERMAN SENTERFITT

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

Total Claims		Extra Claims	Fee ($)		Fee Paid ($)
_____	- 20 or HP =	_____	x _____	=	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims		Extra Claims	Fee ($)		Fee Paid ($)
_____	- 3 or HP =	_____	x _____	=	_____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $260 ($130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof	Fee ($)		Fee Paid ($)
_____	- 100 =	_____	/ 50 =	_____ (round **up** to a whole number)	x _____	=	_____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): RCE Fee ($405); Extension of Time Fee, two months ($230)	635.00

SUBMITTED BY

Signature	Jean C. Edwards	Registration No. (Attorney/Agent) 41,728	Telephone 202-824-1719
Name (Print/Type)	Jean C. Edwards, Esq.		Date April 28, 2008

This collection of information is required by 37 CFR 1.136. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OIPE IAP97
APR 28 2008
PATENT & TRADEMARK OFFICE

Attorney Docket: 71457-0004
Customer No.: 57362

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3689

Application No.: 10/272,408 — Examiner: Tan D. Nguyen

Filed: October 16, 2002 — Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

AMENDMENT UNDER 37 C.F.R. § 1.114

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

Sir:

Concurrently with the Request for Continued Examination filed herewith, the Examiner is respectfully requested to enter and consider the following amendments for the above-identified application.

AMENDMENTS TO THE CLAIMS:

This listing of claims replaces all prior versions, and listings, of claims in this application:

1. (Currently Amended) A method of integrating business-related content over a computerized network, into a primary electronic device that accesses a game application, from at least one secondary electronic device that accesses business-related content on a plurality of web pages, the method comprising:

receiving a request from a user at said primary electronic device to initiate said game application that is accessible at said primary electronic device, ~~from a user~~ said primary electronic device which is interfaced with said network;

initiating said game application at said primary electronic device;

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said game application during execution of said game application;

~~enabling the user to transfer business-related content, which is different from said automatically integrated business-related content, from one of said plurality of web pages into said game application;~~

automatically re-directing said user to one of said web pages of said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application;

executing a user action on said business-related content from said secondary electronic device; and

enabling the user to earn ~~an incentive~~ a benefit related to said business-related content based on said user action ~~actions that are~~ performed on ~~the~~ said business-related content, said benefit which is external to ~~during execution of~~ the game application.

2.-4. (Canceled)

5. (Previously presented) The method of claim 1 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. (Original) The method of claim 1 wherein said game application displays branded business-related content to said user.

7. (Original) The method of claim 6 wherein said branded business-related content is dynamically updated.

8. (Currently amended) The method of claim 1, comprising the further steps of:

executing game-related user actions in said game application as a result of user choices; and

generating a player profile based on said user choices made during said game application~~choices made by said user~~;

wherein the player profile is specific to said user.

9. (Previously Presented) The method of claim 8 wherein said player profile is disseminated to providers of business-related content used in said game application.

10. (Currently Amended) A method of integrating business-related content over a computerized network, into an electronic device that accesses a game application, from at least one secondary electronic device that accesses a plurality of web pages, the method comprising:

initiating said game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;

~~enabling the user to transfer said business-related content from one of said plurality of web pages into said game application;~~

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing game-related actions during said game application;

executing a user action on said business-related content from said secondary electronic device~~, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game~~; and

enabling the user to earn ~~an incentive~~ a benefit related to said business-related content based on said user action ~~actions that are~~ performed on ~~the~~ said business-related content, said benefit which is external to~~during execution of~~ the game application.

11.-12. (Canceled)

13. (Previously presented) The method of claim 10 wherein said benefit for said user is calculated in real-time.

14. (Previously presented) The method of claim 10, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. (Currently Amended) A system, comprising:

a primary electronic device that accesses a game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device being capable of accessing a web page customized with business-related content for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of said game application, said re-direction being integrated into said

game application and said re-direction occurring as part of the user executing said game application;

wherein a user action is performed on said business-related content from said secondary electronic device, said user action generating a benefit for said user relating to said business-related content, said benefit being external to said game application; ~~and~~

~~enabling the user to transfer said business-related content from said web page into said game application;~~ and

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store ~~an incentive~~ said benefit earned by the user based on said user action ~~actions that are~~ performed on the business-related content ~~during execution of the game application~~.

16. (Currently Amended) A method of integrating business-related content over a computerized network, into a primary electronic device that ~~accesses business-related content and~~ executes a game application, from at least one secondary electronic device that ~~accesses~~ provides business-related content which is accessed by said primary electronic device, said method comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

initiating said game application in response to a user request;

automatically re-directing ~~the~~ a content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said game application, said web page being customized with business-related content for use with said game application;

~~enabling the user to transfer said business-related content from one of said plurality of web pages into said game application;~~

exposing said user to said business-related content during said three-dimensional visualization at said secondary electronic device;

executing a user action on said business-related content from said secondary electronic device; and

~~exposing said user to said business-related content during said three-dimensional visualization of said game application; and~~

enabling the user to earn ~~an incentive~~ a benefit based on said user action~~actions that are~~ performed on the business-related content from said secondary electronic device, said benefit being external to said ~~during execution of the~~ game application.

17. (Previously Presented) The method of claim 16, further comprising providing each virtual reality platform at a franchised location.

18.-20. (Canceled)

21. (Currently Amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device ~~from a user~~ interfaced with said network;

initiating said at least one of said plurality of applications at said primary electronic device; ~~and~~

~~automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; and~~

providing at least one customized web page at ~~said~~ a secondary electronic device accessed over said computerized network by said primary electronic device, said web page being customized with ~~business-related~~ content for use with said ~~game application~~ one of said plurality of applications; ~~and~~

automatically integrating said content from said secondary electronic device into said at least one of said plurality of applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said customized web pages at said secondary electronic device, from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications; and

executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications;

~~enabling the user to transfer said business-related content from said web page into said game application; and~~

~~enabling the user to earn an incentive based on actions that are performed on at least one of the plurality of content from the secondary electronic device,~~ wherein the ~~incentive~~ benefit is usable within the at least one of the plurality of applications.

22. (Previously Presented) The method of claim 21, wherein said content includes dynamic content.

23. (Canceled)

24. (Previously Presented) The method of claim 21, further comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which the user interacts.

25. (Currently Amended) A system, comprising:

a primary electronic device that accesses a plurality of applications, said primary electronic device initiating at least one of said plurality of applications in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during execution of said at least one of said plurality of applications;

a secondary electronic device interfaced with said primary electronic device over a computerized network, said secondary electronic device being capable of accessing a web page customized with ~~a plurality of~~ content for use with said at least one of said plurality of applications, said ~~game~~ one of said plurality of applications ~~application~~ being automatically re-directed to said customized web page at said secondary electronic device as part of the execution of said at least one of said plurality of applications, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications;

wherein a user action is executed on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications; and

~~providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and~~

~~enabling the user to transfer said business-related content from said web page into said game application; and~~

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store ~~an incentive~~ said benefit earned by the user based on said user action ~~actions that are~~ performed on ~~at least one of the plurality of~~ said content from the secondary electronic device,

wherein the ~~incentive~~ benefit is usable within at least one of the plurality of applications.

26. (Currently Amended) A computer system which automatically integrates content into an electronic device, comprising:

at least one memory having at least one program that is executable to perform the steps comprising:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of applications that are accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating ~~at least one of a plurality of~~ content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of said plurality of applications and said re-direction occurring as part of the user executing said one of said plurality of applications;

executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications; and

~~enabling the user to transfer business-related content, which is different from said automatically integrated business-related content, from one of said plurality of web pages into said game application;~~

~~enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device,~~ wherein the ~~incentive~~ benefit is usable within the at least one of the plurality of applications; and

at least one processor for running the program.

27. (Currently Amended) A computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device, the computer system having a program comprising the steps of:

receiving a request from a user at a primary electronic device to initiate at least one of a plurality of applications that is accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating ~~business-related~~ content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications at said primary electronic device;

automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said one of

said plurality of applications, said re-direction occurring as part of the user executing said one of said plurality of applications;

executing a user action on said content from said secondary electronic device, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications; ~~and~~

~~enabling the user to transfer said business-related content, which is different from said automatically integrated business-related content, from said web page into said game application.~~

28. (Currently Amended) A computer system having a program for automatically integrating content into an electronic device, comprising:

means for receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible at said primary electronic device;

means for initiating said at least one of said plurality of applications at said primary electronic device; and

means for automatically integrating ~~at least one of a plurality of~~ content from a secondary electronic device that is capable of accessing a plurality of web pages, which contain ~~business-related~~ the content, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; ~~and~~

~~means for enabling the user to transfer said business-related content from said plurality of web pages into said game application; and~~

means for automatically re-directing said user to one of said web pages at said secondary electronic device from said primary electronic device, said re-direction being integrated into said

one of said plurality of applications, said re-direction occurring as part of the user executing said one of said plurality of applications;

means for executing a user action on said content at said secondary electronic device, said user action generating a benefit for said user relating to said content, said benefit being external to said one of said plurality of applications; and

means for enabling ~~an incentive~~ a benefit to be earned based on said user action ~~actions that are~~ performed on ~~at least one of the plurality of~~ said content from the secondary electronic device, wherein the ~~incentive~~ benefit is usable within the at least one of the plurality of applications.

REMARKS

Claims 1, 5-10, 13-17,21, 22 and 24-28 are pending in this application and are rejected. Claims 2-4, 11, 12 and 23 have been canceled without prejudice or disclaimer. Selected claims have been amended to further clarify the invention, and not for reasons of patentability.

Reconsideration and allowance of all rejected claims are respectfully requested in view of the following remarks.

Examiner's Interview

Applicant would like to thank the Supervisor for the courtesies extended to Applicant's representative during the telephone interview conducted during the week of April 22, 2008. During the interview, the Applicant's representative informed the Supervisor that previous Supervisor Examiner Weiss had agreed that the incorporation of the subject matter from Claims 2-4 into the independent claims would distinguish the independent claims over the prior art. Accordingly, since the Applicant is proceeding under a Petition to Make Special for health reasons, the Applicant requests that if at all possible, the Examiner and Supervisor notify the undersigned if there is anything in this Amendment that can be explained or amended to allow this application to proceed to allowance as quickly as possible, be done, with the Applicant's great appreciation

Advisory Action

In the Advisory Action, the Examiner found selected claims to be vague and indefinite.

The claims have been amended to correct for any indefiniteness noted by the Examiner. In view of the foregoing, the Examiner is respectfully requested to withdraw any future objections in this regard.

Claim Rejections Under 35 USC 103

In the final Office Action, Claims 1-17 and 21-28 were rejected under 35 U.S.C. §103(a) as obvious over Ebisawa in view of Adams et al. Claims 15-17 and 24-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Adams et al. and Ebisawa and further in view of Rosenblatt et al. or Rekimoto.

Claims 2-4, 11, 12 and 23 have been canceled, thereby rendering their rejection moot.

Independent Claims 1, 10, 15, 16, 21 and 25-28 substantially recite, among other things, automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said game application during execution of said game application; automatically re-directing said user to one of said web pages of said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application; executing a user action on said business-related content from said secondary electronic device; and enabling the user to earn a benefit related to said business-related content based on said user action performed on said business-related content, said benefit which is external to the game application.

Ebisawa appears to disclose presenting commercial advertising sequences as part of an environment in which the player representative (in one example, a race car driver) performs certain tasks (see Fig. 1A, column 3, lines 21-35). Ebisawa fails to teach or reasonably suggest automatically re-directing a user to a customized web page on a secondary electronic device from a primary electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing the game application, executing a user

action on the business-related content at the secondary electronic device, to earn a benefit which external to the game application.

Rather, Ebisawa discloses a passive advertising method wherein a user is exposed to an advertisement along a simulated race course.

The Examiner acknowledges that Ebisawa is deficient for failing to disclose enabling a benefit based on user actions that are performed on at least one of the plurality of business-related content from the secondary electronic device, wherein the benefit is usable within the at least one of the plurality of applications (see page 4 of the final Office Action dated November 27, 2007), and is reliant upon Adams et al. to disclose this feature.

Adams et al. is directed to an electronic game, such as a casino wagering game, including a sponsor's advertising material and promotional points, which are earned based on passive exposure to the sponsor's advertising material (see Adams et al., the Abstract). Adams et al. appear to disclose that the player can link to the sponsor's website from the wagering game machine to redeem promotional points accrued during the course of the game (see Adams et al., column 15, lines 45-60).

However, Adams et al. fail to disclose that the user is automatically re-directed to a sponsor's customized web page from the wagering game, wherein the re-direction is integrated into said wagering game application and the re-direction occurs as part of the user executing the wagering game application.

Further, the Applicant respectfully submits that Ebisawa and Adams et al. are complete within themselves, and there is no motivation to combine Ebisawa with Adams et al. to achieve

the claimed features of the present invention, without the use of impermissible hindsight by the Examiner.

Specifically, the Applicants respectfully submit that there is no motivation to change the game system, including the passive advertising method of Ebisawa, to include obtaining promotional points from a sponsor for use in a wagering game, since Adams et al. are directed to redeeming promotional points accrued during a wagering game, and not a video game with a passive method of advertising. Although the Examiner acknowledges that Ebisawa does not disclose each and every feature of the present invention, the Applicant respectfully points out that Adams et al., on whom the Examiner relies, does not disclose these features either, and fails to make up for the deficiencies of Ebisawa.

In particular, one of ordinary skill in the art of integrating business-related content over a computerized network would not have looked to the method of redeeming promotional points during a wagering game as disclosed by Adams et al., to combine with a video game displaying passive advertisements, in order to achieve the claimed features of the present invention.

Further, assuming *arguendo*, that Ebisawa and Adams et al. were combined, the resulting combination would not achieve the claimed features of the present invention, and in fact, would make at least, the Ebisawa method unworkable. The addition of redeeming promotional points during a wagering game, would cause the Ebisawa method to be inoperable, since the Ebisawa reference teaches the use of passive advertisements viewed during a game, and not outside of the game at a sponsor's webpage. The Examiner is reminded that if the proposed modification renders the prior art invention being modified unsatisfactory for its intended purpose, then there

is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (see MPEP §2143.01).

The Examiner is further reminded that to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (see MPEP §2143). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Furthermore, the Examiner is reminded that "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. (*In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006) cited with approval in *KSR Int'l v. Teleflex Inc.*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007)).

Accordingly, Claims 1, 10, 15, 16, 21 and 25-28 are not obvious over either the individual or combination of the Ebisawa and Adams et al. references, and the rejection of Claims 1, 10, 15, 16, 21 and 25-28 under 35 U.S.C. 103(a) should be withdrawn.

Further, since Claims 5-9 depend from independent Claim 1, Claims 13 and 14 depend from independent Claim 10, Claim 17 depends from independent Claim 16, and Claims 22 and 24 depend from independent Claim 21, these claims are allowable at least by virtue of their dependency, but are also distinguishable over the prior art.

In view of the foregoing differences between Claims 1, 10, 15, 16, 21, 25, 26, 27 and 28 and the cited art, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness based on Ebisawa in view of Adams et al. or vice versa. Thus, these claims are allowable. Further, Claims 5-9, 11-14, 17, 22 and 24 are allowable at least by virtue of their dependency, but are also distinguishable over the prior art.

Claims 15-17, 24 and 25 were rejected under 35 U.S.C. §103(a) as being obvious over Adams et al. in view of Ebisawa and further in view of Rosenblatt et al. or Rekimoto.

Claims 15, 16, 24 and 25 disclose, among other things, automatically re-directing a user to a customized web page on a secondary electronic device from a primary electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing the game application, executing a user action allowed by the business-related content at the secondary electronic device, enabling the user to earn a benefit related to the business-related content based on the user action performed on the business-related content at the secondary electronic device, the benefit which is external to the game application.

As discussed above, Ebisawa and Adams et al. fail to disclose these features.

Further, neither Rosenblatt et al. nor Rekimoto make up for the deficiencies in Adams et al. and Ebisawa. Rosenblatt et al. is directed towards virtual representatives for Web retailers or service providers. Rekimoto is directed towards sharing a three-dimensional virtual reality space among a plurality of users of a plurality of client terminals. Rosenblatt et al. and Rekimoto do not teach or reasonably suggest automatically re-directing the user to one of said customized web pages on the secondary electronic device from the primary electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user

executing said game application, executing a user action on the business-related content at the secondary electronic device, the user action generating a benefit for the user relating to the business-related content, the benefit being external to said game application.

Accordingly, the rejection of Claims 1, 5-10, 13-17, 21, 22 and 24-28 under 35 U.S.C. §103(a) should be withdrawn.

Based on the foregoing, all of the claims should be in form for allowance and such action is hereby solicited. If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/272,408	Filing Date 10/16/2002	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	04/28/2008	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 19	Minus	** 28	= 0	X $25 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 9	Minus	***11	= 0	X $105 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/SANDRA L. TUCKER SMITH/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 04/22/2008

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ART UNIT	PAPER NUMBER
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04/22/2008	PAPER

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.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/272,408	**Applicant(s)** ALTIERI, FRANCES BARBARO	
	Examiner Tan Dean D. Nguyen	**Art Unit** 3689	

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

THE REPLY FILED 22 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689

Continuation of 3. NOTE: 1) In independent method Claim 1, does the last step with limitation "actions" refer to the previous a game-related action or game application in the primary electronic device?
2) In Independent Claim 10 has the same limitation in claim 1 and has the same issue above.
3) In Independent system claim 15, the amended language of "wherein a game-related action" is not a structural element and has no patentable weight. We need a device or structure for a system claim. ALso, it has the same problem mentioned in claim 1 above.
4) In independent claim 16, the last 3 steps do not appear to work together, the last 2 step appear to be dealt with the 1st device while the "executing a game..." appear to be deallt with the 2nd device. The last 3 steps appear to crisscross between the two devices which are confusing.
5) In independent method claim 21, whiich appear to be broadest claim and does not appear to deal with the "game" limitation. The amended claims adding the "game" limitation while the previous language appear to be silent with the game-related action. This is confuising. Also the last step has the term "actions" which do not have support. The previous step only calls for "a game-related action" so there are no plural actions.
6) In independent system claim 25, it has the same problem as in system claim 15 above.
7) In independent system claim 16, the amended language with "said customized web pages" lack antecedent basis. Also the last step has the term "actions" which do not have support. The previous step only calls for "a game-related action" so there are no plural actions.
8) In Independent claim 17, it appears that a final step is missing. Is there any benefit for playing game in the primary device?
9) In independent system claim 28, the last means for is vauge. There are the terms "actions" which has no support earlier and the term "plurality of applications", does this refer to the primary device or 2nd device?
10) Applicant's responses/arguments with respect to the amended claims have been reviewed but not persuasive because the independend claims are vague and indefinite due to the above issues.

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FEB 22 2008
PATENT & TRADEMARK OFFICE

Attorney Docket: 71457-0004
Customer No.: 57362

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3629

Application No.: 10/272,408 — Examiner: Tan D. Nguyen

Filed: October 16, 2002 — Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

AMENDMENT UNDER 37 C.F.R. § 1.116

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

Sir:

In response to the Final Office Action dated November 27, 2007, please amend the above-identified application as follows:

AMENDMENTS TO THE CLAIMS:

This listing of claims replaces all prior versions, and listings, of claims in this application:

1. (Currently Amended) A method of integrating business-related content over a computerized network, into a primary electronic device that accesses a game application, from at least one secondary electronic device that accesses business-related content on a plurality of web pages, the method comprising:

receiving a request at said primary electronic device to initiate said game application that is accessible at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device;

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said game application during execution of said game application;

~~enabling the user to transfer business-related content, which is different from said automatically integrated business-related content, from one of said plurality of web pages into said game application;~~

automatically re-directing said user to one of said customized web pages on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application;

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game; and

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

2.-4. (Canceled)

5. (Currently Amended) The method of claim ~~2~~ 1 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. (Original) The method of claim 1 wherein said game application displays branded business-related content to said user.

7. (Original) The method of claim 6 wherein said branded business-related content is dynamically updated.

8. (Previously Presented) The method of claim 1, comprising the further steps of:

executing actions in said game as a result of user choices; and

generating a player profile based on game choices made by said user;

wherein the player profile is specific to said user.

9. (Previously Presented) The method of claim 8 wherein said player profile is disseminated to providers of business-related content used in said game application.

10. (Currently Amended) A method of integrating business-related content over a computerized network, into an electronic device that accesses a game application, from at least one secondary electronic device that accesses a plurality of web pages, the method comprising:

initiating said game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;

~~enabling the user to transfer said business-related content from one of said plurality of web pages into said game application;~~

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application;

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game; and

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

11.-12. (Canceled)

13. (Currently Amended) The method of claim ~~11 where in~~ 10 wherein said benefit for said user is calculated in real-time.

14. (Currently Amended) The method of claim ~~11~~ 10, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. (Currently Amended) A system, comprising:

a primary electronic device that accesses a game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device being capable of accessing a web page customized with business-related content for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of said game application, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application;

wherein a game-related action is executed at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game; ~~and~~

~~enabling the user to transfer said business-related content from said web page into said game application;~~ and

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store an incentive earned by the user based on actions that are performed on the business-related content during execution of the game application.

16. (Currently Amended) A method of integrating business-related content over a computerized network, into a primary electronic device that accesses business-related content and a game application, from at least one secondary electronic device that accesses business-related content, said method comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

initiating said game application in response to a user request;

automatically re-directing the content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said game application, said web page customized with business-related content for use with said game application;

~~enabling the user to transfer said business-related content from one of said plurality of web pages into said game application;~~

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game;

exposing said user to said business-related content during said three-dimensional visualization of said game application; and

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

17. (Previously Presented) The method of claim 16, further comprising providing each virtual reality platform at a franchised location.

18.-20. (Canceled)

21. (Currently Amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device from a user interfaced with said network;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; ~~and~~

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; ~~and~~

automatically re-directing said user to one of said customized web pages on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application;

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game; and

~~enabling the user to transfer said business-related content from said web page into said game application; and~~

enabling the user to earn an incentive based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

22. (Previously Presented) The method of claim 21, wherein said content includes dynamic content.

23. (Canceled)

24. (Previously Presented) The method of claim 21, further comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which the user interacts.

25. (Currently Amended) A system, comprising:

a primary electronic device that accesses a plurality of applications, said primary electronic device initiating at least one of said plurality of applications in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during execution of said at least one of said plurality of applications;

a secondary electronic device interfaced with said primary electronic device over a computerized network, said secondary electronic device being capable of accessing a web page customized with a plurality of content for use with said at least one of said plurality of applications, said game application being automatically re-directed to said customized web page as part of the execution of said at least one of said plurality of applications, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application;

wherein a game-related action is executed at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game; and

~~providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and~~

~~enabling the user to transfer said business-related content from said web page into said game application; and~~

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store an incentive earned by the user based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within at least one of the plurality of applications.

26. (Currently Amended) A computer system which automatically integrates content into an electronic device, comprising:

at least one memory having at least one program that is executable to perform the steps comprising:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of

said plurality of applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said customized web pages on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application;

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game;

~~enabling the user to transfer business related content, which is different from said automatically integrated business related content, from one of said plurality of web pages into said game application;~~

enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications; and

at least one processor for running the program.

27. (Currently Amended) A computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device, the computer system having a program comprising the steps of:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications that is accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device, from a user interfaced with said network; and

automatically integrating business-related content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications;

automatically re-directing said user to one of said customized web pages on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application;

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game; ~~and~~

~~enabling the user to transfer said business-related content, which is different from said automatically integrated business-related content, from said web page into said game application.~~

28. (Currently Amended) A computer system having a program for automatically integrating content into an electronic device, comprising:

means for receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible at said primary electronic device;

means for initiating said at least one of said plurality of applications at said primary electronic device; and

means for automatically integrating at least one of a plurality of content from a secondary electronic device that is capable of accessing a plurality of web pages, which contain business-related content, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; ~~and~~

~~means for enabling the user to transfer said business-related content from said plurality of web pages into said game application; and~~

means for automatically re-directing said user to one of said customized web pages on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application;

means for executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game;

means for enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

REMARKS

Claims 1, 5-10, 13-17,21, 22 and 24-28 are pending in this application and are rejected. Claims 2-4, 11, 12 and 23 have been canceled without prejudice or disclaimer. Selected claims have been amended to further clarify the invention, and not for reasons of patentability.

Reconsideration and allowance of all rejected claims are respectfully requested in view of the following remarks.

Examiner's Interview

Applicant would like to thank the Examiner and his Supervisor for the courtesies extended to Applicant's representative during the interview conducted December 10, 2007. During the interview, the Ebisawa and Adams et al. prior art references were discussed, and Supervisory Examiner Weiss agreed that the incorporation of the subject matter from Claims 2-4 into the independent claims would distinguish the independent claims over the prior art. Furthermore, Supervisory Examiner Weiss stated that the incorporation of the subject matter from Claims 2-4 into the independent claims would result in the entry of this amendment.

Claim Objection

Selected claims were objected to under 35 U.S.C. 132(a) for allegedly containing new matter. Although the Applicant disagrees with the new matter characterization by the Examiner, the limitation "enabling the user to transfer business-related content, which is different from said automatically integrated business-related content, from one of said plurality of web pages into said game application" has been removed from the independent claims.

In view of the foregoing, the Examiner is respectfully requested to withdraw this objection.

Claim Rejections Under 35 USC 103

Claims 1-17 and 21-28 are rejected under 35 U.S.C. §103(a) as obvious over Ebisawa in view of Adams et al. Claims 15-17 and 24-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Adams et al. and Ebisawa and further in view of Rosenblatt et al. or Rekimoto.

Claims 2-4, 11, 12 and 23 have been canceled, thereby rendering their rejection moot.

Independent Claims 1, 10, 15, 16, 21 and 25-28 recite, among other things, automatically re-directing a user to a customized web page on a secondary electronic device from a primary electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing the game application, executing a game-related action at the secondary electronic device, the game-related action generating a benefit for the user relating to the business-related content, the benefit being external to the game.

Ebisawa appears to disclose presenting commercial advertising sequences as part of an environment in which the player representative (in one example, a race car driver) performs certain tasks (see Fig. 1A, column 3, lines 21-35). Ebisawa fails to teach or reasonably suggest automatically re-directing a user to a customized web page on a secondary electronic device from a primary electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing the game application, executing a game-related action at the secondary electronic device. Rather, Ebisawa discloses a passive advertising method wherein a user is exposed to an advertisement along a simulated race course.

The Examiner acknowledges that Ebisawa is deficient for failing to disclose enabling an incentive based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the

plurality of applications (see page 4 of the final Office Action dated November 27, 2007), and is reliant upon Adams et al. to disclose this feature.

Adams et al. is directed to an electronic game, such as a casino wagering game, including a sponsor's advertising material and promotional points, which are earned based on passive exposure to the sponsor's advertising material (see Adams et al., the Abstract). Adams et al. appear to disclose that the player can link to the sponsor's website from the wagering game machine to redeem promotional points accrued during the course of the game (see Adams et al., column 15, lines 45-60). However, Adams et al. fail to disclose that the user is automatically re-directed to a sponsor's customized web page from the wagering game, wherein the re-direction is integrated into said wagering game application and the re-direction occurs as part of the user executing the wagering game application.

Further, the Applicant respectfully submits that Ebisawa and Adams et al. are complete within themselves, and there is no motivation to combine Ebisawa with Adams et al. to achieve the claimed features of the present invention, without the use of impermissible hindsight by the Examiner.

Specifically, the Applicants respectfully submit that there is no motivation to change the game system, including the passive advertising method, of Ebisawa to include obtaining promotional points from a sponsor for use in a wagering game, since Adams et al. is directed to redeeming promotional points accrued during a wagering game, and not a video game with a passive method of advertising. Although the Examiner acknowledges that Ebisawa does not disclose each and every feature of the present invention, Adams et al., on whom the Examiner

relies, does not disclose these features either, and fails to make up for the deficiencies of Ebisawa.

In particular, one of ordinary skill in the art of integrating business-related content over a computerized network would not have looked to the method of redeeming promotional points during a wagering game as disclosed by Adams et al., to combine with a video game displaying passive advertisements, in order to achieve the claimed features of the present invention.

Further, assuming *arguendo*, that Ebisawa and Adams et al. were combined, the resulting combination would not achieve the claimed features of the present invention, and in fact, would make at least, the Ebisawa method unworkable. The addition of redeeming promotional points during a wagering game, would cause the Ebisawa method to be inoperable, since the Ebisawa reference teaches the use of passive advertisements viewed during a game, and not outside of the game at a sponsor's webpage. The Examiner is reminded that if the proposed modification renders the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (see MPEP §2143.01).

The Examiner is further reminded that to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (see MPEP §2143). The teaching or suggestion to make the claimed combination

and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Furthermore, the Examiner is reminded that "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. (*In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006) cited with approval in *KSR Int'l v. Teleflex Inc.*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007)).

Accordingly, Claims 1, 10, 15, 16, 21 and 25-28 are not obvious over either the individual or combination of the Ebisawa and Adams et al. references, and the rejection of Claims 1, 10, 15, 16, 21 and 25-28 under 35 U.S.C. 103(a) should be withdrawn.

Further, since Claims 5-9 depend from independent Claim 1, Claims 13 and 14 depend from independent Claim 10, Claim 17 depends from independent Claim 16, and Claims 22 and 24 depend from independent Claim 21, these claims are allowable at least by virtue of their dependency, but are also distinguishable over the prior art.

In view of the foregoing differences between Claims 1, 10, 15, 16, 21, 25, 26, 27 and 28 and the cited art, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness based on Ebisawa in view of Adams et al. or vice versa. Thus, these claims are allowable. Further, Claims 5-9, 11-14, 17, 22 and 24 are allowable at least by virtue of their dependency, but are also distinguishable over the prior art.

Claims 15-17, 24 and 25 are rejected under 35 U.S.C. §103(a) as being obvious over Adams et al. in view of Ebisawa and further in view of Rosenblatt et al. or Rekimoto.

Claims 15, 16, 24 and 25 disclose, among other things, automatically re-directing the user to one of said customized web pages on the secondary electronic device from the primary electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing said game application, executing a game-related action at the secondary electronic device, the game-related action generating a benefit for the user relating to the business-related content, the benefit being external to said game. As discussed above, Ebisawa and Adams et al. fail to disclose these features.

Neither Rosenblatt et al. nor Rekimoto make up for the deficiencies in Adams et al. and Ebisawa. Rosenblatt et al. is directed towards virtual representatives for Web retailers or service providers. Rekimoto is directed towards sharing a three-dimensional virtual reality space among a plurality of users of a plurality of client terminals. Rosenblatt et al. and Rekimoto do not teach or reasonably suggest automatically re-directing the user to one of said customized web pages on the secondary electronic device from the primary electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing said game application, executing a game-related action at the secondary electronic device, the game-related action generating a benefit for the user relating to the business-related content, the benefit being external to said game.

Accordingly, the rejection of Claims 1, 5-10, 13-17, 21, 22 and 24-28 under 35 U.S.C. §103(a) should be withdrawn.

Based on the foregoing, all of the claims should be in form for allowance and such action is hereby solicited. If the Examiner believes that there is any issue which could be resolved by a

telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,

Jean C. Edwards

Jean C. Edwards
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 21

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. ALTIERI
Art Unit	3629
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☑ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

Remarks

Please charge any fees or credit any overpayments to Deposit Account No. 50-0951.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	AKERMAN SENTERFITT		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards, Esq.		
Date	February 22, 2008	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/06 (07-06)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/272,408	Filing Date 10/16/2002	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	02/22/2008	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 19	Minus	** 28	= 0	X $25 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 9	Minus	***11	= 0	X $105 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/DIANA BATES/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Interview Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

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

(1) *Tan Dean D. Nguyen*.

(2) *Jean Edwards, Anthony Canning*.

(3)*John Weiss*.

(4)*James Myhre*.

Date of Interview: *10 December 2007*.

Type: a)☐ Telephonic b)☐ Video Conference
c)☒ Personal [copy given to: 1)☐ applicant 2)☒ applicant's representative]

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

Claim(s) discussed: *1-17 and 21-28I*.

Identification of prior art discussed: *1) US pat 5,946,664, pat. 7,025,674, Nike Article, Advergaming Article*.

Agreement with respect to the claims f)☒ was reached. g)☐ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *1) Amend the claims to include the limitations of dep. claims 2-4 into All Independent claims, method claims and system, and product claims. 2) The new amendment will be entered and will be reviewed and examined as usual.*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

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. See Summary of Record of Interview requirements on reverse side or on attached sheet.

DEAN T. NGUYEN
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 11/27/2007

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EXAMINER	
NGUYEN, TAN D	
ART UNIT	**PAPER NUMBER**
3629	

MAIL DATE	DELIVERY MODE
11/27/2007	PAPER

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.

Office Action Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *13 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-17 and 21-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 21-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed 9/13/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material to all independent claims which is not supported by the original disclosure is as follows: i.e., in claim 1, the limitation of:

"enabling the user to transfer business-related content, which .is different from said automatically integrated business-related content, from one of said plurality of web pages into said game application".

Applicant is required to cancel the new matter in the reply to this Office Action. The examiner has scanned the specification but could not find support for this major limitation in which applicant argued on pages 14-16 that the current rejections fail to teach.

Claim Status

Claims 1-17 and 21-28 are pending and rejected as followed. Claims 21-24 appear to be the broadest claim set and will be addressed first.

Claim Rejections - 35 USC § 103

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

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 21-24 (method[1]), **25** (system), **26** (system), **27** (product), **28** (system), **1-9** (method[2]), **10-14** (method[3]), **15** (system), and **16**-17 (method[4]) **are rejected under 35 U.S.C. 103(a) as obvious over (1) EBISAWA in view of (2) ADAMS et al or vice versa.**

As of 8/16/06, independent method claim 21 is as followed:

21. (Currently amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device;

(b) initiating said at least one of said plurality of applications at said primary electronic device; and

c) automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; and

(d) enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

Note: for convenience purpose, letters (a)-(d) are added to the beginning of each step. Also, in a method claim, only active, positive step delimits the claimed invention. Any step written in inactive, negative step is interpreted as "being capable of" by the examiner and thus receive little or no patentable weight since it's very difficult to determine how does the incentive feature (element) connects to the boundary of steps (a)-(c) above. Therefore, step (d) is interpreted as "earning an incentive" and whatever terms followed the incentive receives no patentable weight. If applicant wants every limitation in step (d) to receive patentable weight, the claim should be changed to the following format:

"performing actions on at least one of the plurality of content from the 2nd electronic device and earning an incentive based on the actions, and

using the incentive within the at least one of the plurality of applications".

Similarly, **EBISAWA** discloses a method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device;

{see col. 5, lines 15-25, col. 2, lines 7-12 or col. 6, lines 1-10}

(b) initiating said at least one of said plurality of applications at said primary electronic device; and

{see col. 2, lines 7-12, col. 3, lines 45-50}

(c.) automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications.

{see Fig. 4, Fig. 6, col. 2, lines 35-45, col. 5, lines 15-55}, and

EBISAWA et al fairly teaches the claimed invention except for step (d).

In a similar for integrating content into an electronic device over a computerized network and awarding and redeeming incentive (promotional points) in an electronic game, **ADAMS et al** fairly teaches steps (c) as well as step (d) above {see col. 5, lines 42-67, col. 6, lines 1-9, "*..players may accumulate promotional points by simply allowing themselves to be exposed to sponsor advertising material...*", for the benefits that the player can exchange the promotional points/incentives for goods or services by patronizing particular stores or buy particular products they may not have chosen without such incentive {see col. 9, lines 1-9} or becomes familiarized with the sponsor's products, websites, and learns how to buy merchandise using the sponsor's normal product or service purchase procedure. Moreover, the player is educated about the sponsor's and its product offering, is more likely to return directly to a sponsor's website for other purchases, and less likely to go to a competing merchant whose website may

be unfamiliar and thus more intimidating when purchase on line in the future { especially col. 16, lines 18-35}}. Note also the new added limitation of "providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application" submitted on 9/13/07, this is also taught in ADAMS et al as shown in Fig. 6, or col. 15, lines 45 to col. 16, line 32, col. 18, lines 1-42, which deals with hyperlinking or linking to website or web page of Sponsor (Fig. 6, 88) where the player can interact with the advertising materials and others. As for the limitation "customized", it's inherently included in the website/webpage of ADAMS et al. Furthermore, this is a relative term and no further limitation is shown, i.e. "customized to what? The selection of any customized features on the website or webpage of the sponsor is fairly taught in col. 18, lines 20-42, and would have been obvious to a skilled artisan customize the site as desired to meet the needs of the player.

Note that ADAMS et al mentions the teachings of EBISAWA on col. 3, lines 50-65, so they are closely related. It would have been obvious to modify the teachings of EBISAWA by including step (d) as taught by ADAMS et al for at least one of the many benefits cited above.

Vice versa, the teachings of ADAMS et al is cited above. ADAMS et al doesn't explicitly discloses steps (a)-(b), even though ADAMS et al mentions the teachings of EBISAWA on col. 3, lines 50-67, so these steps appear to be conventional steps for requesting an application on a computer network. The teachings of EBISAWA is cited above. It would have been obvious to modify the teachings of ADAMS et al by including

well known steps (a) –(b) for requesting an application on a computer network as taught by EBISAWA and with the application intertwined with a business content such as advertisements therein.

As for dep. claim 22 (part of 21 above) which deals with features of content, i.e. dynamic, this is taught in ADAMS et al col. 1, lines 65-67 "updated" or EBISAWA col. 5, lines 35-47 "updated, new".

As for dep. claim 23 (part of 21 above), this is fairly taught in ADAMS et al Fig. 6, or col. 15, lines 45 to col. 16, line 32, col. 18, lines 1-42, which deals with hyperlinking or linking to website or web page of Sponsor (Fig. 6, 88) where the player can interact with the advertising materials and others. As for the limitation "customized", it's inherently included in the website/webpage of ADAMS et al. Furthermore, this is a relative term and no further limitation is shown, i.e. "customized to what? The selection of any customized features on the website or webpage of the sponsor is fairly taught in col. 18, lines 20-42, and would have been obvious to a skilled artisan customize the site as desired to meet the needs of the player.

As for dep. claim 24 (part of 21 above), which deals with the type or features of the application, this is non-essential to the scope of the claimed invention and furthermore, it's fairly taught in EBISAWA in col. 1, lines 15-35, "*...video games,...auto racing programs and flight simulators...displaying background scenario such as houses, city sky-lines, billboards, etc. along with the racing cars to make the game further* ***appear realistic****....". Clearly, a more realistic video games with 3-D visualization would provide an environment wherein the player is immersed in the game like a real

environment and would have been obvious to do so to improve game playing effectiveness. Alternatively, Official notice is taken that it is old and well known in the gaming art to get the player immersed in the game by using a virtual reality platform having a three-dimensional visualization. It would have been obvious to one of ordinary skill in the gaming art at the time of the applicant's invention to include a virtual reality platform having a three-dimensional visualization for the benefit cited above.

As for independent system claim 26 which is basically the system to carry out the independent method of claim 21 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 for carrying the respective steps in the rejections of claim 21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 25 which is basically the system to carry out the independent method of claims 21 and 24 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 for carrying the respective steps in the rejections of claims 24/21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 24/21 would have been obvious to a skilled artisan.

As for independent product claim 27 which is basically the computer-readable medium to carry out the independent method of claim 21 above, it's rejected over the

computer-readable medium inherently included in the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 for carrying the respective steps in the rejections of claim 21 described above. Alternatively, the set up of a computer-readable medium to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 28, which are basically the system to carry out the method of claim 21 above, they are rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 for carrying the respective steps in the rejections of claims 21 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent method claim 1, which has similar limitation as in independent method claim 21 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in ADAMS et al see abstract, or col. 3, lines 50-67, col. 6, lines 1-20 or EBISAWA abstract, or col. 3, lines 20-49.

As for dep. claim 2 (part of 1 above), which has the same limitation as in dep. claim 23 (part of 21 above), it's rejected for the same reason set forth in the rejection of dep. claim 23 above.

As in dep. claims 3-5 (part of 2/1 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34.

As for dep. claim 6 (part of 1 above), which deals with the type of business-related content, this is non-essential to the scope of the claimed invention and would have been obvious to select any type, brand or generic since this is not critical. Furthermore, it's fairly taught in EBISAWA in col. 1, lines 15-55 or ADAMS et al col. 3, lines 40-65.

As for dep. claim 7 (part of 6/ 1 above) which deals with features of content, i.e. dynamic, this is taught in ADAMS et al col. 1, lines 65-67 "updated" or EBISAWA col. 5, lines 35-47 "updated, new".

As for dep. claims 8-9 (part of 1 above), which deals with the other type of business-related content, these is non-essential to the scope of the claimed invention and are fairly taught in ADAMS et al col. 16-col. 18., lines 40-65.

As for independent method claim 10, which has similar limitation as in independent method claims 1 and 4 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in ADAMS et al see abstract, or col. 3, lines 50-67, col. 6, lines 1-20 or EBISAWA abstract, or col. 3, lines 20-49.

As for dep. claim 11 (part of 10 above), which has the same limitation as in dep. claim 3 (part of 1 above), it's rejected for the same reason set forth in the rejection of dep. claim 3 above.

As in dep. claims 12-14 (part of 11/1 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34.

As for independent system claim 15, which is basically the system to carry out the independent method of claim 1 and dep. claim 24 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 for carrying the respective steps in the rejections of claims 1 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 1 and 24 would have been obvious to a skilled artisan.

As for independent method claim 16, which is basically the combination of independent method claim 1 and dep. claim 24 above, it's rejected over combination of the rejections of claims 1 and 24 as cited above.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it

can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

4. Claims 24, 15, 16-17, 25 are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over ADAMS et al and EBISAWA or vice versa as applied to claims 21-23 above, and further in view of ROSENBLATT et al or REKIMOTO.

ROSENBLATT et al is cited to teach the provision of a virtual reality platform for a network that facilitates the use of 3-D, photo-realistic virtual representation that can be interfaced (integrated) with a communication network for PC gaming {see [0041] or Fig. 1.

REKIMOTO is also cited to teach the provision of a virtual reality platform for a network that facilitates the use of 3-D, photo-realistic virtual representation that can be interfaced (integrated) with a communication network for Internet gaming {see abstract or col. 33, lines 1-10, Figs. 9-13, for the purpose of enhancing the sense of pseudo experience {see col. 2, lines 50-65}. It would have been obvious to modify the teachings of ADAMS et al /EBISAWA or vice versa by providing a virtual reality platform having a 3-D visualization interfaced with the primary electronic device as taught by

ROSENBLATT et al or REKIMOTO for the purpose of enhancing the sense of pseudo experience or photo-realistic experience.

As for independent system claim 15, which is basically the system to carry out the independent method of claim 1 and dep. claim 24 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 and further in view of ROSENBLATT et al or REKIMOTO for carrying the respective steps in the rejections of claims 1 and 24 described above.

