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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/645,028	07/10/2017	JOSHUA HARTWELL	15919.0003-01

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

CONFIRMATION NO. 8411

WITHDRAWAL PREVIOUS LETTER



OC000000058883818

Date Mailed: 07/03/2023

WITHDRAWAL OF PREVIOUS COMMUNICATION

Please disregard the NOTICE REGARDING POWER OF ATTORNEY mailed on 2023-06-09. It has come to our attention that the communication was mailed in error. A corrected communication is either attached or will follow in due course. The Office regrets any inconvenience.

Questions about the contents of this notice should be directed to the Office of Data Management, Application Assistance Unit, at 571-272-4000 or 571-272-4200 or 1-888-786-0101.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/erimando/



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/645,028	07/10/2017	JOSHUA HARTWELL	15919.0003-01

CONFIRMATION NO. 8411

POA ACCEPTANCE LETTER



OC000000058883842

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Date Mailed: 07/03/2023

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/25/2023.

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

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/erimando/

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 10,617,958 B2
APPLICATION NO. : 15/645028
DATED : April 14, 2020
INVENTOR(S) : Joshua Hartwell et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page

Inventor information in item (75) should read as follows:

Joshua Hartwell, Santa Monica, CA (US); **Paul Bolten**, Playa del Rey, CA (US)

Signed and Sealed this
Twentieth Day of June, 2023


Katherine Kelly Vidal
Director of the United States Patent and Trademark Office



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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/645,028	07/10/2017	JOSHUA HARTWELL	09685.0045-01

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

CONFIRMATION NO. 8411
IMPROPER CPOA LETTER



OC000000058048040

Date Mailed: 06/09/2023

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the power of attorney filed 05/25/2023. The power of attorney in this application is not accepted for the reason(s) listed below:

The power of attorney filed 05/25/2023 has not been accepted because the power of attorney must be signed by the applicant for patent. See 37 CFR 1.32(b)(4).

- The request to change the applicant is not accepted because the Statement Under 37 CFR 3.73(c) ("3.73(c) Statement") does not provide a reel and frame or a complete chain of title from the inventors to the current assignee.

Because the request to change or update the applicant cannot be accepted, the power of attorney is not properly signed by the applicant and cannot be accepted. The change to applicant must be acceptable before the new applicant can appoint power of attorney.

/cnguyen/

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

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413
UNITED STATES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 10,617,958	)	
	)	
Inventor: Joshua Hartwell et al.	)	Confirmation No.: 8411
	)	
Issued: April 14, 2020	)	
	)	<u>VIA PATENT CENTER</u>
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	

Commissioner for Patents
Office of Data Management Attention: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.324

Pursuant to 35 U.S.C. § 256 and 37 C.F.R. § 1.324, this is a request for a Certificate of Correction to correct inventorship. It is respectfully requested that the following inventor be added to the above-captioned patent: 10,617,958. Currently, this patent lists Joshua Hartwell as the inventive entity. The correct inventive entity of the above-captioned patent should be: **Joshua Hartwell and Paul Bolten**.

As required by 37 C.F.R. § 1.324(b), enclosed are statements from the current named inventors and from the person being added as inventor stating that they agree to the requested change of inventorship, and a statement from the assignee of record, Flip Phone Games, Inc., stating that it agrees to the change of inventorship in the patent. In addition, a declaration under 37 C.F.R. § 1.63 by the person being added as inventor are submitted herewith.

Patentee requests the Director to issue a Certificate of Correction naming the correct list of inventors. A Certificate of Correction of one page is filed with this paper.

The \$160 fee set forth in 37 C.F.R. § 1.20(b) is enclosed.

If there are any additional fees due in connection with the filing of this request, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 25, 2023

By: /Matthew M. Karas/
Matthew M. Karas
Reg. No. 74,279
(571) 203-2745

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. 10,617,958

Page 1 of 1

APPLICATION NO.: 15/645,028

ISSUE DATE: April 14, 2020

INVENTOR(S): Joshua HARTWELL et al.

It is hereby certified that an error or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page of the patent, Inventor information in paragraph (75) should read as follows:

(75) Inventors: **Joshua Hartwell**, Santa Monica, CA (US); **Paul Bolten**,
Playa del Rey, CA (US)

MAILING ADDRESS OF SENDER

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001-4413

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 10,617,958)
)
Inventor: Joshua Hartwell et al.) Confirmation No.: 8411
)
Issued: April 14, 2020)
) **VIA PATENT CENTER**
For: METHODS AND SYSTEMS FOR)
UPDATING IN-GAME CONTENT)

Commissioner for Patents
Office of Data Management Attention: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

STATEMENT IN SUPPORT OF REQUEST UNDER 37 C.F.R. § 1.324

Pursuant to 37 C.F.R. § 1.324(b)(1), I, Paul Bolten, agree to be added as an inventor to the above-captioned patent.

Date: May 12, 2023

By: /Paul Bolten/
Paul Bolten

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 10,617,958)
Inventor: Joshua Hartwell et al.) Confirmation No.: 8411
Issued: April 14, 2020)
For: METHODS AND SYSTEMS FOR) **VIA PATENT CENTER**
UPDATING IN-GAME CONTENT)

Commissioner for Patents
Office of Data Management Attention: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

STATEMENT OF INVENTORS
IN SUPPORT OF REQUEST UNDER 37 C.F.R. § 1.324

Pursuant to 37 C.F.R. § 1.324(b)(1), I, Joshua Hartwell, named inventor in the above-captioned patent, agree to the change of inventorship to add Paul Bolten as an inventor.

