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DISNEY ENTERPRISES, INC.
C/O CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

BAHL, SANGEETA

ART UNIT	PAPER NUMBER
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3629

NOTIFICATION DATE	DELIVERY MODE
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07/29/2011

ELECTRONIC

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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corp.patent.docketing@disney.com

Office Action Summary	Application No. 12/036,176	Applicant(s) CANORA ET AL.	
	Examiner SANGEETA BAHL	Art Unit 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 06 June 2011.
- 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) 1-25 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- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.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) 1-25 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) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

1. This communication is a Final Office Action in response to communications received on June 6, 2011.
2. Claims 1-2, 7, 9, 11, 15-17, 19 have been amended.
3. Therefore, Claims 1-25 are now pending and have been addressed below.

Response to Amendment

Applicant has amended Claim 16 and 19 to overcome the 35 U.S.C 101 rejections. Examiner withdraws the 35 U.S.C. 101 rejections with respect to these and all depending claims unless otherwise indicated. Examiner maintains 35 U.S.C 101 rejection for Claims 1-10. Applicant amended claim 1 to include "receiving on the computer...and creating on the computer". The step of "creating a real time recommendation on a computer" is not performed by a computer/machine but rather by a person inputting real time recommendation into the computer. In order to overcome this rejection, the steps of the method should be performed by the machine/computer.

Claim Rejections - 35 U.S.C § 101

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.

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding Claims 1-10, based upon consideration of all of the relevant factors with respect to the claim as a whole, claim 1 is held to claim an abstract idea, and is/are therefore rejected as ineligible subject matter under 35 U.S.C. 101. In Particular, the rationale for finding that Claim 1 is directed toward non-statutory subject matter includes an insufficient recitation of a machine or transformation. Claim 1 is

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recited as being performed by a user at a computer entering information into an interface, thus the computer/interface is merely the apparatus upon which the method (i.e. providing real time recommendation to user) operates. To overcome this rejection, the structural elements/machine should be recited as part of the body of the claim.

Dependent claim(s) 2-10 when analyzed as a whole are held to be patent ineligible under 35 U.S.C. 101 because the additional recited limitation(s) fail(s) to establish that the claim 1 is not directed to an abstract idea, as detailed below: Claims 2-10 do not state a sufficient recitation of a machine or transformation to remediate the deficiencies of Claim 1.

Claim Rejections - 35 USC § 103

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 negated by the manner in which the invention was made.

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.

Claims 1-5, 7-8, 10-12, 14-22, 24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Redmann et al. (US 7,212,983 B2) in view of Baranowski (US 2007/0178912 A1), Brown (US 2003/0061303 A1) and Rankin et al. (US 2003/0013459 A1)

Claims 1, 11, 16, A method for providing real-time recommendations, the method comprising:

- Redmann teaches about accessing an existing itinerary corresponding to a guest of a venue, the venue having a plurality of attractions (Fig 4 and 5 show itinerary for a guest with attraction, Col 9 lines 37-43 if plans change, system accesses itinerary and recomputes remaining schedule) and the existing itinerary created in response to one or more of preferences of the guest (Fig. 3, Fig 4 Col 6 lines 20-28, 63-67 visitors preference) and to historical data about the venue (Fig 12 historical data about venue, Fig 13 based on user preference and historical data system (attraction rating) calculated desirability probability for attractions, Col 6 lines 20-28, 63-67 visitors preference, Col 7 lines 31-56, Col 19 lines 55-65 historical operational data, Col 25 lines 18-24). Baranowski teaches about accessing an existing itinerary corresponding to a guest of a venue, the venue having a plurality of attractions ([0100], [0090], [0091])
- Redmann teaches about receiving, on the computer, one or more of real-time data about the guest (user profile data Col 6 lines 20-30) and real-time data about the venue (Fig 15 shows real time data regarding attractions such as queue time, Abstract lines 1-13); Baranowski teaches about receiving one or more of real-time data about the guest and real-time data about the venue ([0090] dynamically manage the reservations of customer, if customers location is such that customer cannot make it to the attraction in time, controller updates the itinerary by shifting the reservation into future, [0091])
- Redmann does not specifically teach about creating, on the computer, a real-time recommendation in response to the existing itinerary to itineraries and suggestions given