As for independent method claim 16, which is basically the combination of independent method claim 1 and dep. claim 24 above, it's rejected over combination of the rejections of claims 1 and 24 (or claim 15) as cited above.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

As for independent system claim 25 which is basically the system to carry out the independent method of claims 21 and 24 above, it's rejected over the system of the

system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 and further in view of ROSENBLATT et al or REKIMOTO for carrying the respective steps in the rejections of claims 24/21 described above.

Response to Arguments

Applicant's arguments filed 9/13/07 have been fully considered but they are not persuasive. Applicant's main arguments are about the new added material to all independent claims which is not supported by the original disclosure is as follows: i.e., in claim 1, the limitation of "enabling the user to transfer business-related content, which .is different from said automatically integrated business-related content, from one of said plurality of web pages into said game application". Applicant's main arguments that the current rejections using (1) EBISAWA in view of (2) ADAMS et al or vice versa fail to teach the added new material which has been objected as indicated above.

Conclusion

5. 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.

No claims are allowed.

6. 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 any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
November 26, 2007

DEAN T. NGUYEN
PRIMARY EXAMINER

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
10/272,408	ALTIERI, FRANCES BARBARO
Examiner	**Art Unit**
Tan Dean D. Nguyen	3629

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	11/24/07
	1	✓
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3629

PTO/SB/21 (04-07)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	1

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. ALTIERI
Art Unit	3629
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Akerman Senterfitt		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards, Esq.		
Date	September 13, 2007	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

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Attorney Docket: 71457-0004
Customer No.: 57362

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3629

Application No.: 10/272,408 — Examiner: Tan D. Nguyen

Filed: October 16, 2002 — Confirmation No.: 1927

For:SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

AMENDMENT UNDER 37 C.F.R. § 1.111

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

Sir:

In response to the Non-Final Office Action dated June 13, 2007, please amend the above-identified application as follows:

CLAIMS: Amendments to the claims begin on Page 2.

REMARKS: Remarks begin on Page 13.

AMENDMENTS TO THE CLAIMS:

This listing of claims replaces all prior versions, and listings, of claims in this application:

1. (Currently Amended) A method of integrating business-related content over a computerized network, into a primary electronic device that accesses a game application, from at least one secondary electronic device that accesses business-related content on a plurality of web pages, the method comprising:

receiving a request at said primary electronic device to initiate said game application that is accessible at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device;

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said game application during execution of said game application; ~~and~~

enabling the user to transfer business-related content, which is different from said automatically integrated business-related content, from one of said plurality of web pages into said game application; and

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

2. (Currently Amended) The method of claim 1, comprising the further steps of:

~~providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and~~

automatically re-directing said user to one of said customized web pages on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

3. (Previously presented) The method of claim 2, comprising the further step of:

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game.

4. (Original) The method of claim 2, comprising the further step of:

re-directing said user back to said primary electronic device as part of the execution of said game application.

5. (Original) The method of claim 2 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. (Original) The method of claim 1 wherein said game application displays branded business-related content to said user.

7. (Original) The method of claim 6 wherein said branded business-related content is dynamically updated.

8. (Original) The method of claim 1, comprising the further steps of:

executing actions in said game as a result of user choices; and

generating a player profile based on game choices made by said user~~.~~;

wherein the player profile is specific to said user.

9. (Original) The method of claim 8 wherein said player profiles ~~are~~ is disseminated to providers of business-related content used in said game application.

10. (Currently Amended) A method of integrating business-related content over a computerized network, into an electronic device that accesses a game application, from at least one secondary electronic device that accesses a plurality of web pages, the method comprising:

initiating said game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;

enabling the user to transfer said business-related content from one of said plurality of web pages into said game application;

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application;

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

11. (Original) The method of claim 10, comprising the further steps of:

executing a game-related action, said game-related action generating a benefit for said user relating to said business-related content.

12. (Original) The method of claim 11 wherein said benefit for said user is external to said game.

13. (Original) The method of claim 11 where in said benefit for said user is calculated in real-time.

14. (Original) The method of claim 11, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. (Currently Amended) A system, comprising:

a primary electronic device that accesses a game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device being capable of accessing a web page customized with business-related content for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of said game application; ~~and~~

enabling the user to transfer said business-related content from said web page into said game application; and

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store an incentive earned by the user based on actions that are performed on the business-related content during execution of the game application.

16. (Currently Amended) A method of integrating business-related content over a computerized network, into a primary electronic device that accesses business-related content and a game application, from at least one secondary electronic device that accesses business-related content, said method comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

initiating said game application in response to a user request;

automatically re-directing the content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part

of the execution of said game application, said web page customized with business-related content for use with said game application~~, and;~~

enabling the user to transfer said business-related content from said web page into said game application; and

exposing said user to said business-related content during said three-dimensional visualization of said game application; and

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

17. (Previously Amended) The method of claim 16, further comprising providing each virtual reality platform at a franchised location.

18. (Canceled)

19. (Canceled)

20. (Canceled)

21. (Currently Amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device, from a user interfaced with said network;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; ~~and~~

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

enabling the user to transfer said business-related content from said web page into said game application; and

enabling the user to earn an incentive ~~to be earned~~ based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

22. (Previously presented) The method of claim 21, wherein said content includes dynamic content.

23. (Currently Amended) The method of claim 21, further comprising:

~~providing at least one customized web page at said secondary electronic device, said web page customized with content for use with said at least one of said plurality of applications; and~~

automatically re-directing ~~a~~ the user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into said at least one of said plurality of applications and said re-direction occurring as part of the user executing said at least one of said plurality of applications.

24. (Currently Amended) The method of claim 21, further comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which ~~a~~ the user ~~can be immersed during the execution of said at least one of said plurality of applications~~ interacts.

25. (Currently Amended) A system, comprising:

a primary electronic device that accesses a plurality of applications, said primary electronic device initiating at least one of said plurality of applications in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during execution of said at least one of said plurality of applications;

a secondary electronic device interfaced with said primary electronic device over a computerized network, said secondary electronic device being capable of accessing a web page customized with a plurality of content for use with said at least one of said plurality of

applications, said game application being automatically re-directed to said customized web page as part of the execution of said at least one of said plurality of applications; and

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

enabling the user to transfer said business-related content from said web page into said game application; and

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store an incentive earned by the user based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

26. (Currently Amended) A computer system which automatically integrates content into an electronic device, comprising:

at least one memory having at least one program that is executable to perform the steps comprising:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of

said plurality of applications during execution of said at least one of said plurality of applications;

enabling the user to transfer said business-related content, which is different from said automatically integrated business-related content, from said of web page into said game application; and

enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications; and

at least one processor for running the program.

27. (Currently Amended) A computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device, the computer system having a program comprising the steps of:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications that is accessible at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating ~~at least one of a plurality of~~ business-related content from a secondary electronic device that is capable of accessing a plurality of web pages, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; and

enabling the user to transfer said business-related content, which is different from said automatically integrated business-related content, from said web page into said game application.

28. (Currently Amended) A computer system having a program for automatically integrating content into an electronic device, comprising:

means for receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible at said primary electronic device;

means for initiating said at least one of said plurality of applications at said primary electronic device; and

means for automatically integrating at least one of a plurality of content from a secondary electronic device that is capable of accessing a plurality of web pages, which contain business-related content, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; and

means for enabling the user to transfer said business-related content from said plurality of web pages into said game application; and

means for enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

REMARKS

Claims 1-17 and 21-28 are pending in this application and are rejected.

Reconsideration and allowance of all rejected claims are respectfully requested in view of the following remarks.

Claim Objection

Claims 2, 23 and 24 are objected to under 37 CFR 1.75(c) as being of improper dependent form. While Applicant respectfully disagrees with the Examiner, Claims 2, 23 and 24 are amended to expedite the prosecution. Thus, the Examiner is requested to withdraw these objections.

Claim Rejections Under 35 USC 112

Claims 8-9, 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Regarding claims 8 and 21, the examiner alleges that the term "actions" is vague, and the Applicant respectfully traverse these rejections. Game actions are defined within the specification, such as the example given on page 5, lines 23-25: "...the game action may take the form of a scavenger hunt where a player is required to go to various places within the game and retrieve various items." Claim 8 has been amended to clarify to whom the player profile is associated.

Claims 9 and 24 have been amended to obviate the rejection under 35 U.S.C. 112, second paragraph.

In view of the foregoing, the Examiner is respectfully requested to withdraw these rejections.

Claim Rejections Under 35 USC 103

Claims 1-17 and 21-28 are rejected under 35 U.S.C. 103(a) as obvious over Ebisawa in view of Adams et al. Claims 15-17 and 24-25 are rejected under 103(a) as being unpatentable over Adams et al. and Ebisawa and further in view of Rosenblatt et al. or Rekimoto.

Independent claims 1, 10, 15, 16, 21 and 25-28 recite, among other things, automatically integrating business-related content from at least one of a plurality of web pages into a game application during the execution of the game and enabling the user to earn an incentive based on actions that are performed on the business-related content, wherein the user is enabled to transfer business-related content from the web page into the game application.

While Ebisawa appears to disclose presenting commercial advertising sequences as part of an environment in which the player representative (in one example, a race car driver) performs certain tasks (see Fig. 1A, column 3, lines 21-35). Ebisawa fails to teach or reasonably suggest enabling the user to earn an incentive based on actions that are performed on the business-related content, wherein the user is enabled to transfer business-related content from the web page to the game. Rather, Ebisawa discloses a passive advertising method wherein a user is exposed to an advertisement along a simulated race course.

The Examiner further acknowledges that Ebisawa is deficient for failing to disclose enabling an incentive based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications, and is reliant upon Adams et al. to disclose this feature.

Adams et al. is directed to an electronic game, such as wagering games found in casinos, including a sponsor's advertising material and promotional points earned based on exposure to the sponsor's advertising material (see the Abstract). Adams et al. appear to disclose that the

player can link to the sponsor's website from the wagering game machine to redeem promotional points accrued during the course of the game (column 15, lines 45-60). However, Adams et al. do not disclose that the user is enabled to transfer business-related content from the web page into the game application. Thus, Ebisawa and Adams et al. remain deficient, both alone and in combination, at least because they fail to teach or suggest enabling the user to transfer business-related content from the web page into the game application.

In view of the foregoing differences betweens claims 1, 10, 15, 16, 21, 25, 26, 27 and 28 and the cited art, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness based on Ebisawa in view of Adams et al. or vice versa. Thus, these claims are allowable. Further, claims 2-9, 11-14, 17 and 22-24 are allowable at least by virtue of their dependency.

Claims 15-17, 24 and 25 are rejected under 35 U.S.C. §103(a) as being obvious over Adams et al. in view of Ebisawa and further in view of Rosenblatt et al. or Rekimoto.

Claims 15, 16, 24 and 25 disclose among other things automatically integrating business-related content from at least one of a plurality of web pages into a game application during the execution of the game and enabling the user to earn an incentive based on actions that are performed on the business-related content, wherein the user is enabled to transfer the business-related content from the web page into the game application. As discussed above, Ebisawa and Adams et al. fail to disclose these features.

Neither Rosenblatt et al. nor Rekimoto make up for the deficiencies in Adams et al. and Ebisawa. Rosenblatt et al. is directed towards virtual representatives for Web retailers or service providers. Rekimoto is directed towards sharing a three-dimensional virtual reality space among a plurality of users of a plurality of client terminals. Rosenblatt et al. and Rekimoto do not teach

or reasonably suggest automatically integrating business-related content from at least one of a plurality of web pages into a game application during the execution of the game and enabling the user to earn an incentive based on actions that are performed on the business-related content, wherein the user is enabled to transfer business-related content from the web page into the game application.

Accordingly, the rejection of claims 1-17 and 21-28 under 35 U.S.C. §103(a) should be withdrawn.

Based on the foregoing, all of the claims should be in form for allowance and such action is hereby solicited. If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,

Jean C. Edwards

Jean C. Edwards
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Date: September 13, 2007

PTO/SB/06 (12-04)
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PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number: 10/272,408

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))							
SEARCH FEE (37 CFR 1.16(k), (l), or (m))							
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))							
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	x =		OR	x =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	x =			x =	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

8/16/06

AMENDMENT A	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 25	Minus	** 28	=	x25 =		OR	x50 =	
Independent (37 CFR 1.16(h))	* 9	Minus	*** 11	=	x100 =		OR	x200 =	
Application Size Fee (37 CFR 1.16(s))							OR		
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

9/13/07

AMENDMENT B	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 25	Minus	** 28	=	x =		OR	x =	
Independent (37 CFR 1.16(h))	* 9	Minus	*** 11	=	x =		OR	x =	
Application Size Fee (37 CFR 1.16(s))							OR		
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 06/13/2007

AKERMAN SENTERFITT
801 PENNSYLVANIA AVENUE N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER	
NGUYEN, TAN D	

ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
06/13/2007	PAPER

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.

Office Action Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *21 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-17 and 21-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 21-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status

The request for Pre-Appeal Conference of 2/15/07 has been accepted and the case is re-opened after the Conference. Claims 1-17, 21-28 are pending and rejected as followed. There are 4 method claims, 4 system claims and 1 product claim. Method claims 21-24 with correspondent system claims 25 or 26 appear to be broadest (applications and not games nor business content) and will be addressed first.

As of 8/16/06, independent method claim 21 is as followed:

21. (Currently amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device;

(b) initiating said at least one of said plurality of applications at said primary electronic device; and

c) automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; and

(d) enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

Note: for convenience purpose, letters (a)-(d) are added to the beginning of each step.

Claim Objections

1. Dependent claims 2, 23 and 24 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

(1) In claim 23, it's not clear how a "one web page customized with content for use with..." further limits "at least one of a plurality of content" as shown in claim 21, step (c) above? Are these different content or the same content? Note that the content of the independent claim is fixed and cannot be replaced with a different content in dep. claim since the dependent claim limitation supposed to further limit the content of the independent claim.

(2) Claim 23 recites the limitation "the user executing said at least one of said plurality of applications" in the last line. There is insufficient antecedent basis for this limitation in the claim. "said plurality of applications" appears in step c) of claim 21 but there is no citation of "user" in claim 21.

(3) Dependent claim 24 is also objected since there is no discussion of a user in claim 21 and what happens if independent method claim 21 is automatically carried out without a user?

(4) Dependent claim 2, which has the same limitation as in dep. claim 23, is objected for the same reason as shown in dep. claim 23 above.

Claim Rejections - 35 USC § 112

2. Claims 8-9, 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) In claim 21, in the last step of "enabling an incentive to be earned based on actions that are performed on at least on of the plurality of content...", it's not clear what "actions" are referred to since there is no discussion of "actions" previously?

(2) In claim 24, the phrase "user can be immersed" is vague and indefinite because it's not clear what it means?

(3) Claim 8 is vague. It's not clear what "actions" this refers to? Any actions? Also, it's not clear whether the "player profile" refers to the same "user" or different?

(4) Claim 9 recites the limitation "said profiles" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

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

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

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 21-24 (method[1]), **25** (system), **26** (system), **27** (product), **28** (system), **1-9** (method[2]), **10-14** (method[3]), **15** (system), and **16**-17 (method[4]) **are rejected under 35 U.S.C. 103(a) as obvious over (1) EBISAWA in view of (2) ADAMS et al or vice versa.**

As of 8/16/06, independent method claim 21 is as followed:

21. (Currently amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device;

(b) initiating said at least one of said plurality of applications at said primary electronic device; and

c) automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; and

(d) enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

Note: for convenience purpose, letters (a)-(d) are added to the beginning of each step. Also, in a method claim, only active, positive step delimits the claimed invention. Any step written in inactive, negative step is interpreted as "being capable of" by the examiner and thus receive little or no patentable weight since it's very difficult to determine how does the incentive feature (element) connects to the boundary of steps (a)-(c) above. Therefore, step (d) is interpreted as "earning an incentive" and whatever terms followed the incentive receives no patentable weight. If applicant wants every limitation in step (d) to receive patentable weight, the claim should be changed to the following format:

"performing actions on at least one of the plurality of content from the 2nd electronic device and earning an incentive based on the actions, and

using the incentive within the at least one of the plurality of applications".

Similarly, **EBISAWA** discloses a method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device;

{see col. 5, lines 15-25, col. 2, lines 7-12 or col. 6, lines 1-10}

(b) initiating said at least one of said plurality of applications at said primary electronic device; and

{see col. 2, lines 7-12, col. 3, lines 45-50}

(c.) automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications.

{see Fig. 4, Fig. 6, col. 2, lines 35-45, col. 5, lines 15-55}.

EBISAWA et al fairly teaches the claimed invention except for step (d).

In a similar for integrating content into an electronic device over a computerized network and awarding and redeeming incentive (promotional points) in an electronic game, **ADAMS et al** fairly teaches steps (c) as well as step (d) above {see col. 5, lines 42-67, col. 6, lines 1-9, "*..players may accumulate promotional points by simply allowing themselves to be exposed to sponsor advertising material*...", for the benefits that the player can exchange the promotional points/incentives for goods or services by patronizing particular stores or buy particular products they may not have chosen without such incentive {see col. 9, lines 1-9} or becomes familiarized with the sponsor's products, websites, and learns how to buy merchandise using the sponsor's normal product or service purchase procedure. Moreover, the player is educated about the sponsor's and its product offering, is more likely to return directly to a sponsor's website for other purchases, and less likely to go to a competing merchant whose website may

be unfamiliar and thus more intimidating when purchase on line in the future { especially col. 16, lines 18-35}}. Note that ADAMS et al mentions the teachings of EBISAWA on col. 3, lines 50-65, so they are closely related. It would have been obvious to modify the teachings of EBISAWA by including step (d) as taught by ADAMS et al for at least one of the many benefits cited above.

Vice versa, the teachings of ADAMS et al is cited above. ADAMS et al doesn't explicitly discloses steps (a)-(b), even though ADAMS et al mentions the teachings of EBISAWA on col. 3, lines 50-67, so these steps appear to be conventional steps for requesting an application on a computer network. The teachings of EBISAWA is cited above. It would have been obvious to modify the teachings of ADAMS et al by including well known steps (a) –(b) for requesting an application on a computer network as taught by EBISAWA and with the application intertwined with a business content such as advertisements therein.

As for dep. claim 22 (part of 21 above) which deals with features of content, i.e. dynamic, this is taught in ADAMS et al col. 1, lines 65-67 "updated" or EBISAWA col. 5, lines 35-47 "updated, new".

As for dep. claim 23 (part of 21 above), this is fairly taught in ADAMS et al Fig. 6, or col. 15, lines 45 to col. 16, line 32, col. 18, lines 1-42, which deals with hyperlinking or linking to website or web page of Sponsor (Fig. 6, 88) where the player can interact with the advertising materials and others. As for the limitation "customized", it's inherently included in the website/webpage of ADAMS et al. Furthermore, this is a relative term and no further limitation is shown, i.e. "customized to what? The selection of any

customized features on the website or webpage of the sponsor is fairly taught in col. 18, lines 20-42, and would have been obvious to a skilled artisan customize the site as desired to meet the needs of the player.

As for dep. claim 24 (part of 21 above), which deals with the type or features of the application, this is non-essential to the scope of the claimed invention and furthermore, it's fairly taught in EBISAWA in col. 1, lines 15-35, "...*video games,...auto racing programs and flight simulators...displaying background scenario such as houses, city sky-lines, billboards, etc. along with the racing cars to make the game further* ***appear realistic***....". Clearly, a more realistic video games with 3-D visualization would provide an environment wherein the player is immersed in the game like a real environment and would have been obvious to do so to improve game playing effectiveness. Alternatively, Official notice is taken that it is old and well known in the gaming art to get the player immersed in the game by using a virtual reality platform having a three-dimensional visualization. It would have been obvious to one of ordinary skill in the gaming art at the time of the applicant's invention to include a virtual reality platform having a three-dimensional visualization for the benefit cited above.

As for independent system claim 26 which is basically the system to carry out the independent method of claim 21 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 for carrying the respective steps in the rejections of claim 21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 25 which is basically the system to carry out the independent method of claims 21 and 24 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 for carrying the respective steps in the rejections of claims 24/21 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 24/21 would have been obvious to a skilled artisan.

As for independent product claim 27 which is basically the computer-readable medium to carry out the independent method of claim 21 above, it's rejected over the computer-readable medium inherently included in the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 for carrying the respective steps in the rejections of claim 21 described above. Alternatively, the set up of a computer-readable medium to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent system claim 28, which are basically the system to carry out the method of claim 21 above, they are rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 for carrying the respective steps in the rejections of claims 21 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claim 21 would have been obvious to a skilled artisan.

As for independent method claim 1, which has similar limitation as in independent method claim 21 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in ADAMS et al see abstract, or col. 3, lines 50-67, col. 6, lines 1-20 or EBISAWA abstract, or col. 3, lines 20-49.

As for dep. claim 2 (part of 1 above), which has the same limitation as in dep. claim 23 (part of 21 above), it's rejected for the same reason set forth in the rejection of dep. claim 23 above.

As in dep. claims 3-5 (part of 2/1 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34.

As for dep. claim 6 (part of 1 above), which deals with the type of business-related content, this is non-essential to the scope of the claimed invention and would have been obvious to select any type, brand or generic since this is not critical. Furthermore, it's fairly taught in EBISAWA in col. 1, lines 15-55 or ADAMS et al col. 3, lines 40-65.

As for dep. claim 7 (part of 6/ 1 above) which deals with features of content, i.e. dynamic, this is taught in ADAMS et al col. 1, lines 65-67 "updated" or EBISAWA col. 5, lines 35-47 "updated, new".

As for dep. claims 8-9 (part of 1 above), which deals with the other type of business-related content, these is non-essential to the scope of the claimed invention and are fairly taught in ADAMS et al col. 16-col. 18., lines 40-65.

As for independent method claim 10, which has similar limitation as in independent method claims 1 and 4 above but wherein the application is a game application and the content is a business-related content, these are fairly taught in ADAMS et al see abstract, or col. 3, lines 50-67, col. 6, lines 1-20 or EBISAWA abstract, or col. 3, lines 20-49.

As for dep. claim 11 (part of 10 above), which has the same limitation as in dep. claim 3 (part of 1 above), it's rejected for the same reason set forth in the rejection of dep. claim 3 above.

As in dep. claims 12-14 (part of 11/1 above), which deal the other actions/activities related to the website (or 2nd electronic device) that provides the business related content such as providing benefits (or promotional points, incentives, bonus, etc.), purchasing items, etc., these are fairly taught by ADAMS et al as shown on col. 15, lines 1-50, col. 16, lines 1-34.

As for independent system claim 15, which is basically the system to carry out the independent method of claim 1 and dep. claim 24 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 for carrying the respective steps in the rejections of claims 1 and 24 described above. Alternatively, the set up of an equivalent system to carry out the method claim as shown in claims 1 and 24 would have been obvious to a skilled artisan.

As for independent method claim 16, which is basically the combination of independent method claim 1 and dep. claim 24 above, it's rejected over combination of the rejections of claims 1 and 24 as cited above.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

6. Claims 24, 15, 16-17, 25 are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over ADAMS et al and EBISAWA or vice versa as applied to claims 21-23 above, and further in view of ROSENBLATT et al or REKIMOTO.

ROSENBLATT et al is cited to teach the provision of a virtual reality platform for a network that facilitates the use of 3-D, photo-realistic virtual representation that can be interfaced (integrated) with a communication network for PC gaming {see [0041] or Fig. 1.

REKIMOTO is also cited to teach the provision of a virtual reality platform for a network that facilitates the use of 3-D, photo-realistic virtual representation that can be interfaced (integrated) with a communication network for Internet gaming {see abstract or col. 33, lines 1-10, Figs. 9-13, for the purpose of enhancing the sense of pseudo experience {see col. 2, lines 50-65}. It would have been obvious to modify the teachings of ADAMS et al /EBISAWA or vice versa by providing a virtual reality platform having a 3-D visualization interfaced with the primary electronic device as taught by ROSENBLATT et al or REKIMOTO for the purpose of enhancing the sense of pseudo experience or photo-realistic experience.

As for independent system claim 15, which is basically the system to carry out the independent method of claim 1 and dep. claim 24 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 and further in view of ROSENBLATT et al or REKIMOTO for carrying the respective steps in the rejections of claims 1 and 24 described above.

As for independent method claim 16, which is basically the combination of independent method claim 1 and dep. claim 24 above, it's rejected over combination of the rejections of claims 1 and 24 (or claim 15) as cited above.

As for dep. claim 17 (part of 16 above), which deals with the location of the platform, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it

can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling particular products at a particular stores, see ADAMS et al col. 15, lines 1-10, so it can effectively monitor and make money from player who would buy the particular products before playing the next game.

As for independent system claim 25 which is basically the system to carry out the independent method of claims 21 and 24 above, it's rejected over the system of the system of ADAMS et al as shown on Figs. 4 and 6 and EBISAWA Fig. 7 and further in view of ROSENBLATT et al or REKIMOTO for carrying the respective steps in the rejections of claims 24/21 described above.

No claims are allowed.

7. 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 any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

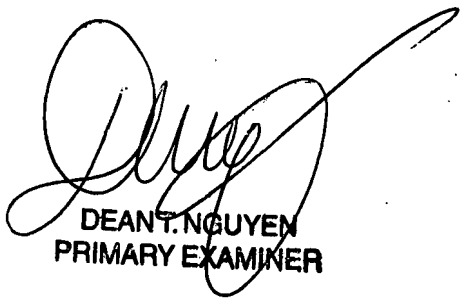
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
May 28, 2007



Notice of References Cited	Application/Control No. 10/272,408	Applicant(s)/Patent Under Reexamination ALTIERI, FRANCES BARBARO	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,946,664	08-1999	Ebisawa, Kan	705/14
*	B	US-7,025,674	04-2006	Adams et al.	463/1
*	C	US-5,956,038	09-1999	Rekimoto, Junichi	345/419
*	D	US-2002/0007276	01-2002	Rosenblatt et al.	704/260
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
10/272,408	ALTIERI, FRANCES BARBARO
Examiner	**Art Unit**
Tan Dean D. Nguyen	3629

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

1-17
21-28

Claim		Date
Final	Original	10/29/03
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Claim		Date
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Claim		Date
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 03/21/2007

AKERMAN SENTERFITT
801 PENNSYLVANIA AVENUE N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER	
NGUYEN, TAN D	

ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
03/21/2007	PAPER

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

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/272,408	ALTIERI, FRANCES BARBARO	
	John G. Weiss	Art Unit 3629	

Document Code - AP.PRE.DEC

Notice of Panel Decision from Pre-Appeal Brief Review

This is in response to the Pre-Appeal Brief Request for Review filed 2/15/07.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
☐ The request does not include reasons why a review is appropriate.
☐ A proposed amendment is included with the Pre-Appeal Brief request.
☐ Other: .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☐ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☐ The panel has determined the status of the claim(s) is as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☒ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) *John G. Weiss*.

(2) *Dean Nguyen*.

(3) *Jan Mooneyham*.

(4)_____.

OIPE IAP97 FEB 15 2007 PATENT & TRADEMARK OFFICE

Attorney Docket No.: 71457.0004
Customer No.: 57362

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Frances B. ALTIERI
Application No.: 10/272,408
Filed: October 16, 2002

Group Art Unit: 3629
Confirmation No.: 1927
Examiner: Tan D. Nguyen

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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

Sir:

REMARKS

SUBSTANCE OF THE PERSONAL INTERVIEW

Applicant thanks the Examiner for the courtesies extended to Applicant's representative during the personal interview conducted on February 7, 2007. Regarding independent claims 21, 25, 26, 28, Applicant's representative argued that none of the applied references teach or suggest a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store an incentive that is earned by the user based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications. During the interview, the Examiner acknowledged that none of the applied references teach or suggest earning an incentive based on actions that are performed on the content and that the incentive is usable *within* the at least one of the plurality of application. The Examiner relies on the ADVERGAMING article for disclosing that advertising is combined interactively into a game and relies on the NIKE article for disclosing that a game player can enter a competition to win a visit to the San Siro Stadium in Milan, which is usable *external* to the game application. The Examiner alleges that it irrelevant whether or not the incentive is used *within* an application or *external* to an application and acknowledges that none of the applied references teach or suggest

using an incentive *within* an application. Applicant disagrees with the Examiner's refusal to provide patentable weight to a claim feature that explicitly recites that the incentive is used within an application and has filed this pre-appeal brief request to settle the clear error in the Examiner's rejection.

Regarding independent claims 1, 10, 15 and 16, Applicant's representative argued that none of the applied references teach or suggest enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application. During a first personal interview conducted on August 14, 2006, a draft Amendment was presented and the Examiner issued an interview summary stating that an *agreement was reached* that neither Young et al. or WO 93/22017 disclose this feature. During the February 7, 2007 personal interview, the Examiner stated that he did not give patentable weight to this claim feature when issuing the final office action, as evidenced by the failure to address this feature. To the extent that the Examiner alleges in the interview summary of February 7, 2007, that claims 1, 10, 15, and 16 do not clearly claim that the incentive is *used* during execution of the game, Applicant respectfully submits these claims recite that an incentive is *earned based actions that are performed* during execution of the game. Applicant maintains that none of the cited references teach or suggest this feature. Furthermore, Applicant respectfully submits this pre-appeal brief request to clarify the clear error in the prosecution history of this case regarding how, on the one hand, an agreement was reached with the Examiner that the above-recited feature of claims 1, 10, 15 and 16 is not disclosed by Young et al. and WO 93/22017 (see the August 14, 2006 interview summary), but on the other hand this feature has not given patentable weight when issuing the final office action.

ARGUMENTS

Claims 1-17 and 21-28 are presently pending in the application. Claims 18-20 were previously canceled without prejudice or disclaimer. Claim 27 is withdrawn. Reconsideration and allowance of all rejected claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 USC 103

Claims 1-17 and 21-28 are rejected under 35 U.S.C. §103(a) as being obvious over WO 93/22017 in view of Young et al. (USP 6,669,564), the ADVERGAMING Article and the NIKE Article. Claims 1-17 and 21-28 are rejected under 35 U.S.C. §103(a) as being obvious over WO

93/22017 in view of INTERNET Article ("Future of the Internet Article"), Young et al., the ADVERGAMING article and the NIKE article. Applicant respectfully traverses these rejections.

Independent claims 1, 10, 15, 16, recite, among other things, enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game. Independent claims 21, 25, 26 and 28, recite, among other things, a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store an incentive that is earned by the user based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within at least one of the plurality of applications.

According to one embodiment of the invention, during the course of conducting tasks in an application, the user may be transparently directed to a corporate sponsor's customized web site to finish the completion of a task and, while at the sponsor's corporate web site, the game player may be exposed to business-related content which relates to the game application that the user is playing (see the specification at page 1, the last paragraph). The business-related content displays occur within the context of the player playing the game application (see the specification at page 2, the first paragraph). Following completion of the task at the customized corporate web site, the player is transparently re-directed back to the original game site (see the specification at page 2, the first paragraph). The game application provides the opportunity for the player to earn extra benefits as a result of the game actions, some of the benefits which are for internal use within the game application (see the specification at page 2, the first paragraph).

Regarding independent claims 1, 10, 15, 16, the Examiner admits in the record that neither WO 93/22017 nor Young et al. disclose the above-recited feature of these claims (see the August 14, 2006 interview summary). Regarding independent claims 21, 25, 26, and 28, Applicant respectfully submits that neither WO 93/22017 nor Young et al. disclose at least that the incentive is usable within at least one of the plurality of applications.

WO 93/22017 discloses a passive advertising technique for a video image in which a player is presented with an advertisement along a simulated road or, in a game performed in an arena, the perimeter of the arena (see WO 93/22017 at page 4, last paragraph bridging onto page 5). Young et al. are directed to a system, method and apparatus for allowing episodic delivery of

entertainment content to a user (see Young et al., the Abstract). Thus, WO 93/22017 and Young et al. are deficient, both alone and in combination, at least because they fail to teach or suggest (1) enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game and/or (2) that the incentive is usable within at least one of the plurality of applications.

The ADVERGAMING Article does not make up for the deficiencies in WO 93/220017 and Young et al. The ADVERGAMING Article is directed to advertising in gaming, but teaches only three examples: a) providing a game via e-mail to an audience, and then providing a way for the audience to purchase items after they play the game; b) providing a game to an audience of players, and while they play, the company *collects data* on the players (there is no disclosure regarding actual advertisement during game play); c) providing a game to an audience, and collecting statistics on the players while they play the game. Thus, WO 93/22017, Young et al. and the ADVERGAMING Article are deficient, both alone and in combination, at least because they fail to teach or suggest (1) enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game and/or (2) that the incentive is usable within at least one of the plurality of applications.

The further addition of the NIKE Article does not make up for the deficiencies in WO 93/220017, Young et al. and the ADVERGAMING Article. The NIKE Article discloses a football game in which the Nike brand is displayed therein. The NIKE Article discloses providing challenges that increase game play complexity and increase the time the user plays, which gives players more exposure to the brand. The Examiner cites the NIKE Article for disclosing an external sweepstakes type benefit where a player may enter a competition to win a visit to the San Siro Stadium in Milan. Thus, WO 93/22017, Young et al., the ADVERGAMING Article, and the NIKE Article are deficient, both alone and in combination, at least because they fail to teach or suggest (1) enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game and/or (2) that the incentive is usable within at least one of the plurality of applications.

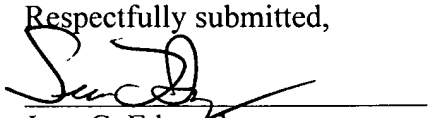
The Examiner relies on the INTERNET Article for disclosing "the concept of putting every business models [sic], entertainment or game online and make [sic] it available no matter where people happen to be idled or waiting to participate or play {see page 5, 4th paragraph}"

(see page 10 of the November 15, 2006 Office Action). Applicant respectfully disagrees with the Examiner's interpretation of the INTERNET Article. In fact, the INTERNET Article discloses that "BoxerJam is excited by the concept of nomadic devices because it takes *online entertainment* out of the living room and makes it available no matter where people happen to be idled or waiting" (emphasis added, see the Future of the Internet Article, page 5, 4th paragraph). Nonetheless, WO 93/22017, Young et al., the ADVERGAMING Article, the NIKE Article, and the INTERNET Article are deficient, both alone and in combination, at least because they fail to teach or suggest (1) enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game and/or (2) that the incentive is usable within at least one of the plurality of applications.

In view of the foregoing differences between claims 1, 10, 15, 16, 21, 25, 26, 28 and the applied references, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness based on WO 93/22017 in view of Young et al., the ADVERGAMING Article and the NIKE Article and/or WO 93/22017 in view of the INTERNET Article, Young et al., the ADVERGAMING article and the NIKE article. Thus, these claims are allowable. Further, claims 2-9, 11-14, 17 and 22-24 are allowable at least by virtue of their dependency.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,



Jean C. Edwards
Registration No. 41,728
Sean L. Ingram
Registration No. 48,283

(57362)
AKERMAN SENTERFITT
801 Pennsylvania Avenue, Suite 600
Washington, D.C. 20004
202-393-6222 – telephone
202-824-1791 - fax
Date: February 15, 2007

{DC009354;1}

OIPE IAP97 FEB 15 2007 PATENT & TRADEMARK OFFICE

PTO/SB/31 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional): 71457-0004 (DC009427)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____

Signature _____

Typed or printed name _____

In re Application of: ALTIERI, Frances B.

Application Number	Filed
10/272,408	October 16, 2002

For: SYSTEM AND METHOD FOR ....

Art Unit	Examiner
3629	NGUYEN, Tan D.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 500.00

[X] Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ 250.00

[ ] A check in the amount of the fee is enclosed.

[ ] Payment by credit card. Form PTO-2038 is attached.

[X] The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

[X] The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0951. I have enclosed a duplicate copy of this sheet.

[ ] A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

[ ] applicant/inventor.

[ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

[X] attorney or agent of record. Registration number 41,728

[ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____

Signature: # 48283 (for Jean C. Edwards)

Typed or printed name: Jean C. Edwards

Telephone number: 202-824-1719

Date: February 15, 2007

02/16/2007 JADD01 00000013 500951 10272408
01 FC:2401 250.00 DA

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

[X] *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OIPE 4AP87
FEB 15 2007
PATENT & TRADEMARK OFFICE

PTO/SB/17 (01-06)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 250.00

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. ALTIERI
Examiner Name	NGUYEN, Tan D.
Art Unit	3629
Attorney Docket No.	71457-0004

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 50-0951 Deposit Account Name: Akerman Senterfitt

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____	x _____	= _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____	x _____	= _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	0	/ 50 = 0 (round up to a whole number)	x _____	= _____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): NOTICE OF APPEAL FEE (small entity)	$250.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 41,728	Telephone 202-824-1719
Name (Print/Type)	Jean C. Edwards, Esq. by Sean L. Ingram - Reg. No. 48,283		Date February 15, 2007

This collection of information is required by 37 CFR 1.136. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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[DC009426]

OIPE IAP97 FEB 15 2007 PATENT & TRADEMARK OFFICE

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PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	ALTIERI, Frances B.
Art Unit	3629
Examiner Name	NGUYEN, Tan D.
Attorney Docket Number	71457-0004

ENCLOSURES *(Check all that apply)*

- [✓] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [✓] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [✓] Other Enclosure(s) (please Identify below):

-Notice of Appeal, $250.00 Appeal Fee and Pre-Appeal Brief Request For Review

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Akerman Senterfitt		
Signature			
Printed name	JEAN C. EDWARDS by Sean L. Ingram, Esq. - Reg. No. 48,283		
Date	February 15, 2007	Reg. No.	41,728

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Signature			
Typed or printed name		Date	

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[DC009429] JCE/SLI/trt

Interview Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

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

(1) *Tan Dean D. Nguyen*. (3)_____.

(2) *Sean Ingram*. (4)_____.

Date of Interview: *07 February 2006*.

Type: a)☐ Telephonic b)☐ Video Conference
c)☒ Personal [copy given to: 1)☐ applicant 2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes e)☐ No.
If Yes, brief description: _____.

Claim(s) discussed: *All claims.*.

Identification of prior art discussed: _____.

Agreement with respect to the claims f)☐ was reached. g)☒ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *examiner's position is that independent claims 1, 10, 15, 16 do not clearly claim that the incentive is used during execution of the game application. Independent claim 21 has further limitation of "wherein the incentive is usable within .. the application " but is not positive claimed in a method claim and appears not to be critical and would have been obvious to use the incentive at any time. Applicant disagrees.*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

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. See Summary of Record of Interview requirements on reverse side or on attached sheet.

DEAN T. NGUYEN
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

_____
Examiner's signature, if required

Summary of Record of Interview Requirements

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

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)
In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

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

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

UNITED STATES 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 11/15/2006

AKERMAN SENTERFITT
801 PENNSYLVANIA AVENUE N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER	
NGUYEN, TAN D	

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 11/15/2006

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

Office Action Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *16 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-17 and 21-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 21-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed 8/16/06 has been entered. Claims 1-17, 21-28 are pending and rejected as followed.

Claim Rejections - 35 USC § 103

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

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

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 21-24 (method[1]), **15** (system[1]), **27** (product), **16-17**(method[2]), **25** (system[2]), **26** (system[3]), **28** (system[4]), **1-9** (method[3]), **10-14** (method[4]) **are rejected under 35 U.S.C. 103(a) as obvious over (1) WO 93/22017 in view of (2) YOUNG et al (US patent 6,669,564) (3) Advergaming Article (Aug. 16, 2001) and (4) Nike Article (Nov. 18, 1999).**

As of 8/16/06, claim 21 is as followed:

21. (Currently amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

(a) receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible to said primary electronic device;

(b) initiating said at least one of said plurality of applications at said primary electronic device; and

(c.) automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; and

(d) enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

As for independent method claim 21, which basically deals with a method of automatically integrating content into an electronic device over a computerized network, comprising the steps of:

(a) receiving a request at a 1st electronic device to initiate an application held at the 1st device;

(b) initiating (or starting/beginning) the application at the 1st device; and

(c.) automatically integrating another (2nd) content from a 2nd electronic device accessed over the computerized network by the 1st electronic device, into the application during the execution of the application.

Similarly, WO 93/22017 teaches a method of automatically integrating content into an electronic device over a computerized network {see page 6, lines 3-6, "*advertising sequence may be down loaded from a central computer, ... central computer may be remote*"}, comprising:

(b) initiating (or beginning or starting) the application at the 1st device {Fig. 1, (2) (4) and (8)}; and

(c.) automatically integrating another (2nd) content (advertisement or advertising sequence or sequences or advert or adverts) from a 2nd electronic device (remote central computer) {page 6, lines 4-6} accessed over the computerized network by the 1st electronic device, into the application during the execution of the application {see page 1, paragraph no. 2, especially no. 3, "*sequence is presented on completion of a task, or the gain or loss of a point in a scoring system in the game or the completion of a set time*", paragraph no. 4, or page 4, paragraph no. 1}. Note also, that the term "automatically" or to make automatic of any step would have been obvious to a skilled artisan in order to take the advantageous of the well-known automation benefits. See *In re* Venner, 120 USPQ 192, 194; 262 F2d 91 (CCPA 1958).

WO 93/22017 fairly teaches the claimed invention except for step (a) of "receiving a request at a 1st electronic device to initiate an application held at the 1st

device" which is well known step for starting an application (game) and non-essential to the scope of the claimed invention since it's the basic step for a user to begin a game on an electronic device such as a computer and (d).

In another similar gaming environment, YOUNG et al is cited to teach the well known step of (a) receiving a request from a user at an electronic device to access a game application for playing on a computerized network and allowing the user to play the game at his/her device after checking his/her identify (user ID and password) {see col. 10, lines 1-5}. YOUNG et al discloses that the network (Fig. 4, 424), may be the Internet, or any other network of connected computing devices such as personal computers {see col. 9, lines 10-20}. It would have been obvious to modify the teachings of WO 93/22017 by including well known step for starting game upon request by a user as taught by YOUNG et al above if starting an application step with verification is needed as indicated by YOUNG et al.

ADVERGAMING Article is cited the use of online gaming similar to YOUNG et al above, but wherein a business-related content (or advertising) is combined interactively into the game to encourage the players to interact with the brand or product either associative or demonstrative for many benefits: (1) allowing marketers to intelligently gather the consumer data (data collection), build their brand (branding), (3) lead-generation while at the same time engaging the consumers in a bit of fun {see 1st page, 2nd and 3rd paragraphs, page 2, 4th paragraph}. ADVERGAMING Article discloses an example of Nike company using Nike shoe in the game (see case #1).

NIKE Article is cited to teach similar advergaming results as shown in ADVERGAMING Article above with further generation of a benefit for the user relating to the business-related content, and wherein one the benefit being external to the game (game player can enter the competition to win a visit to the San Siro Stadium in Milan) {see 1st page, 4th paragraph}. It would have been obvious to modify the teaching of WO 93/22017 /YOUNG et al by involving advergaming concept as taught by ADVERGAMING Article for at least one of the benefit cited above and further including the generation of a benefit to the game as taught by NIKE Article to inherently further motivate or attract the player to play the game.