Date: 5-11-23 By: /Joshua Hartwell/
Joshua Hartwell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 10,617,958)
Inventor: Joshua Hartwell et al.) Confirmation No.: 8411
Issued: April 14, 2020)
For: METHODS AND SYSTEMS FOR) **VIA PATENT CENTER**
UPDATING IN-GAME CONTENT)

Commissioner for Patents
Office of Data Management Attention: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450
Commissioner:

STATEMENT BY ASSIGNEE
IN SUPPORT OF REQUEST UNDER 37 C.F.R. § 1.324

Pursuant to 37 C.F.R. § 1.324(b)(2), and in accordance with 37 C.F.R. § 3.73(c), Flip Phone Games, Inc., submits that it is the assignee of the entire right, title, and interest in the above-identified patent by virtue of the assignment(s) recorded herewith and at Reel/Frame: 031958/0110 and 057106/0814.

Flip Phone Games, Inc., agrees to change inventorship in U.S. Patent No. 10,617,958 by adding Paul Bolten as a named inventor.

I, the undersigned, have the authority to act on behalf of the assignee, Flip Phone Games, Inc.

Date: 5-11-23

By: /Joshua Hartwell/
Joshua Hartwell
President
Flip Phone Games, Inc.

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Patent Number	10,617,958
	Issue Date	April 14, 2020
	First Named Inventor	Joshua Hartwell
	Title	Methods and Systems for Updating In-Game Content
	Attorney Docket No.	09685.0045-01000

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

☐ A Power of Attorney is submitted herewith.

OR

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

22852

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent 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 patent to:

☒ The address associated with the above-identified Customer Number.

OR

☐ The address associated with the Customer Number identified in the box at right:

OR

☐ Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Applicant.

OR

☒ Patent owner.

Statement under 37 CFR 3.73(c) (Form PTO/AIA/96) submitted herewith or filed on _____.

SIGNATURE of Applicant or Patent Owner

Signature	/Joshua Hartwell/	Date	5-11-23
Name	Josh Hartwell	Telephone	
Title and Company	President, Flip Phone Games, Inc.		

NOTE: Signatures of all the applicants or patent owners of the entire interest or their representative(s) are required. If more than one signature is required, submit multiple forms, check the box below, and identify the total number of forms submitted in the blank below.

☒ A total of 1 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 update (and by the USPTO to process) the file of a patent or reexamination proceeding. 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.**

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

UNITED STATES
PATENT AND TRADEMARK OFFICEP.O. Box 1450
Alexandria, VA 22313 - 1450
www.uspto.gov**ELECTRONIC ACKNOWLEDGEMENT RECEIPT**APPLICATION #
15/645,028RECEIPT DATE / TIME
05/25/2023 02:25:01 PM ETATTORNEY DOCKET #
09685.0045-01**Title of Invention**

METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

Application InformationAPPLICATION TYPE Utility - Nonprovisional Application
under 35 USC 111(a)

PATENT # 10617958

CONFIRMATION # 8411

FILED BY Linda Clark

PATENT CENTER # 62155510

FILING DATE 07/10/2017

CUSTOMER # 22852

FIRST NAMED JOSHUA HARTWELL
INVENTORCORRESPONDENCE -
ADDRESS

AUTHORIZED BY Matthew Karas

Documents**TOTAL DOCUMENTS: 7**

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
09685_0045-01000_Statement_by_FlipPhone_in_Support_of_Request_Under_37_C_F_R__1_324-signed.pdf	1	Request for Certificate of Correction	137 KB
09685_0045-01000_Statement_of_Current_Inventor_in_Support_of_Request_Under_37_C_F_R__1_324-sign.pdf	1	Request for Certificate of Correction	135 KB
09685_0045-01000_Statement_by_New_Inventor_in_Support_of_Requ	1	Request for Certificate of Correction	148 KB

est_Under_37_C_F_R__1_3
24.pdf

09685_0045- 01000_3_73c_Statement.pdf	5	Assignee showing of ownership per 37 CFR 3.73	276 KB
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09685_0045- 01000_POA81A-signed.pdf	1	Power of Attorney	127 KB
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09685_0045- 01000_Request_Under_37_C _F_R__1_324.pdf	2	Request for Certificate of Correction	147 KB
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09685_0045- 01000_Certificate_of_Correcti on.pdf	1	Request for Certificate of Correction	100 KB
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Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
09685_0045- 01000_Statement_by_FlipPhon e_in_Support_of_Request_Und er_37_C_F_R__1_324- signed.pdf	250230A91E2419747D0B641EF000C52F2916051AAB035100797 B6FCDD70B95C405D529000A6BF2F3A0EE9ED11AD42CE79BF A4B1BF96179B4595DE3AA0D7C2746
09685_0045- 01000_Statement_of_Current_I nventor_in_Support_of_Reques t_Under_37_C_F_R__1_324- signe.pdf	F30459CFCB65BDD38D27A6C31CE752A41A0E27C5233C01F87 9CD11C28E25088297E51D685A50B40407904BC092CD5AAFD1 44F744B726DC527DB6BA87E0DBED52
09685_0045- 01000_Statement_by_New_Inve ntor_in_Support_of_Request_ Under_37_C_F_R__1_324.pdf	1DF22CE5A78EEC5E5F1B507BD3543DD50D8989819F6332181 9E6FA7D5A7C99E8F14606FF0586298B625358C8BE35B36B575 0956620DB328C3629CAE0B94A4D30

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09685_0045-01000__POA81A- signed.pdf	D8F099420B5CDCD3F211B6D1FB1DC29AD475FD310BA210F3 411A19E7806B0C2AD3CF82C619BE00816C989F8DAC23EC81 DACFA51F402B8718D5C7211F49E432FB
09685_0045- 01000__Request__Under__37__C__ F_R__1__324.pdf	08D97754ABFD66B97E08356E34DE464CC171AB112A639508B C0492006C416E12FDF71F03146C3EEDBB8BA0CDA52444F7A1 8714E3530C7995ABB8B75A093BA5D4
09685_0045- 01000__Certificate_of__Correctio n.pdf	6043EBFE24B52F18AD78F29C2A09EA54DF3B6761132C8ADFF F454C499128F7B29F4A837F75E8A7081B8977D96B2564209679 501DD35D80BB62BA10E2E120DC12

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

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

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.