to one or more other guests, to a current location of the guest, and to one or more of the real-time data about the guest and the real-time data about the venue, the real-time recommendation including one or more suggested future activities for the guest; and communicating the one or more suggested future activities to the guest via a user device. Redmann however teaches about creating/updating itinerary in case of change of plans of user (Col 9 lines 35-43). Baranowski teaches about creating, on the computer, a real-time recommendation in response to the existing itinerary ([0090] controller checks existing itinerary of a user and if user is not able to make it to reservation, controller recommends to shift reservation into future) , to itineraries and suggestions given to one or more guests ([0091]), to a current location of the guest ([0090] change to itinerary based on customer location), and to one or more of the real-time data about the guest and the real-time data about the venue ([0090] based on location of user), the real-time recommendation including one or more suggested future activities for the guest alerting/recommending products, offers, services to user ([0046], [0047])

- Brown teaches about creating a real-time recommendation in response to the itinerary, to a current location of the guest, and to one or more of the real-time data about the guest and the real-time data about the venue ([0086] server provides event and other commercial related information to user device based on user preference, proximity/location), the real-time recommendation including one or more suggested future activities for the guest; and communicating the one or more suggested future activities to the guest via a user device ([0084] server pushes event information to a device, [0085], [0086] direct the user to different activities based on user's location and preference, [0015]). Rankin teaches about recommendation is created further in response to itineraries and suggestions given to one or more other guests ([0030]-[0032] suggestions based on previous visits, routes taken by friends, family and like, i.e. route taken by friends or family can be used enhance itinerary of user, [0046].
- It would be obvious to one of ordinary skill in the art to include creating a real-time recommendation in response to the itinerary current location of the guest, to itineraries and suggestions given to one or more guests and to one or more of the real-time data about the guest and the real-time data about the venue, the real-time recommendation

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including one or more suggested future activities for the guest; and communicating the one or more suggested future activities to the guest via a user device as taught by Baranowski, Brown and Rankin in order to keep the user informed about events within the proximity to the current location of user ([0015] Brown)

Claim 2. The method of claim 1 further comprising

- Redmann does not teach about updating the existing itinerary in response to one or more of the real-time data about the guest and the real-time data about the venue. Baranowski teaches about updating the existing itinerary in response to one or more of the real-time data about the guest and the real-time data about the venue ([0090] dynamically manage the reservations of customer, if customers location is such that customer cannot make it to the attraction in time, controller updates the itinerary by shifting the reservation into future, [0091]). It would be obvious to one of ordinary skill in the art to update existing itinerary for a guest based on real time data as taught by Baranowski in order to manage the customer's schedule within a park to avoid long lines ([0019] Baranowski).

Claim 3. The method of claim 1 wherein

- Redmann teaches about the real-time data about the guest includes current preferences of the guest (Fig 1-4, Abstract lines 1-13). Baranowski teaches about the real-time data about the guest includes current preferences of the guest ([0090] real time data i.e. customer's current location, [0045] customer preference).

Claims 4, 14. The method of claim 1 wherein

- Redmann teaches about real-time data about the venue includes a current wait time at one or more attractions at the venue (Col 27 lines 18-20 queue time, Col 19 lines 61-65, Fig 15 queue time). Baranowski teaches about real-time data about the venue includes a current wait time at one or more attractions at the venue ([0105], claim 14)

Claim 5 . The method of claim 1

- Redmann teaches about wherein the real-time data about the venue includes one or more of an attendance level (Fig 10 # 1023, Col 19 lines 13-29) and availability of the

attractions (Col 19 lines 13-29 attractions with '0' status means not available, claim 18).
Baranowski teaches about wherein the real-time data about the venue includes
availability of the attractions ([0105], [0100] attraction availability)

Claims 7 and 15. The method of claim 1 wherein

- Redmann does not teach about the real-time data about the guest includes an estimated current energy level of the guest provided by the guest. Baranowski teaches about the real-time data about the guest includes an estimated current energy level of the guest ([0100] if the customer begins to feel fatigued, the customer can use the portable device (100) to remove attractions from the schedule). Redmann teaches about user profile including information such as how late user plan to stay at theme park and information about members of group (Fig 3). It would be obvious to one of ordinary skill in the art to include data about the guest includes an estimated current energy level of the guest as taught by Baranowski so that system can recommend activities based on user's state ([0046], [0047] Baranowski).