As for dep. claim 22 (part of 21), which deals with the feature of the content or content parameters, i.e. dynamic, this is taught in WO 93/22017 wherein the content or advertising is a "video display" which is dynamic. Moreover, this is also taught in YOUNG et al wherein the content contains "current event ", or other content as indicated on col. 4, lines 15-25 or see col. 1, lines 65-67.

As for dep. claim 23 (part of 21 above), which deals with the features of the content (advertisement) in the 2nd device, a customized web page at the 2nd device, note that WO 93/22017 disclose on page 6 that the content (advertising) can be downloaded from remote central computer. YOUNG et al fairly teaches the concept of downloading application (including game or advertisement) from a customized web page or using the Internet or web site to utilize well known advantages of the Internet such as real time, availability and low cost {see col. 3, lines 25-47}. It would have been obvious to modify the remote computer system of WO 93/22017 with remote world wide

computer network (Internet) as taught by YOUNG et al for one of the benefit cited above. As for the step of re-directing, this is inherently included when combining WO 93/22017 /YOUNG et al.

As for dep. claim 24 (part of 21 above), which deals with the features of the application of the 1st device, i.e. virtual reality platform with a 3-D effect, this is not critical to the scope of the claimed invention, and is taught in YOUNG et al col. 4, lines 15-27.

As for independent system claims 25, 26, and 28, which are the system to carry out the method claim 21 above, they are rejected over the system in WO 93/22017 /YOUNG et al/ Advergaming Article /NIKE Article to carry out the rejection of the method claim 21 as indicated above.

As for independent product claim 27, which are the computer-readable medium containing instructions to carry out the method claim 21 above, it's rejected over the computer-readable medium in WO 93/22017 /YOUNG et al/Advergaming Article /NIKE Article to carry out the rejection of the method claim 21 as indicated above.

As for independent system claim 15, which is the system to carry out the method claims 21 and 24 above, it's rejected over the system in WO 93/22017 /YOUNG et al /Advergaming Article /NIKE Article to carry out the rejection of the method claims 24 and 21 as indicated above.

As for independent method claim 16, which has similar limitations as in claims 21 and 24 above, it's rejected for the same reason set forth in claim 24 above.

As for dep. claim 17 (part of 16 above), which appears to deal with platform parameter, i.e. located at a franchise location, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling Coke or Coke plant/distributor in the teachings of WO 93/22017, so it can effectively monitor and make money from player who would buy Coke before playing the next game.

As for independent method claim 1, which is similar to claim 21, with the application being a game and the content being business-related, it's rejected for the same reason set forth in claim 21 above.

As for dep. claims 2 (part of 1 above), which deals with the limitation of "web page", this is taught in YOUNG et al col. 2, line 67, or col. 13, lines 43-65.

As for dep. claims 3-4 (part of 1 above), which deal with the type of content in the 2nd device, i.e. game-related action, these are fairly taught in Advergaming Article and NIKE Article.

As for dep. claims 5-6 (part of 1 above), which deals with a purchasing of an item from a vendor associated with the business content, in view of the teaching on page 4 of WO 93/22017 "never mind have a Coke and try again", it would have been obvious to order for a user a Coke and try again if the user wants to try again, as taught above.

As for dep. claim 7 (part of 1 above), the further limitation of "updating" the brand material dynamically to insure updating information on the Internet would have been obvious to provide accurate information about a product prior to buying experience. Furthermore, updating is one of well known special feature of the Internet to provide update information as taught in YOUNG et al in col. 3, lines 25-45 "current events".

As for dep. claims 8-9 (part of 1 above), which deals with further generating a player profile and disseminated to providers, this is taught in WO 93/22017 pages 4-5.

As for independent method claim 10, which has the same limitation as in claim 3 above, it's rejected for the same reason set forth in claim 3 above.

As for dep. claims 11-14 (part of 10 above), which deals with similar limitations as in claim 3 above, benefits related issues, they are rejected for the same reasons set forth in claim 3 above.

4. Claims 21-24, 15 , 27, 16-17, 25, 26, 28, 1-9, and 10-14 are rejected under 35 U.S.C. 103(a) as obvious over (1) WO 93/22017 in view of (2) INTERNET Article (April/May 1999), (3) YOUNG et al (US patent 6,669,564), (4) Advergaming Article and (5) Nike Article (Nov. 18, 1999).

As for independent method claim 21, the teachings of WO 93/22017 is cited above. INTERNET Article is cited to teach the concept of putting every business models, entertainment or game online and make it available no matter where people happen to be idled or waiting to participate or play {see page 5, 4th paragraph}. It would have been obvious to modify the teaching of WO 93/22017 by putting it on the Internet or website as taught by INTERNET Article so the game can be available everywhere and people can participate at any time, as taught by INTERNET Article above.

WO 93/22017 /INTERNET Article fairly teaches the claimed invention except for step (a) of "receiving a request at a 1st electronic device to initiate an application held at the 1st device" which is well known step for starting an application (game) and non-essential to the scope of the claimed invention since it's the basic step for a user to begin a game on an electronic device such as a computer.

In another similar gaming environment, YOUNG et al is cited to teach the well known step of (a) receiving a request from a user at an electronic device to access a game application for playing on a computerized network and allowing the user to play the game at his/her device after checking his/her identify (user ID and password) {see

col. 10, lines 1-5}. YOUNG et al discloses that the network (Fig. 4, 424), may be the Internet, or any other network of connected computing devices such as personal computers {see col. 9, lines 10-20}. It would have been obvious to modify the teachings of WO 93/22017 /INTERNET Article by including well known step for starting game upon request by a user as taught by YOUNG et al above if starting an application step with verification is needed as indicated by YOUNG et al.

ADVERGAMING Article is cited the use of online gaming similar to YOUNG et al above, but wherein a business-related content (or advertising) is combined interactively into the game to encourage the players to interact with the brand or product either associative or demonstrative for many benefits: (1) allowing marketers to intelligently gather the consumer data (data collection), build their brand (branding), (3) lead-generation while at the same time engaging the consumers in a bit of fun {see 1st page, 2nd and 3rd paragraphs, page 2, 4th paragraph}. ADVERGAMING Article discloses an example of Nike company using Nike shoe in the game (see case #1).

NIKE Article is cited to teach similar advergaming results as shown in ADVERGAMING Article above with further generation of a benefit for the user relating to the business-related content, and wherein one the benefit being external to the game (game player can enter the competition to win a visit to the San Siro Stadium in Milan) {see 1st page, 4th paragraph}. It would have been obvious to modify the teaching of WO 93/22017 /YOUNG et al by involving advergaming concept as taught by ADVERGAMING Article for at least one of the benefit cited above and further including

the generation of a benefit to the game as taught by NIKE Article to inherently further motivate or attract the player to play the game.

As for claims 22-24, 15 , 27, 16-17, 25, 26, 28, 1-9, and 10-14, they are rejected for the same reason set forth above.

Response to Arguments

5. Applicant's arguments with respect to claims 1-17, 21-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. 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.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 6,243,104 by Murray, discloses similar teachings as in the claimed invention and WO 93/22017. To avoid duplicate rejection, it's cited for applicant's awareness of potential use in the future if needed.

No claims are allowed.

8. 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 any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
November 13, 2006

DEAN T. NGUYEN
PRIMARY EXAMINER

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
10/272,408	ALTIERI, FRANCES BARBARO
Examiner	**Art Unit**
Tan Dean D. Nguyen	3629

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	11/06
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Claim		Date
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 08/16/2006

AKERMAN SENTERFITT
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SUITE 600
WASHINGTON, DC 20004

EXAMINER	
NGUYEN, TAN D	
ART UNIT	**PAPER NUMBER**
3629	

DATE MAILED: 08/16/2006

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

Interview Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

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

(1) *Dean Tan Nguyen*. (3)_____.

(2) *Sean Ingram*. (4)_____.

Date of Interview: *14 August 2006*.

Type: a)☐ Telephonic b)☐ Video Conference
c)☒ Personal [copy given to: 1)☐ applicant 2)☒ applicant's representative]

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

Claim(s) discussed: *All existing claims.*.

Identification of prior art discussed: *1) WO 93/22017; US 6,669,564*.

Agreement with respect to the claims f)☒ was reached. g)☐ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *1) Applicant's proposed language "enabling ..incentive .. during execution of the game application"in all independent claims do not appear to be taught by the above (2) references.*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

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. See Summary of Record of Interview requirements on reverse side or on attached sheet.

DEAN T. NGUYEN
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

_____
Examiner's signature, if required

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.

AMENDMENTS TO THE CLAIMS:

This listing of claims replaces all prior versions, and listings, of claims in this application:

1. (Currently amended) A method of integrating business-related content over a computerized network, into a primary electronic device ~~holding~~that accesses a game application, from at least one secondary electronic device ~~holding~~that accesses business-related content on a plurality of web pages, the method comprising:

receiving a request at said primary electronic device to initiate said game application ~~held~~that is accessible at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device; ~~and~~

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said game application during execution of said game application; and

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

2. (Previously presented) The method of claim 1, comprising the further steps of:

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into

executing actions in said game as a result of user choices; and

generating a player profile based on game choices made by said user.

9. (Original) The method of claim 8 wherein said profiles are disseminated to providers of business-related content used in said game application.

10. (Currently amended) A method of integrating business-related content over a computerized network, into an electronic device ~~holding~~that accesses a game application, from at least one secondary electronic device that accesses~~having~~ a plurality of web pages, the method comprising:

initiating said game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; ~~and~~

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application; and

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

11. (Original) The method of claim 10, comprising the further steps of:

executing a game-related action, said game-related action generating a benefit for said user relating to said business-related content.

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

Thus, the Nike Article, in combination with WO 93/220017, Young et al. and the Advergaming Article, does not teach or suggest the recitations of Claims 3-9 and 10, and the rejection of those claims under 35 U.S.C. §103 should be withdrawn. Furthermore, claims 11-14 are allowable at least by virtue of their dependency from claim 10.

Accordingly, the rejection of Claims 3-9, and 10-14 under 35 U.S.C. §103(a) should be withdrawn.

Based on the foregoing, all of the claims should be in form for allowance and such action is hereby solicited. If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,

_____

Jean C. Edwards
Registration No. 41,728
by
Sean L. Ingram
Registration No. 48,283

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Date: Draft

{DC000802;1}

RTPE TAP 40
AUG 16 2006
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3629
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Akerman Senterfitt		
Signature			
Printed name	Jean C. Edwards, Esq. by Sean L. Ingram Registration No. 48,283		
Date	August 16, 2006	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Attorney Docket No.: 71457.00004
Customer No.: 57362

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3629

Application No.: 10/272,408 — Examiner: Tan D. Nguyen

Filed: October 16, 2002

Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

AMENDMENT UNDER 37 C.F.R. § 1.111

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

Sir:

In response to the Non-Final Office Action dated May 16, 2006, please amend the above-identified application as follows:

AMENDMENTS TO THE CLAIMS:

This listing of claims replaces all prior versions, and listings, of claims in this application:

1. (Currently amended) A method of integrating business-related content over a computerized network, into a primary electronic device ~~holding~~that accesses a game application, from at least one secondary electronic device ~~holding~~that accesses business-related content on a plurality of web pages, the method comprising:

receiving a request at said primary electronic device to initiate said game application ~~held~~that is accessible at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device; ~~and~~

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said game application during execution of said game application; and

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

2. (Previously presented) The method of claim 1, comprising the further steps of:

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into

said game application and said re-direction occurring as part of the user executing said game application.

3. (Previously presented) The method of claim 2, comprising the further step of:

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game.

4. (Original) The method of claim 2, comprising the further step of:

re-directing said user back to said primary electronic device as part of the execution of said game application.

5. (Original) The method of claim 2 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. (Original) The method of claim 1 wherein said game application displays branded business-related content to said user.

7. (Original) The method of claim 6 wherein said branded business-related content is dynamically updated.

8. (Original) The method of claim 1, comprising the further steps of:

executing actions in said game as a result of user choices; and

generating a player profile based on game choices made by said user.

9. (Original) The method of claim 8 wherein said profiles are disseminated to providers of business-related content used in said game application.

10. (Currently amended) A method of integrating business-related content over a computerized network, into an electronic device ~~holding~~that accesses a game application, from at least one secondary electronic device that accesses~~having~~ a plurality of web pages, the method comprising:

initiating said game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;~~ and~~

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application; and

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

11. (Original) The method of claim 10, comprising the further steps of:

executing a game-related action, said game-related action generating a benefit for said user relating to said business-related content.

12. (Original) The method of claim 11 wherein said benefit for said user is external to said game.

13. (Original) The method of claim 11 where in said benefit for said user is calculated in real-time.

14. (Original) The method of claim 11, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. (Currently amended) A system, comprising:

a primary electronic device that accesses~~holding~~ a game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application; ~~and~~

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device being capable of accessing~~holding~~ a web page customized with business-related content for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of said game application; and

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store an incentive earned by the user based on actions that are performed on the business-related content during execution of the game application.

16. (Currently amended) A method of integrating business-related content over a computerized network, into a primary electronic device that accesses~~holding~~ business-related content and a game application, from at least one secondary electronic device that accesses~~holding~~ business-related content, said method comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

initiating said game application in response to a user request;

automatically re-directing the content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said game application, said web page customized with business-related content for use with said game application, and

exposing said user to said business-related content during said three-dimensional visualization of said game application; and

enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

17. (Currently amended) The method of claim 16, further comprising providing~~wherein~~ each virtual reality platform ~~is located~~ at a franchised location.

18. (Canceled)

19. (Canceled)

20. (Canceled)

21. (Currently amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible to~~held at~~ said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; and

enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

22. (Previously presented) The method of claim 21, wherein said content includes dynamic content.

23. (Currently amended) The method of claim 21, further comprising:

providing at least one customized web page at said secondary electronic device, said web page customized with content for use with said at least one of said plurality of applications; and

automatically re-directing a~~said~~ user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into said at least one of said plurality of applications and said re-direction occurring as part of the user executing said at least one of said plurality of applications.

24. (Currently amended) The method of claim 21, further comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which a~~said~~ user can be immersed during the execution of said at least one of said plurality of applications.

25. (Currently amended) A system, comprising:

a primary electronic device that accesses~~holding~~ a plurality of applications, said primary electronic device initiating at least one of said plurality of applications in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during execution of said at least~~lest~~ one of said plurality of applications;~~ and~~

a secondary electronic device interfaced with said primary electronic device over a computerized network, said secondary electronic device being capable of accessing~~holding~~ a web page customized with a plurality of content for use with said at least one of said plurality of applications, said game~~fame~~ application being automatically re-directed to said customized web page as part of the execution of said at least one of said plurality of applications; and

a memory device that communicates with at least one of the primary electronic device and the secondary electronic device to store an incentive earned by the user based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

26. (Currently amended) A computer system which automatically integrates content into an electronic device, comprising:

at least one memory having at least one program that is executable to perform~~comprising~~ the steps comprising~~of~~:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible~~held~~ at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device that is capable of accessing~~having~~ a plurality of web pages, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications;~~ and~~

enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications; and

at least one processor for running the program.

27. (Currently amended) A computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device, the computer system having a program comprising the steps of:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications that is accessible~~held~~ at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device that is capable of accessing~~having~~ a plurality of web pages, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications.

28. (Currently amended) A computer system having a program for automatically integrating content into an electronic device, comprising:

means for receiving a request at a primary electronic device to initiate at least one of a plurality of applications that are accessible~~held~~ at said primary electronic device;

means for initiating said at least one of said plurality of applications at said primary electronic device; and

means for automatically integrating at least one of a plurality of content from a secondary electronic device that is capable of accessing~~having~~ a plurality of web pages, into said at least one of said plurality of applications during execution of said at least one of said plurality of applications; and

means for enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

REMARKS

Claims 1-17 and 21-28 are presently pending in the application. Claims 18-20 were previously canceled without prejudice or disclaimer. Selected claims are amended to clarify the invention and are not made to overcome the cited prior art.

Applicant thanks the Examiner for the courtesies extended during the personal interview with the Applicant's representative on August 14, 2006. Applicants representative discussed amending the independent claims as illustrated above and discussed below to overcome the prior art rejections.

Reconsideration and allowance of all rejected claims are respectfully requested in view of the following remarks.

Claim Objection

Claim 17 is objected to under 37 CFR 1.75(c) as being of improper dependent form. While Applicant respectfully disagrees with the Examiner, claim 17 is amended to expedite the prosecution. Thus, the Examiner is requested to withdraw this objection.

Claim Rejections Under 35 USC 112

Claims 2, 6, 8, 23 and 24 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner alleges that the recitation of "user" in these claims lacks antecedent basis. Regarding claims 2, 6 and 8, Applicants respectfully submit that claim 1, from which these claims depend, recites "a user." Thus, the rejection of claims 2, 6, and 8 appears to be in error. Regarding claims 23 and 24, these claims are amended to recite "a user." In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

Claim Rejections Under 35 USC 103

Claims 1-17, 21-26 and 28 are rejected under 35 U.S.C. §103(a) as being obvious over WO 93/22017 in view of Young et al. (USP 6,669,564). Claims 1-17 and 21-28 are rejected under 35 U.S.C. §103(a) as being obvious over WO 93/22017 in view of Internet Article (April/May 1999) ("Future of the Internet Article") and Young et al. Applicant respectfully traverses these rejections.

Independent claims 1, 15, 16, 21, 25, 26 and 28 recite, among other things, automatically integrating at least one of a plurality of content from a secondary electronic device into the at least one of the plurality of applications during execution of at least one of the plurality of applications and enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications. Claim 10 recites, among other things, automatically re-directing the user to the customized web page on the secondary electronic device from the electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing the game application and enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application. According to one embodiment of the invention, during the course of conducting tasks, the user is transparently re-directed to a corporate sponsor's customized web site to finish the completion of a task and while at the sponsor's corporate web site, the game player is exposed to additional business-related content which relates to the game the user is playing (see the specification at page 1, the last paragraph). The business-related content displays occur within the context of the player playing the game (see the specification at page 2, the first paragraph). Following completion of the task at the customized corporate web site, the

player is transparently re-directed back to the original game site (see the specification at page 2, the first paragraph). The game provides the opportunity for the player to earn extra benefits as a result of the game actions, some of the benefits are for internal use within the game (see the specification at page 2, the first paragraph).

While WO 93/22017 appears to disclose presenting advertising sequences as part of an environment in which the player representative unit performs (see WO 93/22017 at page 2, last full paragraph and page 4, last full paragraph and also the last paragraph bridging onto page 5), WO 93/22017 fails at least to teach or suggest enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications. Rather, WO 93/22017 discloses a passive advertising technique where in a video image, a player is presented with an advertisement along a simulated road or, in a game performed in an arena, the perimeter of the arena (see WO 93/22017 at page 4, last paragraph bridging onto page 5).

The Examiner further acknowledges that WO 93/22017 is deficient for failing to disclose at least the step of "receiving a request at a 1st electronic device to initiate an application held at the 1st device" and relies on Young et al. for disclosing this feature. Young et al. are directed to a system, method and apparatus for allowing episodic delivery of entertainment content to a user (see Young et al., the Abstract). Young et al. further disclose accessing a web site to download episodic content that is updated at predetermined time intervals and either accessed at time intervals by the user or automatically transmitted from the server to the user's terminal at predetermined time intervals (see Young et al., col. 9, lines 51-67). To the extent that Young et al. appear to disclose allowing a user to visit a web site,

Young et al. do not disclose that content from the web site is integrated into the accessed application. Rather, Young et al. disclose that users view a target third party web site as any other web surfer (see Young et al., col. 15, line 53 to col. 16, line 22). Thus, WO 93/22017 and Young et al. remain deficient, both alone and in combination, at least because they fail to teach or suggest enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

The Examiner alleges that the Future of the Internet Article discloses "the concept of putting every business models [sic], entertainment or game online and make it available no matter where people happen to be idled or waiting to participate or play {see page 5, 4th paragraph}" (see page 9, paragraph number 6, of the May 16, 2006 Office Action). Applicant respectfully disagrees with the Examiner's interpretation of the Future of the Internet Article. In fact, the Future of the Internet Article discloses "BoxerJam is excited by the concept of nomadic devices because it takes *online entertainment* out of the living room and makes it available no matter where people happen to be idled or waiting" (emphasis added, see the Future of the Internet Article, page 5, 4th paragraph). Nonetheless, WO 93/22017, Young et al. and the Future of the Internet Article remain deficient, both alone and in combination, at least because they fail to teach or suggest enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

In view of the foregoing differences between claims 1, 10, 15, 16, 21, 25, 26, 27, 28 and the cited art, Applicant respectfully submits that the Examiner has failed to establish a

prima facie case of obviousness based on WO 93/22017 in view of Young et al and based on WO 93/22017 in view of the Future of the Internet Article and Young et al.. Thus, these claims are allowable. Further, claims 2-9, 11-14, 17 and 22-24 are allowable at least by virtue of their dependency.

Claims 3-9 and 10-14 remain rejected under 35 U.S.C. §103(a) as being obvious over WO 93/220017 in view of Young et al., as applied to Claims 1-2 above, and further in view of Advergaming Article (Aug. 16, 2001) and Nike Article (Nov. 18, 1999).

Claims 3-9 depend from claim 1 and therefore include the features of, among other things, automatically integrating at least one of a plurality of content from a secondary electronic device into the at least one of the plurality of application during execution of at least one of the plurality of applications and enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications. Claim 10 recites, among other things, automatically re-directing the user to the customized web page on the secondary electronic device from the electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing the game application and enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application. As discussed above, WO 93/220017 and Young et al. fail to disclose these features.

The Advergaming Article does not make up for the deficiencies in WO 93/220017 and Young et al. The Advergaming Article is directed to advertising in gaming, but teaches only three examples: a) providing a game via e-mail to an audience, and then providing a

way for them to purchase items after they play the game; b) providing a game to an audience of players, and while they play, the company collects data on the players (there is nothing specific regarding actual advertisement during game play); c) providing a game to an audience, and collecting statistics on the players while they play the game.

Regarding claims 3-9, the Advergaming Article does not teach or suggest automatically integrating at least one of a plurality of content from a secondary electronic device into the at least one of the plurality of application during execution of at least one of the plurality of applications. Furthermore, the Advergaming Article does not teach or suggest enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

Regarding claim 10, the Advergaming Article does not teach or suggest automatically re-directing the user to the customized web page on the secondary electronic device from the electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing the game application. Furthermore, the Advergaming Article does not teach or suggest enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

Thus, the Advergaming Article, in combination with WO 93/220017 and Young et al., does not teach or suggest the recitations of Claims 3-9 and 10, and the rejection of those claims under 35 U.S.C. §103 should be withdrawn. Furthermore, claims 11-14 are allowable at least by virtue of their dependency from claim 10.

The further addition of the Nike Article does not make up for the deficiencies in WO 93/220017, Young et al. and the Advergaming Article. The Nike Article discloses similar information to that of the Advergaming Article. The Nike Article relates to a football game in which the Nike brand is displayed therein. The challenges increase game play complexity, and increase the time the user plays, which gives them more exposure to the brand.

In particular, regarding claims 3-9, the combination of the Nike Article, WO 93/220017, Young et al., and the Advergaming Article does not teach or suggest automatically integrating at least one of a plurality of content from a secondary electronic device into the at least one of the plurality of application during execution of at least one of the plurality of applications. Furthermore, the combination of the Nike Article, WO 93/220017, Young et al., and the Advergaming Article does not teach or suggest enabling an incentive to be earned based on actions that are performed on at least one of the plurality of content from the secondary electronic device, wherein the incentive is usable within the at least one of the plurality of applications.

Regarding claim 10, the combination of the Nike Article, WO 93/220017, Young et al., and the Advergaming Article does not teach or suggest automatically re-directing the user to the customized web page on the secondary electronic device from the electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing the game application. Furthermore, the combination of the Nike Article, WO 93/220017, Young et al., and the Advergaming Article does not teach or suggest enabling the user to earn an incentive based on actions that are performed on the business-related content during execution of the game application.

Thus, the Nike Article, in combination with WO 93/220017, Young et al. and the Advergaming Article, does not teach or suggest the recitations of Claims 3-9 and 10, and the rejection of those claims under 35 U.S.C. §103 should be withdrawn. Furthermore, claims 11-14 are allowable at least by virtue of their dependency from claim 10.

Accordingly, the rejection of Claims 3-9, and 10-14 under 35 U.S.C. §103(a) should be withdrawn.

Based on the foregoing, all of the claims should be in form for allowance and such action is hereby solicited. If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,



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PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number: 10/272,408

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))							
SEARCH FEE (37 CFR 1.16(k), (l), or (m))							
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))							
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	x =		OR	x =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	x =			x =	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

8/16/06

AMENDMENT A	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 25	Minus	** 28	= —	x25 =		OR	x50 =	
Independent (37 CFR 1.16(h))	* 9	Minus	*** 11	= —	x100 =		OR	x200 =	
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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

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

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

57362 7590 05/16/2006

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EXAMINER	
NGUYEN, TAN D	
ART UNIT	**PAPER NUMBER**
3629	

DATE MAILED: 05/16/2006

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

Office Action Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *19 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-17 and 21-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 21-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed 12/19/05 has been entered. Claims 1-17, 21-28 are pending and are rejected as followed. Claims 18-20 have been canceled.

Claim Rejections - 35 USC § 112

1. Claims 23-24, 2, 6, 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) Claims 23, 24, 2, 6 and 8, recite the limitation "said user" in the body of the claims. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

2. Dependent claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It's not clear how a franchised location further limits the platform of claim 16 above. Franchised location of what?

Claim Rejections - 35 USC § 103

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

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

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 21-24 (method[1]), 15 (system[1]), 27 (product), 16-17(method[2]), 25 (system[2]), 26 (system[3]), 28 (system[4]), 1-9 (method[3]), 10-14 (method[4]) are rejected under 35 U.S.C. 103(a) as obvious over WO 93/22017 in view of YOUNG et al (US patent 6,669,564).

As for independent method claim 21, which basically deals with a method of automatically integrating content into an electronic device over a computerized network, comprising the steps of:

(a) receiving a request at a 1st electronic device to initiate an application held at the 1st device;

(b) initiating (or starting/beginning) the application at the 1st device; and

(c.) automatically integrating another (2nd) content from a 2nd electronic device accessed over the computerized network by the 1st electronic device, into the application during the execution of the application.

Similarly, WO 93/22017 teaches a method of automatically integrating content into an electronic device over a computerized network {see page 6, lines 3-6,

"*advertising sequence may be down loaded from a central computer, ... central computer may be remote*"}, comprising:

(b) initiating (or beginning or starting) the application at the 1st device {Fig. 1, (2) (4) and (8)}; and

(c.) automatically integrating another (2nd) content (advertisement or advertising sequence or sequences or advert or adverts) from a 2nd electronic device (remote central computer) {page 6, lines 4-6} accessed over the computerized network by the 1st electronic device, into the application during the execution of the application {see page 1, paragraph no. 2, especially no. 3, "*sequence is presented on completion of a task, or the gain or loss of a point in a scoring system in the game or the completion of a set time*", paragraph no. 4, or page 4, paragraph no. 1}. Note also, that the term "automatically" or to make automatic of any step would have been obvious to a skilled artisan in order to take the advantageous of the well-known automation benefits. See *In re* Venner, 120 USPQ 192, 194; 262 F2d 91 (CCPA 1958).

WO 93/22017 fairly teaches the claimed invention except for step (a) of "receiving a request at a 1st electronic device to initiate an application held at the 1st device" which is well known step for starting an application (game) and non-essential to the scope of the claimed invention since it's the basic step for a user to begin a game on an electronic device such as a computer.

In another similar gaming environment, YOUNG et al is cited to teach the well known step of (a) receiving a request from a user at an electronic device to access a game application for playing on a computerized network and allowing the user to play

the game at his/her device after checking his/her identify (user ID and password) {see col. 10, lines 1-5}. YOUNG et al discloses that the network (Fig. 4, 424), may be the Internet, or any other network of connected computing devices such as personal computers {see col. 9, lines 10-20}. It would have been obvious to modify the teachings of WO 93/22017 by including well known step for starting game upon request by a user as taught by YOUNG et al above if starting an application step with verification is needed as indicated by YOUNG et al.

As for dep. claim 22 (part of 21), which deals with the feature of the content or content parameters, i.e. dynamic, this is taught in WO 93/22017 wherein the content or advertising is a "video display" which is dynamic. Moreover, this is also taught in YOUNG et al wherein the content contains "current event ", or other content as indicated on col. 4, lines 15-25 or see col. 1, lines 65-67.

As for dep. claim 23 (part of 21 above), which deals with the features of the content (advertisement) in the 2nd device, a customized web page at the 2nd device, note that WO 93/22017 disclose on page 6 that the content (advertising) can be downloaded from remote central computer. YOUNG et al fairly teaches the concept of downloading application (including game or advertisement) from a customized web page or using the Internet or web site to utilize well known advantages of the Internet such as real time, availability and low cost {see col. 3, lines 25-47}. It would have been obvious to modify the remote computer system of WO 93/22017 with remote world wide computer network (Internet) as taught by YOUNG et al for one of the benefit cited

above. As for the step of re-directing, this is inherently included when combining WO 93/22017 /YOUNG et al.

As for dep. claim 24 (part of 21 above), which deals with the features of the application of the 1st device, i.e. virtual reality platform with a 3-D effect, this is not critical to the scope of the claimed invention, and is taught in YOUNG et al col. 4, lines 15-27.

As for independent system claims 25, 26, and 28, which are the system to carry out the method claim 21 above, they are rejected over the system in WO 93/22017 /YOUNG et al to carry out the rejection of the method claim 21 as indicated above.

As for independent product claim 27, which are the computer-readable medium containing instructions to carry out the method claim 21 above, it's rejected over the computer-readable medium in WO 93/22017 /YOUNG et al to carry out the rejection of the method claim 21 as indicated above.

As for independent system claim 15, which is the system to carry out the method claims 21 and 24 above, it's rejected over the system in WO 93/22017 /YOUNG et al to carry out the rejection of the method claims 24 and 21 as indicated above.

As for independent method claim 16, which has similar limitations as in claims 21 and 24 above, it's rejected for the same reason set forth in claim 24 above.

As for dep. claim 17 (part of 16 above), which appears to deal with platform parameter, i.e. located at a franchise location, this is non-essential to the scope of the claimed invention and does not receive much patentable weight since it does not further limit the steps of claim 16, i.e. providing or initiating or red-directing but merely the location of the platform. Since it's well known to a skilled artisan that any location can set up the virtual reality platform if it can make money from marketing (advertising) while providing the system for the user to play games and pays for the cost to maintain the system, it would have been obvious for the platform to be at a franchised location, selling Coke or Coke plant/distributor in the teachings of WO 93/22017, so it can effectively monitor and make money from player who would buy Coke before playing the next game.

As for independent method claim 1, which is similar to claim 21, with the application being a game and the content being business-related, it's rejected for the same reason set forth in claim 21 above.

As for dep. claims 2 (part of 1 above), which deals with the limitation of "web page", this is taught in YOUNG et al col. 2, line 67, or col. 13, lines 43-65.

As for dep. claims 3-4 (part of 1 above), which deal with the type of content in the 2nd device, i.e. game-related action, these are fairly taught in WO 93/22017 pages 4-5.

As for dep. claims 5-6 (part of 1 above), which deals with a purchasing of an item from a vendor associated with the business content, in view of the teaching on

page 4 of WO 93/22017 "never mind have a Coke and try again", it would have been obvious to order for a user a Coke and try again if the user wants to try again, as taught above.

As for dep. claim 7 (part of 1 above), the further limitation of "updating" the brand material dynamically to insure updating information on the Internet would have been obvious to provide accurate information about a product prior to buying experience. Furthermore, updating is one of well known special feature of the Internet to provide update information as taught in YOUNG et al in col. 3, lines 25-45 "current events".

As for dep. claims 8-9 (part of 1 above), which deals with further generating a player profile and disseminated to providers, this is taught in WO 93/22017 pages 4-5.

As for independent method claim 10, which has the same limitation as in claim 3 above, it's rejected for the same reason set forth in claim 3 above.

As for dep. claims 11-14 (part of 10 above), which deals with similar limitations as in claim 3 above, benefits related issues, they are rejected for the same reasons set forth in claim 3 above.

6. Claims 21-24, 15 , 27, 16-17, 25, 26, 28, 1-9, and 10-14 are rejected under 35 U.S.C. 103(a) as obvious over WO 93/22017 in view of INTERNET Article (April/May 1999) and YOUNG et al (US patent 6,669,564).

As for independent method claim 21, the teachings of WO 93/22017 is cited above. INTERNET Article is cited to teach the concept of putting every business models, entertainment or game online and make it available no matter where people happen to be idled or waiting to participate or play {see page 5, 4th paragraph}. It would have been obvious to modify the teaching of WO 93/22017 by putting it on the Internet or website as taught by INTERNET Article so the game can be available everywhere and people can participate at any time, as taught by INTERNET Article above.

WO 93/22017 /INTERNET Article fairly teaches the claimed invention except for step (a) of "receiving a request at a 1st electronic device to initiate an application held at the 1st device" which is well known step for starting an application (game) and non-essential to the scope of the claimed invention since it's the basic step for a user to begin a game on an electronic device such as a computer.

In another similar gaming environment, YOUNG et al is cited to teach the well known step of (a) receiving a request from a user at an electronic device to access a game application for playing on a computerized network and allowing the user to play the game at his/her device after checking his/her identify (user ID and password) {see col. 10, lines 1-5}. YOUNG et al discloses that the network (Fig. 4, 424), may be the Internet, or any other network of connected computing devices such as personal

computers {see col. 9, lines 10-20}. It would have been obvious to modify the teachings of WO 93/22017 /INTERNET Article by including well known step for starting game upon request by a user as taught by YOUNG et al above if starting an application step with verification is needed as indicated by YOUNG et al.

As for claims 22-24, 15 , 27, 16-17, 25, 26, 28, 1-9, and 10-14, they are rejected for the same reason set forth above.

7. Claims 3-9, 10-14 are rejected (3rd time) under 35 U.S.C. 103(a) as being unpatentable over WO 93/22017/YOUNG et al as applied to claims 1-2 above, and further in view of Advergaming Article (Aug. 16, 2001) and Nike Article (Nov. 18, 1999).

As for dep. claim 3 (part of 1 above), the teaching of claim 1 is cited above. ADVERGAMING Article is cited the use of online gaming similar to YOUNG et al above, but wherein a business-related content (or advertising) is combined interactively into the game to encourage the players to interact with the brand or product either associative or demonstrative for many benefits: (1) allowing marketers to intelligently gather the consumer data (data collection), build their brand (branding), (3) lead-generation while at the same time engaging the consumers in a bit of fun {see 1st page, 2nd and 3rd paragraphs, page 2, 4th paragraph}. ADVERGAMING Article discloses an example of Nike company using Nike shoe in the game (see case #1).

NIKE Article is cited to teach similar advergaming results as shown in ADVERGAMING Article above with further generation of a benefit for the user relating

to the business-related content, and wherein one the benefit being external to the game (game player can enter the competition to win a visit to the San Siro Stadium in Milan) {see 1st page, 4th paragraph}. It would have been obvious to modify the teaching of WO 93/22017 /YOUNG et al by involving advergaming concept as taught by ADVERGAMING Article for at least one of the benefit cited above and further including the generation of a benefit being external to the game as taught by NIKE Article to inherently further motivate or attract the player to play the game.

As for dep. claim 4 (part of 1 above), this is taught in YOUNG et al as shown on col. 1, lines 10-67.

As for dep. claim 5 (part of 1 above), this is taught in ADVERGAMING Article as shown in case #1 – Nike shoe or in NIKE Article par. 2 or par. 4 "potential customers".

As for dep. claim 6 (part of 1 above), this is taught in ADVERGAMING Article as shown in case #1 – Nike shoe or in NIKE Article par. 2 or par. 4.

As for dep. claim 7 (part of 1 above), the further limitation of "updating" the brand material dynamically to insure updating information on the Internet would have been obvious to provide accurate information about a product prior to buying experience. Furthermore, updating is one of well known special feature of the Internet to provide update information as taught in YOUNG et al in col. 3, lines 25-45 "current events".

As for dep. claims 8-9 (part of 1 above), which deals with further generating a player profile and disseminated to providers, this is taught in ADVERGAMING Article as shown in case #1 and case #2. – Nike shoe or in NIKE Article par. 2 or par. 4.

Response to Arguments

8. Applicant's arguments with respect to claims 1-17, 21-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 6,243,104 by Murray, discloses similar teachings as in the claimed invention and WO 93/22017. To avoid duplicate rejection, it's cited for applicant's awareness of potential use in the future if needed.

No claims are allowed.

10. 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 any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
May 15, 2006

DEAN T. NGUYEN
PRIMARY EXAMINER

Notice of References Cited	Application/Control No. 10/272,408	Applicant(s)/Patent Under Reexamination ALTIERI, FRANCES BARBARO	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,243,104	06-2001	Murray, Peter Noel	345/629
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	WO 93/22017	11-1993	PCT	-----	-----
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Wright, C. M. "Imagineering the Future of the Internet...2010", ASIS, April/May 1999, pages 1-6.
	V	
	W	
	X	

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

PCT WORLD INTELLECTUAL PROPERTY ORGANIZATION
International Bureau

INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification 5 : A63F 9/22, G09F 23/14

A1

(11) International Publication Number: WO 93/22017

(43) International Publication Date: 11 November 1993 (11.11.93)

(21) International Application Number: PCT/GB93/00905

(22) International Filing Date: 30 April 1993 (30.04.93)

(30) Priority data:
9209572.8 2 May 1992 (02.05.92) GB

(71)(72) Applicant and Inventor: SMITH, Donald, George [GB/AU]; BM/LHBD, Monomark, London WC1N 3XX (AU).

(74) Agent: WEITZEL, David, S.; Batchellor, Kirk & Co., 2 Pear Tree Court, Farringdon Road, London EC1R ODS (GB).

(81) Designated States: AT, AU, BB, BG, BR, CA, CH, CZ, DE, DK, ES, FI, GB, HU, JP, KP, KR, LK, LU, MG, MN, MW, NL, NO, NZ, PL, PT, RO, RU, SD, SE, SK, UA, US, European patent (AT, BE, CH, DE, DK, ES, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG).

Published
With international search report.

(54) Title: APPARATUS FOR VIDEO GAMES AND ADVERTISING SEQUENCES

(57) Abstract

Apparatus is disclosed for playing a game in which a player representative unit has the opportunity to perform simulated tasks. The apparatus is arranged to present one or more advertising sequences of video pictures advertising goods or services other than to play the game. The advertisements may with advantage relate in some way to the game and can be presented as a part of the environment in which the player representative unit performs the simulated tasks.

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Apparatus for video games and advertising sequences

This invention relates to apparatus for playing a game.

The invention is particularly concerned with apparatus for playing a game of the type having control means (e.g. a joystick) manipulable by a player to provide control signal, and display means (e.g. a dedicated computer and video display unit) for presenting a player with video pictures simulating real or imaginary situations in which a player representative unit is controlled by the control signals, the player representative unit having the opportunity to perform simulated tasks.

In accordance with the invention, such an apparatus is arranged to present one or more advertising sequences of video pictures advertising goods or services other than to play the game.

In one arrangement, a said sequence is presented on completion of a task, or the gain or loss of a point in a scoring system in the game or the completion of a set time.

In another, additional or alternative arrangement, the tasks are performed in the face of a plurality of simulated obstacles and in which the player representative unit has one or more lives liable to loss in overcoming the obstacles, the sequence being presented when the player representative unit looses a life.

The advertisements may with advantage relate in some way

to the game. For example, having lost a life, the player may be encouraged to rebuild her or his strength with so and so product.

Alternate (b)

In a yet further additional or alternative arrangement, a sequence is presented as a part of the environment in which the player representative unit performs the simulated tasks, for example, the sequence may present a simulation of an advertising hoarding.

In order to allow the owners of the apparatus to charge conveniently for the presentation of adverts, the video data relating to one or more adverts may be contained in one ore more removable data store units.

Most preferably, the or each removable data store unit includes a read only replaceable memory unit in which data for the one or more advertising sequences are stored. A memory unit containing an advert can thus simply be plugged into the machine for a period for which payment has been made and removed thereafter.

Alternatively, the or each removable data store may include data for preventing its operation more than a predetermined number of times or after a predetermined date or time, so that removal can be at the convenience of the owner of the apparatus.

The apparatus may be arranged to present advertising sequence or sequences when the game is not being played.

One embodiment of the invention will now be described, by way of example, with reference to the accompanying drawing which shows schematically apparatus

embodying the invention.

Referring to the drawings, the apparatus has a video display unit 2 to which video signals are supplied by a central processing unit (CPU) 4. A program which determines operation of the CPU is stored in a program store 6 which may be read only memory or a disc or tape store in which latter case the CPU includes memory into which the program is loaded for operation.

In order to enable a player to interact with the apparatus, a key board, key pad or in this case a joystick 8 is provided. This is manipulated by the player to provide control signals to the CPU.

In operation, the CPU provides video signals to the VDU to present a player with moving video pictures simulating real or imaginary situations in which a player representative unit is controlled by the control signals. The player representative unit may be the figure of a real or imaginary character in the game, for example. In the game the player representative unit has as an objective to perform simulated tasks. There may be a plurality of simulated obstacles. A task might be to rescue another character, or find some object. The obstacles might be other offensive characters who attack the player representative unit which has one or more lives liable to loss in overcoming the obstacles.

When a life is lost the game may terminate. Usually, however, the player representative unit has a number of lives which have to be lost before the game is

terminated. In some games, lives may be regained or replenished.

At the point a life is lost, it has been proposed for the program to enter a routine which displays some simulated effect, e.g. an explosion, and to decrement the number of lives. The present invention now proposes to display a video advertisement. To this end a separate video store 10 is provided containing data which when addressed by the CPU is arranged to present one or more advertising sequences of video pictures advertising goods or services. The advertisements may with advantage relate in some way to the game. For example, having lost a life, the player may be encouraged to rebuild her or his strength with so and so product, "never mind have a Coke and try again".

In other arrangements the game may be a race, e.g. a motor race, the task being to win; a team game e.g. soccer, the task again being to win; flight simulation, the task being to fly safely from one point to another or to complete a circuit of an airfield, and so on. The advertising sequence may be presented on completion of a task, e.g. having won the race or game of soccer, or having completed a successful flying mission. The sequence may be presented on gaining or loosing a point in a scoring system in the game, e.g. scoring a goal in a game of soccer.

The video image presented to the player may contain advertisements as a part of the environment in which the player representative unit performs. For example, as in real life, an advertising hoarding may be presented by a "bill board"

simulated road. In a game performed in an arena, e.g. soccer, the perimeter of the arena may present advertisements.