STATEMENT UNDER 37 CFR 3.73(c)Applicant/Patent Owner: Flip Phone Games, Inc.Application No./Patent No.: 10,617,958 Filed/Issue Date: April 14, 2020Titled: Methods and Systems for Updating In-Game ContentFlip Phone Games, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☒ The assignee of the entire right, title, and interest.
2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):
- ☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.
- ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (e.g., bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Joshua Hartwell To: GOSUB 60, INC.The document was recorded in the United States Patent and Trademark Office at
Reel 031958, Frame 0110, or for which a copy thereof is attached.2. From: GOSUB 60, INC. To: FLIP PHONE GAMES, INC.The document was recorded in the United States Patent and Trademark Office at
Reel 057106, Frame 0814, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

STATEMENT UNDER 37 CFR 3.73(c)

3. From: JOSHUA HARTWELL and PAUL BOLTEN To: FLIP PHONE GAMES, INC.

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Matthew M. Karas/

Signature

Matthew M. Karas

Printed or Typed Name

May 25, 2023

Date

74,279

Title or Registration Number

SOLE/JOINT INVENTION
(Worldwide Rights)

Attorney Docket No. 09685.0044-00000; 09685.0044-01000; 09685.0045-00000;
09685.0045-01000; 09685.0045-02000; 15919.0003-03000

ASSIGNMENT

WHEREAS I/We are the below-named inventors (hereinafter referred to as **Assignors**) of the inventions titled Methods and Systems for Providing In-Game Hot Spots and Methods and Systems for Updating In-Game Content, including as disclosed and claimed in the applications and patents identified below.

Patent Number	Issue Date	Application Number	Filing Date	Title	Country of Filing
8,688,089	April 1, 2014	11/768,890	June 26, 2007	Methods and Systems for Providing In-Game Hot Spots	US
9,427,662	August 30, 2016	14/180,890	February 14, 2014	Methods and Systems for Providing In-Game Hot Spots	US
9,731,202	August 15, 2017	11/768,892	June 26, 2007	METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT	US
10,617,958	April 14, 2020	15/645,028	July 10, 2017	METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT	US
11,117,056	September 14, 2021	16/844,256	April 9, 2020	METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT	US
		17/411,181	August 25, 2021	SYSTEMS AND METHODS FOR UPDATING IN-GAME CONTENT	US

WHEREAS, **Flip Phone Games, Inc.**, a corporation of **Delaware** whose post office address is **841 23rd Street, Santa Monica, California 90403** (hereinafter referred to as **Assignee**), is desirous of securing the entire right, title, and interest in and to these inventions in all countries throughout the world, and in and to all applications for patents on these inventions in all countries throughout the world, including any PCT International Application and all national stage applications based thereon that may be filed, and all patents issued upon such applications in all countries throughout the world;

NOW THEREFORE, be it known that, for good and valuable consideration the receipt of which from Assignee is hereby acknowledged, I/We, as Assignors, have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the Assignee, its lawful successors and assigns, my/our entire right, title, and interest in and to these inventions, the above-referenced applications and patents that disclose and claim these inventions, any PCT International Applications and all national stage applications based thereon that may be filed, any other applications for patents filed anywhere in the world that claim these inventions, and all divisions, and continuations of any such application, and all patents which may be granted thereon, and all reissues thereof, and all rights to claim priority in any country on the basis of any such applications, and all extensions, renewals, and reissues thereof; and I/We hereby authorize and request that any official of any country whose duty it is to issue patents on applications as described above, to issue all Letters Patent for these inventions to Assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, I/WE covenant that I/We have the full right to convey the interest assigned by this Assignment, and I/We have not executed and will not execute any agreement in conflict with this Assignment;

AND, I/WE further covenant and agree that I/We will, without further consideration, communicate with Assignee, its successors and assigns, any facts known to me/us respecting these inventions, and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver any and all papers that may be necessary or desirable to perfect the title to these inventions in said Assignee, its successors or assigns, execute all divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors and assigns, to obtain and enforce proper patent protection for these inventions in the United States and any foreign country, it being understood that any expense incident to the execution of such papers shall be borne by the Assignee, its successors and assigns.

IN TESTIMONY WHEREOF, I/We have hereunto set our hands.

ASSIGNOR (Inventor 1)

Joshua Hartwell

Print Name

841 23rd Street

Santa Monica, CA 90403

Address

/Joshua Hartwell/

Signature

5-12-23

Execution Date

ASSIGNOR (Inventor 2)

Paul Bolten

Print Name

7709 W. 85th St

Playa del Rey, CA, 90293

Address

/Paul Bolten/

Signature

May 12, 2023

Execution Date

Assignee Name: Flip Phone Games, Inc.

Signature: /Joshua Hartwell/

Printed Name: Joshua K. Hartwell

Corporate Title: President

Date: 5-12-23



ELECTRONIC PAYMENT RECEIPT

APPLICATION #
15/645,028

RECEIPT DATE / TIME
05/25/2023 02:25:01 PM ET

ATTORNEY DOCKET #
09685.0045-01

Title of Invention

METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

Application Information

APPLICATION TYPE Utility - Nonprovisional Application
under 35 USC 111(a)

PATENT # 10617958

CONFIRMATION # 8411

FILED BY Linda Clark

PATENT CENTER # 62155510

AUTHORIZED BY Matthew Karas

CUSTOMER # 22852

FILING DATE 07/10/2017

CORRESPONDENCE
ADDRESS -

FIRST NAMED
INVENTOR JOSHUA HARTWELL

Payment Information

PAYMENT METHOD
CARD / 1005

PAYMENT TRANSACTION ID
E20235OE27196549

PAYMENT AUTHORIZED BY
Linda Clark

FEE CODE	DESCRIPTION	ITEM PRICE(\$)	QUANTITY	ITEM TOTAL(\$)
1811	CERTIFICATE OF CORRECTION	160.00	1	160.00
TOTAL AMOUNT:				\$160.00