Claims 8 and 25. The method of claim 1 wherein the historical data about the venue includes

- Redmann does not teach about data about past movements of crowds through the venue. Rankin teaches about the historical data about the venue includes data about past movements of crowds through the venue ([0030]-[0032] routes taken by family, friends and like on previous visit). It would be obvious to one of ordinary skill in the art to include past movements of crowds through the venue as taught by Rankin to enhance the experience on a return trip for the user by suggesting new experiences and challenges (Rankin [0031], [0046])

Claim 10. The method of claim 1 wherein

- Redmann teaches about the preferences of the guest includes one or more of activities the guest is interested in visiting (Col 6 lines 25-28). Redmann does not teach about activities the guest has visited previously, and an enjoyment rating associated with one or more of the activities the guest has visited previously. Rankin teaches about activities

the guest has visited previously, and an enjoyment rating associated with one or more of the activities the guest has visited previously ([0032], [0046], [0032] identified favorite rides). It would be obvious to one of ordinary skill in the art to include activities the guest has visited previously, and an enjoyment rating associated with one or more of the activities the guest has visited previously as taught by Rankin to enhance the experience on a return trip for the user by suggesting new experiences and challenges (Rankin [0031], [0046])

Claim 12. The system of claim 11 wherein

- Redmann teaches about the system is mobile (Col 4 lines 3-5, Fig 1 shows mobile device, Col 11 lines 5-18). Redmann does not specifically teach about the system further comprises a locator device for determining the current location of the guest. Baranowski teaches about the system is mobile and the system ([0085] portable device, [0101]) further comprises a locator device for determining the current location of the guest ([0090], [0091]). It would be obvious to one of ordinary skill in the art to include a locator device for determining the current location of the guest as taught by Baranowski in order to determine user's location from attraction and to make a decision regarding shifting user's reservation if user is far from attraction (Baranowski [0090])

Claim 17. A device for creating a dynamic itinerary for a guest at a venue, the device comprising:

- Claim(s) **17** is/are directed to a system for **generating itinerary**. Claim(s) 17 recite(s) the same or similar limitations as those addressed above for claim (s) **1 and 2**. Claim(s) **17** is/are therefore rejected for the same reasons as set forth above for claim(s), **1 and 2**.

Claim 18. The device of claim 17 further comprising:

- Redmann does not teach about one or more processes executing within the device and operable to access real-time data about other guests at the venue, wherein the one or more processes operable to create the dynamic itinerary use the data about other guests at the venue. Baranowski teaches about one or more processes executing within the device and operable to access real-time data about other guests at the venue, wherein the one or more processes operable to create the dynamic itinerary use the data about other

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guests at the venue ([0087] controller creates itinerary for guest based on location of the attractions and all itineraries of other visitors who are using the system). Rankin teaches about operable to access real-time data about other guests at the venue, wherein the one or more processes operable to create the dynamic itinerary use the data about other guests at the venue ([0030]-[0032] routes taken by family, friends and like on previous visit ([0046])). It would be obvious to one of ordinary skill in the art to include access real-time data about other guests at the venue, wherein the one or more processes operable to create the dynamic itinerary use the data about other guests at the venue as taught by Baranowski and Rankin to enhance the experience on a return trip for the user by suggesting new experiences and challenges (Rankin [0031], [0046])

Claims 19-22. A crowd management system comprising:

- Claim(s) **19** is/are directed to a system for **crowd management**. Claim(s) 19 recite(s) the same or similar limitations as those addressed above for claim (s) **1, 9 and 15**. Claim (s) **19** is/are therefore rejected for the same reasons as set forth above for claim(s), **1, 9 and 15**.
- Claim(s) **20-22** is/are directed to a system for **crowd management**. Claim(s) 20-22 recite(s) the same or similar limitations as those addressed above for claim (s) **3-5**. Claim(s) **20-22** is/are therefore rejected for the same reasons as set forth above for claim (s), **3-5**.

Claim 24. The system of claim 19

- Claim(s) **24** is/are directed to a system for **generating itinerary**. Claim(s) 24 recite(s) the same or similar limitations as those addressed above for claim (s) **1, 18 and 19**. Claim(s) **24** is/are therefore rejected for the same reasons as set forth above for claim(s), **1, 18 and 19**.

Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Redmann et al. (US 7,212,983 B2) in view of Baranowski (US 2007/0178912 A1) and Brown (US 2003/0061303

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A1) as applied to Claim 1, further in view of Waytena et al. (US 5,978,770) and Hale (US 7,787,965 B2)

Claim 6. The method of claim 1 wherein

- Redmann does not teach about the real-time data about the venue includes a suggested return time for one or more attractions within the venue. Baranowski teaches about providing users with information regarding attractions such as maintenance, break downs, wait time etc (0105]). Waytena teaches about suggested return time for one or more attractions within the venue (Fig 3 # 311 suggest reservation time). Hale also teaches about suggested return time for one or more attractions within the venue (Col 3 lines 8-9 available return times for attraction). It would be obvious to one of ordinary skill in the art to include suggested return time for one or more attractions within the venue as taught by Waytena and Hale in order to allow a user to pick return time (Hale Col 3 lines 10-12) that suits user schedule.

Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Redmann et al. (US 7,212,983 B2) in view of Baranowski (US 2007/0178912 A1) and Brown (US 2003/0061303 A1) and Rankin et al. (US 2003/0013459 A1) as applied to claim 1, further in view of Dietz (US 6,591,068 B1)

Claim 9 . The method of claim 1

- Redmann does not teach about ~~wherein the real time recommendation is created further in response to itineraries and suggestions given to one or more other guests~~ data about the guest includes data passively collected by the guest's own device. Dietz teaches about data passively collected by guest's own device (Col 2 lines 58-65). It would be obvious to one of ordinary skill in the art to include data passively collected by the guest's own device as taught by Dietz in order to create detailed maps of Guest's journey at the park (Col 2 lines 58-65 Dietz)

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Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Redmann et al. (US 7,212,983 B2) in view of Baranowski (US 2007/0178912 A1) and Brown (US 2003/0061303 A1) as applied to Claim 11, further in view of Giraldin et al. (US 2006/0105783 A1)

Claim 13. The system of claim 11 wherein

- Redmann teaches about the system is stationary with a fixed location (Col 15 line 62-67, Col 16 lines 41-50). Redmann does not teach about the current location of the guest is the fixed location of the system. Giraldin teaches about the system is stationary with a fixed location ([0036] reservation station near a particular attraction) and the current location of the guest is the fixed location of the system ([0036]). It would be obvious to one of ordinary skill in the art to include system is stationary with a fixed location and the current location of the guest is the fixed location of the system as taught by Giraldin to allow a user to make a reservation via a reservation station if user is not able to use their device (Giraldin [0036]).

Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Redmann et al. (US 7,212,983 B2) in view of Baranowski (US 2007/0178912 A1) and Brown (US 2003/0061303 A1) and Rankin et al. (US 2003/0013459 A1) as applied to Claim 19, further in view of Waytena et al. (US 5,978,770) and Hale (US 7,787,965 B2)

- Claim(s) **23** is/are directed to a system for **crowd management**. Claim(s) 23 recite(s) the same or similar limitations as those addressed above for claim (s) **1 and 6**. Claim(s) **23** is/are therefore rejected for the same reasons as set forth above for claim(s), **1 and 6**.

Response to Arguments

- Applicant's arguments filed 6/6/11 have been fully considered but they are not persuasive. Applicant argues that cited art do not teach about “creating a real time recommendation.... future activities for guest’. Examiner respectfully disagrees. Redmann however teaches about creating/updating itinerary in case of change of plans of user (Col 9 lines 35-43). Baranowski teaches about creating, on the computer, a real-time recommendation in response to the existing itinerary ([0090] controller checks

existing itinerary of a user and if user is not able to make it to reservation, controller recommends to shift reservation into future) , to itineraries and suggestions given to one or more guests ([0091]), to a current location of the guest ([0090] change to itinerary based on customer location), and to one or more of the real-time data about the guest and the real-time data about the venue ([0090] based on location of user), the real-time recommendation including one or more suggested future activities for the guest alerting/recommending products, offers, services to user ([0046], [0047])

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANGEETA BAHL whose telephone number is (571)270-7779. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jamisue Plucinski can be reached on 571-262-6811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/SANGEETA BAHL/

Examiner, Art Unit 3629

/Jamisue A Plucinski/

Supervisory Patent Examiner, Art Unit 3629