The video store preferably includes a read only memory and is removable as a unit so that adverts may be paid for and displayed for a period, then removed or replaced. Each read only memory unit may contain one or more adverts. In an alternative, the video store may also be a disc store in which case the CPU preferably includes memory into which the video data is loaded during operation. In either case, the video store may include data which prevents the or an advert from being presented in accordance with some predetermined criterion such as the date or the number of times the advert has been presented. In the case of a disc store, the CPU is responsive to that data, but in the case of a read only memory, that could alternatively be provided on a board with circuitry responsive to the data.

In another alternative, the video store also contains a program to which control of the CPU is handed when a life has been lost. The advert or adverts then run under control of their own program and control is handed back to the main game program when the advert program has run. That provides greater flexibility since the video data does not need a particular format to suit the particular game program.

It is usual for the games apparatus to display a title or introductory sequence when no one is playing the game. The present apparatus is also arranged to present the

advertising sequence or sequences alternating with the game's own title or introductory sequence.

In a further example the advertising sequence or sequences may be down loaded from a central computer, thus being replaceable by under control of a manager. The central computer may be remote, controlling a plurality of games apparatus by connections via telephone lines or other transmission media.

CLAIMS

1. Apparatus for playing a game, comprising: control means manipulable by a player to provide control signals, display means for presenting a player with video pictures simulating real or imaginary situations in which a player representative unit is controlled by control signals, the player representative unit having the opportunity to perform simulated tasks in the game, wherein the apparatus is arranged to present one or more advertising sequences of video pictures advertising goods or services other than to play the game.

2. Apparatus as claimed in claim 1, wherein a said sequence is presented on completion of a task, or the gain or loss of a point in a scoring system in the game or the completion of a set time.

3. Apparatus as claimed in claim 1, wherein the tasks are performed in the face of a plurality of simulated obstacles and in which the player representative unit has one or more lives liable to loss in overcoming the obstacles, the sequence being presented when the player representative unit looses a life.

4. Apparatus as claimed in claim 1, wherein a sequence is presented as a part of the environment in which the player representative unit performs the simulated tasks.

5. Apparatus as claimed in claim 4, wherein

the sequence presents a simulation of an advertising hoarding.

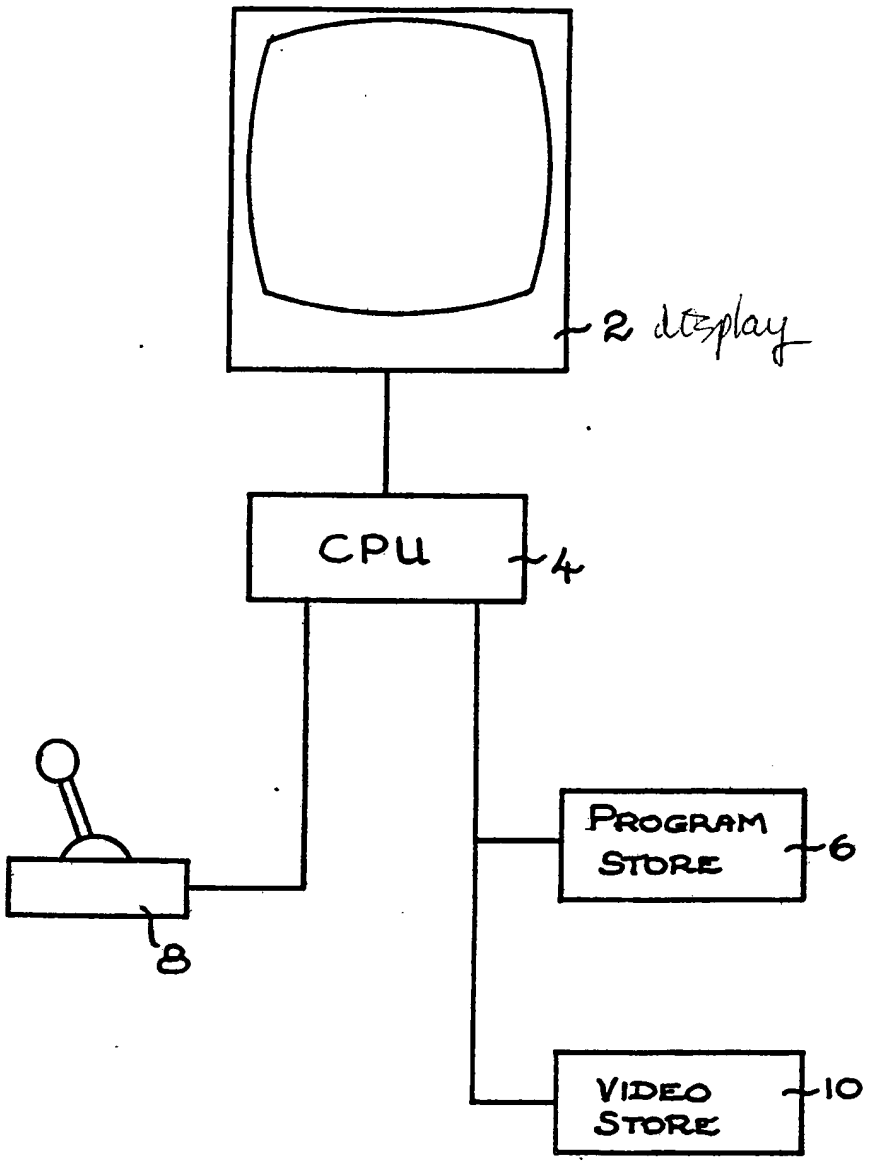
6. Apparatus as claimed in claim 1, including one or more removable data store units each containing video information for one or more advertising sequences.

7. Apparatus as claimed in claim 6, wherein the or each removable data store unit includes read only memory in which data for the one or more advertising sequences are stored.

8. Apparatus as claimed in claim 6, wherein the or each removable data store includes data for preventing its operation more than a predetermined number of times or after a predetermined date or time.

9. Apparatus as claimed in claim 7, wherein the or each removable data store includes data for preventing its operation more than a predetermined number of times or after a predetermined date or time.

10. Apparatus as claimed in claim 1, arranged to present the advertising sequence or sequences when the game is not being played.


2 display
CPU
4
PROGRAM STORE
6
8
VIDEO STORE
10

INTERNATIONAL SEARCH REPORT

International Application No PCT/GB 93/00905

I. CLASSIFICATION OF SUBJECT MATTER (if several classification symbols apply, indicate all)[6]

According to International Patent Classification (IPC) or to both National Classification and IPC

Int.Cl. 5 A63F9/22; G09F23/14

II. FIELDS SEARCHED

Minimum Documentation Searched[7]

Classification System	Classification Symbols
Int.Cl. 5	A63F ; G09F

Documentation Searched other than Minimum Documentation to the Extent that such Documents are Included in the Fields Searched[8]

III. DOCUMENTS CONSIDERED TO BE RELEVANT[9]

Category[10]	Citation of Document,[11] with indication, where appropriate, of the relevant passages[12]	Relevant to Claim No.[13]
X	GB,A,2 141 907 (M. GILMORE ET.AL.) 3 January 1985	1-3,6-10
A	see page 1, line 23 - line 82 see page 2, line 28 - line 64 see page 2, line 109 - page 3, line 11 see figures 3,4	4,5
X	DE,A,3 048 393 (DYNAMICS MARKETING GMBH) 22 July 1982	1-3,6-10
A	see page 4, line 1 - page 5, line 30 see page 5, line 35 - page 7, line 31	4,5
A	US,A,5 009 426 (AUXIER) 23 April 1991 see column 1, line 64 - column 2, line 4 see column 3, line 39 - line 61 see column 9, line 42 - line 48	4,5

[10] Special categories of cited documents :

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IV. CERTIFICATION

Date of the Actual Completion of the International Search	Date of Mailing of this International Search Report
07 JULY 1993	21. 07. 93
International Searching Authority	**Signature of Authorized Officer**
EUROPEAN PATENT OFFICE	WENTZEL J.F.

ANNEX TO THE INTERNATIONAL SEARCH REPORT ON INTERNATIONAL PATENT APPLICATION NO.

GB 9300905
SA 73473

This annex lists the patent family members relating to the patent documents cited in the above-mentioned international search report. The members are as contained in the European Patent Office EDP file on
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Patent document cited in search report	Publication date	Patent family member(s)	Publication date
GB-A-2141907	03-01-85	None	
DE-A-3048393	22-07-82	None	
US-A-5009426	23-04-91	AU-B- 618518	02-01-92
		AU-A- 8176187	25-05-88
		WO-A- 8803042	05-05-88
		GB-A,B 2218915	29-11-89
		JP-T- 2500719	15-03-90
		US-A- 4758000	19-07-88

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
10/272,408	ALTIERI, FRANCES BARBARO
Examiner	**Art Unit**
Tan Dean D. Nguyen	3629

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
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Claim		Date
Final	Original	5/15/06
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Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination
10/272,408	ALTIERI, FRANCES BARBARO
Examiner	**Art Unit**
Tan Dean D. Nguyen	3629

SEARCHED			
Class	Subclass	Date	Examiner
705	1	5/2006	DN
	6		
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INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)			
		DATE	EXMR
I	US PG Pub Patent	5/06	DN
II	FOREIGN EPO EPO Dement		
III	NPL		

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SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/272,408	10/16/2002 RULE	705	3629	TZB-001

APPLICANTS

Frances Barbaro Altieri, Belmont, MA;

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

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

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
** 11/19/2002

Foreign Priority claimed	STATE OR	SHEETS	TOTAL	INDEPENDENT
☐ yes ☐ no	COUNTRY	DRAWING	CLAIMS	CLAIMS
35 USC 119 (a-d) conditions met ☐ yes ☐ no ☐ Met after Allowance	MA	5	20	6
Verified and Acknowledged Examiner's Signature Initials				

ADDRESS
57362
AKERMAN SENTERFITT
801 PENNSYLVANIA AVENUE N.W.
SUITE 600
WASHINGTON , DC
20004

TITLE
System and method for integrating business-related content into an electronic game

FILING FEE	FEES: Authority has been given in Paper	☐ All Fees
RECEIVED 848	No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____

	Type	L #	Hits	Search Text	DBs	Time Stamp
1	BRS	L1	388	integrating near10 automatically	USPAT	2006/03/30 15:30
2	BRS	L2	1573	integrating near10 content	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2006/03/30 14:52
3	BRS	L3	10	l1 and l2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2006/03/30 15:21
4	BRS	L4	215	thu-thao havan	USPAT	2006/03/30 15:22
5	BRS	L5	1728534	improv$4	USPAT	2006/03/30 15:30
6	BRS	L6	6183204	improv$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2006/03/30 15:30

	Type	L #	Hits	Search Text	DBs	Time Stamp
7	BRS	L7	229	l1 and l6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2006/03/30 15:31
8	BRS	L8	2335550	content	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2006/03/30 15:31
9	BRS	L9	85	l7 and l8	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2006/03/30 15:31

OIPE IAP34
DEC 19 2005
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3629

PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3629
Examiner Name	Tan D. NGUYEN
Attorney Docket Number	71457.0004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Akerman Senterfitt		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards, Esq.		
Date	December 19, 2005	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OIPE IAP34
DEC 19 2005
PATENT & TRADEMARK OFFICE

Attorney Docket No.: 71457.00004
Customer No.: 57362

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI

Group Art Unit: 3629

Application No.: 10/272,408

Examiner: Tan D. Nguyen

Filed: October 16, 2002

Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

AMENDMENT UNDER 37 C.F.R. § 1.111

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

INTRODUCTORY REMARKS

Sir:

In response to the Non-Final Office Action dated October 20, 2005, please amend the above-identified application as follows:

AMENDMENTS TO THE CLAIMS:

1. (Currently Amended) A method of integrating business-related content over a computerized network, into a primary electronic device holding a game application, from at least one secondary electronic device holding business-related content on a plurality of web pages, ~~themethod~~ the method comprising:

receiving a request at said primary electronic device to initiate said game application held at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device; and

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said game application during ~~the~~ execution of said game application.

2. (Previously presented) The method of claim 1, comprising the further steps of:

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

3. (Previously presented) The method of claim 2, comprising the further step of:

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game.

4. (Original) The method of claim 2, comprising the further step of:

re-directing said user back to said primary electronic device as part of the execution of said game application.

5. (Original) The method of claim 2 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. (Original) The method of claim 1 wherein said game application displays branded business-related content to said user.

7. (Original) The method of claim 6 wherein said branded business-related content is dynamically updated.

8. (Original) The method of claim 1, comprising the further steps of:

executing actions in said game as a result of user choices; and

generating a player profile based on game choices made by said user.

9. (Original) The method of claim 8 wherein said profiles are disseminated to providers of business-related content used in said game application.

10. (Previously presented) A method of integrating business-related content over a computerized network, into an electronic device holding a game application, from at least one secondary electronic device having a plurality of web pages, the method comprising:

initiating said game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

11. (Original) The method of claim 10, comprising the further steps of:

executing a game-related action, said game-related action generating a benefit for said user relating to said business-related content.

12. (Original) The method of claim 11 wherein said benefit for said user is external to said game.

13. (Original) The method of claim 11 where in said benefit for said user is calculated in real-time.

14. (Original) The method of claim 11, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. (Currently Amended) A system, comprising:

a primary electronic device holding a game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application; and

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device holding a web page customized with business-related content for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of ~~siad~~said game application.

16. (Previously presented) A method of integrating business-related content over a computerized network, into a primary electronic device holding business-related content and a game application, from at least one secondary electronic device holding business-related content, said method comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application;

initiating said game application in response to a user request;

automatically re-directing the content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as

part of the execution of said game application, said web page customized with business-related content for use with said game application, and

exposing said user to said business-related content during said three-dimensional visualization of said game application.

17. (Previously presented) The method of claim 16, wherein each virtual reality platform is located at a franchised location.

18. (Canceled)

19. (Canceled)

20. (Canceled)

21. (Currently amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during ~~the~~ execution of said at least one of said plurality of applications.

22. (Previously presented) The method of claim 21, wherein said content includes dynamic content.

23. (Previously presented) The method of claim 21, further comprising:

providing at least one customized web page at said secondary electronic device, said web page customized with content for use with said at least one of said plurality of applications; and

automatically re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into said at least one of said plurality of applications and said re-direction occurring as part of the user executing said at least one of said plurality of applications.

24. (Previously presented) The method of claim 21, further comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of said at least one of said plurality of applications.

25. (Currently amended) A system, comprising:

a primary electronic device holding a plurality of applications, said primary electronic device initiating at least one of said plurality of applications in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during ~~the~~ execution of said at lest one of said plurality of applications; and

a secondary electronic device interfaced with said primary electronic device over a computerized network, said secondary electronic device holding a web page customized with a plurality of content for use with said at least one of said plurality of applications, said fame application being automatically re-directed to said customized web page as part of the execution of said at least one of said plurality of applications.

26. (Currently amended) A computer system which automatically integrates content into an electronic device, comprising:

at least one memory having at least one program comprising the steps of:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device having a plurality of web pages, into said at least one of said plurality of applications during ~~the~~ execution of said at least one of said plurality of applications; and

at least one processor for running the program.

27. (Currently amended) A computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device, the computer system having a program comprising the steps of:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device having a plurality of web pages, into said at least one of said plurality of applications during ~~the~~ execution of said at least one of said plurality of applications.

28. (Currently amended) A computer system having a program for automatically integrating content into an electronic device, comprising:

means for receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

means for initiating said at least one of said plurality of applications at said primary electronic device; and

means for automatically integrating at least one of a plurality of content from a secondary electronic device having a plurality of web pages, into said at least one of said plurality of applications during ~~the~~ execution of said at least one of said plurality of applications.

REMARKS

Claims 1-17 and 21-28 are presently pending in the application. Claims 18-20 have been canceled without prejudice or disclaimer. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

Claims 1, 14, 21, 25, 26, 27, and 28 have been rejected under 35 U.S.C. §112, due a lack of antecedent basis for term "the execution."

Claims 1 (from which Claim 14 depends), 21, and 25-28 have been amended to correct for any lack of antecedent basis.

Further, Claims 1 and 15 have been amended to correct typographical errors.

Accordingly, the rejection under 35 U.S.C. §112, should be withdrawn.

The Examiner has rejected Claims 27, 21-24, 15, 16, 25, 26, 28, and 1-2 under 35 U.S.C. §102(a) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Young et al. (USP 6,669,564).

Further, the Examiner has rejected Claims 3-9, and 10-14 under 35 U.S.C. §103(a) as being unpatentable over Young et al., as applied to Claims 1-2 above, and further in view of Advergaming Article (Aug. 16, 2001) and Nike Article (Nov. 18, 1999).

Still further, Claims 21-24, 25, 26, 27, 28, 1-2, 10, 15, and 16-17, were rejected (2nd time) under 35 U.S.C. §103(a) as being unpatentable over Advergaming Article in view of Young et al.

Finally, Claims 3-9, 11-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Advergaming Article/Young et al. as applied to Claims 1-2, 10 above, and further in view of Nike Article.

For the following reasons, the prior art rejections are respectfully traversed.

The Applicants respectfully submit that the Examiner is misconstruing the Young et al. reference. Young et al. teach a different concept from that of the present invention. Young et al.'s disclosure is directed to a user accessing a web site to download episodic content that is updated at predetermined time intervals, and either accessed at time intervals by the user, or automatically transmitted from the server to the user's terminal at predetermined time intervals (see col. 9, lines 51-67). There is no "automatic integration during execution" of the game application as recited by the claims of the present invention. Instead, there is only episodic delivery, or time intervals between updates, disclosed in Young et al.

Although the Examiner points to col. 1, lines 62-64, to allege that the entertainment content is incorporated into application modules "as the changes occur", this is misleading, since Young et al. disclose only "episodic delivery" of the entertainment content.

Accordingly, Young et al. do not teach or suggest automatically integrating business-related content from at least one of the web pages of a secondary electronic device into a game application during execution of the game application, as recited in Claims 1, 21, 26, and 28, and the rejection of those claims under 35 U.S.C. §102(a) or 35 U.S.C. §103 should be withdrawn.

With respect to Claim 22, since the updates of entertainment are prestored and updated at time intervals, or episodically, this content is not "dynamic" content as defined by page 6 of the present specification, which states that the dynamic content is "real-life" or real-time news or business content. In fact, Young et al. do not teach or suggest any way to implement "dynamic" or real-time content into the games.

Accordingly, Claim 22 is neither anticipated by nor obvious over Young et al.

With respect to Claims 2, 15, 16, and 23, Young et al. do not teach or suggest automatically re-directing a user to a customized web page on a secondary electronic device from a primary electronic device, the re-direction being integrated into at least one of the plurality of applications and the re-direction occurring as part of the user executing at least one of the plurality of applications.

Young et al. are completely silent with respect to this feature, and do not teach or suggest any automatic re-direction during game play. Accordingly, Claims 2 and 23 are neither anticipated by nor obvious over Young et al.

With respect to Claims 15-16 and 24-25, Young et al. are completely silent on providing a virtual reality platform interfaced with a primary electronic device, the virtual reality platform providing a three-dimensional visualization in which the user can be immersed during the execution of at least one of the plurality of applications.

Thus, Claims 24-25 are neither anticipated by nor obvious over Young et al.

The addition of the Advergaming Article does not make up for the deficiencies in Young et al. The Advergaming Article is directed to advertising in gaming, but teaches only three examples: a) providing a game via e-mail to an audience, and then providing a way for them to purchase items after they play the game; b) providing a game to an audience of players, and while they play, the company collects data on the players (there is nothing specific regarding actual advertisement during game play); c) providing a game to an audience, and collecting statistics on the players while they play the game.

The Advergaming Article does not teach or suggest automatically integrating business content into a game during execution of the game play (rather than pre-providing it already into the game), nor the content being "dynamic" or real-time content, nor automatically re-directing a user to a customized web page when the user unknowingly "triggers" this action

during execution of the application, nor providing a virtual reality platform into which the user is immersed during game play.

Further, neither Young et al., nor the Advergaming Article, discloses or suggests that the virtual reality platform is located at a franchised location as recited in Claim 17.

Thus, the Advergaming Article, in combination with Young et al., does not teach or suggest the recitations of Claims 21-24, 25, 26, 27, 28, 1-2, 10, 15, and 16-17, and the rejection of those claims under 35 U.S.C. §103 should be withdrawn.

The further addition of the Nike Article does not make up for the deficiencies in Young et al. and the Advergaming Article. The Nike Article discloses similar information to that of the Advergaming Article. The Nike Article relates to a football game in which the Nike brand is displayed therein. The challenges increase game play complexity, and increase the time the user plays, which gives them more exposure to the brand.

In particular, the combination of the Nike Article, Young et al., and the Advergaming Article, does not teach or suggest re-directing the user back to a primary electronic device as part of the execution of a game application, as recited in Claim 4. Since re-direction is not taught to another electronic device, then re-direction back is not taught either. Thus, Claim 10, which recites automatically re-directing the user to a customized web page on a secondary electronic device from an electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing the game application, is not disclosed either, by the applied prior art.

Further, the combination of applied prior art does not teach or suggest the branded business-related content being dynamically updated as recited in Claim 7. There is no "dynamic" updating in the applied prior art, as taught by the present invention.

Finally, Claim 13, wherein the benefit for the user is calculated in real-time, is not disclosed or suggested by the applied prior art.

Accordingly, the rejection of Claims 3-9, and 10-14 under 35 U.S.C. §103(a) should be withdrawn.

Thus the claims should be in form for allowance and such action is hereby solicited.

If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,

Jean C. Edwards

Jean C. Edwards
Registration No. 41,728

(57362)
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801 Pennsylvania Avenue
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202-393-6222 – telephone
220-393-5959 - fax
Date: December 19, 2005

1. 10. 15. 16.

18. 20.

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number
10/272,408
42B L001

CLAIMS AS FILED - PART I

	(Column 1)		(Column 2)
TOTAL CLAIMS	20		
FOR	NUMBER FILED		NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	20	minus 20=	* 0
INDEPENDENT CLAIMS	6	minus 3 =	* 3
MULTIPLE DEPENDENT CLAIM PRESENT			☐

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=	1.26	OR	X$18=	
X42=	94	OR	X84=	
+140=		OR	+280=	
TOTAL	459	OR	TOTAL	

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 28	Minus	** 20	= 8
Independent	* 11	Minus	*** 6	= 5
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=	72.00	OR	X$18=	
X42=	215	OR	X84=	
+140=	94	OR	+280=	
TOTAL ADDIT. FEE	287.00	OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 25	Minus	** 28	= 0
Independent	* 9	Minus	*** 11	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

		OR		
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

		OR		
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

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

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1, 10, 15, 16, 18, 20,

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number: 10/272,408 42B 601

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	20	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	20 minus 20=	* 0
INDEPENDENT CLAIMS	6 minus 3 =	* 3
MULTIPLE DEPENDENT CLAIM PRESENT		☐

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=		OR	X$18=	
X42=	126	OR	X84=	
+140=	94	OR	+280=	
TOTAL	459	OR	TOTAL	

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 28	Minus	** 20	= 8
Independent	* 11	Minus	*** 6	= 5
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=	72.00	OR	X$18=	
X42=	215	OR	X84=	
+140=	94	OR	+280=	
TOTAL ADDIT. FEE	287	OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 25	Minus	** 28	= 0
Independent	* 9	Minus	*** 11	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 25	Minus	** 28	= 0
Independent	* 9	Minus	*** 11	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

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

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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
10/272,408		3629	26M1

Correspondence Address / Fee Address Change

The following fields have been set to Customer Number 57362 on 11/18/2005

- Correspondence Address
- Maintenance Fee Address

The address of record for Customer Number 57362 is:
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

35161 7590 09/20/2005

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EXAMINER	
NGUYEN, TAN D	

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 09/20/2005

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

Office Action Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *24 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-17 and 21-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 21-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/05 has been entered.

Claim Rejections - 35 USC § 112

2. Claims 1, 14, 21, 25, 26, 27, 28 recite the limitation "the execution" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. 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) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim Rejections - 35 USC § 103

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

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

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 27 (product), 21-24 (method[1]), 15 (apparatus[1]), 16 (method[2]), 25 (apparatus[2]), 26 (apparatus[3]), 28 (apparatus[4]), 1-2 (method[3]), are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over YOUNG et al (US patent 6,669,564).

As for independent product claim 27, which deals with a computer-readable medium (product) whose contents cause a computer system to automatically integrate into an electronic device, YOUNG et al discloses a computer-readable medium above {see Fig. 5 or 4, col. 4, lines 1-3, "computer software", col. 13, lines 12-42. As for the limitation of "whose contents cause a computer system to", this carries no patentable weight because it's not clear what is the content and (2) "causing a computer" is merely intended use of the computer-readable medium. For a product claim, the claim must includes positively recited features or elements of the medium, for examples, "containing code for instructing a computer to". Alternatively, if assuming the medium containing code for instructing a computer to carry out steps as claimed, these are inherently included in YOUNG et al with "current event" reads over content as shown on col. 3, lines 15-45, Fig. 4. As for the limitation of "web pages", this is taught in col. 2,

line 67, or col. 13, lines 43-65. Alternatively, the use of more than one web page, i.e. plurality of web pages, is considered as mere duplicate of parts for multiple effects and would have been obvious to a skilled artisan. See In re Hazra, 124 UQ 378.

As for independent method claim 21, which deals with a method of automatically integrating content into an electronic device over a computerized network, YOUNG et al discloses the same method comprising:

(a) receiving a request at a 1st electronic device {see Fig. 4 (428)} to initiate at least one of a plurality of applications (games) held at the 1st electronic device {see col. 9, lines 20-40};

(b) initiating at least one of the plurality of applications at the 1st electronic device {see col. 9, lines 20-40}: and

(c) automatically integrating at least one of a plurality of content from a 2nd electronic device {Fig. 2, (400)} accessed over the computerized network {Fig. 2, (424)} by the 1st electronic device, into the at least one of the plurality of applications (games) during the execution of the at least one of the plurality of the applications {see Figs. 4, 5, col. 1, lines 60-67, col. 2, lines 50-67, col. 3, lines 3-30}.

As for dep. claim 22 (part of 21 above), which deals with the features of the content, i.e. dynamic content, this is not critical to the scope of the claimed invention, and is inherently included or taught by YOUNG et al on col. 3, lines 25-45 "current event", or other content as indicated on col. 4, lines 15-25.

As for dep. claim 23 (part of 21 above), which deals with the features of the content in the 2nd device, customized web page, this is taught in YOUNG et al col. 13, lines 45-65.

As for dep. claim 24 (part of 21 above), which deals with the features of the application of the 1st device, i.e. virtual reality platform with a 3-D effect, this is not critical to the scope of the claimed invention, and is taught in col. 4, lines 15-27.

As for independent apparatus claim 15, which is the apparatus to carry out the method claims 21 and 24 above, they are rejected for the same reasons set forth in claim 24 and further in view of claim 21 above.

As for independent method claim 16, which has similar limitations as in claims 21 and 24 above, it's rejected for the same reason set forth in claim 24 above.

As for independent apparatus claims 25, 26, and 28, which are the apparatus to carry out the method claim 21 above, they are rejected for the same reasons set forth in claim 21 above.

As for independent method claim 1, which is similar to claim 21, with the application being a game and the content being business-related, it's rejected for the same reason set forth in claim 21 above. The limitation of "current event" reads over "business-related".

As for dep. claims 2 (part of 1 above), which deals with the limitation of "web page", this is taught in col. 2, line 67, or col. 13, lines 43-65.

7. Claims 3-9, 10-14 (method[4]) are rejected under 35 U.S.C. 103(a) as being unpatentable over YOUNG et al as applied to claims 1-2 above, and further in view of Advergaming Article (Aug. 16, 2001) and Nike Article (Nov. 18, 1999).

As for dep. claim 3 (part of 1 above), the teaching of claim 1 is cited above. ADVERGAMING Article is cited the use of online gaming similar to YOUNG et al above, but wherein a business-related content (or advertising) is combined interactively into the game to encourage the players to interact with the brand or product either associative or demonstrative for many benefits: (1) allowing marketers to intelligently gather the consumer data (data collection), build their brand (branding), (3) lead-generation while at the same time engaging the consumers in a bit of fun {see 1st page, 2nd and 3rd paragraphs, page 2, 4th paragraph}. ADVERGAMING Article discloses an example of Nike company using Nike shoe in the game (see case #1).

NIKE Article is cited to teach similar advergaming results as shown in ADVERGAMING Article above with further generation of a benefit for the user relating to the business-related content, and wherein one the benefit being external to the game (game player can enter the competition to win a visit to the San Siro Stadium in Milan) {see 1st page, 4th paragraph}. It would have been obvious to modify the teaching of YOUNG et al by involving advergaming concept as taught by ADVERGAMING Article for at least one of the benefit cited above and further including the generation of a benefit being external to the game as taught by NIKE Article to inherently further motivate or attract the player to play the game.

As for dep. claim 4 (part of 1 above), this is taught in YOUNG et al as shown on col. 1, lines 10-67.

As for dep. claim 5 (part of 1 above), this is taught in ADVERGAMING Article as shown in case #1 – Nike shoe or in NIKE Article par. 2 or par. 4 "potential customers".

As for dep. claim 6 (part of 1 above), this is taught in ADVERGAMING Article as shown in case #1 – Nike shoe or in NIKE Article par. 2 or par. 4.

As for dep. claim 7 (part of 1 above), the further limitation of "updating" the brand material dynamically to insure updating information on the Internet would have been obvious to provide accurate information about a product prior to buying experience. Furthermore, updating is one of well known special feature of the Internet to provide update information as taught in YOUNG et al in col. 3, lines 25-45 "current events".

As for dep. claims 8-9 (part of 1 above), which deals with further generating a player profile and disseminated to providers, this is taught in ADVERGAMING Article as shown in case #1 and case #2. – Nike shoe or in NIKE Article par. 2 or par. 4.

As for independent method claim 10, which has the same limitation as in claim 3 above, it's rejected for the same reason set forth in claim 3 above.

As for dep. claims 11-14 (part of 10 above), which deals with similar limitations as in claim 3 above, benefits related issues, they are rejected for the same reasons set forth in claim 3 above.

8. Claims 21-24, 25, 26, 27, 28, 1-2, 10, 15, 16-17 are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over ADVERGAMING Article in view of YOUNG et al.

As for independent method claims 21, 1, 10, 16, ADVERGAMING Article discloses a method for integrating business-related content over a computerized network comprising the general steps of:

(a) receiving a request to initiate at least one of a plurality of applications (games) by the user,

(b) initiating at least one of the plurality of applications: and

(c) automatically integrating at least one of a plurality of content (advertising) accessed over the computerized network into the at least one of the plurality of applications (games) during the execution of the at least one of the plurality of the applications {see pages 1-2}. ADVERGAMING Article fairly teaches the claimed invention except for carrying out steps (a) and (b) on a 1st electronic device and carrying out step (c) with the content comes from a 2nd electronic device which appear to be conventional devices or practices when a player downloading a game remotely and playing the game on his computer.

In a similar online gaming process, YOUNG et al is cited to teach well known or conventional practice of carrying out steps (a) and (b) using 1st electronic device and carrying out step (c) with the content comes from a 2nd electronic device {see Figs. 4, 5, col. 3, lines 5-45, col. 9, lines 10-40. It would have been obvious to modify the teaching of ADVERGAMING Article by including the conventional devices as taught by YOUNG et al to carryout playing game online with integration of different content "current event" into the game as taught by YOUNG et al .

As for dep. claims 22-24 (part of 21), 2 (part of 1), 17 (part of 16), they are rejected for the same reasons set forth above.

As for independent product claim 27, it's rejected over the computer-readable medium of ADVERGAMING Article /YOUNG et al .

As for independent apparatus claims 25, 26, and 28, which are the apparatus to carry out the method claim 21 above, they are rejected for the same reasons set forth in claim 21 above.

As for independent apparatus claim 15, which is the apparatus to carry out the method claims 21 and 24 above, they are rejected for the same reasons set forth in claim 24 and further in view of claim 21 above.

9. Claims 3-9, 11-14 (method[4]) are rejected under 35 U.S.C. 103(a) as being unpatentable over ADVERGAMING Article /YOUNG et al as applied to claims 1-2, 10 above, and further in view of Nike Article (Nov. 18, 1999).

As for dep. claim 3 (part of 1 above), the teaching of claim 1 is cited above. ADVERGAMING Article is cited the use of online gaming similar to YOUNG et al above, but wherein a business-related content (or advertising) is combined interactively into the game to encourage the players to interact with the brand or product either associative or demonstrative for many benefits: (1) allowing marketers to intelligently gather the consumer data (data collection), build their brand (branding), (3) lead-generation while at the same time engaging the consumers in a bit of fun {see 1st page, 2nd and 3rd paragraphs, page 2, 4th paragraph}. ADVERGAMING Article discloses an example of Nike company using Nike shoe in the game (see case #1).

NIKE Article is cited to teach similar advergaming results as shown in ADVERGAMING Article above with further generation of a benefit for the user relating to the business-related content, and wherein one the benefit being external to the game (game player can enter the competition to win a visit to the San Siro Stadium in Milan) {see 1st page, 4th paragraph}. It would have been obvious to modify the teaching of YOUNG et al by involving advergaming concept as taught by ADVERGAMING Article for at least one of the benefit cited above and further including the generation of a benefit being external to the game as taught by NIKE Article to inherently further motivate or attract the player to play the game.

As for dep. claim 4 (part of 1 above), this is taught in YOUNG et al as shown on col. 1, lines 10-67.

As for dep. claim 5 (part of 1 above), this is taught in ADVERGAMING Article as shown in case #1 – Nike shoe or in NIKE Article par. 2 or par. 4 "potential customers".

As for dep. claim 6 (part of 1 above), this is taught in ADVERGAMING Article as shown in case #1 – Nike shoe or in NIKE Article par. 2 or par. 4.

As for dep. claim 7 (part of 1 above), the further limitation of "updating" the brand material dynamically to insure updating information on the Internet would have been obvious to provide accurate information about a product prior to buying experience. Furthermore, updating is one of well known special feature of the Internet to provide update information as taught in YOUNG et al in col. 3, lines 25-45 "current events".

As for dep. claims 8-9 (part of 1 above), which deals with further generating a player profile and disseminated to providers, this is taught in ADVERGAMING Article as shown in case #1 and case #2. – Nike shoe or in NIKE Article par. 2 or par. 4.

As for dep. claims 11-14 (part of 10 above), which deals with similar limitations as in claim 3 above, benefits related issues, they are rejected for the same reasons set forth in claim 3 above.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 2004/0242327 discloses similar teachings as in the claimed invention. To avoid duplicate rejection, it's cited for applicant's awareness of potential use in the future.

2) Article "Advergaming... Internet Advertising", is cited to teach similar concept as in ADVERGAMING Article.

3) Article "Ads run .. video screens" discloses enhancing targeting advertising by combining ads into game.

No claims are allowed.

11. 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 any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
September 19, 2005

DEAN T. NGUYEN
PRIMARY EXAMINER

Notice of References Cited	Application/Control No. 10/272,408	Applicant(s)/Patent Under Reexamination ALTIERI, FRANCES BARBARO	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,669,564	12-2003	Young et al.	463/42
	B	US-2004/0242327	12-2004	Shahar, Gali	463/042
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	"Advegaming", August 16, 2001, pages 1-4.
	V	Bonello, D. "Nike", New Media Age, Nov. 18, 1999, Dialog Fil3 16: 06835000
	W	Buckner, K. "Advergaming .. Internet Advertising", Feb. 2003.
	X	Prentice, K. "Ads run .. video screens", Media Life, July 23, 2001.

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

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
10/272,408	ALTIERI, FRANCES BARBARO
Examiner	**Art Unit**
Tan Dean D. Nguyen	3629

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	+	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	9/19/05
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Claim		Date
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Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination
10/272,408	ALTIERI, FRANCES BARBARO
Examiner	**Art Unit**
Tan Dean D. Nguyen	3629

SEARCHED

Class	Subclass	Date	Examiner
705	1	9/05	DN
	14		
	26		
463	42		
	29		
273	430		

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)

		DATE	EXMR
I	US Patent PG Pub	9/05	DN
II	Foreign • EPO • JPO • Derwent		
III	NPL 1. ~~Ftxt1~~ 2. ~~Ftxt2~~ 3. ~~NFtext~~		
	Review parent		

	Type	L #	Hits	Search Text	DBs	Time Stamp	Comments
1	BRS	L1	1	09/975612	US-PGPUB; USPAT	2005/09/18 10:53	
2	BRS	L2	0	"09975612"	US-PGPUB; USPAT	2005/09/18 10:53	
3	BRS	L3	1	"5930765".pn.	US-PGPUB; USPAT	2005/09/18 10:54	
4	BRS	L4	1	10/300147	US-PGPUB; USPAT	2005/09/18 11:23	
5	BRS	L5	97533	download$4	US-PGPUB; USPAT	2005/09/18 11:23	
6	BRS	L6	2183	download$4 near10 game	US-PGPUB; USPAT	2005/09/18 11:25	
7	BRS	L7	28199	download$4 near10 computer	US-PGPUB; USPAT	2005/09/18 11:27	
8	BRS	L8	5414	integrat$4 near5 content	US-PGPUB; USPAT	2005/09/18 11:27	

	Error Definition	Errors
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	Type	L #	Hits	Search Text	DBs	Time Stamp	Comments
9	BRS	L9	12	l6 and l7 and l8	US-PGPUB; USPAT	2005/09/18 11:27	
10	BRS	L10	299485	web or (web near5 page)	US-PGPUB; USPAT	2005/09/18 11:28	
11	BRS	L11	11	l9 and l10	US-PGPUB; USPAT	2005/09/18 11:28	
12	BRS	L12	76978	(web near5 (site or page)) or website	US-PGPUB; USPAT	2005/09/18 11:29	
13	BRS	L13	10	l11 and l12	US-PGPUB; USPAT	2005/09/18 11:29	

	Error Definition	Errors
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001

CONFIRMATION NO. 1927

OC000000015796052

OC000000015796052

35161
DICKINSON WRIGHT PLLC
1901 L. STREET NW
SUITE 800
WASHINGTON, DC 20036

Date Mailed: 04/21/2005

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/30/2004.

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

Patricia F Lewis

PATRICIA F LEWIS
3600 (571) 272-6606

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MAR 17 2005

PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 2

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbara ALTIERI
Art Unit	3629
Examiner Name	Tan Dean NGUYEN
Attorney Docket Number	71457.00004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☑ Power of Attorney, Revocation Change of Correspondence Address (second Requests)
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Dickinson Wright, PLLC		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwads		
Date	March 17, 2005	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Pamela Cei		
Typed or printed name	Pamela Cei	Date	March 17 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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#9 Petition 3/31/04

PTO/SB/82 (09-03)
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REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro Altieri
Art Unit	3629
Examiner Name	NOT YET ASSIGNED
Attorney Docket Number	71457.0004

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: 35161

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with Customer Number: 35161

OR

RECE
FEB 0 5 2004
GROU

☐ Firm or Individual Name					
Address					
Address					
City		State		Zip	
Country					
Telephone		Fax			

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	FRANCES BARBARO ALTIERI		
Signature			
Date	12/10/03	Telephone	617-484-0052

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.38. 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 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OIPE JC98 MAR 17 2005 PATENT & TRADEMARK OFFICE

RCE

PTO/SB/30 (09-04)
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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances BARBARO ALTIERI
Art Unit	3629
Examiner Name	Tan Dean NGUYEN
Attorney Docket Number	71457.00004

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

   a. [x] Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

      i. [ ] Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. [ ] Other _____

   b. [ ] Enclosed

      i. [ ] Amendment/Reply

      ii. [ ] Affidavit(s)/ Declaration(s)

      iii. [ ] Information Disclosure Statement (IDS)

      iv. [ ] Other _____

2. Miscellaneous

   a. [ ] Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

   b. [x] Other (1) Petition EOT (2) Fee Transmittal

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. [x] The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 04-1061 . _____. I have enclosed a duplicate copy of this sheet.

      i. [x] RCE fee required under 37 CFR 1.17(e)

      ii. [x] Extension of time fee (37 CFR 1.136 and 1.17)

      iii. [ ] Other _____

   b. [ ] Check in the amount of $ _____ enclosed

   c. [x] Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	Jean C. Edwards	Date	March 17, 2005
Name (Print/Type)	Jean C. Edwards	Registration No.	41,728

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print/Type)		Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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03/18/2005 YPOLITE1 00000056 10272408
01 FC:2801 395.00 OP

OIPE JC98 MAR 17 2005 PATENT & TRADEMARK OFFICE

PTO/SB/17 (12-04v2)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 455.00

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Examiner Name	Tan Dean Nguyen
Art Unit	3629
Attorney Docket No.	71457.00004

METHOD OF PAYMENT (check all that apply)

☐ Check ☑ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 04-1061 Deposit Account Name: Dickinson Wright, PLLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____	x _____	= _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____	x _____	= _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims Fee ($)	Multiple Dependent Claims Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____	/ 50 = _____ (round up to a whole number)	x _____	= _____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): RCE (395.00) and one month EOT	455.00

SUBMITTED BY

Signature	Jean C. Edwards	Registration No. (Attorney/Agent) 41,728	Telephone 202-659-5943
Name (Print/Type)	Jean C. Edwards		Date March 17, 2005

This collection of information is required by 37 CFR 1.136. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OIPE JC98
MAR 17 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI

Group Art Unit: 3629

Application No.: 10/272,408

Examiner: Tan D. Nguyen

Filed: October 16, 2002

Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

PETITION FOR EXTENSION OF TIME

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

Sir:

Applicant petitions for a one month extension of time to respond to the Advisory Action, dated March 10, 2005, issued ancillary to the Final Office Action dated November 18, 2004, for the above-identified application, from February 18, 2005 to March 18, 2005.

A credit card authorization form for payment of the $60.00 extension fee is enclosed herewith. The Commissioner is directed and authorized to charge any shortage or credit any overpayment of fees to Deposit Account No. 04-1061.

Respectfully submitted,

03/18/2005 YPOLITE1 00000056 10272408
02 FC:2251 60.00 OP

Jean C. Edwards
Jean C. Edwards
Registration No. 41,728

DICKINSON WRIGHT PLLC
1901 L Street NW
Suite 800
Washington DC 20036-3506
Telephone: 202/659-6946
Facsimile: 202/659-1559
Date: March 17, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

959 7590 03/10/2005

LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

EXAMINER	
NGUYEN, TAN D	

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 03/10/2005

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

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/272,408	Applicant(s) ALTIERI, FRANCES BARBARO	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	

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

THE REPLY FILED 18 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-28*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Tan Dean D. Nguyen
Primary Examiner
Art Unit: 3629

3/3/05

Continuation of 3. NOTE: Amendments in Independent claims 1, 10, 15, 16, 21, 25, 26, 27, 28. For example in claim 1, the preamble, and the underlying terms, esp. "on a plurality of web pages" and the last step of "integrating" from "one of the web pages".