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

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/645,028	04/14/2020	10617958	09685.0045-01	8411

22852 7590 03/25/2020
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

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

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

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

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

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

JOSHUA HARTWELL, Santa Monica, CA;
GOSUB 60, INC., Santa Monica, CA;

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Joshua HARTWELL) Group Art Unit: 2649
)
Application No.: 15/645,028) Examiner: Hsinchun Liao
)
Filed: July 10, 2017) Confirmation No.: 8411
)
For: METHODS AND SYSTEMS FOR)
UPDATING IN-GAME CONTENT)

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

VIA EFS-WEB

Commissioner:

FEE ADDRESS FOR MAINTENANCE FEE PURPOSES
IN ACCORDANCE WITH 37 C.F.R. 1.363

In accordance with the provisions of 37 C.F.R. 1.363, the fee address set forth below is being supplied for purposes of receiving notices, receipts, and other correspondence relating to the payment of maintenance fees:

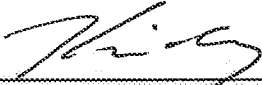
GOSUB 60, Inc.
1334 Third Street Promenade
Suite 300
Santa Monica, California 90401

Payor No.: 121879

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: 3/3/2020

By: 
Kevin D. Rodkey
Reg. No. 65,506

Electronic Patent Application Fee Transmittal				
Application Number:		15645028		
Filing Date:		10-Jul-2017		
Title of Invention:		METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT		
First Named Inventor/Applicant Name:		JOSHUA HARTWELL		
Filer:		Kevin Dale Rodkey/Sharon Horton		
Attorney Docket Number:		09685.0045-01		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	1501	1	1000	1000

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1000

Electronic Acknowledgement Receipt

EFS ID:	38749539
Application Number:	15645028
International Application Number:	
Confirmation Number:	8411
Title of Invention:	METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT
First Named Inventor/Applicant Name:	JOSHUA HARTWELL
Customer Number:	22852
Filer:	Kevin Dale Rodkey/Sharon Horton
Filer Authorized By:	Kevin Dale Rodkey
Attorney Docket Number:	09685.0045-01
Receipt Date:	03-MAR-2020
Filing Date:	10-JUL-2017
Time Stamp:	09:25:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 1000
RAM confirmation Number	E202033025430164
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		09685_0045-01_-_Issue_Fee_Transmittal__Comments_on_Statement_of_Reasons__and_Fee_Address_03_03_2.pdf	240749	yes	4
			80032c40893cd21a06865973c836dedcd7fd6302		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Issue Fee Payment (PTO-85B)		1	1	
	Miscellaneous Incoming Letter		2	3	
	Maintenance Fee Address Change		4	4	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30321	no	2
			a691c90f8568f5ca81d49a6ffe498690740bcd217		
Warnings:					
Information:					
Total Files Size (in bytes):			271070		

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

New Applications Under 35 U.S.C. 111

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National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

PART B - FEE(S) TRANSMITTAL

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

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

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

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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

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

22852 7590 12/16/2019

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNE
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Certificate of Mailing or Transmission

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/645,028	07/10/2017	JOSHUA HARTWELL	09685.0045-01	8411

TITLE OF INVENTION: METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	03/16/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
LIAO, HSINCHUN	2649	455-066100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

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

(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.

FINNEGAN, HENDERSON,

FARABOW, GARRETT &

DUNNE, L.L.P.

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

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

(A) NAME OF ASSIGNEE

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

GOSUB 60, INC.

SANTA MONICA, CALIFORNIA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government4a. Fees submitted: ☒ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

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

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

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. 06-0916

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29☐ Applicant asserting small entity status. See 37 CFR 1.27☐ Applicant changing to regular undiscounted fee status.

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

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

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

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

Authorized Signature

Date 3/3/2020

Typed or printed name

Kevin D. Rodkey

Registration No. 65,506

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent Application of:	)	
	)	
Joshua HARTWELL	)	Group Art Unit: 2649
	)	
Application No.: 15/645,028	)	Examiner: Hsinchun Liao
	)	
Filed: July 10, 2017	)	Confirmation No.: 8411
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	

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

VIA EFS-WEB

Commissioner:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicant thanks the Examiner for the Notice of Allowability mailed on December 16, 2019. Without withdrawing the allowed claims from issue, Applicant submits these comments for the record in response to the Examiner's Statement of Reasons for Allowance.

In the Examiner's Amendment that was provided with the Notice of Allowability, the Examiner amended claims 20 and 32. Applicant agrees with the Examiner's conclusion that the pending claims are patentable, but does not necessarily agree with each of the characterizations and assertions made in the Examiner's Amendment.

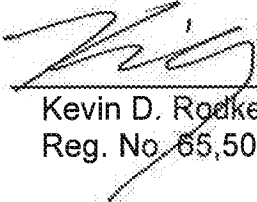
For instance, Applicant respectfully declines to subscribe to that the Examiner's Amendment limits the claim scope. Furthermore, Applicant submits that each of the pending claims is patentable even without the Examiner's Amendment. Applicant also submits that broader subject matter is allowable and reserves the right to pursue such subject matter in a continuation application.

Should the Examiner disagree with Applicant's comments submitted herewith, the Examiner is invited to contact the undersigned to resolve such disagreement.

If there are any fees due in connection with the filing of this paper, please charge the fees to Deposit Account No. 06-0916.