OIPE
FEB 18 2005
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AF/3629 ZEW

PTO/SB/21 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 17

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. ALTIERI
Art Unit	3629
Examiner Name	Tan Dean Nguyen
Attorney Docket Number	71457.00004

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☑ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

Remarks

Total Pages Number Includes Transmittal

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DICKINSON WRIGHT, PLLC		
Signature	Jean C. Edwards		
Printed name	Jean C. Edwards		
Date	February 18, 2005	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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FEB 18 2005
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3600

Attorney Docket No.: 71457.00004
Customer No.: 35161

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3629

Application No.: 10/272,408 — Examiner: Tan D. Nguyen

Filed: October 16, 2002

Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

AMENDMENT UNDER 37 C.F.R. § 1.116

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

INTRODUCTORY REMARKS

Sir:

In response to the Final Office Action dated November 18, 2004, please amend the above-identified application as follows:

AMENDMENTS TO THE CLAIMS:

1. (Currently amended) A method of integrating business-related content over a computerized network, into ~~In a network with~~ a primary electronic device holding a game application, ~~and~~ from at least one secondary electronic device holding business-related content on a plurality of web pages, ~~a~~ the method[[,]] comprising ~~the steps of~~:

receiving a request at said primary electronic device to initiate said game application held at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device; and

automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said game application during the execution of said game application.

2. (Previously presented) The method of claim 1, comprising the further steps of:

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

3. (Previously presented) The method of claim 2, comprising the further step of:

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game.

4. (Original) The method of claim 2, comprising the further step of:

re-directing said user back to said primary electronic device as part of the execution of said game application.

5. (Original) The method of claim 2 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. (Original) The method of claim 1 wherein said game application displays branded business-related content to said user.

7. (Original) The method of claim 6 wherein said branded business-related content is dynamically updated.

8. (Original) The method of claim 1, comprising the further steps of:

executing actions in said game as a result of user choices; and

generating a player profile based on game choices made by said user.

9. (Original) The method of claim 8 wherein said profiles are disseminated to providers of business-related content used in said game application.

10. (Currently amended) A method of integrating business-related content over a computerized network, into ~~In a network with~~ an electronic device holding a game

application, ~~and~~ from at least one secondary electronic device having a plurality of web pages, ~~a~~ the method[[,]] comprising ~~the steps of~~:

initiating said game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

11. (Original) The method of claim 10, comprising the further steps of:

executing a game-related action, said game-related action generating a benefit for said user relating to said business-related content.

12. (Original) The method of claim 11 wherein said benefit for said user is external to said game.

13. (Original) The method of claim 11 where in said benefit for said user is calculated in real-time.

14. (Original) The method of claim 11, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. (Currently amended) A system, comprising:

a primary electronic device holding a game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which ~~effect to~~ said user can be immersed during the execution of the game application; and

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device holding a web page customized with business-related content for use with said game application, said ~~user~~ game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of siad game application.

16. (Currently amended) A method of integrating business-related content over a computerized network, into ~~In a network with~~ a primary electronic device holding business-related content and a game application, ~~and~~ from at least one secondary electronic device holding business-related content, ~~a~~ said method[[,]] comprising ~~the steps of~~:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional ~~effect~~ visualization ~~to~~ in which said user can be immersed during the execution of the game application;

initiating said game application in response to a user request; ~~and~~

automatically re-directing the content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as

part of the execution of said game application, said web page customized with business-related content for use with said game application, and

exposing said user to said business-related content during said three-dimensional visualization of said game application.

17. (Previously presented) The method of claim 16, wherein each virtual reality platform is located at a franchised location.

18. (Canceled)

19. (Canceled)

20. (Canceled)

21. (Currently amended) A method of automatically integrating content into an electronic device over a computerized network, comprising:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device accessed over said computerized network by said primary electronic device, into said at least one of said plurality of applications during the execution of said at least one of said plurality of applications.

22. (Previously presented) The method of claim 21, wherein said content includes dynamic content.

23. (Previously presented) The method of claim 21, further comprising:

providing at least one customized web page at said secondary electronic device, said web page customized with content for use with said at least one of said plurality of applications; and

automatically re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into said at least one of said plurality of applications and said re-direction occurring as part of the user executing said at least one of said plurality of applications.

24. (Currently amended) The method of claim 21, further comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional ~~effect~~ visualization in which ~~to~~ said user can be immersed during the execution of said at least one of said plurality of applications.

25. (Currently amended) A system, comprising:

a primary electronic device holding a plurality of applications, said primary electronic device initiating at least one of said plurality of applications in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional ~~effect to~~ visualization in which said user can be immersed during the execution of said at lest one of said plurality of applications; and

a secondary electronic device interfaced with said primary electronic device over a computerized network, said secondary electronic device holding a web page customized with a plurality of content for use with said at least one of said plurality of applications, said ~~user~~ fame application being automatically re-directed to said customized web page as part of the execution of said at least one of said plurality of applications.

26. (Currently amended) A computer system which automatically integrates content into an electronic device, comprising:

at least one memory having at least one program comprising the steps of:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device having a plurality of web pages, into said at least one of said plurality of applications during the execution of said at least one of said plurality of applications; and

at least one processor for running the program.

27. (Currently amended) A computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device, the computer system having a program comprising the steps of:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device having a plurality of web pages, into said at least one of said plurality of applications during the execution of said at least one of said plurality of applications.

28. (Currently amended) A computer system having a program for automatically integrating content into an electronic device, comprising:

means for receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

means for initiating said at least one of said plurality of applications at said primary electronic device; and

means for automatically integrating at least one of a plurality of content from a secondary electronic device having a plurality of web pages, into said at least one of said plurality of applications during the execution of said at least one of said plurality of applications.

REMARKS

Claims 1-17 and 21-28 are presently pending in the application. Claims 18-20 have been canceled without prejudice or disclaimer. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

The Examiner has rejected Claims 21-24, 1-9, 10-14, 15, 16-17, 18-19, 20, 25, 26, 27 and 28 under the 35 U.S.C. §103(a) as being unpatentable over Applicant's admitted prior art in view of Soltys et al. (US 2002/019 8052) and Nike Article (Article of 11/1999 by Deborah Bonello).

The claims have been amended to further define the features of the present invention.

For the following reasons, the prior art rejections are respectfully traversed.

The Applicant Admitted Prior Art (AAPA) discloses game playing with advertisements being shown to users prior to the start of a game application, and subsequent to the end of a game application.

Soltys et al. disclose a wagering system 10, where a first player 26 at an actual gaming location, can place a wager on a gamer. A second player 34 can place a wager on the outcome of the first player's 26 wager, via a player computer over a wireless network. A third player 40 can play a slot machine 20, and a fourth player 44 can place a secondary wager on the outcome of the third player's 40 wager, or the first player's 26 wager via a computer 46 connected to the casino server via conventional means. The various embodiments are directed to players connected to host computers of the casino, betting on the outcome of actual players in the casino.

The Nike article discloses an online game where users play a game and with increased skills, gain access to different areas of the web site. The brand is shown in the game.

First, the Applicant respectfully submits that there is no motivation to combine the Soltys et al. reference with the Nike article, and the Examiner is using impermissible hindsight in locating references to meet individual claim elements without any motivation to do so, and alleging the combination of the references renders the claims obvious.

The Examiner is reminded that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

However, since Soltys et al. are related to methods of wagering on actual play by gamblers in a casino, there is no motivation to combine this reference with the Nike article which is directed to building branding through offering an online football game to internet users, or the AAPA which discloses advertisements to users before and after playing computer games.

Thus, the Examiner is using impermissible hindsight in attempting to find references which allegedly meet various features of the claimed invention.

To prevent use of hindsight based on the invention to defeat patentability of the invention, the Examiner is required to show a motivation to combine the references that creates the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for

combination in the manner claimed. *In re Rouffet,* 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998).

The factual inquiry whether to combine references must be thorough and searching." *See McGinley v. Franklin Sports, Inc., 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008(Fed. Cir. 2001)* . It must be based on objective evidence of record. This precedent has been reinforced in myriad decisions, and cannot be dispensed with. *See, e.g., Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000) ("a showing of a suggestion, teaching, or motivation to combine the prior art references is an 'essential component of an obviousness holding'") (quoting *C.R. Bard, Inc., v. M3 Systems, Inc.*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232(Fed. Cir. 1998)); *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617(Fed. Cir. 1999) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references."); *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637(Fed. Cir. 1998) (there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant); *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600(Fed. Cir. 1988) ("'teachings of references can be combined *only* if there is some suggestion or incentive to do so.'") (emphasis in original) (quoting *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 572, 577, 221 USPQ 929, 933(Fed. Cir. 1984)). *In re Lee (aka In re Sang Su Lee),* 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002).

Since there is no motivation to combine the references, the combination of the references cannot render the claimed invention obvious without the use of impermissible hindsight.

Second, the Applicant respectfully submits that even if the references were combined, the combination does not teach or suggest a method of integrating business-related content over a computerized network, into a primary electronic device holding a game application, from at least one secondary electronic device holding business-related content on a plurality of web pages, the method including receiving a request at said primary electronic device to initiate said game application held at said primary electronic device, from a user interfaced with said network; initiating said game application at said primary electronic device; and automatically integrating business-related content from at least one of said web pages of said secondary electronic device into said game application during the execution of said game application, as recited in Claim 1, and as substantially recited in Claims 10, 21, 26, 27, and 28.

Rather, the Examiner mischaracterizes the Soltys et al. reference. Soltys et al. fail to teach a game application on a primary electronic device, where the user is interfaced with a network. Rather, in Soltys et al., the game application takes place in person in a casino. The other gamblers utilize electronic devices, not to inject business-related content into the game being played in real life, but rather, simply to bet on the outcome of the game. Further, the secondary electronic devices are not inserting business-related content from web pages to the gamblers during the execution of their games of chance being played in the casino.

Thus, Soltys et al. is not relevant to the claimed features of the present invention.

Further, the Nike article discloses only an online game application which is the same as any other game application played on any electronic device. Although the Nike online game application includes reference to the Nike brand which sponsors that website, this web page is not automatically injected over the internet into the game application of a user on another electronic device.

Further, even if Soltys et al. were combined with the Nike article, the combination would not result in the claimed features of the present invention. Rather, the combination would result in perhaps other users being able to place bets on the outcome of users playing the online Nike football game.

Accordingly, Claims 1, 10, 21, and 26-28, are not obvious over either the individual or the combination of the AAPA, Soltys et al., and Nike article references, and the rejection of Claims 1, 10, 21, and 26-28 under 35 U.S.C. §103 should be withdrawn.

With respect to Claims 2 and 23, the Applicant respectfully submits that neither the individual nor the combination of the AAPA, Soltys et al., and the Nike article references, teaches or suggests providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and automatically re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

Rather, none of the applied prior art references teaches or suggests any sort of automatic re-direction to a web page outside of the game application being played, where this automatic re-direction occurs due to the user playing the game application.

Further, with respect to Claim 4, the Applicant respectfully submits that neither the individual nor the combination of the AAPA, Soltys et al., and the Nike article references, teaches or suggests re-directing said user back to said primary electronic device as part of the execution of said game application.

Again, none of the applied prior art references teaches or suggests re-directing the user back from the web page to the user's electronic device and back into the game application.

Accordingly, Claims 2 and 4 are not obvious over either the individual or the combination of the AAPA, Soltys et al., and Nike article references, and the rejection of Claims 2 and 4 under 35 U.S.C. §103 should be withdrawn.

The Applicant respectfully submits that none of the applied prior art references, individually or in combination, teaches or suggests a system, including a primary electronic device holding a game application, said primary electronic device initiating said game application in response to a user request; a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional visualization in which said user can be immersed during the execution of the game application; and a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device holding a web page customized with business-related content for use with said game application, said game application being automatically re-directed to said customized web page as part of the execution of said game application, such that said user is exposed to said business-related content during said three-dimensional visualization of said game application, as recited in Claim 15, and as substantially recited in Claims 16 and 25, and in dependent Claim 24.

The applied prior art references are silent with respect to a virtual reality platform providing a three-dimensional visualization in which the user can be immersed during the execution of the game application, and where automatic business-related content can be automatically inserted during the three-dimensional visualization of the game application.

Rather, a physical three-dimensional representation of a game application is not taught or disclosed in the applied prior art.

Accordingly, Claims 15, 16, and 25, are not obvious over either the individual or the combination of the AAPA, Soltys et al., and Nike article references, and the rejection of Claims 15, 16, and 25, under 35 U.S.C. §103 should be withdrawn.

Further, since Claims 2-9 depend from Claim 1, Claims 11-14 depend from Claim 15, Claim 17 depends from Claim 16, and Claims 22-24 depend from Claim 21, they are also patentably distinguishable over either the individual or the combination of the applied prior art references for the reasons cited above with respect to Claims 1, 15, 17, and 21.

If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 04-1061.

Respectfully submitted,

Jean C. Edwards

Jean C. Edwards
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Date: **February 18, 2005**

DC 71457-4 98405v2

Interview Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

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

(1) *Tan Dean D. Nguyen*. (3)_____.

(2) *Jean Edwards*. (4)_____.

Date of Interview: *31 January 2005*.

Type: a)☐ Telephonic b)☐ Video Conference
c)☒ Personal [copy given to: 1)☐ applicant 2)☐ applicant's representative]

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

Claim(s) discussed: *1-28*.

Identification of prior art discussed: *current in the rejection*.

Agreement with respect to the claims f)☒ was reached. g)☐ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *See Continuation Sheet*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

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 ONE MONTH 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. See Summary of Record of Interview requirements on reverse side or on attached sheet.

DEAN T. NGUYEN
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

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.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The proposed amended claims 1, 10, 15, 16, 18, 20, 21, 25, 26, 27 and 28 contain new issues which would require new search. The examiner recommends the filing of RCE to fairly examine the new proposed claims. We disagree over the rejections of the examiner action of 11/18/2004 and applicant's arguments, however, the examiner appreciates the applicant and attorney to move forward with the proposed amendment (currently amended) to add further limitations in order to differentiate from the current references. .

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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
10/272,408		3629	36M1

Change of Address/Power of Attorney

The following fields have been set to Customer Number 000959 on

- Correspondence Address
- Maintenance Fee Address

The address of record for Customer Number 000959 is:
LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

The Practitioners of record for Customer Number 000959 are:

PTO INSTRUCTIONS:

Please take the following action when the correspondence address has been changed to a customer number:
1) Add 'ADDRESS CHANGE TO CUSTOMER NUMBER' on the next available content line of the File Jacket.
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

35161 7590 11/18/2004

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WASHINGTON, DC 20036

EXAMINER	
NGUYEN, TAN D	

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 11/18/2004

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

Office Action Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 *20 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 8/04

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

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 8/24/2004 was filed after the mailing date of the office action on 4/28/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Amendment

The amendment filed 8/23/2004 have been entered.

Claim Rejections - 35 USC § 103

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

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

3. Claims 21-24, 1-9, 10-14, 15, 16-17, 18-19, 20, 25, 26, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over (R^1) Applicant Admitted Prior Art (or AAPA) in view of (R^2) SOLTYS et al (US 2002/019 8052) and (R^3) Nike Article (Article of 11/1999 by Deborah Bonello).

As for independent method claim 21, 1, AAPA, as shown on page 1 "Background" and Fig. 1, fairly disclose the steps of claim 1 except for the last step of (c) integrating business-related content into the game application during the execution of the game application (or same time). This is compared to conventional ways of introducing the business-related content at both periods of time, before and after game

play, wherein the players normally ignore the content (the last 3 lines of the Background).

As for the limitation of a network with a 1st electronic device holding a game application upon (a) request from a user interfaced with a network and (b) initiating the game application, and (c) integrating business-related content into the game at times periods before and after the game, are well known issues as discussed in AAPA. This is further supported in SOLTYS et al Fig. 3, and [0038, 0039, 0040, 0041, 0042, 0043, 0044] wherein the 1st electronic device is the player computer (36 or 44), and the 2nd electronic device holding another content is the host computing system (12) having other application programs (126, 128). Therefore, the process of AAPA in view of state of the art for playing game online as shown by SOLTYS et al teaches the claimed invention except for the last step of (c) integrating business-related content into the game application during the execution of the game application at the time the invention was made. Note also that the various set-up for playing game online between a player and a game producer is well known or would have been obvious to a skilled artisan.

In a system for online gaming with the goal of "challenge and reward", Nike Article is cited to teach step (c) of integrating of business-related content into the game application during the execution of the game application to obtain the benefits of : 1) develop a closer relationship between Nike and potential customers 2) increasing the time users interact with the brand, ensuring positive experience and knowledge of the product, leading to return visits and potential customer without the pressure to "buy" of an e-commerce site (or purchasing of Nike brand product later) (see abstract). It would

have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the process of AAPA/ SOLTYS et al by (c) integrating of business-related content into the game application during the execution of the game application as taught by the Nike Article for the benefits indicated above. The set up or programming of the integration of business-related content into the game application during execution of the game application vs. before and after is within the skilled of artisan in view of the teaching of other programs/modules or application programs of SOLTYS et al on Fig. 3, element 12, 126, and 128.

As for dep. claims 22 (part of 21), **2** (part of 1), the further limitation of (d) providing at least one customized web page at the 2nd device and (e) re-directing the user to the customized web page, this is fairly taught in when playing game online provided by a website integrated with business content during game as disclosed in the Nike Article, i.e., www.soholondoun.co.uk or www.90minutes.co.uk or www.nike.com.

As for dep. claims 23 (part of 21), **3** (part of 1), the further limitation of (f) generating a benefit (or reward) for the user external to the game or "playing game and receiving reward outside the game", this is well known practice to award players and is fairly taught in Nike Article 2nd paragraph wherein game player can enter the competition to win a visit to the San Siro stadium in Milan.

As for dep. claims 24 (part of 21), **4** (part of 1), these are rejected for the same reason set forth in the rejection of step (e) of claim 2 above.

As for dep. claim 5 (part of 1), the further limitation of "purchasing an item" is inherently included or would have been obvious in view of the goal of Nike/Nike Article

which is to educate the consumer or player about the product, build a strong relationship, and positive experience which would lead the consumer to buy the product later on since people buy the thing that they know the most or have good prior experience whether in game or in real life.

As for dep. claim 6 (part of 1), the further limitation of displaying the branded business material is taught in the Nike Article by showing "Nike product".

As for dep. claim 7 (part of 1), the further limitation "updating" the brand material dynamically to insure updating information on the Internet would have been obvious to provide accurate information about the product prior to buying experience. Furthermore, updating is one of well known special feature of the Internet to provide uptodate information.

As for dep. claims 8, 9 (part of 1), which deal with the various aspects of game applications and the generation of player profile to customize the relationship with the game player, these are well known parameters to improve customer relationship and would have been obvious to a skilled artisan to do so to improve customer relationship, marketing efficiency and converting the game player into potential customer. Note that this intention is fairly discussed in Nike Article paragraph 2nd .

As for Independent claim 10, 2nd Independent claim set, it's rejected for the same reasons set forth in claims 1 and 2 above since it generally contains the limitations of claims 1 and 2 above.

As for dep. claims 11-12 (part of 10), which have similar limitations as in claim 3 above, it's rejected for the same reason set forth in claim 3 above.

As for dep. claim 13 (part of 10), which deals with calculating the benefit in real time, this is inherently included in the "external benefit" of Nike Article since the benefit, which is a real and physical visit to Milan, has real time limitation or deadline.

As for dep. claim 14 (part of 10), which further deals with benefit related issue, this is inherently included in the general teaching of Nike Article by utilizing "challenge-reward" proposition and increasing interactivity.

Note that the various parameters dealing with the benefit are considered as optimizing operating conditions or result effective variables "benefit" and the optimizing of result effective variables is considered as routine experimentation to determine optimum or economically feasible reaction conditions and would have been obvious to the skilled artisan. In re Aller, 105 USPQ 233.

As for Independent Apparatus claims 15, 25, 3rd Independent claim set, this is rejected for the same reason set forth in claim 1 above and with the virtual reality platform having a 3-D effect being mentioned in Nike Article in football game such as "football skills by completing various footwork skills on a pitch", etc. The use of other type of game to increase 3-D effect would have been obvious as mere using other similar games to attract players. Moreover, the selection of different game is considered as optimizing operating conditions or result effective variables "game/game effect" and the optimizing of result effective variables is considered as routine experimentation to determine optimum or economically feasible reaction conditions and would have been obvious to the skilled artisan. In re Aller, 105 USPQ 233.

As for Independent claim 16, 4th independent claim set, this is rejected for the same reason set forth in claims 1 and 2 above and further in view of additional comments as in claim 15 above.

As for dep. claim 17 (part of 16), which deals with the limitation of the platform being located at the franchised locations in claim 17, this is fairly taught in Nike Article paragraph 2 by the teaching of developing a closer relationship between Nike and the product by utilizing game linking Nike brand and the players gain access to different areas of the website which is closely linked. Alternatively, it would have been to offer game playing at the website of the franchise to maximize purchasing potential after playing game since the linkage to purchasing a brand product is minimal.

As for Independent claim 18, 5th independent claim set, this is rejected over the medium holding computer-executable steps of (R^1) AAPA in view of (R^2) SOLTYS et al and further in view of (R^3) Nike Article (Article of 11/1999 by Deborah Bonello) as shown in the rejections of claims 1 and 2 above.

As for dep. claim 19 (part of 18), this is taught in Nike Article, "Nike".

As for Independent claim 20, 6th independent claim set, this is rejected for the same reasons set forth in claims 18 and 19 above since it contains the limitations of claims 18 and 19.

As for independent apparatus claims 26, 28, which are system to carry out the method of independent method claim 21, they are rejected for the same reasons set forth in the rejections of claim 21 above.

As for independent product claim 27, which is the software to carry out the method of independent method claim 21, it's rejected for the same reasons set forth in the rejections of claim 21 above but in view of the software to carry out the combination of AAPA in view of SOLTYS et al and Nike et al.

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. 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.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (submitted in the previous action of 4/28/2004).

I. US:

1) US 2003/0064807, prov. Application of 9/25/01, disclosing similar method and apparatus for playing gaming on line, except for activating business-related content during gaming.

II. NPL:

1) www.TerraZones.com. This is the assignee website for the applicants.

2) www.90minutes.co.uk

3) www.soholondon.co.uk

4) www.nike.com

5) Article "Two Million Gamers.. Software" teaches the integration of advertising during games.

7. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113 or http://pair-direct.uspto.gov

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 872-9306. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn

DEAN T. NGUYEN
PRIMARY EXAMINER

Notice of References Cited	Application/Control No. 10/272,408	Applicant(s)/Patent Under Reexamination ALTIERI, FRANCES BARBARO	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2002/0198052	12-2002	Soltys et al.	463/42
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

OIPE
AUG 24 2004
PATENT & TRADEMARK OFFICE

PTO/SB/08A (08-03)
Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. ALTIERI
Art Unit	3629
Examiner Name	Tan D. Nguyen
Attorney Docket Number	71457.00004

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
DN		US- 2002/0002076 A1	01/03/2002	Schneier et al.	
		US- 6,450,885			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	11/1/04

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours 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, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Index of Claims

Application No.	Applicant(s)	
10/272,408	ALTIERI, FRANCES BARBARO	
Examiner	**Art Unit**	
Tan Dean D. Nguyen	3629	

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	11/15/04
	(1)	✓
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1, 10, 15, 16,

18, 20,

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number
10/272,408
T2B 001

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	20	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	20 minus 20=	* 0
INDEPENDENT CLAIMS	6 minus 3 =	* 3
MULTIPLE DEPENDENT CLAIM PRESENT		☐

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=	1.36	OR	X$18=	
X42=	~~84~~	OR	X84=	
+140=		OR	+280=	
TOTAL	454	OR	TOTAL	

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 28	Minus	** 20	= 8
Independent	* 16	Minus	*** 6	= ~~25~~
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=	72.00	OR	X$18=	
X42=	215	OR	X84=	
+140=	84	OR	+280=	
TOTAL ADDIT. FEE	287.00	OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

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

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IFW 3629

PTO/SB/21 (02-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. ALTIERI
Art Unit	3629
Examiner Name	Tan D. Nguyen
Attorney Docket Number	71457.00004

Total Number of Pages in This Submission

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
- [x] Fee Attached
- [ ] Amendment/Reply
- [ ] After Final
- [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [x] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
- [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance communication to Technology Center (TC)
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

PTO-SB-8A

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jean C. Edwards, Reg. No. 41,728 Dickinson Wright PLLC
Signature	Jean C. Edwards
Date	August 24, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. 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 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/17 (10-03)
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 180.00

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. ALTIERI
Examiner Name	Tan D. Nguyen
Art Unit	3629
Attorney Docket No.	71457.00004

METHOD OF PAYMENT *(check all that apply)*

☑ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☑ Deposit Account:

Deposit Account Number: 04-1061

Deposit Account Name: Dickinson Wright PLLC

The Director is authorized to: *(check all that apply)*

☐ Charge fee(s) indicated below ☑ Credit any overpayments

☑ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		X	=	
Independent Claims		- 3** =		X	=	
Multiple Dependent					=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)

***or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** ($) 180.00

SUBMITTED BY				(Complete *(if applicable)*)	
Name (Print/Type)	Jean C. Edwards	*Registration No. (Attorney/Agent)*	41,728	*Telephone*	202/659-6946
Signature	Jean C. Edwards			*Date*	August 24, 2004

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AUG 24 2004
PATENT & TRADEMARK OFFICE

Customer No. 35161
Attorney Docket No. 71457.00004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances B. ALTIERI — Group Art Unit: 3629

Application No.: 10/272,408 — Examiner: Tan Dean Nguyen

Filed: October 16, 2002 — Confirmation No.: 1927

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

INFORMATION DISCLOSURE STATEMENT

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

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the PTO-SB-8. It is respectfully requested that the information be considered during the prosecution of this application, and that the references be made of record and appear among the "References Cited" on any issued patent.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

08/25/2004 EABUBAK1 00000061 10272408
01 FC:1806 180.00 OP

Attached is a check in the amount of $180 in payment of the fee under 37 CFR §1.17(p). Please credit or debit Deposit Account No. 04-1061 as needed to ensure consideration of the disclosed information.

Additionally, in light of the waiver 37 C.F.R. 1.98(a)(2)(i) provided in 1273 OG 55 for patent applications filed after June 30, 2003, copies of the U.S. patent documents listed on the PTO-SB-8 form are not required and therefore are not enclosed.

Respectfully submitted,

Jean C. Edwards

Jean C. Edwards
Registration No. 41,728

Dickinson Wright PLLC
1901 L St., N.W., Suite 800
Washington, D.C. 20036
Telephone: 202/659-6946
Facsimile: 202/659-1559

Date: August 24, 2004

DC 71457-4 95740

OIPE
AUG 24 2004
PATENT & TRADEMARK OFFICE

PTO/SB/08A (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances B. ALTIERI
Art Unit	3629
Examiner Name	Tan D. Nguyen
Attorney Docket Number	71457.00004

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 2002/0002076 A1	01/03/2002	Schneier et al.	
		US-			
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours 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, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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O I P E
AUG 2 0 2004
PATENT & TRADEMARK OFFICE

3629

PTO/SB/21 (02-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3629
Examiner Name	Tan Dean Nguyen
Total Number of Pages in This Submission: 13	Attorney Docket Number: 71457.00004

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
- [x] Fee Attached
- [x] Amendment/Reply
- [ ] After Final
- [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
- [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance communication to Technology Center (TC)
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please Identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jean C. Edwards, Esq., Reg. No. 41,728 Dickinson Wright PLLC 1901 L Street, NW, Suite 800, WDC 20036
Signature	Jean C. Edwards
Date	August 20, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. 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 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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OIPE JC25 AUG 20 2004 PATENT & TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 287.00

Complete if Known	
Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Examiner Name	Tan Dean Nguyen
Art Unit	3629
Attorney Docket No.	71457.00004

METHOD OF PAYMENT *(check all that apply)*

☑ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: 04-1061

Deposit Account Name: Dickinson Wright PLLC

The Director is authorized to: *(check all that apply)*

☐ Charge fee(s) indicated below ☑ Credit any overpayments

☑ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	28	-20** =	8	X 9	=	72
Independent Claims	11	- 3** =	5	X 43	=	215
Multiple Dependent				0	=	0

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 287.00

***or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
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1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
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8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
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1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

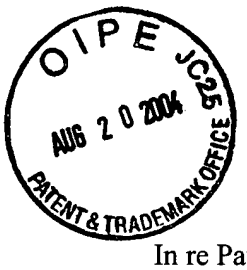
SUBTOTAL (3) ($) 0.00

SUBMITTED BY				(Complete *(if applicable)*)	
Name (Print/Type)	Jean C. Edwards, Esq.	*Registration No. (Attorney/Agent)*	41,728	*Telephone*	202-659-6946
Signature	Jean C. Edwards			*Date*	August 20, 2004

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Attorney Docket No.: 71457.00004
Customer No.: 35161

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances Barbaro ALTIERI — Group Art Unit: 3629

Application No.: 10/272,408 — Examiner: Tan Dean Nguyen

Confirmation No.: 1927

Filed: October 16, 2002

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. § 1.111

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

INTRODUCTORY REMARKS

To Whom It May Concern::

Further to the Amendment filed July 26, 2004, the Applicant requests that the Examiner amend the above-identified application as follows:

08/23/2004 EAREGAY1 00000023 10272408

01 FC:2201 215.00 OP
02 FC:2202 72.00 OP

AMENDMENTS TO THE CLAIMS:

1. (Previously presented) In a network with a primary electronic device holding a game application, and at least one secondary electronic device holding business-related content, a method, comprising the steps of:

receiving a request at said primary electronic device to initiate said game application held at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device; and

automatically integrating business-related content from said secondary electronic device into said game application during the execution of said game application.

2. (Previously presented) The method of claim 1, comprising the further steps of:

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

3. (Previously presented) The method of claim 2, comprising the further step of:

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game.

4. (Original) The method of claim 2, comprising the further step of:

re-directing said user back to said primary electronic device as part of the execution of said game application.

5. (Original) The method of claim 2 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. (Original) The method of claim 1 wherein said game application displays branded business-related content to said user.

7. (Original) The method of claim 6 wherein said branded business-related content is dynamically updated.

8. (Original) The method of claim 1, comprising the further steps of:

executing actions in said game as a result of user choices; and

generating a player profile based on game choices made by said user.

9. (Original) The method of claim 8 wherein said profiles are disseminated to providers of business-related content used in said game application.

10. (Previously presented) In a network with an electronic device holding a game application, and at least one secondary electronic device, a method, comprising the steps of:

initiating said game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

11. (Original) The method of claim 10, comprising the further steps of:

executing a game-related action, said game-related action generating a benefit for said user relating to said business-related content.

12. (Original) The method of claim 11 wherein said benefit for said user is external to said game.

13. (Original) The method of claim 11 where in said benefit for said user is calculated in real-time.

14. (Original) The method of claim 11, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. (Previously presented) A system, comprising:

a primary electronic device holding a game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional effect to said user during the execution of the game application; and

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device holding a web page customized with business-related content for use with said game application, said user being automatically re-directed to said customized web page as part of the execution of said game application.

16. (Previously presented) In a network with a primary electronic device holding business-related content and a game application, and at least one secondary electronic device holding business-related content, a method, comprising the steps of:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional effect to said user during the execution of the game application;

initiating said game application in response to a user request; and

automatically re-directing the content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said game application, said web page customized with business-related content for use with said game application.

17. (Previously presented) The method of claim 16, wherein each virtual reality platform is located at a franchised location.

18. (Previously presented) In a network with an electronic device holding a game application, and at least one secondary electronic device holding business-related content, a medium holding computer-executable steps for a method, said method comprising the steps of:

initiating said game application in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part to the user executing said game application.

19. (Original) The medium of claim 18 wherein said method comprises the further step of:

displaying to said user as part of the execution of said game application branded business-related content.

20. (Previously presented) In a network with an electronic device holding a game application and at least one secondary electronic device holding business-related content, a

medium holding computer-executable steps for a method, said method comprising the steps of:

initiating said game application in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and occurring as part of the user executing said game application; and

displaying to said user as part of the execution of said game application branded business-related content.

21. (New) A method of automatically integrating content into an electronic device comprising:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device into said at least one of said plurality of applications during the execution of said at least one of said plurality of applications.

22. (New) The method of claim 21, wherein said content includes dynamic content.

23. (New) The method of claim 21, further comprising:

providing at least one customized web page at said secondary electronic device, said web page customized with content for use with said at least one of said plurality of applications; and

automatically re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into saidat least one of said plurality of applications and said re-direction occurring as part of the user executing said at least one of said plurality of applications.

24. (New) The method of claim 21, further comprising:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional effect to said user during the execution of said at least one of said plurality of applications.

25. (New) A system, comprising:

a primary electronic device holding a plurality of applications, said primary electronic device initiating at least one of said plurality of applications in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional effect to said user during the execution of said at lest one of said plurality of applications; and

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device holding a web page customized with a plurality of content for use with said at least one of said plurality of applications, said user being

automatically re-directed to said customized web page as part of the execution of said at least one of said plurality of applications.

26. (New) A computer system which automatically integrates content into an electronic device, comprising:

at least one memory having at least one program comprising the steps of:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device into said at least one of said plurality of applications during the execution of said at least one of said plurality of applications; and

at least one processor for running the program.

27. (New) A computer-readable medium whose contents cause a computer system to automatically integrate content into an electronic device, the computer system having a program comprising the steps of:

receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

initiating said at least one of said plurality of applications at said primary electronic device; and

automatically integrating at least one of a plurality of content from a secondary electronic device into said at least one of said plurality of applications during the execution of said at least one of said plurality of applications.

28. (New) A computer system having a program for automatically integrating content into an electronic device, comprising:

means for receiving a request at a primary electronic device to initiate at least one of a plurality of applications held at said primary electronic device;

means for initiating said at least one of said plurality of applications at said primary electronic device; and

means for automatically integrating at least one of a plurality of content from a secondary electronic device into said at least one of said plurality of applications during the execution of said at least one of said plurality of applications.

REMARKS

Claims 1-28 are presently pending in the application. Claims 21-28 have been added. Entry of this Supplemental Amendment is respectfully requested, as is reconsideration and allowance of all claims.

If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 04-1061.

Respectfully submitted,

Jean C. Edwards

Jean C. Edwards
Registration No. 41,728

DICKINSON WRIGHT PLLC
1901 L St., N.W.
Suite 800
Washington, D.C. 20036
Telephone: 202/659-6946
Facsimile: 202/659-1559
Date: **August 20, 2004**
DC 71457-4 95684

OIPE
JUL 26 2004
PATENT & TRADEMARK OFFICE
JC60

41 3629

PTO/SB/21 (02-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro ALTIERI
Art Unit	3629
Examiner Name	NGUYEN, Tan D.
Attorney Docket Number	71457.00004

Total Number of Pages in This Submission: 18

RECEIVED
JUL 28 2004
GROUP 3600

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ After Allowance communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jean C. Edwards, Esq., Reg. No. 41,728 Dickinson Wright PLLC 1901 L Street, NW, Suite 800, WDC 20036
Signature	Jean C. Edwards
Date	July 26, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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GROUP 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frances Barbaro ALTIERI

Group Art Unit: 3629

Application No.: 10/272,408

Examiner: Tan Dean Nguyen

Confirmation No.: 1927

Filed: October 16, 2002

For: SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

AMENDMENT UNDER 37 C.F.R. § 1.111

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

INTRODUCTORY REMARKS

Sir:

In response to the Non-Final Office Action dated April 28, 2004, please amend the above-identified application as follows:

AMENDMENTS TO THE CLAIMS:

1. (Currently amended) In a network with a primary electronic device holding a game application, and at least one secondary electronic device holding business-related content, a method, comprising the steps of:

receiving a request at said primary electronic device to initiate said game application held at said primary electronic device, from a user interfaced with said network;

initiating said game application at said primary electronic device; and

automatically integrating business-related content from said secondary electronic device into said game application during the execution of said game application.

2. (Currently amended) The method of claim 1, comprising the further steps of:

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

3. (Currently amended) The method of claim 2, comprising the further step of:

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit being external to said game.

4. (Original) The method of claim 2, comprising the further step of:

re-directing said user back to said primary electronic device as part of the execution of said game application.

5. (Original) The method of claim 2 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. (Original) The method of claim 1 wherein said game application displays branded business-related content to said user.

7. (Original) The method of claim 6 wherein said branded business-related content is dynamically updated.

8. (Original) The method of claim 1, comprising the further steps of:

executing actions in said game as a result of user choices; and

generating a player profile based on game choices made by said user.

9. (Original) The method of claim 8 wherein said profiles are disseminated to providers of business-related content used in said game application.

10. (Currently amended) In a network with an electronic device holding a game application, and at least one secondary electronic device, a method, comprising the steps of:

initiating said game application at said electronic device in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

11. (Original) The method of claim 10, comprising the further steps of:

executing a game-related action, said game-related action generating a benefit for said user relating to said business-related content.

12. (Original) The method of claim 11 wherein said benefit for said user is external to said game.

13. (Original) The method of claim 11 where in said benefit for said user is calculated in real-time.

14. (Original) The method of claim 11, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. (Currently amended) A system, comprising:

a primary electronic device holding a game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional effect to said user during the execution of the game application; and

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device holding a web page customized with business-related content for use with said game application, said user being automatically re-directed to said customized web page as part of the execution of said game application.

16. (Currently amended) In a network with a primary electronic device holding business-related content and a game application, and at least one secondary electronic device holding business-related content, a method, comprising the steps of:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional effect to said user during the execution of the game application;

initiating said game application in response to a user request; and

automatically re-directing the content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said game application, said web page customized with business-related content for use with said game application.

17. (Currently amended) The method of claim 16, wherein ~~the~~ each virtual reality ~~platforms are~~ platform is located at a franchised ~~locations~~ location.

18. (Currently amended) In a network with an electronic device holding a game application, and at least one secondary electronic device holding business-related content, a medium holding computer-executable steps for a method, said method comprising the steps of:

initiating said game application in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part to the user executing said game application.

19. (Original) The medium of claim 18 wherein said method comprises the further step of:

displaying to said user as part of the execution of said game application branded business-related content.

20. (Currently amended) In a network with an electronic device holding a game application and at least one secondary electronic device holding business-related content, a

medium holding computer-executable steps for a method, said method comprising the steps of:

initiating said game application in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;

automatically re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and occurring as part of the user executing said game application; and

displaying to said user as part of the execution of said game application branded business-related content.

REMARKS

Claims 1-20 are presently pending in the application. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

Applicant thanks the Examiner for accepting the drawings filed on October 16, 2002. Applicant also thanks the Examiner for acknowledging receipt and recordation of the Information Disclosure Statement filed on February 6, 2003, and returning the initialed Form PTO-1449.

Claim Rejections under 35 U.S.C. §112

Claim 17 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that Claim 17 recites the limitation "the virtual reality platforms" in line 1, and that there is insufficient antecedent basis for the limitation "platforms" in the claim.

Claim 17 has been amended to ensure that it is definite. Thus, the rejection of Claim 17 under 35 U.S.C. §112, second paragraph, should be withdrawn.

The Examiner has rejected Claims 1-9, 10-14, 15, 16-17, 18-19, and 20 under 35 U.S.C. §103(a) as being unpatentable over (R1) Applicant Admitted Prior Art (or AAPA) in view of (R2) Schneier et al (U.S. Patent 6,099,408) or Nakayama et al and further in view of (R3) Nike Article (Article of 11/1999 by Deborah Bonello).

Claim 1 has been amended to clarify the body of the claim by writing out the implicit meaning from the preamble. Further, Claims 1, 10, 15, 16, 18, and 20, have been amended to clarify that the re-direction of the user to the customized web page on the secondary electronic device is automatically performed by the program.

For the following reasons, the prior art rejections are respectfully traversed.

The Applicant respectfully submits that neither the AAPA nor Schneier et al., nor Nakayama et al., nor the Nike Article, teaches or suggests a method in a network with a primary electronic device holding a game application, and at least one secondary electronic device holding business-related content, including the steps of receiving a request at the primary electronic device to initiate the game application held at the primary electronic device, from a user interfaced with said network; initiating the game application at the primary electronic device, and automatically integrating business-related content from the secondary electronic device into the game application during the execution of the game application, as recited in amended Claim 1.

Rather, the AAPA discloses only the insertion of promotional material into game packaging, and advertising material before and after game applications (similar to what is provided with DVD's). However, the AAPA does not disclose or suggest a user initiating a game application on their own electronic device and then having business-related content being automatically integrated into their electronic device from another electronic device (i.e., from a server over the internet), during actual game play.

Schneier et al., Nakayama et al., and the Nike Article all disclose games that are played on the internet directly at a website which is accessed from the user's electronic device. However, none of these references disclose or suggest that the user initiates game play on their own electronic device, and then has business-related content automatically integrated into their electronic devices from the server over the internet. In fact, both Schneier et al. and Nakayama et al. are silent with respect to business-related content being integrated into their game applications.

With respect to the Nike Article, on which the Examiner relies, the Nike Article discloses only that the game being played at the internet website is one sponsored by an advertiser. However, no business-related content from the online game is introduced into any other game application being played by the user at another electronic device.

Accordingly, the AAPA, Schneier et al., Nakayama et al. and Nike Article references are silent with respect to the claimed features of amended Claim 1, and one of ordinary skill in the art would not have combined the AAPA, Schneier et al., and Nakayama et al. references, and the Nike Article, in order to achieve the claimed features of the present invention.

Thus, Claim 1 is not obvious over either the individual or the combination of the applied prior art references, and the rejection of Claim 1 under 35 U.S.C. §103 should be withdrawn.

With respect to Claim 2, the Applicant respectfully submits that neither the AAPA, nor Schneier et al., nor Nakayama et al., nor the Nike Article, teaches or suggests a method in a network with a primary electronic device holding a game application, and at least one secondary electronic device holding business-related content, including the steps of providing at least one customized web page at the secondary electronic device, the web page customized with business-related content for use with the game application; and automatically re-directing the user to the customized web page on the secondary electronic device from the primary electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing the game application.

Rather, the applied prior art references are silent with respect to the user being automatically redirected from their primary electronic device to a customized internet website

that has customized advertising content on a server which is customized for use with the game, the automatic redirection being integrated into the game play and occurring as part of the user playing the game.

Accordingly, Claim 2 is not obvious over either the individual or the combination of the applied prior art references, and the rejection of Claim 2 under 35 U.S.C. §103 should be withdrawn.

With respect to Claim 4, the Applicant respectfully submits that neither the AAPA, nor Schneier et al., nor Nakayama et al., nor the Nike Article, teaches or suggests a method in a network with a primary electronic device holding a game application, and at least one secondary electronic device holding business-related content, including the step of re-directing the user back to the primary electronic device as part of the execution of the game application.

As stated above with respect to Claim 2, this feature is not disclosed or suggested in either the individual or the combination of the applied prior art references.

Accordingly, Claim 4 is not obvious over either the individual or the combination of the applied prior art references, and the rejection of Claim 4 under 35 U.S.C. §103 should be withdrawn.

Further, since Claims 2-9 depend from Claim 1, they are also patentably distinguishable over either the individual or the combination of the applied prior art references for the reasons cited above with respect to Claim 1.

With respect to Claim 10, the Applicant respectfully submits that neither the individual nor the combination of the applied prior art references teaches or suggests a method in a network with an electronic device holding a game application, and at least one

secondary electronic device, including the steps of initiating the game application at the electronic device in response to a user request; providing at least one customized web page at the secondary electronic device, the web page customized with business-related content for use with the game application; and automatically re-directing the user to the customized web page on the secondary electronic device from the electronic device, the re-direction being integrated into the game application and the re-direction occurring as part of the user executing the game application, as recited in amended Claim 10.

As stated above with respect to Claims 1 and 2, the applied prior art references are silent with respect to these features.

Accordingly, Claim 10 is not obvious over either the individual or the combination of the applied prior art references, and the rejection of Claim 10 under 35 U.S.C. §103 should be withdrawn.

With respect to Claim 14, the Applicant respectfully submits that neither the individual nor the combination of the applied prior art references teaches or suggests the step of transmitting the benefit to the user for use during the execution of the game application.

Rather, the applied prior art references are silent with respect to any benefit related to business-related content gained from any game-related action, being gained by the user and used in game play.

Further, since Claims 11-14 depend from Claim 10, they are also patentably distinguishable over either the individual or the combination of the applied prior art references for the reasons cited above with respect to Claim 10.

With respect to Claim 15, the Applicant respectfully submits that neither the individual nor the combination of the applied prior art references teaches or suggests a

system, including a primary electronic device holding a game application, the primary electronic device initiating the game application in response to a user request; a virtual reality platform interfaced with the primary electronic device, the virtual reality platform providing a three-dimensional effect to the user during the execution of the game application; and a secondary electronic device interfaced with the primary electronic device over a network, the secondary electronic device holding a web page customized with business-related content for use with the game application, the user being automatically re-directed to the customized web page as part of the execution of the game application.

As stated above, the applied prior art references are silent with respect to a virtual reality platform having a three-dimensional effect and associated with the user's electronic device, and a secondary electronic device interfaced over the internet with the user's electronic device, the secondary electronic device holding a web page customized with business-related content for use during game play, with the user being automatically re-directed to the customized web page as part of the execution of game play.

Accordingly, Claim 15 is not obvious over either the individual or the combination of the applied prior art references, and the rejection of Claim 15 under 35 U.S.C. §103 should be withdrawn.

With respect to Claim 16, the Applicant respectfully submits that neither the individual nor the combination of the applied prior art references teaches or suggests a method in a network with a primary electronic device holding business-related content and a game application, and at least one secondary electronic device holding business-related content, including the steps of providing a virtual reality platform interfaced with the primary electronic device, the virtual reality platform providing a three-dimensional effect to the user

during the execution of the game application; initiating the game application in response to a user request; and automatically re-directing the content source for the virtual reality platform from the primary electronic device to a customized web page on the secondary electronic device as part of the execution of the game application, the web page customized with business-related content for use with the game application.

As stated above, the applied prior art references are silent with respect to a virtual reality platform having a three-dimensional effect to the user during game play, and automatically re-directing the content source for the virtual reality platform from the user's electronic device to a customized web page on the network server as part of the execution of the game play, the web page being customized with business-related content for use with the game.

Accordingly, Claim 16 is not obvious over either the individual or the combination of the applied prior art references, and the rejection of Claim 16 under 35 U.S.C. §103 should be withdrawn.

Further, since Claim 17 depends from Claim 16, it is also patentably distinguishable over either the individual or the combination of the applied prior art references for the reasons cited above with respect to Claim 16.

With respect to Claim 18, the Applicant respectfully submits that neither the individual nor the combination of the applied prior art references teaches or suggests a method in a network with an electronic device holding a game application, and at least one secondary electronic device holding business-related content, a medium holding computer-executable steps for a method, the method including the steps of initiating the game application in response to a user request; providing at least one customized web page at the

secondary electronic device, the web page customized with business-related content for use with the game application; and automatically re-directing the user to the customized web page on the secondary electronic device from the electronic device, the re-direction being integrated into the game application and the re-direction occurring as part to the user executing the game application.

Rather, as stated above, the applied prior art references are silent with respect to these features.

Accordingly, Claim 18 is not obvious over either the individual or the combination of the applied prior art references, and the rejection of Claim 18 under 35 U.S.C. §103 should be withdrawn.

Further, since Claim 19 depends from Claim 18, it is also patentably distinguishable over either the individual or the combination of the applied prior art references for the reasons cited above with respect to Claim 18.

With respect to Claim 20, the Applicant respectfully submits that neither the individual nor the combination of the applied prior art references teaches or suggests a method in a network with an electronic device holding a game application and at least one secondary electronic device holding business-related content, a medium holding computer-executable steps for a method, the method including the steps of initiating the game application in response to a user request; providing at least one customized web page at the secondary electronic device, the web page customized with business-related content for use with the game application; automatically re-directing the user to the customized web page on the secondary electronic device from the electronic device, the re-direction being integrated into the game application and occurring as part of the user executing the game application;

and displaying to the user as part of the execution of the game application branded business-related content.

As stated above, the applied prior art references are silent with respect to these features.

Accordingly, Claim 20 is not obvious over either the individual or the combination of the applied prior art references, and the rejection of Claim 18 under 35 U.S.C. §103 should be withdrawn.

Finally, the Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness of the claimed invention, since not all the claim limitations are taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Rather, the Examiner appears to have based his rejections on hindsight reasoning, or on the Applicant's own disclosure, which is impermissible. A statement that modifications of the prior art to meet the claimed invention would have been within the ordinary skill of the art at the time the invention was made, is not sufficient to establish a *prima facie* case of obviousness. See *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993), *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000), *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991), and MPEP 2142, 2143.01.

If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

Jean C. Edwards

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001	1927

35161 7590 04/28/2004

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EXAMINER	
NGUYEN, TAN D	

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 04/28/2004

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

Office Action Summary	Application No.	Applicant(s)	
	10/272,408	ALTIERI, FRANCES BARBARO	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	MW

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 *papers of 3/30/04*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 10/02 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The prior art statement (IDS 1st) filed 2/6/03 has been received and recorded.

Claim Rejections - 35 USC § 112

1. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 recites the limitation "the virtual reality platforms" in line 1. There is insufficient antecedent basis "platforms" for this limitation in the claim.

Claim Rejections - 35 USC § 103

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

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

3. Claims 1-9, 10-14, 15, 16-17, 18-19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over (R1) Applicant Admitted Prior Art (or AAPA) in view of (R2) SCHNEIER et al (US Patent 6,099,408) or NAKAYAMA et al and further in view of (R3) Nike Article (Article of 11/1999 by Deborah Bonello).

4. As for Independent claim 1, AAPA, as shown on page 1 "Background" and Fig. 1, fairly disclose the steps of claim 1 except for the last step of (c) integrating business-related content into the game application during the execution of the game application (or same time). This is compared to conventional ways of introducing the business-

related content at both periods of time, before and after game play, wherein the players normally ignore the content (the last 3 lines of the Background).

As for the limitation of a network with a 1st electronic device holding a game application upon (a) request from a user interfaced with a network and (b) initiating the game application, and (c) integrating business-related content into the game at times periods before and after the game, are well known issues as discussed in AAPA. This is further supported in SCHNEIER et al Figs. 2, 3 , and col. 6, lines 5-65, or NAKAYAMA et al Fig. 1, Fig. 4, and [0023-00267]. Therefore, the process of AAPA in view of state of the art for playing game online as shown by SCHNEIER et al or NAKAYAMA et al teaches the claimed invention except for the last step of (c) integrating business-related content into the game application during the execution of the game application at the time the invention was made. Note also that the various set-up for playing game online between a player and a game producer is well known or would have been obvious to a skilled artisan.

In a system for online gaming with the goal of "challenge and reward", Nike Article is cited to teach step (c) of integrating of business-related content into the game application during the execution of the game application to obtain the benefits of : 1) develop a closer relationship between Nike and potential customers 2) increasing the time users interact with the brand, ensuring positive experience and knowledge of the product, leading to return visits and potential customer without the pressure to "buy" of an e-commerce site (or purchasing of Nike brand product later) (see abstract). It would have been obvious at the time the invention was made to a person having ordinary skill

in the art to modify the process of AAPA/ SCHNEIER et al or NAKAYAMA et al by (c) integrating of business-related content into the game application during the execution of the game application as taught by the Nike Article for the benefits indicated above. The set up or programming of the integration of business-related content into the game application during execution of the game application vs. before and after is within the skilled of artisan.

As for dependent claim 2, the further limitation of (d) providing at least one customized web page at the 2nd device and (e) re-directing the user to the customized web page, this is fairly taught in when playing game online provided by a website integrated with business content during game as disclosed in the Nike Article, i.e., www.soholondoun.co.uk or www.90minutes.co.uk or www.nike.com.

As for dependent claim 3, the further limitation of (f) generating a benefit (or reward) for the user external to the game or "playing game and receiving reward outside the game", this is well known practice to award players and is fairly taught in Nike Article 2nd paragraph wherein game player can enter the competition to win a visit to the San Siro stadium in Milan.

As for dependent claim 4, the is rejected for the same reason set forth in the rejection of step (e) of claim 2 above.

As for dependent claim 5, the further limitation of "purchasing an item" is inherently included or would have been obvious in view of the goal of Nike/Nike Article which is to educate the consumer or player about the product, build a strong relationship, and positive experience which would lead the consumer to buy the product

later on since people buy the thing that they know the most or have good prior experience whether in game or in real life.

As for dependent claim 6, the further limitation of displaying the branded business material is taught in the Nike Article by showing "Nike product".

As for dependent claim 7, the further limitation "updating" the brand material dynamically to insure updating information on the Internet would have been obvious to provide accurate information about the product prior to buying experience. Furthermore, updating is one of well known special feature of the Internet to provide uptodate information.

As for dependent claims 8, 9, which deal with the various aspects of game applications and the generation of player profile to customize the relationship with the game player, these are well known parameters to improve customer relationship and would have been obvious to a skilled artisan to do so to improve customer relationship, marketing efficiency and converting the game player into potential customer. Note that this intention is fairly discussed in Nike Article paragraph 2nd .

5. As for Independent claim 10, 2nd Independent claim set, it's rejected for the same reasons set forth in claims 1 and 2 above since it generally contains the limitations of claims 1 and 2 above.

As for dependent claims 11-12, which have similar limitations as in claim 3 above, it's rejected for the same reason set forth in claim 3 above.

As for dependent claim 13 which deals with calculating the benefit in real time, this is inherently included in the "external benefit" of Nike Article since the benefit, which is a real and physical visit to Milan, has real time limitation or deadline.

As for dependent claim 14 which further deals with benefit related issue, this is inherently included in the general teaching of Nike Article by utilizing "challenge-reward" proposition and increasing interactivity.

Note that the various parameters dealing with the benefit are considered as optimizing operating conditions or result effective variables "benefit" and the optimizing of result effective variables is considered as routine experimentation to determine optimum or economically feasible reaction conditions and would have been obvious to the skilled artisan. In re Aller, 105 USPQ 233.

6. As for Independent claim 15, 3rd Independent claim set, this is rejected for the same reason set forth in claim 1 above and with the virtual reality platform having a 3-D effect being mentioned in Nike Article in football game such as "football skills by completing various footwork skills on a pitch", etc. The use of other type of game to increase 3-D effect would have been obvious as mere using other similar games to attract players. Moreover, the selection of different game is considered as optimizing operating conditions or result effective variables "game/game effect" and the optimizing of result effective variables is considered as routine experimentation to determine optimum or economically feasible reaction conditions and would have been obvious to the skilled artisan. In re Aller, 105 USPQ 233.

7. As for Independent claim 16, 4th independent claim set, this is rejected for the same reason set forth in claims 1 and 2 above and further in view of additional comments as in claim 15 above.

As for dependent claim 17, which deals with the limitation of the platform being located at the franchised locations in claim 17, this is fairly taught in Nike Article paragraph 2 by the teaching of developing a closer relationship between Nike and the product by utilizing game linking Nike brand and the players gain access to different areas of the website which is closely linked. Alternatively, it would have been to offer game playing at the website of the franchise to maximize purchasing potential after playing game since the linkage to purchasing a brand product is minimal.

8. As for Independent claim 18, 5th independent claim set, this is rejected over the medium holding computer-executable steps of (R1) AAPA in view of (R2) SCHNEIER et al (US Patent 6,099,408) or NAKAYAMA et al and further in view of (R3) Nike Article (Article of 11/1999 by Deborah Bonello) as shown in the rejections of claims 1 and 2 above.

As for dependent claim 19, this is taught in Nike Article, "Nike".

9. As for Independent claim 20, 6th independent claim set, this is rejected for the same reasons set forth in claims 18 and 19 above since it contains the limitations of claims 18 and 19.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

I. US:

1) US 2003/0064807, prov. Application of 9/25/01, disclosing similar method and apparatus for playing gaming on line, except for activating business-related content during gaming.

II. NPL:

1) www.TerraZones.com. This is the assignee website for the applicants.

2) www.90minutes.co.uk

3) www.soholondon.co.uk

4) www.nike.com

5) Article "Two Million Gamers.. Software" teaches the integration of advertising during games.

12. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113 or
http://pair-direct.uspto.gov

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 872-9306. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

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Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn

DEAN T. NGUYEN
PRIMARY EXAMINER

Notice of References Cited	Application/Control No. 10/272,408	Applicant(s)/Patent Under Reexamination ALTIERI, FRANCES BARBARO	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US- 6,099,408	8/2000	Schneier etal	463/29
	B	US- ~~2002/0064807~~	~~4/2003~~	~~Walker etal~~	~~463/42~~
	C	US- 2002/0096831	7/2002	Nakayama etal	273/430
	D	US- 2003/0064807	4/2003	Walker etal	463/42
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Bonello, D. "Nike", New Media Age, pNA, Nov. 18, 1999, DIALOG, file 16, No. 06835000.
	V	"Two million games.... Software", PR Newswire, Sep. 26, 2001. Dialog, File 20, No. 19016252
	W	WWW. TerraZones. com
	X	

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

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LIST OF PUBLICATIONS CITED BY APPLICANT (Use several sheets if necessary)	TZB-001	10/272408
	APPLICANT: Altieri, Frances Barbaro	
	FILING DATE: October 16, 2002	GROUP: 3629

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	TRANSLATION NO

OTHERS (including Author, Title, Date, Pertinent Pages, Etc.)

	A1		Clark, Don "The Affluent Avatar" *The Wall Street Journal*, Col.2, Pg.1, Sec. B (8 Jan. 2003).
	A2		Electronic Arts "EA.com[SM] Electronic Arts: get in the game [media kit]" <http://retailsupport.ea.com/webmediakit/pdf/mediakit.pdf> accessed 9 Jan. 2003 [publication date unknown].

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1996	1997	1998	1999	2000	2001	2002	2003	2004
0 pages	0 pages	0 pages	0 pages	0 pages	0 pages	5 pages	7 pages	0 pages
						Sep 28, 2002 *	Jan 25, 2003	
						Sep 30, 2002	Feb 13, 2003	
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						Nov 28, 2002	Mar 25, 2003	
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1996	1997	1998	1999	2000	2001	2002	2003	2004
0 pages	0 pages	0 pages	0 pages	0 pages	0 pages	5 pages	7 pages	0 pages
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						Sep 30, 2002	Feb 13, 2003	
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						Nov 30, 2002	May 22, 2003	
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	Type	Hits	Search Text	DBs	Time Stamp
1	BRS	4012	(electronic near10 device) near10 game	USPAT; US-PGPUB; EPO; JPO; DERWENT; IBM_TDB	2004/04/12 10:00
2	BRS	444559	intranet or internet or wireless or (wide near5 area) or (local near5 area)	USPAT; US-PGPUB; EPO; JPO; DERWENT; IBM_TDB	2004/04/12 09:09
3	BRS	1341	((electronic near10 device) near10 game) and (intranet or internet or wireless or (wide near5 area) or (local near5 area))	USPAT; US-PGPUB; EPO; JPO; DERWENT; IBM_TDB	2004/04/12 09:09
4	BRS	41087	web near5 server	USPAT; US-PGPUB; EPO; JPO; DERWENT; IBM_TDB	2004/04/12 09:09
5	BRS	34590	web near5 site	USPAT; US-PGPUB; EPO; JPO; DERWENT; IBM_TDB	2004/04/12 09:09
6	BRS	76	(((electronic near10 device) near10 game) and (intranet or internet or wireless or (wide near5 area) or (local near5 area))) and (web near5 server) and (web near5 site)	USPAT; US-PGPUB; EPO; JPO; DERWENT; IBM_TDB	2004/04/12 09:59
7	BRS	338782	business or brand$6	USPAT; US-PGPUB; EPO; JPO; DERWENT; IBM_TDB	2004/04/12 09:59
8	BRS	4917	(electronic near10 device) near10 (game or gaming)	USPAT; US-PGPUB; EPO; JPO; DERWENT; IBM_TDB	2004/04/12 10:00
9	BRS	32	(business or brand$6) and ((((electronic near10 device) near10 game) and (intranet or internet or wireless or (wide near5 area) or (local near5 area))) and (web near5 server) and (web near5 site)) and ((electronic near10 device) near10 (game or gaming))	USPAT; US-PGPUB; EPO; JPO; DERWENT; IBM_TDB	2004/04/12 10:00

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						Nov 26, 2002	Mar 21, 2003	
						Nov 28, 2002	Mar 25, 2003	
						Nov 30, 2002	May 22, 2003	
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0 pages	0 pages	0 pages	0 pages	0 pages	0 pages	5 pages	7 pages	0 pages
						Sep 28, 2002 *	Jan 25, 2003	
						Sep 30, 2002	Feb 13, 2003	
						Nov 26, 2002	Mar 21, 2003	
						Nov 28, 2002	Mar 25, 2003	
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0 pages	0 pages	0 pages	2 pages	7 pages	3 pages	0 pages	0 pages	0 pages
			Nov 28, 1999 *	Apr 08, 2000	Feb 01, 2001 *			
			Nov 29, 1999	May 10, 2000	Feb 15, 2001			
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0 pages	0 pages	0 pages	0 pages	1 pages	3 pages	0 pages	0 pages	0 pages
				Dec 06, 2000 *	Mar 02, 2001			
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					May 19, 2001			

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1996	1997	1998	1999	2000	2001	2002	2003	200
0 pages	4 pages	7 pages	9 pages	27 pages	63 pages	21 pages	17 pages	0 page
	Apr 18, 1997 *	Jan 09, 1998 *	Jan 25, 1999 *	Feb 29, 2000 *	Jan 06, 2001 *	Jan 24, 2002	Jan 22, 2003	
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				May 20, 2000	Feb 26, 2001	Sep 28, 2002	Jun 03, 2003	
				Jun 19, 2000	Mar 01, 2001	Sep 29, 2002	Jun 07, 2003	
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				Jun 10, 2000	Sep 24, 2001 *			
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				Oct 06, 2000				
				Oct 18, 2000				
				Oct 19, 2000				

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					Mar 31, 2001			
					May 19, 2001			

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	Jun 15, 1997 *	Jan 29, 1998 *	Jan 28, 1999 *	Mar 01, 2000	Jan 07, 2001	May 23, 2002 *	Feb 08, 2003	
	Oct 12, 1997 *	Jul 13, 1998 *	Jan 29, 1999	Mar 02, 2000 *	Jan 18, 2001 *	May 27, 2002	Feb 11, 2003	
	Dec 10, 1997 *	Nov 11, 1998 *	Feb 02, 1999	Mar 03, 2000	Jan 19, 2001	May 28, 2002	Feb 20, 2003	
		Dec 02, 1998 *	Feb 08, 1999 *	Mar 04, 2000	Jan 30, 2001 *	Jul 21, 2002	Mar 18, 2003	
		Dec 06, 1998	Feb 19, 1999 *	Mar 04, 2000 *	Jan 61, 2001 *	Aug 02, 2002	Apr 04, 2003	
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				Aug 05, 2000	Apr 01, 2001	Nov 13, 2002	Jun 23, 2003	
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				Aug 18, 2000 *	May 02, 2001	Nov 20, 2002		
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					May 30, 2001			
					Jun 02, 2001			
					Jun 03, 2001			
					Jun 07, 2001			

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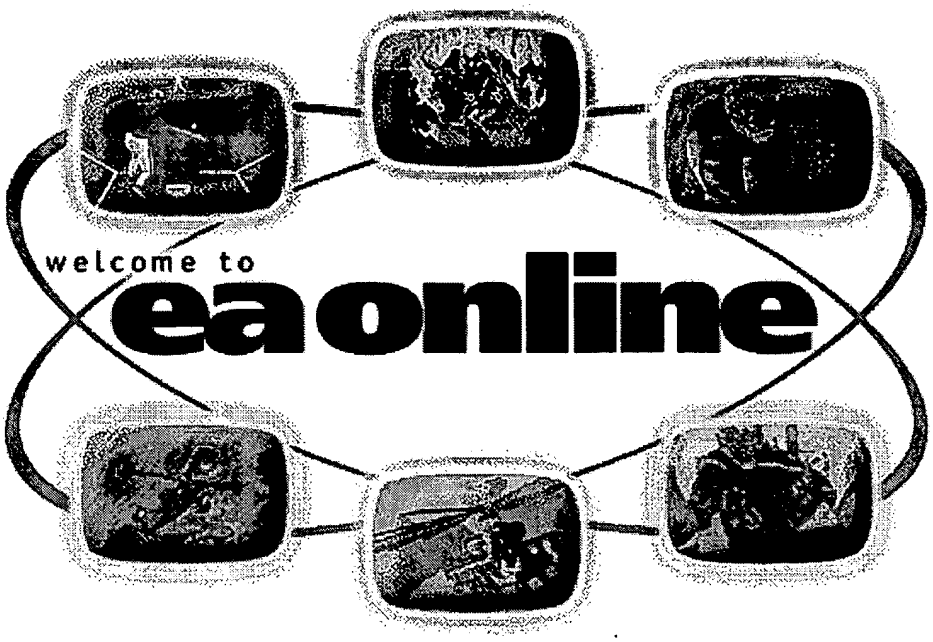
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1996	1997	1998	1999	2000	2001	2002	2003	20
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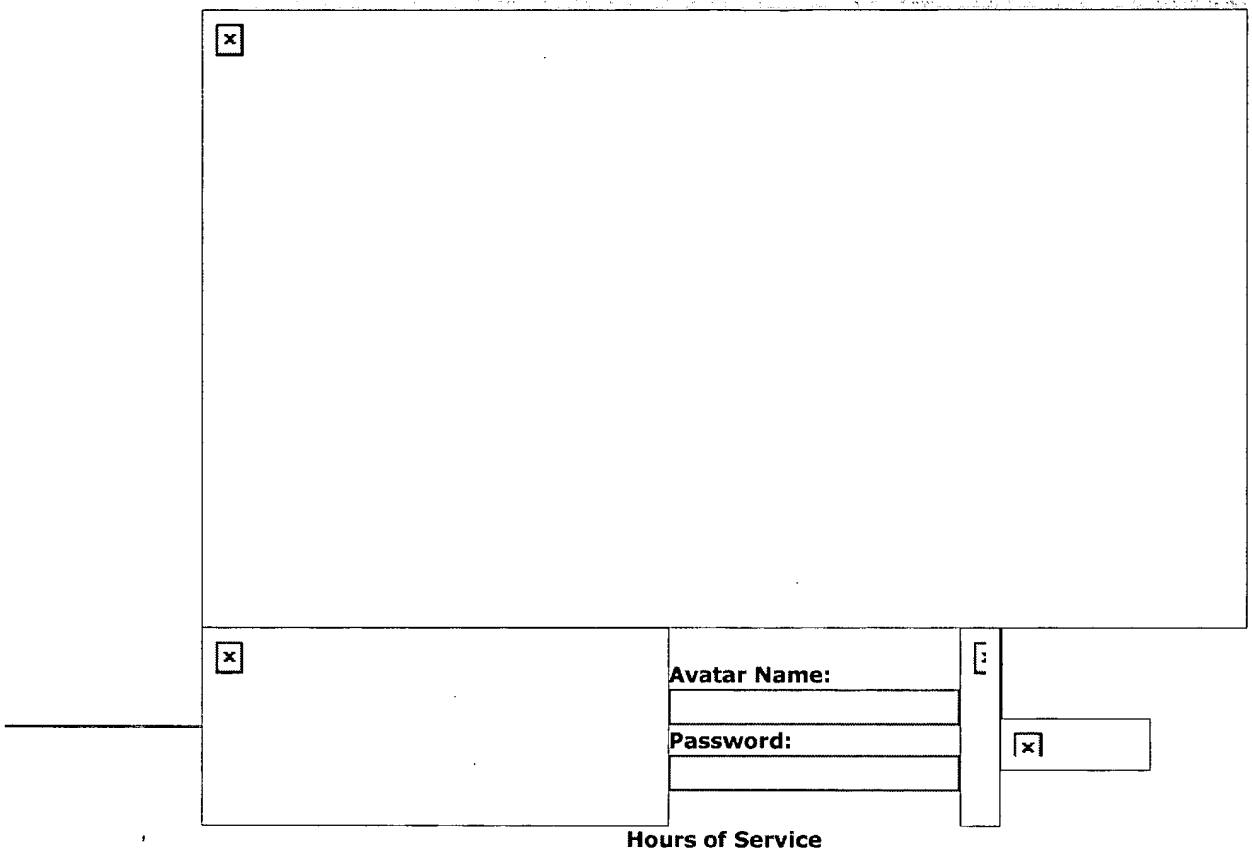
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1. US Classified Search:	✓			
2. US:				
1) US Patent	✓			
2) US PG Pub	✓			
3. FOREIGN:				
1) Derwent	✓			
2) EPO	✓			
3) JPO	✓			
4)				
4. NPL: Dialog OneSearch				
1) Ftext1, Ftext2	✓			
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... Domenica **ALTIERI**. ____ - ____. ... [3755] *** Private ***. INDEX. W. Hall GAY. ____ - ____. Father: Warren GAY Mother: **Frances** ELLIS ... **Barbara** STEPHENS. ____ - ____. ...
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... **Altieri**, Vincenzo. 1912. **Altieri**, Vincenzo. 1912. ... Ammons, **Frances** A. 1992. Ammons, **Frances** A. 1992. ... Amrine, Peggy Ann. 1994. Amsbaugh, **Barbara** Gene. 2000. ...
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... ANN P. **ALTIERI**, LOUIS J. **ALTIERI**, MICHAEL S ... MARGARET ALTMAYER, ROBERT S. ALTOBELLO, **BARBARA** J. (JENNINGS ... ALTSCHER, SIEGFRIED ALTZ, LEO J. ALUISIO, EDNA **FRANCES**. ...
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... A. Montagna Luis A. Recalde 7__Carol L. **Altieri** Kelley A ... Joan A. Rapczynski Jeanette R. Rogers **Barbara** C. Trader ... R. O'Neil Deborah L. Peck **Frances** E. Pierce ...
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... Allen, **Barbara**, Painting/Sculpting Patron. Allen, **Frances**, Painting Patron. Allen, James P. Painting Patron. Alonzo, Mike, Painting/Sculpting Patron. **Altieri**, Kathy, ...
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... Randall Peck Ann Page Ransdell Margaret Davis Reed **Barbara** Hedberg Self MSN Audrey Joyce Booth CLASS OF 1958 BSN Ann Bobbitt Allen **Frances** Plyler Best Cloydia ...

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... Margaret McSheehy, 78, retired teacher Maryann **Altieri**, 55, former ... worked at supply depot Tessie **Barbaro**, 83, was ... was active in civic theater **Frances** Raynor, 72 ...
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... 25679, **ALTIERI**, Alan, UOMO ESTERNO (L'), Corbaccio, 2001. ... 25486, ASHCROFT, **Frances**, OLTRE OGNI LIMITE: SOPRAVVIVERE NELLE ... Sergio, NEL NOME DI UN DIO **BARBARO**, Einaudi, 2002. ...
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... ALVARO, Michelangelo ANTONIONI, Umberto **BARBARO**, Giuseppe De ... di canzoni" INTERPRETES: Elena **ALTIERI**(épouse du ... SANDRI(Yasmina), Léopoldo **FRANCES**(Abdi), Lucien ...
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... **Altieri** Dr. Leonardo 172, 652. **Altieri** Dott. ... Anna Maria 74, 109, 437. **Barbaro** Rita 188, 225, 644. ... Civolani Rossella 193, 232, 300. Clancy Julia **Frances** 713, 788. ...
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10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001

CONFIRMATION NO. 1927

OC000000012230503

35161
DICKINSON WRIGHT PLLC
1901 L. STREET NW
SUITE 800
WASHINGTON, DC 20036

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Application Number	10/272,408
Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro Altieri
Art Unit	3629
Examiner Name	NOT YET ASSIGNED
Attorney Docket Number	71457.0004

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Name	FRANCES BARBERO ALTIERI		
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Date	12/17/03	Telephone	617-484-0052

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Filing Date	October 16, 2002
First Named Inventor	Frances Barbaro Altieri
Art Unit	3629
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P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/272408-Conf. #1927
Filing Date	October 16, 2002
First Named Inventor	Frances B. Altieri
Title	A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME
Atty Docket Number	TZB-001
Art Unit	3629
Examiner	Not Yet Assigned

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby **rescind** the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (**45**) days after the date of such foreign or international filing.

*If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (**45**) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).*

October 30, 2003
Date

David R Burns
Signature

(617) 227-7400
Telephone Number

David R. Burns - 46,590
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b).

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV354226941US, in an envelope addressed to: MS PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 30, 2003 Signature: David R Burns (David R. Burns)

FILE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001

CONFIRMATION NO. 1927

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

OC0000000011249809

Date Mailed: 11/12/2003

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 04/22/2004.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (703) 305-9282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

OIPE
FEB 06 2003
JC35
PATENT & TRADEMARK OFFICE

3629

LAHIVE & COCKFIELD LLP

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

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AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
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DANIELLE L. HERRITT
EUIHOON LEE **

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT

PATENT AGENTS
THEODORE R. WEST
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JACOB G. WEINTRAUB
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.
JILL ANN MELLO, Ph.D.

* Admitted in TX only
** Admitted in CT only

January 30, 2003

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application No.: 10/272408
For: *A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME*
Inventor: Altieri, Frances Barbaro
Filed: October 16, 2002
Our Ref. No.: TZB-001

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

RECEIVED
FEB 10 2003
GROUP 3600

1. Information Disclosure Statement;
2. PTO Form 1449;
3. Copies of references cited in PTO Form 1449 (2); and
4. A Return Postcard.

No additional costs are believed to be due in connection with the filing of this Information Disclosure Statement. However, please charge any necessary fees in connection with the enclosed statement to our Deposit Order Account No. 12-0080. For this purpose, a duplicate of this sheet is attached.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents,Washington, D.C. 20231 on:

January 30, 2003
Date

David R Burns
David R. Burns, Reg. No. 46,590

Respectfully submitted,
LAHIVE & COCKFIELD, LLP

David R Burns
David R. Burns
Registration No. 46,590
Attorney for Applicant

OIPE
FEB 06 2003
JC35
PATENT & TRADEMARK OFFICE

#4
5-2303 CW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Altieri, Frances Barbaro

Serial No.: 10/272408

Filed: October 16, 2002

For: *A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME*

Attorney Docket No.: TZB-001

Group Art Unit: 3629

Examiner: Not Yet Assigned

RECEIVED
FEB 10 2003
GROUP 3600

Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR §1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

1/30/03
Date of Signature and of Mail Deposit

By: David R Burns
David R. Burns
Registration No. 46,590
Attorney for Applicant

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant and her Attorney are aware of the following publications and information, listed on the attached PTO Form 1449, and in accordance with 37 CFR §1.97 hereby submit these publications for the Examiner's consideration. A copy of each cited publication is enclosed.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, Applicant understands that the Examiner will make an independent evaluation of the cited publications.

Under 37 CFR § 1.97(b)(3), no additional costs are believed to be due in connection with the filing of this disclosure. If, however, a first Office Action on the merits issues in this application bearing a mailing date prior to the date of this Information Disclosure Statement, please charge the appropriate fee as required under 37 CFR §1.17(p) to our Deposit Order Account No. 12-0080.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP

David R. Burns
Registration No. 46,590
Attorney for Applicant

28 State Street
Boston, MA 02109
(617) 227-7400

Date: January 30, 2003

KJC/DRB/JSC/krj
Enclosures

OIPE JC87
JAN 21 2003
PATENT & TRADEMARK OFFICE

#3

Customer Number: 000959

Attorney's
Docket
Number **TZB-001**

Declaration, Petition and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME
the specification of which

(check one)

___ is attached hereto.

X was filed on October 16, 2002 as

Application Serial No. 10/272,408

and was amended on _____.
(if applicable)

I do not know and do not believe that the subject matter of this application was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date of this application, or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date of this application on an application filed more than twelve months (six months if this application is for a design) before the filing of this application; and I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

CLAIM OF BENEFIT OF EARLIER FOREIGN APPLICATION(S)

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application(s) for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application(s) from which priority is claimed.

Check one:

X no such applications have been filed.

_ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			_ Yes No _
			_ Yes No _
			_ Yes No _
			_ Yes No _
			_ Yes No _

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF U.S. PROVISIONAL APPLICATION(S)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any earlier United States application(s) or PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date(s) of the earlier application(s) and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier application(s), if any, described below, I do not know and do not believe that the same was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date(s) of said earlier application(s), or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date(s) of said earlier application(s) on an application filed more than twelve months (six months if this application is for a design) before the filing of said earlier application(s); and I acknowledge that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

(Application Serial No.)	(Filing Date)	(Status) (patented,pending,aband.)
(Application Serial No.)	(Filing Date)	(Status) (patented,pending,aband.)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James E. Cockfield	Reg. No. 19,162	Maria C. Laccotripe Zacharakis	Limited Recognition Under 37 C.F.R. § 10.9(b)
Thomas V. Smurzynski	Reg. No. 24,798		
Ralph A. Loren	Reg. No. 29,325	Debra J. Milasincic	Reg. No. 46,931
Giulio A. DeConti, Jr.	Reg. No. 31,503	David R. Burns	Reg. No. 46,590
Ann Lamport Hammitte	Reg. No. 34,858	Sean D. Detweiler	Reg. No. 42,482
Elizabeth A. Hanley	Reg. No. 33,505	Cynthia L. Kanik	Reg. No. 37,320
Amy E. Mandragouras	Reg. No. 36,207	Theodore R. West	Reg. No. 47,202
Anthony A. Laurentano	Reg. No. 38,220	Shayne Y. Huff	Reg. No. 44,784
Kevin J. Canning	Reg. No. 35,470	Hathaway P. Russell	Reg. No. 46,488
Jane E. Remillard	Reg. No. 38,872	John S. Curran	Reg. No. 50,445
DeAnn F. Smith	Reg. No. 36,683	Lisa M. DiRocco	Reg. No. 51,619
Peter C. Lauro	Reg. No. 32,360	Richa Nand	Reg. No. 52,059
Jeanne M. DiGiorgio	Reg. No. 41,710	Danielle L. Herritt	Reg. No. 43,670
Megan E. Williams	Reg. No. 43,270	Merideth C. Arnold	Reg. No. P52,568
Jeremiah Lynch	Reg. No. 17,425	Peter W. Dini	Reg. No. P52,821
David J. Rikkers	Reg. No. 43,882	Cynthia M. Soroos	Reg. No. P53,623
		Jonathan M. Sparks	Reg. No. P53,624

Send Correspondence to David R. Burns, Esq. at **Customer Number: 000959** whose address is:

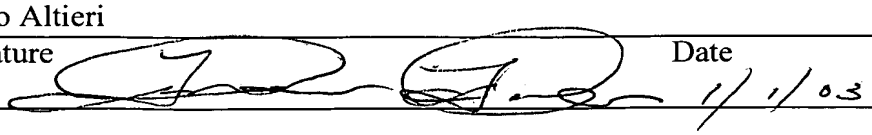
Lahive & Cockfield, LLP, 28 State Street, Boston, MA 02109

Direct Telephone Calls to: (name and telephone number)

David R. Burns, Esq., (617) 227-7400

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Frances Barbaro Altieri
Inventor's signature  Date 1/1/03
Residence 119 Juniper Road, Belmont, MA 02478
Citizenship United States
Post Office Address (if different) Same as above

OIPE JC87
JAN 21 2003
PATENT & TRADEMARK OFFICE

LAHIVE & COCKFIELD LLP

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

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ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
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JANE E. REMILLARD
DeANN FORAN SMITH
PETER C. LAURO
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DAVID J. RIKKERS
DAVID R. BURNS
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VINCENT P. LOCCISANO
MERIDETH C. ARNOLD
DANIELLE L. HERRITT
EUIHOON LEE **

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT

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JACOB G. WEINTRAUB
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.
JILL ANN MELLO, Ph.D.

* Admitted in TX only
** Admitted in CT only

January 16, 2003

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 10/272,408
Titled: A System and Method for Integrating Business-Related Content into an Electronic Game
Filed: October 16, 2002
Inventor: Frances Barbaro Altieri
Our Ref. No.: TZB-001

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice to File Missing Parts (2 pages, in duplicate);
2. Executed Declaration, Petition and Power of Attorney (5 pages);
3. Copy of the Formalities Letter (1 page); and
4. Return postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope Addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on:

January 16, 2003
Date

David R Burns
David R. Burns, Esq., Reg. No. 46,590

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

David R Burns
David R. Burns
Reg. No. 46,590
Attorney for Applicant

OIPE JC
JAN 21 2003
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Frances Barbaro Altieri	Group Art Unit: 3629
Serial No.: 10/272,408	Examiner: Not yet assigned
Filed: October 16, 2002	
For: A System and Method for Integrating Business-Related Content into an Electronic Game	
Attorney Docket No.: TZB-001	

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

January 16, 2003
Date of Signature and of Mail Deposit

By: David R Burns
David R. Burns
Reg. No. 46,590
Attorney for Applicant

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Dear Sir:

In response to the Notice to File Missing Parts of Application of Nonprovisional Application dated November 25, 2002, in connection with the above-referenced patent application, we enclose an executed Declaration, Petition and Power of Attorney form by Frances Barbaro Altieri and a copy of the Formalities Letter.

Please charge the $65 surcharge as set forth in 37.CFR 1.16(e) and any additional fees associated with this communication to our Deposit Account No. 12-0080. For this purpose, a duplicate of this letter is enclosed. If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

David R. Burns
Registration No. 45, 690
Attorney for Applicants

28 State Street
Boston, MA 02109
(617) 227-7400
Date: January 16, 2003

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001

CONFIRMATION NO. 1927

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109



FORMALITIES LETTER

OC000000009156277

Date Mailed: 11/25/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$65** for a Small Entity

- **$65** Late oath or declaration Surcharge.

01/23/2003 BSAYASI1 00000074 120080 10272408
01 FC:2051 65.00 CH

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/272,408	10/16/2002	Frances Barbaro Altieri	TZB-001

CONFIRMATION NO. 1927

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

FORMALITIES LETTER

OC000000009156277

Date Mailed: 11/25/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$65** for a Small Entity

- **$65** Late oath or declaration Surcharge.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

10-17-02 10272408 A/# 016502

Customer No. 000959

Case Docket No. TZB-001

JC914 U.S. PTO 10/16/02

THE COMMISSIONER FOR PATENTS
Box Patent Application
Washington, D.C. 20231

J1030 U.S. PTO 10/272408 10/16/02

"Express Mail" Mailing Label Number EL 931 676 100 US

Date of Deposit October 16, 2002

I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Signature

Ilidio P. Cardoso
Please Print Name of Person Signing

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) Frances Barbaro Altieri

For: **A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME**

Enclosed are:

☐ This is a request for filing a ☐ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. _____ filed on _____ entitled _____.

☒ 8 pages of specification, 4 pages of claims, 1 pages of abstract.

☒ 5 sheets of drawings.

☒ An unexecuted Declaration, Petition and Power of Attorney (5 pages).

☐ An assignment of the invention to _____. A recordation form cover sheet (Form PTO 1595) is also enclosed.

☒ Applicant claims small entity status. See 37 CFR 1.27.

☒ **Nonpublication Request** (1 page)

☒ Other Application Data Sheet (2 pages)

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)
FOR:	NO. FILED	NO. EXTRA
BASIC FEE	////////////////////////////////	
TOTAL CLAIMS	20 - 20	= 0
INDEP. CLAIMS	6 - 3	= 3
☐ MULTIPLE DEPENDENT CLAIMS PRESENTED		

* If the difference in Col. 2 is less than zero, enter "0" in Col. 2.

SMALL ENTITY			OTHER THAN SMALL ENTITY	
RATE	FEE	OR	RATE	FEE
//////////	$ 370	OR	//////////	$
x 9=	$ 0	OR	x 18=	$
x 42	$ 126	OR	x 84	$
+140	$	OR	+280	$
TOTAL	$496.00	OR	TOTAL	0

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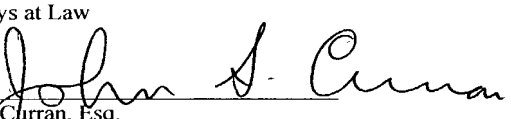
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- ☐ Any filing fees under 37 C.F.R. 1.16 for presentation of extra claims.

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Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

Date: October 16, 2002

LAHIVE & COCKFIELD, LLP
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By 
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Frances Barbaro Altieri
Serial No.: To Be Assigned
Filed: Herewith
For: A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME
Attorney Docket No.: **TZB-001**

Group Art Unit:

Examiner:

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

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October 16, 2002
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By: John S. Curran
John S. Curran, Esq.
Reg. No. 50,445
Attorney for Applicant

NONPUBLICATION REQUEST

Dear Sir:

Applicant respectfully requests that this application NOT BE PUBLISHED under 35 U.S.C. § 122(b). The undersigned certifies on behalf of Applicant that the invention disclosed in this application has not and, as the undersigned presently understands, will not be the subject of an application filed in another country or under a multilateral international agreement that requires publication at 18 months after filing.

No costs are believed due in connection with the filing of this Nonpublication Request. However, if there are any associated costs, please charge them to our Deposit Order Account No. 12-0080.

John S. Curran
John S. Curran, Esq.
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28 State Street
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10-17-02 10272408 A/# 016502

Customer No. 000959

Case Docket No. TZB-001

JC914 U.S. PTO 10/16/02

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Signature

Ilidio P. Cardoso
Please Print Name of Person Signing

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) Frances Barbaro Altieri

For: **A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME**

Enclosed are:

☐ This is a request for filing a ☐ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. _____ filed on _____ entitled _____.

☒ 8 pages of specification, 4 pages of claims, 1 pages of abstract.

☒ 5 sheets of drawings.

☒ An unexecuted Declaration, Petition and Power of Attorney (5 pages).

☐ An assignment of the invention to _____. A recordation form cover sheet (Form PTO 1595) is also enclosed.

☒ Applicant claims small entity status. See 37 CFR 1.27.