Respectfully submitted,
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: 3/3/2020

By: 
Kevin D. Rodkey
Reg. No. 65,506



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

22852 7590 12/16/2019
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
LIAO, HSINCHUN	
ART UNIT	PAPER NUMBER
2649	

DATE MAILED: 12/16/2019

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/645,028	07/10/2017	JOSHUA HARTWELL	09685.0045-01	8411

TITLE OF INVENTION: METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	03/16/2020

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

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

PART B - FEE(S) TRANSMITTAL

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

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

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

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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

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

22852 7590 12/16/2019
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Certificate of Mailing or Transmission

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/645.028	07/10/2017	JOSHUA HARTWELL	09685.0045-01	8411

TITLE OF INVENTION: METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	03/16/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
LIAO, HSINCHUN	2649	455-066100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

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

1 _____

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

2 _____

3 _____

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

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

(A) NAME OF ASSIGNEE

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

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

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

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

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

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

5. **Change in Entity Status** (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

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

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
15/645,028	07/10/2017	JOSHUA HARTWELL	09685.0045-01	8411
22852	7590	12/16/2019	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP			LIAO, HSINCHUN	
901 NEW YORK AVENUE, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20001-4413			2649	

DATE MAILED: 12/16/2019

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

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

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

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

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

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

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

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 15/645,028	Applicant(s) HARTWELL, JOSHUA	
	Examiner HSINCHUN LIAO	Art Unit 2649	AIA (FITF) Status No

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

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

1. ☒ This communication is responsive to 12/03/2019.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 20-26 and 32-38. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

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

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

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

* Certified copies not received: _____.

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

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

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

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____. 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.	5. ☒ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
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/HSINCHUN LIAO/
Primary Examiner, Art Unit 2649

Art Unit: 2649

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

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.

Authorization for this examiner's amendment was given in a telephone interview with Kevin D. Rodkey on 12/02/2019.

The application has been amended as follows:

claim 20 now recites:

A system for providing updated content associated with a mobile video game to a mobile communication device, the system comprising:

a storage medium for storing pre-selected in-game ~~content~~ advertising for use in a video game;

a server in communication with the storage medium; and

an interface coupled to the server and a network, wherein the interface receives a request for updated content from the mobile communication device over the network;

wherein the server is operative to receive the request through the interface and utilize the request to:

check what pre-selected in-game ~~content~~ advertising to send; and

send the pre-selected in-game ~~content~~ advertising stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

claim 32 now recites:

A method for providing updated content associated with a mobile video game to a mobile communication device, the method comprising:

storing pre-selected in-game ~~content~~ advertising for use in a video game on a storage medium;

receiving, at an interface coupled to a server and a network, a request for updated content from the mobile communication device over the network;

receiving the request at the server through the interface; and utilizing the request to:

identify what pre-selected in-game ~~content~~ advertising to send; and

send the pre-selected in-game ~~content~~ advertising stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

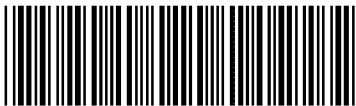
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HSINCHUN LIAO whose telephone number is (571)270-7701. The examiner can normally be reached on Monday - Thursday, 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/HSINCHUN LIAO/
Primary Examiner, Art Unit 2649

<i>Search Notes</i> 	Application/Control No. 15/645,028	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2649

CPC - Searched*		
Symbol	Date	Examiner
H04L12/1859	12/10/2019	hl

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

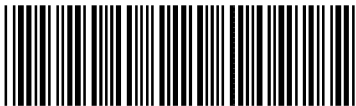
US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
Search updated.	12/10/2019	hl

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	Interference searched using EAST. See the attached EAST search notes.	12/10/2019	hl

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Issue Classification 	Application/Control No. 15/645,028	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA	
	Examiner HSINCHUN LIAO	Art Unit 2649	

CPC						
Symbol					Type	Version
A63F	/	13	/	77	F	2014-09-02
A63F	/	13	/	332	I	2014-09-02
A63F	/	13	/	60	I	2014-09-02
H04L	/	12	/	1822	I	2013-01-01
A63F	/	13	/	525	I	2014-09-02
A63F	/	2300	/	406	A	2013-01-01
A63F	/	2300	/	552	A	2013-01-01
A63F	/	2300	/	6009	A	2013-01-01
H04L	/	12	/	1859	A	2013-01-01

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version
/				

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 14	
/HSINCHUN LIAO/ Primary Examiner, Art Unit 2649 (Primary Examiner) _____ (Date) 10 December 2019		O.G. Print Claim(s) 20	O.G. Print Figure 4B

Issue Classification 	Application/Control No. 15/645,028	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2649

INTERNATIONAL CLASSIFICATION			
CLAIMED			
A63F13/77	/	13	/ 77
A63F13/332	/	13	/ 332
A63F13/60	/	13	/ 60
H04L12/18	/	12	/ 18
A63F13/525	/	13	/ 525
CPCONLY	/	NLY	/
NON-CLAIMED			
	/		/

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	14	
/HSINCHUN LIAO/ Primary Examiner, Art Unit 2649	10 December 2019	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	20	4B

Issue Classification 	Application/Control No. 15/645,028	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2649

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47															
CLAIMS															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		10		19		28	13	37						
	2		11	1	20		29	14	38						
	3		12	2	21		30								
	4		13	3	22		31								
	5		14	4	23	8	32								
	6		15	5	24	9	33								
	7		16	6	25	10	34								
	8		17	7	26	11	35								
	9		18		27	12	36								

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 14	
/HSINCHUN LIAO/ Primary Examiner, Art Unit 2649 (Primary Examiner) _____ (Date) 10 December 2019		O.G. Print Claim(s) 20	O.G. Print Figure 4B

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S55	32	(in game advertise\$5)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2019/12/10 13:29
S56	2	(in game advertise\$5) same server	US-PGPUB; USPAT; USOCR	ADJ	OFF	2019/12/10 13:30
S58	31	(in game advertise\$5) and request\$5	US-PGPUB; USPAT; USOCR	ADJ	OFF	2019/12/10 13:33
S59	6	(in game advertise\$5) same interface	US-PGPUB; USPAT; USOCR	ADJ	OFF	2019/12/10 13:35
S60	154	server same (storage medium) AND (H04L12/1859).CPC.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2019/12/10 14:24
S62	6	phone same game same advertise\$5 AND (H04L12/1859).CPC.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2019/12/10 14:24