☒ **Nonpublication Request** (1 page)

☒ Other Application Data Sheet (2 pages)

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)
FOR:	NO. FILED	NO. EXTRA
BASIC FEE	////////////////////////////////	
TOTAL CLAIMS	20 - 20	= 0
INDEP. CLAIMS	6 - 3	= 3
☐ MULTIPLE DEPENDENT CLAIMS PRESENTED		

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SMALL ENTITY			OTHER THAN SMALL ENTITY	
RATE	FEE	OR	RATE	FEE
//////////	$ 370	OR	//////////	$
x 9=	$ 0	OR	x 18=	$
x 42	$ 126	OR	x 84	$
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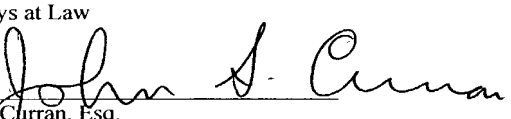
- ☐ Any patent application processing fees under 37 C.F.R. 1.17.
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28 State Street
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Date: October 16, 2002

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Attorney for Applicant

28 State Street
Boston, MA 02109
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Date: **October 16, 2002**

APPLICATION DATA SHEET

Application Information

Application Type::	Regular
Subject Matter::	Utility
Title::	A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME
Attorney Docket Number::	TZB-001
Request for Early Publication::	No
Request for Non-Publication::	Yes
Suggested Drawing Figure::	3
Total Drawing Sheets::	5
Small Entity::	Yes

Applicant Information

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Correspondence Information

Correspondence Customer Number:: 000959

Representative Information

Representative Customer Number::	000959

Initial 10/16/02

TZB-001

A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

Field of the Invention

The illustrative embodiment of the present invention relates generally to electronic games and more particularly to the integration of business-related content into a computer game.

Background

The number of people playing electronic games has increased substantially in recent years. These people represent a significant target audience for businesses. A number of methods are used by companies to help attract the business of game players, such as sponsorship of games, sponsorship of gaming competitions, and the insertion of promotional material into game packaging to increase participant awareness of a particular business. Unfortunately, the companies frequently lose the attention of the players and the associated opportunity to interact with players upon the commencement of the game. The conventional methods of advertising limit the opportunity to capture the attention of the player of the game application to a period of time before the start of a game and a period of time after the end of the game, since during the game the user is focused on the game play. During both periods of time, before and after game play, the player of the game application may ignore the business-related content that a business wishes to convey to the player.

Brief Summary of the Invention

The illustrative embodiment of the present invention provides a method of seamlessly integrating business-related content into the subject matter of an electronic game. The electronic game, which may be executed on a local device or via a network connection to a remote server, exposes the player to branded business-related content. The term branded refers to business-related content which uniquely identifies the goods and services of a particular company. The game requires the user to perform certain tasks specified in the game. In the course of conducting the tasks, the user is transparently re-directed to a corporate sponsor's customized web site to finish the completion of a task. While at the sponsors corporate web site, the game player is exposed to additional business-related content which relates to the game the user is playing. All of the business-related content displays occur within the context of the player playing the game. The player has the opportunity to

temporarily leave the game and acting upon the business-related content to which he or she has been exposed in order to conduct real-life business at the corporate web site. Following completion of the task at the customized corporate web site, the player is transparently re-directed back to the original game site. The game provides the opportunity for the player to earn extra benefits as a result of the game actions. Some of the benefits are for internal use within the game while other benefits are external to the game for later use with the various businesses providing the business-related content. For example, the game player may earn real life points towards hotel chain rewards programs or frequent flyer miles towards airlines reward programs.

In one aspect of the illustrative embodiment of the present invention, a primary electronic device holding a game application is part of a network along with a secondary electronic device holding business-related content. The primary electronic device receives a request from a user to initiate the game application. The game application is initiated and integrates business-related content into the game application during the execution of the game application.

In another aspect of the illustrative embodiment of the present invention, an electronic device holding a game application is interfaced with a network. The network has at least one secondary electronic device holding business-related content. The game application is initiated in response to a user request. The user playing the game is re-directed from the electronic device to a customized web page on the secondary electronic device. The re-direction is integrated into the game application and occurs as part of the user executing and playing the game application. The customized web page at the secondary electronic device is customized with business-related content for use with the game application.

In an aspect of the illustrative embodiment of the present invention, a system includes a primary electronic device holding a game application. The game application is initiated in response to a user request. The system also includes a virtual reality platform interfaced with the electronic device holding the game application. The virtual reality platform provides a three dimensional effect to the user while the user is playing the game. The system additionally includes a secondary electronic device which is interfaced with the primary electronic device over a network. The secondary electronic device holds a web page customized with business-related content which is used in conjunction with the game application. The user is re-directed to the customized web page from the primary electronic device as part of the execution of the game application.

In a further aspect of the illustrative embodiment of the present invention a network includes a primary electronic device holding a game application and at least one secondary electronic device holding business-related content. A virtual reality platform is provided which is interfaced with the primary electronic device. The virtual reality platform provides a three dimensional effect to the user during gameplay. The game application is initiated in response to user request. During the execution of a game application, the content source for the virtual reality platform is re-directed from the primary electronic device to a customized web page on the secondary electronic device. The re-direction occurs as part of the execution of the game application. The web page is customized with business-related content for use with the game application.

Brief Description of the Drawings

Figure 1 depicts a block diagram of an environment suitable for practicing the illustrative embodiment of the present invention where the game is initiated over a network;

Figure 2 depicts a block diagram of an alternate environment suitable for practicing the illustrative embodiment of the present invention where a local device holds the game application;

Figure 3 depicts a flowchart of the sequence of steps followed by the illustrative embodiment of the present invention to expose the player to business-related content while the player is playing the game;

Figure 4 is a block diagram of the illustrative embodiment of the present invention where a virtual reality platform is used at a franchised game location; and

Figure 5 is a flowchart of the sequence of steps followed by the illustrative embodiment of the present invention to utilize a virtual reality platform during the execution of the game application.

Detailed Description

The illustrative embodiment of the present invention provides a method of integrating business-related content into the execution of a game application. A player of the game application is exposed to the business-related content within the context of the game. User actions within the game cause the game application to automatically re-direct the user to a customized corporate web site containing selected information from a business sponsor. Game-related user actions performed while the player is at the customized corporate web site cause the player to be exposed to additional business-related content from the business sponsor. The additional content is displayed to the player within the context of the game. The player may earn benefits while at the customized corporate web site. Some of the player

benefits are real-life benefits external to the game application and may be utilized by the player after finishing the game. A record of external benefits is kept by the business sponsor. Other benefits may be immediately available to the player by pausing the game, thereby allowing the player to access the sponsor's reward program. Additional benefits are used by the player within the context of the game. Following the occurrence of a pre-determined event, the game application re-directs the player back to the original game site.

For the sake of clarity in explaining the invention, the description herein focuses on the integration of business-related content into the game application. However, those skilled in the art will appreciate that the content being integrated into the game application may be business-related content and/or non business-related content. Examples of non-business related content include, but is not limited to, art content, historical data, geographical content, literature content, etc.

Figure 1 depicts an environment suitable for practicing the illustrative embodiment of the present invention. A primary electronic device 2 holds a game application 4, character profiles 6, and is interfaced with the network 10. Character profiles 6 are records which track the game choices a player makes while playing the game application 4. The use of character profiles 6 is discussed further below. The network 10 may be the Internet, an Intranet, a local area network, a wide area network, a wireless network, or some other type of network. A user 12 accesses the network 10 through an electronic device 14 holding a web browser 16. Also interfaced with the network 10 are a number of secondary electronic devices 20, 26 and 32, such as web servers. Each secondary electronic device hosts a customized web site, 22, 28 and 34. Each customized web site includes business-related content 24, 30 and 36. The user 12 requests the initiation of the game application 4, and the game starts.

A game event re-directs the user 12 to one of the customized web sites 22, 28 and 34. While the user is at one of the customized web sites 22, 28 and 34, the user is exposed to the business-related content 24, 30 and 36. Game actions undertaken by the user 12 while at the customized web sites or at the primary electronic device 2 may cause the generation of player benefits. Some of the benefits are real-life benefits external to the game which may be accessed by the player after the conclusion of the game or by pausing the game. The real-life benefits are stored in a network-accessible database 39. The external real-life benefits may be things such as hotel guest reward points or frequent flyer miles for airlines. Those skilled in the art will recognize that additional business-related content 40 may be at other sites accessible over the network 10. Game benefit records 8 of benefits meant to be used within the context of the game are stored on the primary electronic device 2 executing the game application 4.

Figure 2 depicts an alternative environment suitable for practicing the illustrative embodiment of the present invention. A user 60 accesses the game application 64 on a local electronic device 62. The local electronic device 62 may be a desktop computer, laptop computer, PDA, cellular phone or other device able to access the network 70. The local electronic device 62 is interfaced with a network 70. Also interfaced with the network 70 are a number of remote secondary electronic devices 72, 78 and 84. The secondary electronic devices 72, 78 and 84 each include a customized web page 74, 80 and 86. The customized web pages 74, 80 and 86 each hold business-related content 76, 82 and 88. Following initiation of the game application 64, the occurrence of a pre-determined event in the game causes a transparent re-direction to one of the customized web pages 74, 80 and 86. The web pages expose the user 60 to additional business-related content in the context of the ongoing game. Game actions undertaken by the user 60 may result in the generation of benefits for the user 60 which are to be used outside the game environment. Records of the external benefits may be stored in an external benefits database 90 accessible through one of the secondary electronic devices and over the network 70.

The game the user is playing may take many forms. The game may be a role playing game involving a geographic theme in which, for example, the player is exposed to data relating to the travel industry for a certain geographical area. Examples of this would be the player being exposed to data involving hotels, planes and restaurant information for a particular city. The player may be presented with a display of their virtual location as a 3-D virtual rendition, by a web-cam picture, by a map display (which may be provided by a sponsor) or some other visual rendering which indicates to the player the player's current location within a geography zone. Alternatively, the game may take the form of a scavenger hunt where a player is required to go to various places within the game environment and "retrieve" various items. The game may also involve an educational sequence of events such that the player's game actions also serve a dual purpose of educating the player in the use of technology for a particular company's infrastructure. The players may be required while at the external web sites holding the business-related content to answer questions or retrieve objects. The external company web sites are custom designed by business sponsors so that the data to which the user is exposed is relevant to the game-playing environment. The custom designed web sites may allow the user to pause the game and transfer to a non-game web site of a business sponsor. The games may be directly developed by the business sponsors thereby customizing the entire game playing experience in order to emphasize a particular subject for the player. Those skilled in the art will recognize that the game may take additional forms other than those listed herein without departing from the scope of the present invention.

Figure 3 is a flowchart of the sequence of steps followed by the illustrative embodiment of the present invention to expose a game player to business-related content through the execution of the game application. The sequence begins when the game is initiated (step 100). The player is exposed to company branding through player action during game play (step 102). Eventually, a game event re-directs the source of the content being displayed to the user to an external company web site (step 104). While at the external web site, the player may earn game or real life reward benefits (step 106). The events triggering the benefits are related to the business-related content to which the player is exposed. The content is displayed within the context of the game play. While at the external company web site the player may have the opportunity to purchase items at the external company web site either in the course of the game play or by pausing the game play and temporarily departing from the game site (step 108). Eventually, a predetermined event causes the player to be re-directed from the external web site back to the original game site (step 110). Back at the original game site the player continues to be exposed to selected data through game play. Eventually, if a player executes a game ending event (step 113) the game ends (step 114). At that point, the player must decide whether or not to restart the game (step 115). If the player elects to continue a new game is initiated (step 100). If the player elects not to restart the game, the game application is exited (step 116). Alternatively, if the action is not a game ending event (step 113), the player continues to be exposed to company branding through game play (step 102) and the overall sequence of events reiterates. Those skilled in the art will recognize that the sequence of events is not limited to a linear sequence described above, but can involve multiple re-directions back and forth to company web sites as part of the sequence of game events with the player being exposed to business-related content at multiple points in the process.

The business-related content to which the user is exposed may take a number of different forms. The content may be in the form of static web pages. Alternatively, the content may be in the form of web pages including dynamic content, which is constantly being updated through the use of, scripts, Java applets, ActiveX objects, or other similar mechanisms. An example of this is the display of a news crawl from a sponsoring news channel. Alternatively, the dynamic content may include real-life weather data for the geographic area the player is virtually experiencing in the game. Network-accessible databases of current weather reports, currency valuations, current events, airline schedules and similar subjects may be used to provide this information. The content to which the game player is exposed may include video and audio data. The exposure of the player to this data occurs in the context of the game. The player may also play the game in conjunction with one or more people in a multiplayer game and access a database of the other players progress in

real-time. The game may be a long-term competition spanning days, weeks, months or longer periods. The user actions within the context of the game are evaluated either through a static decision tree or the use of an artificial intelligence engine to generate the next game event for the user. Events occurring at the external company web sites to which the player is re-directed are captured and sent back to the original game site so that long term records may be kept of the players progress and history. Those skilled in the art will recognize that additional forms of business-related data may be integrated into the game application without departing from the scope of the present invention.

In one aspect of the present invention, character profiles are developed which track the game decisions made by each player. Players log-in at the outset of game play using a player ID and password. The player is cross-indexed to a character profile which tracks the player's decisions during the course of the game. The character profiles may include non-identifying demographic data and may be exchanged with the business sponsors so that they can tailor content or product offerings in a manner appealing to the game participants. The profiles are tied to a character representing the player, not the actual individual playing the game.

The game application 4 allows the player to access more than task-oriented games. The application may present the user with a platform to access music sites (run by a sponsor), chat areas, reading area, educational areas, areas specific to sponsor reward programs, shopping areas and other areas in addition to the game area. The player may be allowed to view video clips or answer quiz questions. The choices made by the player are tracked, collected in the character profiles, and exchanged with business sponsors. The sites relating to the non-game selections are unique to the game application so that player choices may be tracked and added to the character profiles.

Figure 4 depicts a block diagram of the game application using a virtual reality platform during the execution of the game. A user 132 goes to a franchised game location 130. The franchised game location 130 includes a virtual reality platform 134 allowing the user 132 to experience three-dimensional effects in an immersive environment. The virtual reality platform 134 is interfaced with the primary electronic device 136 holding the game application 138. The game location has access to a network 140 through which the user may be re-directed to a secondary electronic device 142 holding a customized web page 144. The customized web pate 144 holds business-related content to which the user 132 will be exposed during the course of game play.

Figure 5 depicts the sequence of events by which the illustrative embodiment of the present invention utilizes a virtual reality platform to increase the user experience. The

sequence begins when the user accesses the virtual reality platform (step 160). The game application is initiated (step 162). The user performs actions in the game (step 164). One of the events in the game causes the source of the content being displayed to the user through the virtual reality platform to be automatically re-directed to a secondary electronic device (step 166). At the secondary electronic device, the user is exposed to additional business-related content (step 168). Following the conclusion of a pre-determined task or event at the secondary electronic device, the content source is re-directed automatically back to the original game site (step 170). During this time the user is experiencing the displayed data through the three dimensional effects of the virtual reality platform 134.

The illustrated embodiment of the present invention anticipates the generation of both two-dimensional and three dimensional image data for the user by the game application. In the network environment where the user is accessing the game application through a local web browser with the game application being stored on a remote site on the network, the user may receive two-dimensional data through the web browser. In such a case, the web page is retrieved to the local web browser and the graphics are rendered locally prior to displaying the page to the user. It is also anticipated within the scope of the present invention that for users with broadband connections that are able to handle the greater data broadcast requirements, three dimensional data may be received from the remote site holding the game application. In such a case, the external site renders the three dimensional graphics and forwards the three-dimensional data to the local device being used by the user over a high capacity connection such as a cable modem line, DSL line, T1 line, or optical line. Three-dimensional images will then be displayed to the user. In one aspect of the invention the three-dimensional images which are rendered at the external site may be compressed prior to being sent over the network.

It will thus be seen that the invention attains the objectives stated in the previous description. Since certain changes may be made without departing from the scope of the present invention, it is intended that all matter contained in the above description or shown in the accompanying drawings be interpreted as illustrative and not in a literal sense. For example, although web sites have been listed herein as the repository of the business-related content on the secondary electronic devices, those skilled in the art will recognize that other locations may be used to hold business-related data without departing from the scope of the present invention. Practitioners of the art will realize that the sequence of steps and architectures depicted in the figures may be altered without departing from the scope of the present invention and that the illustrations contained herein are singular examples of a multitude of possible depictions of the present invention.

We Claim:

1. In a network with a primary electronic device holding a game application, and at least one secondary electronic device holding business-related content, a method, comprising the steps of:

receiving a request at said primary electronic device to initiate said game application from a user interfaced with said network;

initiating said game application; and

integrating business-related content into said game application during the execution of said game application.

2. The method of claim 1, comprising the further steps of:

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

3. The method of claim 2, comprising the further step of:

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit external to said game.

4. The method of claim 2, comprising the further step of:

re-directing said user back to said primary electronic device as part of the execution of said game application

5. The method of claim 2 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. The method of claim 1 wherein said game application displays branded business-related content to said user.

7. The method of claim 6 wherein said branded business-related content is dynamically updated.

8. The method of claim 1, comprising the further steps of:

executing actions in said game as a result of user choices; and

generating a player profile based on game choices made by said user.

9. The method of claim 8 wherein said profiles are disseminated to providers of business-related content used in said game application.

10. In a network with an electronic device holding a game application, and at least one secondary electronic device, a method, comprising the steps of:

initiating said game application in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

11. The method of claim 10, comprising the further steps of:

executing a game-related action, said game-related action generating a benefit for said user relating to said business-related content.

12. The method of claim 11 wherein said benefit for said user is external to said game.

13. The method of claim 11 wherein said benefit for said user is calculated in real-time.

14. The method of claim 11, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. A system, comprising:

a primary electronic device holding a game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional effect to said user during the execution of the game application; and

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device holding a web page customized with business-related content for use with said game application, said user being re-directed to said customized web page as part of the execution of said game application.

16. In a network with a primary electronic device holding business-related content and a game application, and at least one secondary electronic device holding business-related content, a method, comprising the steps of:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional effect to said user during the execution of the game application;

initiating said game application in response to a user request; and

re-directing the content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said game application, said web page customized with business-related content for use with said game application.

17. The method of claim 16 wherein the virtual reality platforms are located at franchised locations.

18. In a network with an electronic device holding a game application, and at least one secondary electronic device holding business-related content, a medium holding computer-executable steps for a method, said method comprising the steps of:

initiating said game application in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

19. The medium of claim 18 wherein said method comprises the further step of:

displaying to said user as part of the execution of said game application branded business-related content.

20. In a network with an electronic device holding a game application and at least one secondary electronic device holding business-related content, a medium holding computer-executable steps for a method, said method comprising the steps of:

initiating said game application in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;

re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and occurring as part of the user executing said game application; and

displaying to said user as part of the execution of said game application branded business-related content.

Abstract

A method of integrating business-related content into the execution of a game application is disclosed. A player of the game application is exposed to the business-related content within the context of the game. User actions within the game cause the game application to transparently re-direct the user to a customized corporate web site containing selected information from a business sponsor. Game-related user actions performed while the player is at the customized corporate web site cause the player to be exposed to additional business-related content from the business sponsor. The player may earn benefits while at the customized corporate web site. Some of the player benefits are real-life benefits external to the game application which may be utilized by the player after finishing the game. A record of external benefits is kept by the business sponsor. Other benefits may be immediately available to the player by pausing the game, thereby allowing the player to access the sponsor's reward program. Following the occurrence of a pre-determined event, the game application transparently re-directs the player back to the original game site.

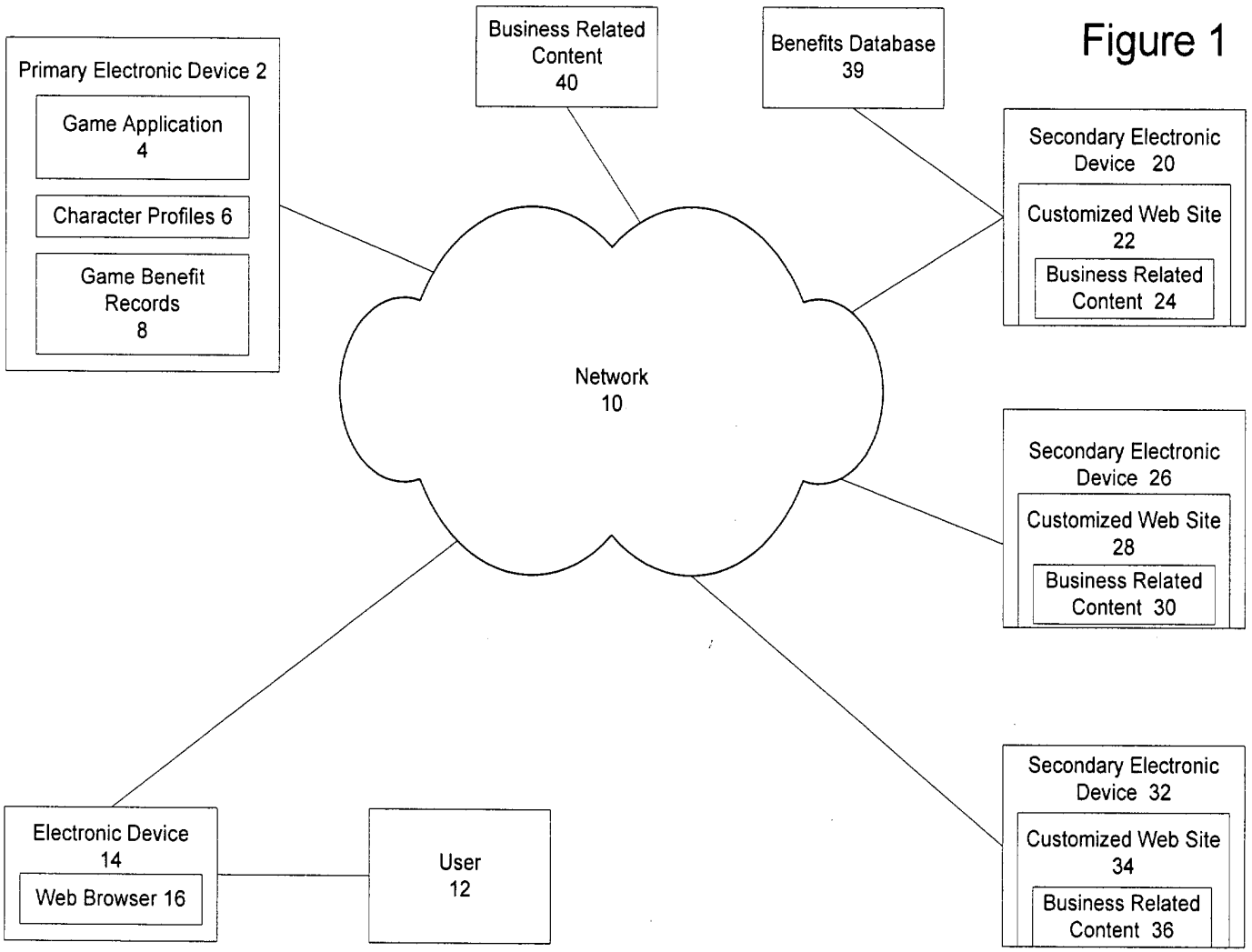

Primary Electronic Device 2
Game Application 4
Character Profiles 6
Game Benefit Records 8
Business Related Content 40
Benefits Database 39
Network 10
Secondary Electronic Device 20
Customized Web Site 22
Business Related Content 24
Secondary Electronic Device 26
Customized Web Site 28
Business Related Content 30
Secondary Electronic Device 32
Customized Web Site 34
Business Related Content 36
Electronic Device 14
Web Browser 16
User 12

Figure 1

Figure 2

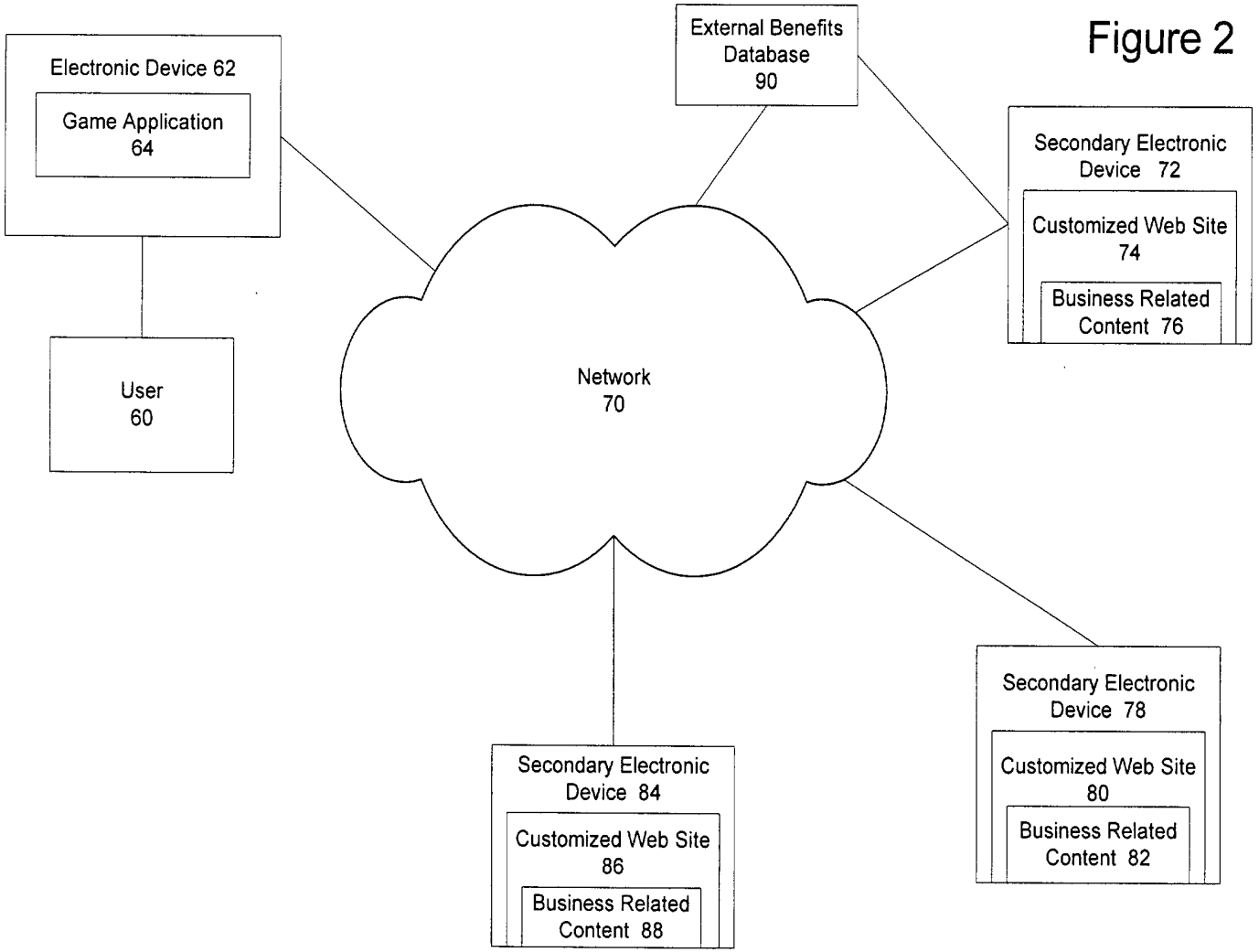

Electronic Device 62
Game Application 64
User 60
External Benefits Database 90
Network 70
Secondary Electronic Device 72
Customized Web Site 74
Business Related Content 76
Secondary Electronic Device 84
Customized Web Site 86
Business Related Content 88
Secondary Electronic Device 78
Customized Web Site 80
Business Related Content 82

Figure 3

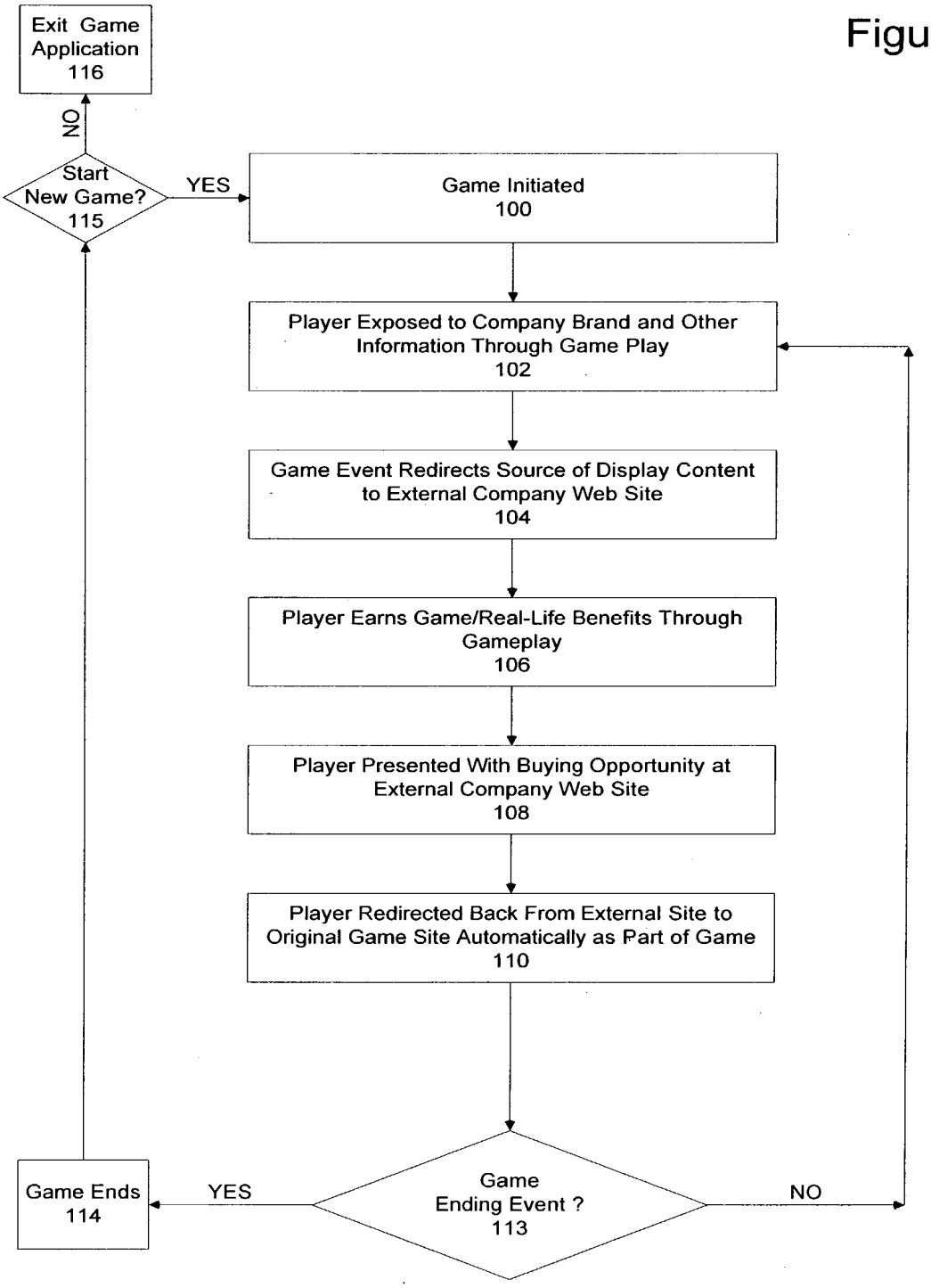

Exit Game Application 116
NO
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Player Presented With Buying Opportunity at External Company Web Site 108
Player Redirected Back From External Site to Original Game Site Automatically as Part of Game 110
Game Ending Event ? 113
YES
NO
Game Ends 114

Figure 4

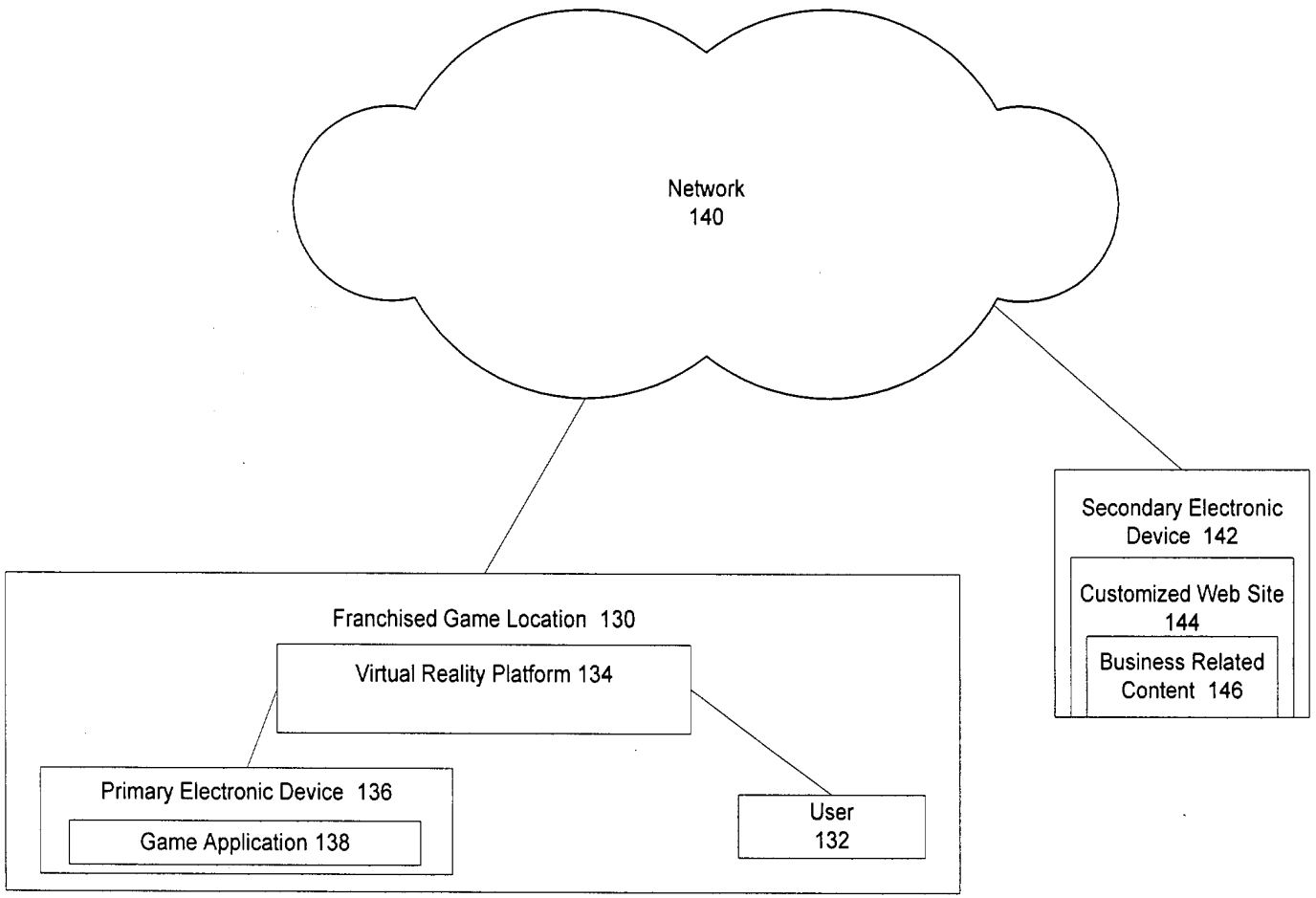
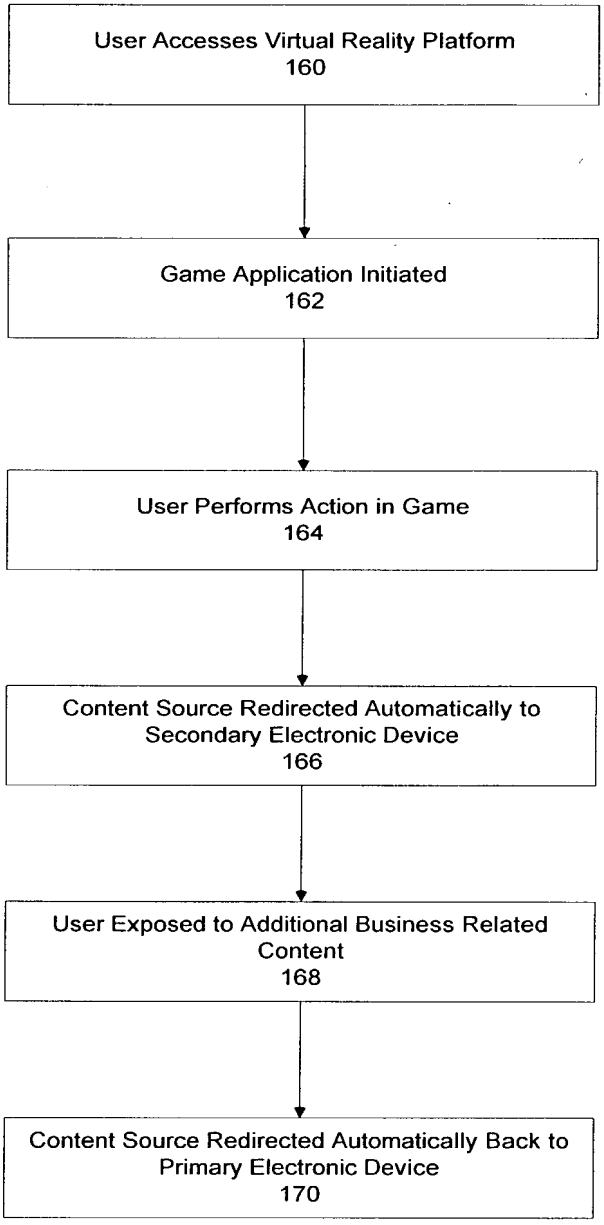

Network
140
Secondary Electronic Device 142
Customized Web Site 144
Business Related Content 146
Franchised Game Location 130
Virtual Reality Platform 134
Primary Electronic Device 136
Game Application 138
User
132

Figure 5


User Accesses Virtual Reality Platform
160
Game Application Initiated
162
User Performs Action in Game
164
Content Source Redirected Automatically to Secondary Electronic Device
166
User Exposed to Additional Business Related Content
168
Content Source Redirected Automatically Back to Primary Electronic Device
170

Customer Number: 000959

Attorney's
Docket
Number **TZB-001**

Declaration, Petition and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME
the specification of which

(check one)

X is attached hereto.

_ was filed on _____ as

Application Serial No. _____

and was amended on _____.
(if applicable)

I do not know and do not believe that the subject matter of this application was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date of this application, or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date of this application on an application filed more than twelve months (six months if this application is for a design) before the filing of this application; and I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

CLAIM OF BENEFIT OF EARLIER FOREIGN APPLICATION(S)

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application(s) for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application(s) from which priority is claimed.

Check one:

X no such applications have been filed.

_ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			_ Yes No _
			_ Yes No _
			_ Yes No _
			_ Yes No _
			_ Yes No _

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF U.S. PROVISIONAL APPLICATION(S)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any earlier United States application(s) or PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date(s) of the earlier application(s) and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier application(s), if any, described below, I do not know and do not believe that the same was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date(s) of said earlier application(s), or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date(s) of said earlier application(s) on an application filed more than twelve months (six months if this application is for a design) before the filing of said earlier application(s); and I acknowledge that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

(Application Serial No.)	(Filing Date)	(Status) (patented,pending,aband.)
(Application Serial No.)	(Filing Date)	(Status) (patented,pending,aband.)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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Ralph A. Loren	Reg. No. 29,325	Debra J. Milasincic	Reg. No. 46,931
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DeAnn F. Smith	Reg. No. 36,683	John S. Curran	Reg. No. 50,445
Peter C. Lauro	Reg. No. 32,360	Lisa M. DiRocco	Reg. No. 51,619
Jeanne M. DiGiorgio	Reg. No. 41,710	Richa Nand	Reg. No. P52,059
Megan E. Williams	Reg. No. 43,270	Danielle L. Herritt	Reg. No. 43,670
Jeremiah Lynch	Reg. No. 17,425		
David J. Rikkers	Reg. No. 43,882		

Send Correspondence to David R. Burns, Esq. at **Customer Number: 000959** whose address is:

Lahive & Cockfield, LLP, 28 State Street, Boston, MA 02109

Direct Telephone Calls to: (name and telephone number)

David R. Burns, Esq., (617) 227-7400

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Frances Barbaro Altieri
Inventor's signature Date
Residence 119 Juniper Road, Belmont, MA 02478
Citizenship United States
Post Office Address (if different) Same as above

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PATENT NUMBER and ISSUE DATE

U.S. UTILITY Patent Application

APPL NUM	FILING DATE	CLASS	SUBCLASS	GAU	EXAMINER
10272408	10/16/2002	705	001.000	3629	NGUYEN, T DEAN

**APPLICANTS: Frances Altieri;

**CONTINUING DATA VERIFIED:

** FOREIGN APPLICATIONS VERIFIED:

PG-PUB	DO NOT PUBLISH ☒	RESCIND ☒	
Foreign priority claimed	☐ yes ☐ no		ATTORNEY DOCKET NO
35 USC 119 conditions met	☐ yes ☐ no		TZB-001
Verified and Acknowledged Examiners's intials			

TITLE : System and method for integrating business-related content into an electronic game

U.S.DEPT. OF COMM./PAT.& TM-PTO-436L(Rev. 12-94)

NOTICE OF ALLOWANCE MAILED	Assistant Examiner	CLAIMS ALLOWED: Total Claims / Print Claim for O.G.
ISSUE FEE: Amount Due / Date Paid	Primary Examiner	DRAWING: Sheets Drwg. / Figs.Drwg. / Print Fig.
☐ TERMINAL DISCLAIMER	PREPARED FOR ISSUE	Application Examiner

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SEARCH

	Class	Sub.	Date	Exmr.
I	705	1 14 26	4/12 04	DN
II	273	1) 430		
III	463	1 29 X 2 42 X		

INTERFERENCE SEARCHED

Class	Sub.	Date	Exmr.

SEARCH NOTES

(List databases searched. Attach search strategy inside.)

		Date	Exmr.
I	Classified US 1 } 1 2 } 14 3 } 26	4/12 04	DN
II	US 1 } PG Pub 2 } Patent		
III	Foreign 1 } EPO 2 } JPO 3 } Derwent		
IV	NPL (Dialog) 1. Ftext' 2. Ftext-2 3. Nftext'		

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ISSUE SLIP STAPLE AREA (for additional cross-references)

ISSUING CLASSIFICATION

ORIGINAL		CROSS REFERENCE(S)	
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)

INTERNATIONAL CLASSIFICATION

/ / / / /

^ Continued on Issue Slip Inside File Jacket

INDEX OF CLAIMS

✓ ..... Rejected – (Through numeral) ... Canceled N ..... Non-elected A ..... Appeal
= ..... Allowed + ... Restricted I ..... Interference O ..... Objected

Claim		Date
Final	Original	
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	150	

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Customer No. 000959

Case Docket No. TZB-001

JC914 U.S. PTO 10/16/02

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Washington, D.C. 20231

J1030 U.S. PTO 10/272408 10/16/02

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Date of Deposit October 16, 2002

I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Signature

Ilidio P. Cardoso
Please Print Name of Person Signing

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) Frances Barbaro Altieri

For: **A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME**

Enclosed are:

☐ This is a request for filing a ☐ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. _____ filed on _____ entitled _____.