12/ 10/ 2019 3:33:09 PM
C:\ Users\ hliao\ Documents\ EAST\ Workspaces\ 15_cases\ 15645028\ 15645028.wsp

EAST Search History

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S63	0	(mobile video game) and (pre selected in game) and (in game advertis\$5) and interface	USPAT	ADJ	OFF	2019/12/10 14:28

12/ 10/ 2019 3:33:34 PM
C:\ Users\ hliao\ Documents\ EAST\ Workspaces\ 15_cases\ 15645028\ 15645028.wsp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent Application of:	)	
	)	
Joshua HARTWELL	)	Group Art Unit: 2649
	)	
Application No.: 15/645,028	)	Examiner: Hsinchun Liao
	)	
Filed: July 10, 2017	)	Confirmation No.: 8411
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	

VIA EFS-WEB

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

Commissioner:

REPLY TO NON-FINAL OFFICE ACTION

In response to the non-final Office Action mailed June 5, 2019 ("Office Action"), the period for response having been extended until October 5, 2019, by concurrent filing of a one-month extension of time, and corresponding fee payment filed herewith, Applicant respectfully requests reconsideration and allowance of the pending claims in light of the remarks.

LISTING OF THE CLAIMS:

This listing of claims is provided for the convenience of the Examiner. No amendments have been made.

1.-19. (Canceled)

20. (Previously Presented) A system for providing updated content associated with a mobile video game to a mobile communication device, the system comprising:

a storage medium for storing pre-selected in-game content for use in a video game;

a server in communication with the storage medium; and

an interface coupled to the server and a network, wherein the interface receives a request for updated content from the mobile communication device over the network;

wherein the server is operative to receive the request through the interface and utilize the request to:

check what pre-selected in-game content to send; and

send the pre-selected in-game content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

21. (Original) The system of claim 20, wherein the updated content is promotional content.

22. (Original) The system of claim 20, wherein the server sends information to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

23. (Original) The system of claim 20, wherein the server sends a message to the mobile communication device in response to receiving the request, the message relating to the content.

24. (Previously Presented) The system of claim 23, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device.

25. (Previously Presented) The system of claim 20, wherein the server checks whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication device.

26. (Original) The system of claim 20, wherein the server tracks the distribution of updated content.

27.-31. (Canceled)

32. (Previously Presented) A method for providing updated content associated with a mobile video game to a mobile communication device, the method comprising:

storing pre-selected in-game content for use in a video game on a storage medium;

receiving, at an interface coupled to a server and a network, a request for updated content from the mobile communication device over the network;

receiving the request at the server through the interface; and

utilizing the request to:

identify what pre-selected in-game content to send; and

send the pre-selected in-game content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

33. (Previously Presented) The method of claim 32, wherein the updated content is promotional content.

34. (Previously Presented) The method of claim 32, further comprising sending information from the server to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

35. (Previously Presented) The method of claim 32, further comprising

sending a message from the server to the mobile communication device in response to receiving the request, the message relating to the content.

36. (Previously Presented) The method of claim 35, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device.

37. (Previously Presented) The method of claim 32, further comprising checking whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication device.

38. (Previously Presented) The method of claim 32, further comprising tracking the distribution of updated content at the server.

REMARKS

Claims 20-26 and 32-38 are currently pending. No amendments are made with this response because the proposed combination in the rejection does not render obvious the pending claims. For at least the reasons outlined below, Applicant respectfully requests reconsideration and withdrawal of the claim rejections included in the Office Action, and allowance of the pending claims.

I. **CLAIM REJECTION UNDER 35 U.S.C. § 103(a) BASED ON BENNETT, GATTO, AND CHATANI**

Claims 20-26 and 32-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2007/0124792 A1 to Bennett et al. ("Bennett") in view of U.S. Patent Publication No. 2004/0127279 to Gatto et al. ("Gatto") and U.S. Patent Publication No. 2004/0266529 to Chatani ("Chatani"). The combination of Bennett, Gatto, and Chatani, however, fails to disclose or suggest every feature of the pending claims for at least three separate reasons.

A. **BENNET AND GATTO FAIL TO DISCLOSE OR SUGGEST
"RECEIVING A REQUEST FOR UPDATED CONTENT" OR
"SEND[ING] THE PRE-SELECTED IN-GAME CONTENT STORED ON
THE STORAGE MEDIUM TO THE MOBILE COMMUNICATION DEVICE
AS THE UPDATED CONTENT FOR THE MOBILE VIDEO GAME"**

Neither Bennett nor Gatto disclose or suggest "receiving a request for updated content" or "send[ing] the pre-selected in-game content stored on the storage medium to the mobile communication device as the updated content for the mobile video game," as recited in claims 20 and 32.

The Office Action asserts that Bennett's "media elements" discloses "a storage medium for storing pre-selected content for use in a video game." (Office Action at 2,

3.) In particular, the Office Action identifies “a storage medium (Bennett Fig. 4 Item 407, Fig. 6 Item 611, 643 paragraph 0061) for storing pre-selected content (Bennett paragraph 0061 media elements) for use in a video game.” (*Id.*) This is incorrect.

Bennett is generally directed to using a phone to interact with a television system. (Bennett at Abstract.) The phone may “be adapted to receive television system setting information and provide for user control of various television system settings.” (*Id.*) It may also “be adapted to receive media guide information, present such information to a user, provide for user selection of a media element, and transmit a control signal adapted to cause deliver of the selected media element from a multimedia source to the television system.” (*Id.*) When used for this latter purpose, the “media element may, for example, comprise . . . a video game.” (*Id.* at [0061].)

Nothing in Bennett, however, teaches or suggests “send[ing] the pre-selected in-game content stored on the storage medium to the mobile communication device ***as the updated content*** for the mobile video game,” as recited in independent claims 20 and 32 (Emphasis added.) The content identified by the Office Action is—at most—the entire video game when it is first selected, not “*updated content* for use in a video game.”

The Office Action appears to acknowledge this fact, stating that “Bennett fails to teach update[d] content” for use in a video game and that “Gatto and Bennett fail to teach ‘in-game content.’” (Office Action at 3.) Accordingly, the Office Action has not established that Bennett discloses or suggests this claimed feature. Instead, the Office

Action relies on Gatto's "promotional items" for this feature.¹ (*Id.*) Gatto, however, also does not disclose or suggest requesting or receiving updated content. Gatto discloses generating and transmitting emails containing promotional layers that a user may interact with in the email (e.g., to solve a puzzle) to descramble a secret layer. (Gatto at [0014], [0052], and [0061].) The email's secret layer is displayed on the user device using the data already contained in the email upon certain user activities, such as solving a puzzle, not from requesting or receiving updated content. (*Id.*) These layers, however, are transmitted to the user with the original content and content is not updated after the email is transmitted. (*See id.* at [0059].) Thus, Gatto does not teach or suggest "receiving a request for updated content" or "send[ing] the pre-selected in-game content stored on the storage medium to the mobile communication device as the updated content for the mobile video game," as recited in claims 20 and 32.

Accordingly, the Office Action fails to show that the cited art discloses or renders obvious at least "receiving a request for updated content" or "send[ing] the pre-selected in-game content stored on the storage medium to the mobile communication device as the updated content for the mobile video game," as recited in claims 20 and 32.

¹ During prosecution of the parent to this application (Application Serial No. 11/768,892), the Examiner originally made a similar assertion that Gatto discloses content for use in a video game. (*See, e.g.,* June 5, 2013 Office Action in 11/768,892.) The Examiner later withdrew reliance on Gatto after Applicant filed an appeal brief, and Applicant respectfully requests that the Examiner do so here as well.

B. THE OFFICE ACTION FAILS TO ESTABLISH A MOTIVATION TO COMBINE BENNETT, GATTO, AND CHATANI AND ALSO FAILS TO ESTABLISH A REASONABLE EXPECTATION OF SUCCESS IN ACHIEVING THE CLAIMED INVENTION

The Office Action also fails to establish a suggestion or motivation to combine the cited references. In particular, the Office Action fails to show or explain why one skilled in the art would have been motivated to combine Bennett and Gatto, which are directed to different, incompatible systems and the proposed modification is not operable in Bennett's system, and thus lacks a reasonable expectation of success in achieving the proposed modification.

As the M.P.E.P. makes clear, an obviousness analysis requires, *inter alia*, a suggestion or motivation to modify the cited references. MPEP § 2143.01. There must also be a reasonable expectation of success in achieving the proposed modification of the claimed invention. MPEP § 2143.02 (citing *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986)); *In re Stepan Co.*, 868 F.3d 1342, 1346 (Fed. Cir. 2017). In particular, "[i]f a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP § 2143.01 (citing *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984)). Here, one skilled in the art would not have viewed the Office Actions combination as operable, and thus would fail to render Bennett and Gatto unsatisfactory for their intended purposes.

Bennett discloses a television system where a user may change a displayed channel using a mobile device. (Bennett, Abstract.) Gatto concerns a system for generating and transmitting emails with multiple layers, but all of the layers are

transmitted with the email and there is no receiving updated content. (Gatto, Abstract.) Chatani describes merely outsourcing computation operations to another device. (Chatani, [0008].) Neither the Office Action nor the cited references explain how the combination would operate and what the operational result would be. Bennett does not suggest that displayed content can be updated or modified; it merely allows a user to select a television or game with a mobile device, switching from one “video selection” to another. (Bennett, [0025].) Further nothing in Gatto or Bennett discloses how to combine Gatto’s different email layers (which are transmitted together, not updated) with a TV displaying streamed television signals. Nor does Bennett even suggest that the content of a particular game could be updated, even if Gatto disclosed updating content (which it does not because the layers are transmitted together). Further nothing in Gatto or Bennett discloses how to combine an email with different layers with a TV displaying streamed television signals, or that Bennett even *could be* combined with interactive email layers disclosed in Gatto. The Office Action fails to provide an explanation as to why a person with ordinary skill in the art would have been motivated to combine teachings from Gatto and Bennett to arrive at the claimed invention.

Thus, it would not have been obvious to modify Bennett with Gatto and Chatani, and the Office Action fails to set forth a prima facie case of obviousness.

C. CHATANI FAILS TO CURE THE DEFICIENCIES OF BENNETT AND GATTO

Chatani fails to cure the deficiencies of Bennett and Gatto. In particular, Chatani does not disclose or suggest at least “receiving a request for updated content” or “send[ing] the pre-selected in-game content stored on the storage medium to the

mobile communication device as the updated content for the mobile video game,” as recited in claims 20 and 32.

Chatani is generally directed to a portable device connected with a base computing device (e.g., a game console) for playing a video game. (Chatani at Abstract.) In Chatani, the base computing device “is configured to execute a game program and communicate or stream executed game instructions to a portable game device.” (Chatani at [0021].)

The Office Action asserted that Chatani “discloses ‘in-game content’” to be updated to the portable device. (Office Action at 3.) The Office Action identifies “Chatani Fig. 3C Item 195 paragraph 0053” to allege that Chatani “reads on ‘video game content’” because “data packets to deliver video, audio, and control data to a portable game device.” (*Id.*) Chatani, however, does not disclose or suggest “receiving a request for updated content” or “send[ing] the pre-selected in-game content stored on the storage medium to the mobile communication device as the updated content for the mobile video game” and, therefore, does not cure the deficiencies of Bennett and Gatto. Item 195 of Chatani describes a portable device that locally renders content executed remotely. (Chatani at [0043].) This merely describes offloading processing to a remote device. (Chatani at [0052].) Nothing in the citations provided by the Office Action, nor anywhere else in Chatani, discloses or suggests requesting updated content or receiving updated content, in particular “receiving a request for updated content” or “send[ing] the pre-selected in-game content stored on the storage medium to the mobile communication device as the updated

content for the mobile video game” as recited in claims 20 and 32. Accordingly, Chatani does not remedy the deficiencies of Bennett and Gatto.