☒ 8 pages of specification, 4 pages of claims, 1 pages of abstract.

☒ 5 sheets of drawings.

☒ An unexecuted Declaration, Petition and Power of Attorney (5 pages).

☐ An assignment of the invention to _____. A recordation form cover sheet (Form PTO 1595) is also enclosed.

☒ Applicant claims small entity status. See 37 CFR 1.27.

☒ **Nonpublication Request** (1 page)

☒ Other Application Data Sheet (2 pages)

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	SMALL ENTITY			OTHER THAN SMALL ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	OR	RATE	FEE
BASIC FEE	////////////////////////////////		//////////	$ 370	OR	//////////	$
TOTAL CLAIMS	20 - 20	= 0	x 9=	$ 0	OR	x 18=	$
INDEP. CLAIMS	6 - 3	= 3	x 42	$ 126	OR	x 84	$
☐ MULTIPLE DEPENDENT CLAIMS PRESENTED			+140	$	OR	+280	$
			TOTAL	$496.00	OR	TOTAL	0

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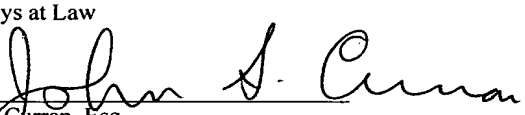
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- ☐ The issue fee set in 37 C.F.R. 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R 1.311(b).
- ☐ Any filing fees under 37 C.F.R. 1.16 for presentation of extra claims.

☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to David R. Burns, Esq. at **Customer Number: 000959** whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

Date: October 16, 2002

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By 
John S. Curran, Esq.
Reg. No. 50,445
28 State Street
Boston, MA 02109
(617) 227-7400
Telecopier (617) 742-4214

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Frances Barbaro Altieri
Serial No.: To Be Assigned
Filed: Herewith
For: A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME
Attorney Docket No.: **TZB-001**

Group Art Unit:

Examiner:

Commissioner for Patents
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Washington, D.C. 20231

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October 16, 2002
Date of Signature and of Mail Deposit

By: John S. Curran
John S. Curran, Esq.
Reg. No. 50,445
Attorney for Applicant

NONPUBLICATION REQUEST

Dear Sir:

Applicant respectfully requests that this application NOT BE PUBLISHED under 35 U.S.C. § 122(b). The undersigned certifies on behalf of Applicant that the invention disclosed in this application has not and, as the undersigned presently understands, will not be the subject of an application filed in another country or under a multilateral international agreement that requires publication at 18 months after filing.

No costs are believed due in connection with the filing of this Nonpublication Request. However, if there are any associated costs, please charge them to our Deposit Order Account No. 12-0080.

John S. Curran

John S. Curran, Esq.
Registration No. 50,445
Attorney for Applicant

28 State Street
Boston, MA 02109
(617) 227-7400
Date: **October 16, 2002**

Figure 1

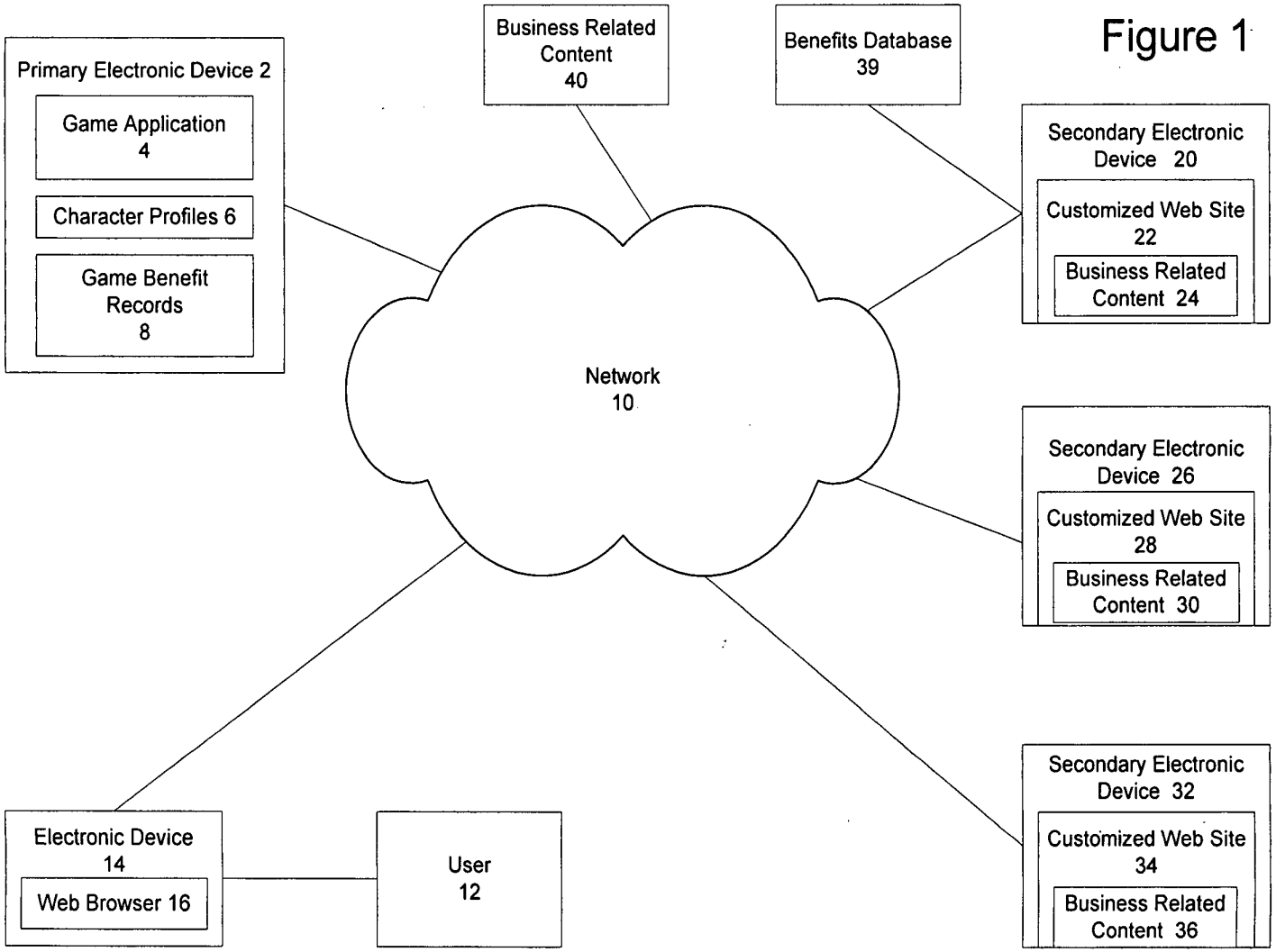

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Figure 2

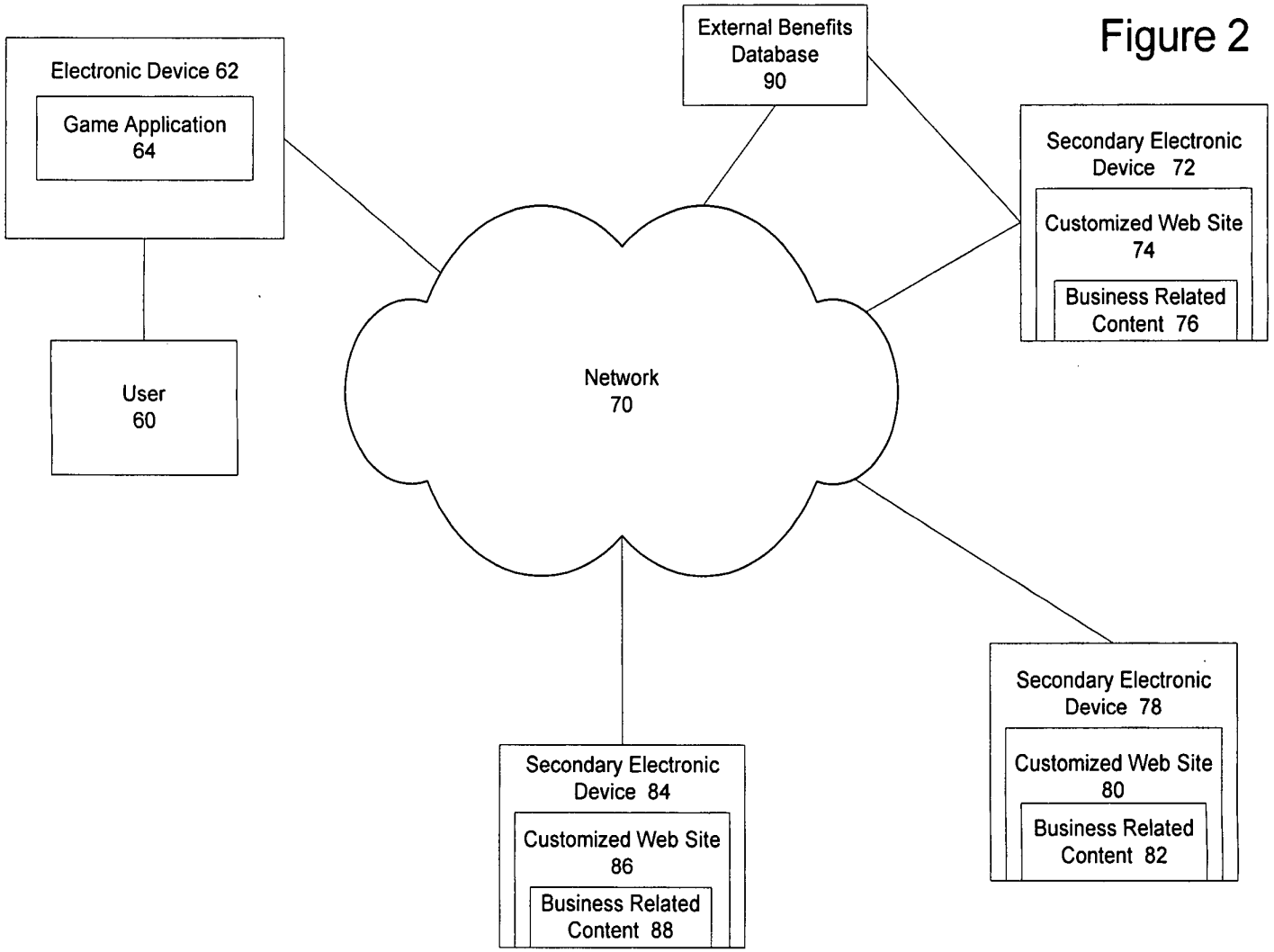

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Customized Web Site 86
Business Related Content 88

Figure 3

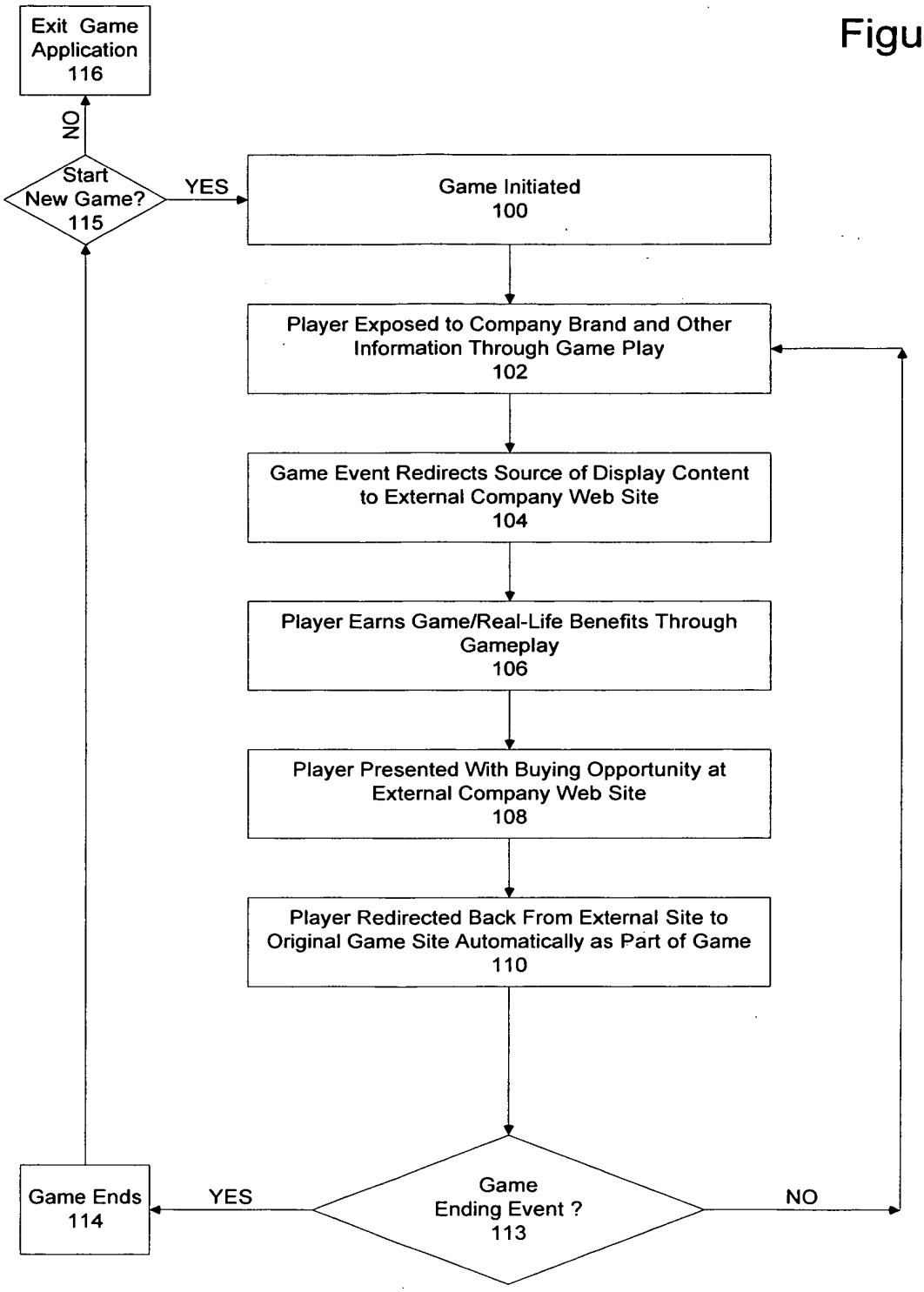

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Figure 4

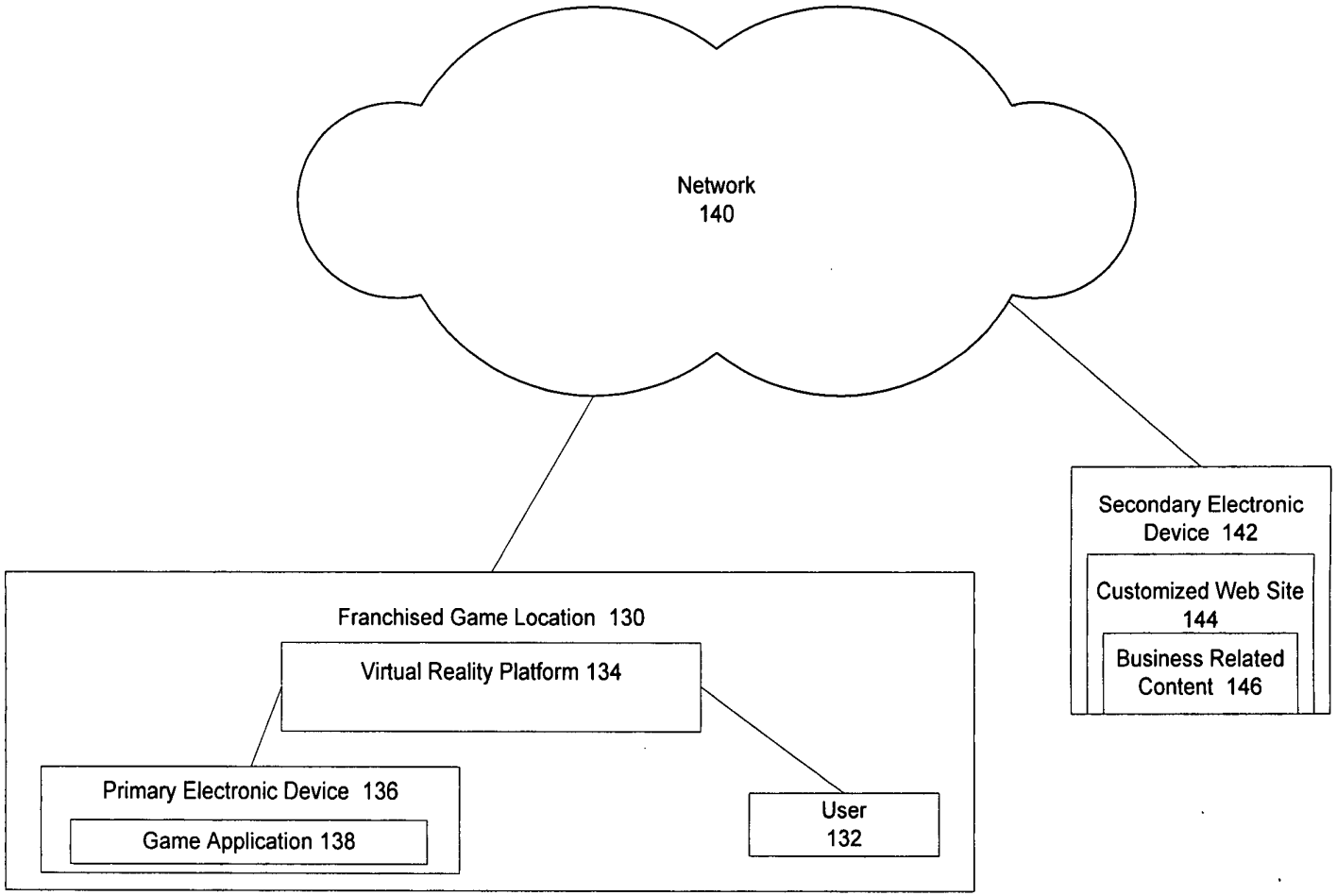
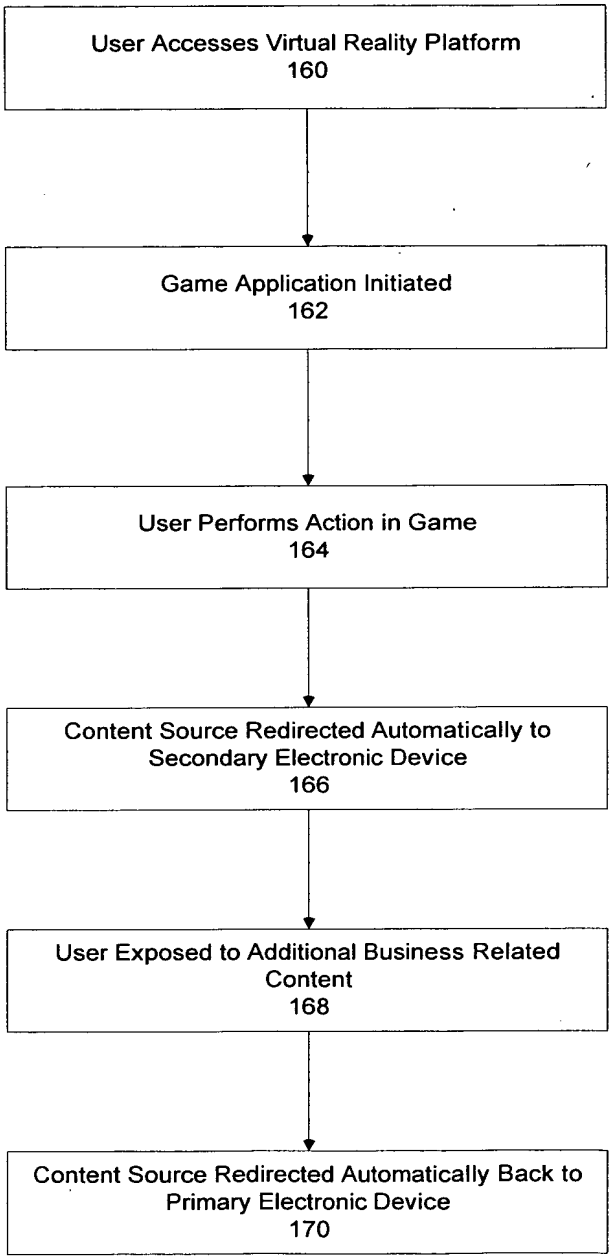

Network
140
Secondary Electronic Device 142
Customized Web Site 144
Business Related Content 146
Franchised Game Location 130
Virtual Reality Platform 134
Primary Electronic Device 136
Game Application 138
User
132

Figure 5


User Accesses Virtual Reality Platform
160
Game Application Initiated
162
User Performs Action in Game
164
Content Source Redirected Automatically to Secondary Electronic Device
166
User Exposed to Additional Business Related Content
168
Content Source Redirected Automatically Back to Primary Electronic Device
170

A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME

Field of the Invention

The illustrative embodiment of the present invention relates generally to electronic games and more particularly to the integration of business-related content into a computer game.

Background

The number of people playing electronic games has increased substantially in recent years. These people represent a significant target audience for businesses. A number of methods are used by companies to help attract the business of game players, such as sponsorship of games, sponsorship of gaming competitions, and the insertion of promotional material into game packaging to increase participant awareness of a particular business. Unfortunately, the companies frequently lose the attention of the players and the associated opportunity to interact with players upon the commencement of the game. The conventional methods of advertising limit the opportunity to capture the attention of the player of the game application to a period of time before the start of a game and a period of time after the end of the game, since during the game the user is focused on the game play. During both periods of time, before and after game play, the player of the game application may ignore the business-related content that a business wishes to convey to the player.

Brief Summary of the Invention

The illustrative embodiment of the present invention provides a method of seamlessly integrating business-related content into the subject matter of an electronic game. The electronic game, which may be executed on a local device or via a network connection to a remote server, exposes the player to branded business-related content. The term branded refers to business-related content which uniquely identifies the goods and services of a particular company. The game requires the user to perform certain tasks specified in the game. In the course of conducting the tasks, the user is transparently re-directed to a corporate sponsor's customized web site to finish the completion of a task. While at the sponsors corporate web site, the game player is exposed to additional business-related content which relates to the game the user is playing. All of the business-related content displays occur within the context of the player playing the game. The player has the opportunity to

temporarily leave the game and acting upon the business-related content to which he or she has been exposed in order to conduct real-life business at the corporate web site. Following completion of the task at the customized corporate web site, the player is transparently re-directed back to the original game site. The game provides the opportunity for the player to earn extra benefits as a result of the game actions. Some of the benefits are for internal use within the game while other benefits are external to the game for later use with the various businesses providing the business-related content. For example, the game player may earn real life points towards hotel chain rewards programs or frequent flyer miles towards airlines reward programs.

In one aspect of the illustrative embodiment of the present invention, a primary electronic device holding a game application is part of a network along with a secondary electronic device holding business-related content. The primary electronic device receives a request from a user to initiate the game application. The game application is initiated and integrates business-related content into the game application during the execution of the game application.

In another aspect of the illustrative embodiment of the present invention, an electronic device holding a game application is interfaced with a network. The network has at least one secondary electronic device holding business-related content. The game application is initiated in response to a user request. The user playing the game is re-directed from the electronic device to a customized web page on the secondary electronic device. The re-direction is integrated into the game application and occurs as part of the user executing and playing the game application. The customized web page at the secondary electronic device is customized with business-related content for use with the game application.

In an aspect of the illustrative embodiment of the present invention, a system includes a primary electronic device holding a game application. The game application is initiated in response to a user request. The system also includes a virtual reality platform interfaced with the electronic device holding the game application. The virtual reality platform provides a three dimensional effect to the user while the user is playing the game. The system additionally includes a secondary electronic device which is interfaced with the primary electronic device over a network. The secondary electronic device holds a web page customized with business-related content which is used in conjunction with the game application. The user is re-directed to the customized web page from the primary electronic device as part of the execution of the game application.

In a further aspect of the illustrative embodiment of the present invention a network includes a primary electronic device holding a game application and at least one secondary electronic device holding business-related content. A virtual reality platform is provided which is interfaced with the primary electronic device. The virtual reality platform provides a three dimensional effect to the user during gameplay. The game application is initiated in response to user request. During the execution of a game application, the content source for the virtual reality platform is re-directed from the primary electronic device to a customized web page on the secondary electronic device. The re-direction occurs as part of the execution of the game application. The web page is customized with business-related content for use with the game application.

Brief Description of the Drawings

Figure 1 depicts a block diagram of an environment suitable for practicing the illustrative embodiment of the present invention where the game is initiated over a network;

Figure 2 depicts a block diagram of an alternate environment suitable for practicing the illustrative embodiment of the present invention where a local device holds the game application;

Figure 3 depicts a flowchart of the sequence of steps followed by the illustrative embodiment of the present invention to expose the player to business-related content while the player is playing the game;

Figure 4 is a block diagram of the illustrative embodiment of the present invention where a virtual reality platform is used at a franchised game location; and

Figure 5 is a flowchart of the sequence of steps followed by the illustrative embodiment of the present invention to utilize a virtual reality platform during the execution of the game application.

Detailed Description

The illustrative embodiment of the present invention provides a method of integrating business-related content into the execution of a game application. A player of the game application is exposed to the business-related content within the context of the game. User actions within the game cause the game application to automatically re-direct the user to a customized corporate web site containing selected information from a business sponsor. Game-related user actions performed while the player is at the customized corporate web site cause the player to be exposed to additional business-related content from the business sponsor. The additional content is displayed to the player within the context of the game. The player may earn benefits while at the customized corporate web site. Some of the player

benefits are real-life benefits external to the game application and may be utilized by the player after finishing the game. A record of external benefits is kept by the business sponsor. Other benefits may be immediately available to the player by pausing the game, thereby allowing the player to access the sponsor's reward program. Additional benefits are used by the player within the context of the game. Following the occurrence of a pre-determined event, the game application re-directs the player back to the original game site.

For the sake of clarity in explaining the invention, the description herein focuses on the integration of business-related content into the game application. However, those skilled in the art will appreciate that the content being integrated into the game application may be business-related content and/or non business-related content. Examples of non-business related content include, but is not limited to, art content, historical data, geographical content, literature content, etc.

Figure 1 depicts an environment suitable for practicing the illustrative embodiment of the present invention. A primary electronic device 2 holds a game application 4, character profiles 6, and is interfaced with the network 10. Character profiles 6 are records which track the game choices a player makes while playing the game application 4. The use of character profiles 6 is discussed further below. The network 10 may be the Internet, an Intranet, a local area network, a wide area network, a wireless network, or some other type of network. A user 12 accesses the network 10 through an electronic device 14 holding a web browser 16. Also interfaced with the network 10 are a number of secondary electronic devices 20, 26 and 32, such as web servers. Each secondary electronic device hosts a customized web site, 22, 28 and 34. Each customized web site includes business-related content 24, 30 and 36. The user 12 requests the initiation of the game application 4, and the game starts.

A game event re-directs the user 12 to one of the customized web sites 22, 28 and 34. While the user is at one of the customized web sites 22, 28 and 34, the user is exposed to the business-related content 24, 30 and 36. Game actions undertaken by the user 12 while at the customized web sites or at the primary electronic device 2 may cause the generation of player benefits. Some of the benefits are real-life benefits external to the game which may be accessed by the player after the conclusion of the game or by pausing the game. The real-life benefits are stored in a network-accessible database 39. The external real-life benefits may be things such as hotel guest reward points or frequent flyer miles for airlines. Those skilled in the art will recognize that additional business-related content 40 may be at other sites accessible over the network 10. Game benefit records 8 of benefits meant to be used within the context of the game are stored on the primary electronic device 2 executing the game application 4.

Figure 2 depicts an alternative environment suitable for practicing the illustrative embodiment of the present invention. A user 60 accesses the game application 64 on a local electronic device 62. The local electronic device 62 may be a desktop computer, laptop computer, PDA, cellular phone or other device able to access the network 70. The local electronic device 62 is interfaced with a network 70. Also interfaced with the network 70 are a number of remote secondary electronic devices 72, 78 and 84. The secondary electronic devices 72, 78 and 84 each include a customized web page 74, 80 and 86. The customized web pages 74, 80 and 86 each hold business-related content 76, 82 and 88. Following initiation of the game application 64, the occurrence of a pre-determined event in the game causes a transparent re-direction to one of the customized web pages 74, 80 and 86. The web pages expose the user 60 to additional business-related content in the context of the ongoing game. Game actions undertaken by the user 60 may result in the generation of benefits for the user 60 which are to be used outside the game environment. Records of the external benefits may be stored in an external benefits database 90 accessible through one of the secondary electronic devices and over the network 70.

The game the user is playing may take many forms. The game may be a role playing game involving a geographic theme in which, for example, the player is exposed to data relating to the travel industry for a certain geographical area. Examples of this would be the player being exposed to data involving hotels, planes and restaurant information for a particular city. The player may be presented with a display of their virtual location as a 3-D virtual rendition, by a web-cam picture, by a map display (which may be provided by a sponsor) or some other visual rendering which indicates to the player the player's current location within a geography zone. Alternatively, the game may take the form of a scavenger hunt where a player is required to go to various places within the game environment and "retrieve" various items. The game may also involve an educational sequence of events such that the player's game actions also serve a dual purpose of educating the player in the use of technology for a particular company's infrastructure. The players may be required while at the external web sites holding the business-related content to answer questions or retrieve objects. The external company web sites are custom designed by business sponsors so that the data to which the user is exposed is relevant to the game-playing environment. The custom designed web sites may allow the user to pause the game and transfer to a non-game web site of a business sponsor. The games may be directly developed by the business sponsors thereby customizing the entire game playing experience in order to emphasize a particular subject for the player. Those skilled in the art will recognize that the game may take additional forms other than those listed herein without departing from the scope of the present invention.

Figure 3 is a flowchart of the sequence of steps followed by the illustrative embodiment of the present invention to expose a game player to business-related content through the execution of the game application. The sequence begins when the game is initiated (step 100). The player is exposed to company branding through player action during game play (step 102). Eventually, a game event re-directs the source of the content being displayed to the user to an external company web site (step 104). While at the external web site, the player may earn game or real life reward benefits (step 106). The events triggering the benefits are related to the business-related content to which the player is exposed. The content is displayed within the context of the game play. While at the external company web site the player may have the opportunity to purchase items at the external company web site either in the course of the game play or by pausing the game play and temporarily departing from the game site (step 108). Eventually, a predetermined event causes the player to be re-directed from the external web site back to the original game site (step 110). Back at the original game site the player continues to be exposed to selected data through game play. Eventually, if a player executes a game ending event (step 113) the game ends (step 114). At that point, the player must decide whether or not to restart the game (step 115). If the player elects to continue a new game is initiated (step 100). If the player elects not to restart the game, the game application is exited (step 116). Alternatively, if the action is not a game ending event (step 113), the player continues to be exposed to company branding through game play (step 102) and the overall sequence of events reiterates. Those skilled in the art will recognize that the sequence of events is not limited to a linear sequence described above, but can involve multiple re-directions back and forth to company web sites as part of the sequence of game events with the player being exposed to business-related content at multiple points in the process.

The business-related content to which the user is exposed may take a number of different forms. The content may be in the form of static web pages. Alternatively, the content may be in the form of web pages including dynamic content, which is constantly being updated through the use of, scripts, Java applets, ActiveX objects, or other similar mechanisms. An example of this is the display of a news crawl from a sponsoring news channel. Alternatively, the dynamic content may include real-life weather data for the geographic area the player is virtually experiencing in the game. Network-accessible databases of current weather reports, currency valuations, current events, airline schedules and similar subjects may be used to provide this information. The content to which the game player is exposed may include video and audio data. The exposure of the player to this data occurs in the context of the game. The player may also play the game in conjunction with one or more people in a multiplayer game and access a database of the other players progress in

real-time. The game may be a long-term competition spanning days, weeks, months or longer periods. The user actions within the context of the game are evaluated either through a static decision tree or the use of an artificial intelligence engine to generate the next game event for the user. Events occurring at the external company web sites to which the player is re-directed are captured and sent back to the original game site so that long term records may be kept of the players progress and history. Those skilled in the art will recognize that additional forms of business-related data may be integrated into the game application without departing from the scope of the present invention.

In one aspect of the present invention, character profiles are developed which track the game decisions made by each player. Players log-in at the outset of game play using a player ID and password. The player is cross-indexed to a character profile which tracks the player's decisions during the course of the game. The character profiles may include non-identifying demographic data and may be exchanged with the business sponsors so that they can tailor content or product offerings in a manner appealing to the game participants. The profiles are tied to a character representing the player, not the actual individual playing the game.

The game application 4 allows the player to access more than task-oriented games. The application may present the user with a platform to access music sites (run by a sponsor), chat areas, reading area, educational areas, areas specific to sponsor reward programs, shopping areas and other areas in addition to the game area. The player may be allowed to view video clips or answer quiz questions. The choices made by the player are tracked, collected in the character profiles, and exchanged with business sponsors. The sites relating to the non-game selections are unique to the game application so that player choices may be tracked and added to the character profiles.

Figure 4 depicts a block diagram of the game application using a virtual reality platform during the execution of the game. A user 132 goes to a franchised game location 130. The franchised game location 130 includes a virtual reality platform 134 allowing the user 132 to experience three-dimensional effects in an immersive environment. The virtual reality platform 134 is interfaced with the primary electronic device 136 holding the game application 138. The game location has access to a network 140 through which the user may be re-directed to a secondary electronic device 142 holding a customized web page 144. The customized web pate 144 holds business-related content to which the user 132 will be exposed during the course of game play.

Figure 5 depicts the sequence of events by which the illustrative embodiment of the present invention utilizes a virtual reality platform to increase the user experience. The

sequence begins when the user accesses the virtual reality platform (step 160). The game application is initiated (step 162). The user performs actions in the game (step 164). One of the events in the game causes the source of the content being displayed to the user through the virtual reality platform to be automatically re-directed to a secondary electronic device (step 166). At the secondary electronic device, the user is exposed to additional business-related content (step 168). Following the conclusion of a pre-determined task or event at the secondary electronic device, the content source is re-directed automatically back to the original game site (step 170). During this time the user is experiencing the displayed data through the three dimensional effects of the virtual reality platform 134.

The illustrated embodiment of the present invention anticipates the generation of both two-dimensional and three dimensional image data for the user by the game application. In the network environment where the user is accessing the game application through a local web browser with the game application being stored on a remote site on the network, the user may receive two-dimensional data through the web browser. In such a case, the web page is retrieved to the local web browser and the graphics are rendered locally prior to displaying the page to the user. It is also anticipated within the scope of the present invention that for users with broadband connections that are able to handle the greater data broadcast requirements, three dimensional data may be received from the remote site holding the game application. In such a case, the external site renders the three dimensional graphics and forwards the three-dimensional data to the local device being used by the user over a high capacity connection such as a cable modem line, DSL line, T1 line, or optical line. Three-dimensional images will then be displayed to the user. In one aspect of the invention the three-dimensional images which are rendered at the external site may be compressed prior to being sent over the network.

It will thus be seen that the invention attains the objectives stated in the previous description. Since certain changes may be made without departing from the scope of the present invention, it is intended that all matter contained in the above description or shown in the accompanying drawings be interpreted as illustrative and not in a literal sense. For example, although web sites have been listed herein as the repository of the business-related content on the secondary electronic devices, those skilled in the art will recognize that other locations may be used to hold business-related data without departing from the scope of the present invention. Practitioners of the art will realize that the sequence of steps and architectures depicted in the figures may be altered without departing from the scope of the present invention and that the illustrations contained herein are singular examples of a multitude of possible depictions of the present invention.

We Claim:

1. In a network with a primary electronic device holding a game application, and at least one secondary electronic device holding business-related content, a method, comprising the steps of:

receiving a request at said primary electronic device to initiate said game application from a user interfaced with said network;

initiating said game application; and

integrating business-related content into said game application during the execution of said game application.

2. The method of claim 1, comprising the further steps of:

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

re-directing said user to said customized web page on said secondary electronic device from said primary electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

3. The method of claim 2, comprising the further step of:

executing a game-related action at said secondary electronic device, said game-related action generating a benefit for said user relating to said business-related content, said benefit external to said game.

4. The method of claim 2, comprising the further step of:

re-directing said user back to said primary electronic device as part of the execution of said game application

5. The method of claim 2 wherein said user purchases an item from a vendor associated with said business-related content on said at least one customized web page.

6. The method of claim 1 wherein said game application displays branded business-related content to said user.

7. The method of claim 6 wherein said branded business-related content is dynamically updated.

8. The method of claim 1, comprising the further steps of:

executing actions in said game as a result of user choices; and

generating a player profile based on game choices made by said user.

9. The method of claim 8 wherein said profiles are disseminated to providers of business-related content used in said game application.

10. In a network with an electronic device holding a game application, and at least one secondary electronic device, a method, comprising the steps of:

initiating said game application in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

11. The method of claim 10, comprising the further steps of:

executing a game-related action, said game-related action generating a benefit for said user relating to said business-related content.

12. The method of claim 11 wherein said benefit for said user is external to said game.

13. The method of claim 11 wherein said benefit for said user is calculated in real-time.

14. The method of claim 11, comprising the further step of:

transmitting said benefit to said user for use during the execution of said game application.

15. A system, comprising:

a primary electronic device holding a game application, said primary electronic device initiating said game application in response to a user request;

a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional effect to said user during the execution of the game application; and

a secondary electronic device interfaced with said primary electronic device over a network, said secondary electronic device holding a web page customized with business-related content for use with said game application, said user being re-directed to said customized web page as part of the execution of said game application.

16. In a network with a primary electronic device holding business-related content and a game application, and at least one secondary electronic device holding business-related content, a method, comprising the steps of:

providing a virtual reality platform interfaced with said primary electronic device, said virtual reality platform providing a three-dimensional effect to said user during the execution of the game application;

initiating said game application in response to a user request; and

re-directing the content source for said virtual reality platform from said primary electronic device to a customized web page on said secondary electronic device as part of the execution of said game application, said web page customized with business-related content for use with said game application.

17. The method of claim 16 wherein the virtual reality platforms are located at franchised locations.

18. In a network with an electronic device holding a game application, and at least one secondary electronic device holding business-related content, a medium holding computer-executable steps for a method, said method comprising the steps of:

initiating said game application in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application; and

re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and said re-direction occurring as part of the user executing said game application.

19. The medium of claim 18 wherein said method comprises the further step of:

displaying to said user as part of the execution of said game application branded business-related content.

20. In a network with an electronic device holding a game application and at least one secondary electronic device holding business-related content, a medium holding computer-executable steps for a method, said method comprising the steps of:

initiating said game application in response to a user request;

providing at least one customized web page at said secondary electronic device, said web page customized with business-related content for use with said game application;

re-directing said user to said customized web page on said secondary electronic device from said electronic device, said re-direction being integrated into said game application and occurring as part of the user executing said game application; and

displaying to said user as part of the execution of said game application branded business-related content.

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Abstract

A method of integrating business-related content into the execution of a game application is disclosed. A player of the game application is exposed to the business-related content within the context of the game. User actions within the game cause the game application to transparently re-direct the user to a customized corporate web site containing selected information from a business sponsor. Game-related user actions performed while the player is at the customized corporate web site cause the player to be exposed to additional business-related content from the business sponsor. The player may earn benefits while at the customized corporate web site. Some of the player benefits are real-life benefits external to the game application which may be utilized by the player after finishing the game. A record of external benefits is kept by the business sponsor. Other benefits may be immediately available to the player by pausing the game, thereby allowing the player to access the sponsor's reward program. Following the occurrence of a pre-determined event, the game application transparently re-directs the player back to the original game site.

Customer Number: 000959

Attorney's
Docket
Number **TZB-001**

Declaration, Petition and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME
the specification of which

(check one)

X is attached hereto.

_ was filed on _____ as

Application Serial No. _____

and was amended on _____.
(if applicable)

I do not know and do not believe that the subject matter of this application was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date of this application, or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date of this application on an application filed more than twelve months (six months if this application is for a design) before the filing of this application; and I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

CLAIM OF BENEFIT OF EARLIER FOREIGN APPLICATION(S)

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application(s) for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application(s) from which priority is claimed.

Check one:

X no such applications have been filed.

_ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			_ Yes No _
			_ Yes No _
			_ Yes No _
			_ Yes No _
			_ Yes No _

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF U.S. PROVISIONAL APPLICATION(S)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any earlier United States application(s) or PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date(s) of the earlier application(s) and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier application(s), if any, described below, I do not know and do not believe that the same was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date(s) of said earlier application(s), or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date(s) of said earlier application(s) on an application filed more than twelve months (six months if this application is for a design) before the filing of said earlier application(s); and I acknowledge that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

(Application Serial No.)	(Filing Date)	(Status) (patented,pending,aband.)
(Application Serial No.)	(Filing Date)	(Status) (patented,pending,aband.)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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David R. Burns, Esq., (617) 227-7400

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Frances Barbaro Altieri
Inventor's signature Date
Residence 119 Juniper Road, Belmont, MA 02478
Citizenship United States
Post Office Address (if different) Same as above

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

10/21/2002 SDENBOB1 00000015 120080 10272408

01 FC:2001 370.00 CH
02 FC:2201 84.00 CH

Adjustment date: 11/21/2002 SDENBOB1
10/21/2002 SDENBOB1 00000015 120080 10272408
02 FC:2201 84.00 CR

11/21/2002 SDENBOB1 00000118 120080 10272408

01 FC:2201 126.00 CH

PTO-1556
(5/87)

*U.S. Government Printing Office: 2002 — 489-267/69033

1, 10, 15, 16,

18, 20,

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number: T2B-001

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	20	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	20 minus 20=	* 0
INDEPENDENT CLAIMS	6 minus 3 =	* 3
MULTIPLE DEPENDENT CLAIM PRESENT		☐

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=	1.26	OR	X$18=	
X42=	84	OR	X84=	
+140=		OR	+280=	
TOTAL	454	OR	TOTAL	

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

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

APPLICATION DATA SHEET

Application Information

Application Type::	Regular
Subject Matter::	Utility
Title::	A SYSTEM AND METHOD FOR INTEGRATING BUSINESS-RELATED CONTENT INTO AN ELECTRONIC GAME
Attorney Docket Number::	TZB-001
Request for Early Publication::	No
Request for Non-Publication::	Yes
Suggested Drawing Figure::	3
Total Drawing Sheets::	5
Small Entity::	Yes

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
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State or Province of mailing address::	MA
Country of mailing address::	US
Postal or Zip Code of mailing address::	02478

Correspondence Information

Correspondence Customer Number:: 000959

Representative Information

Representative Customer Number::	000959