Accordingly, the Office Action has not established that the asserted references disclose or suggest every feature of claim 20. Independent claim 32, although different in scope, includes similar recitations, and is distinguishable for similar reasons. Claims 21-26 and 33-38 depend directly or indirectly from independent claim 20 and independent claim 32, respectfully, and are allowable for the same reasons are discussed for independent claims 20 and 32.

II. CONCLUSION

For at least the above-outlined reasons, the combination of Bennett and Gatto fails to render obvious claims 20-26 and 32-38. Applicant respectfully requests reconsideration of this application, withdrawal of the rejection, and allowance of pending claims 20-26 and 32-38.

The preceding remarks are based only on the arguments in the Office Action and, therefore, do not address additional patentable aspects of the claims that were not addressed by the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding remarks in favor of patentability are advanced without prejudice to other additional possible bases of patentability.

Applicant respectfully notes that the Office Action contains a number of assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicant respectfully declines to automatically subscribe to them.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned attorney at (404) 653-6484.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 4, 2019 October 4, 2019 By: /Kevin D. Rodkey/
Kevin D. Rodkey
Reg. No. 65,506

Electronic Patent Application Fee Transmittal				
Application Number:		15645028		
Filing Date:		10-Jul-2017		
Title of Invention:		METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT		
First Named Inventor/Applicant Name:		JOSHUA HARTWELL		
Filer:		Kevin Dale Rodkey/Sharon Horton		
Attorney Docket Number:		09685.0045-01		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 1 month with \$0 paid	1251	1	200	200
Miscellaneous:				
Total in USD (\$)				200

Electronic Acknowledgement Receipt

EFS ID:	37367591
Application Number:	15645028
International Application Number:	
Confirmation Number:	8411
Title of Invention:	METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT
First Named Inventor/Applicant Name:	JOSHUA HARTWELL
Customer Number:	22852
Filer:	Kevin Dale Rodkey/Sharon Horton
Filer Authorized By:	Kevin Dale Rodkey
Attorney Docket Number:	09685.0045-01
Receipt Date:	04-OCT-2019
Filing Date:	10-JUL-2017
Time Stamp:	12:34:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$200
RAM confirmation Number	E201904C34554075
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		09685_0045-01_-_pdf_of_as-filed_Petition_for_EOT_1__and_Amendment_10_04_2019.pdf	540291	yes	14
			938032a9361e5bdf5b981994b83373d990fbaf00		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Extension of Time		1	1	
	Amendment/Req. Reconsideration-After Non-Final Reject		2	2	
	Claims		3	6	
	Applicant Arguments/Remarks Made in an Amendment		7	14	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30956	no	2
			f984a8c170127dcba937df4531b2acf286fa94b1		
Warnings:					
Information:					
Total Files Size (in bytes):			571247		

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

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent Application of:	)	
	)	
Joshua HARTWELL	)	Group Art Unit: 2649
	)	
Application No.: 15/645,028	)	Examiner: Hsinchun Liao
	)	
Filed: July 10, 2017	)	Confirmation No.: 8411
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	

VIA EFS-WEB

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

Commissioner:

PETITION FOR EXTENSION OF TIME

Applicant petitions for a one-month extension of time to file a reply to the Office Action issued June 5, 2019. A fee payment of \$200.00 is being submitted herewith via the EFS-Web System.

Please grant any additional extensions of time required to enter the attached reply and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 4, 2019

By: /Kevin D. Rodkey/
Kevin D. Rodkey
Reg. No. 65,506

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 15/645,028		Filing Date 07/10/2017		☐ To be Mailed				
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO												
APPLICATION AS FILED - PART I												
		(Column 1)	(Column 2)									
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)		FEE (\$)					
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A		N/A							
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A	N/A		N/A							
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A		N/A							
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 = *		x \$80 =								
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 = *		x \$420 =								
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))												
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL							
APPLICATION AS AMENDED - PART II												
		(Column 1)		(Column 2)	(Column 3)							
AMENDMENT	10/04/2019	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)				
	Total (37 CFR 1.16(i))	* 13	Minus	** 20	= 0	x \$100 =		0				
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	x \$460 =		0				
	☐ Application Size Fee (37 CFR 1.16(s))											
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
								TOTAL ADD'L FEE		0		
		(Column 1)		(Column 2)	(Column 3)							
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)				
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =						
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =						
	☐ Application Size Fee (37 CFR 1.16(s))											
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
								TOTAL ADD'L FEE				
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LIE						
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/CHANTAE S DESSAU/						
*** 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.**

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

SEP 16 2019

Application No. 15/645,028
Attorney Docket No. 09685.0045-01000

Applicant Initiated Interview Request Form					
Application No.: <u>15/645,028</u>			Examiner: <u>Hsinchun Liao</u>		
First Named Inventor: <u>Joshua Hartwell</u>			Group Art Unit: <u>2649</u>		
Status of Application: <u>Non-final Rejection</u>					
Tentative Participants:					
(1) <u>Examiner Liao</u>		(2) <u>Kevin D. Rodkey (Reg. No. 65,506)</u>			
(3) <u>Chun Xu</u>					
Proposed Date of Interview: <u>Sep. 17, 2019</u> Proposed Time: <u>1:30 pm</u>					
Type of Interview Requested:			☒ Telephonic ☐ Personal ☐ Video Conference		
Exhibit to be Shown or Demonstrated?			☐ Yes ☒ No		
If yes, provide brief description:					
Issues to be Discussed					
<u>Issues</u>	<u>Claims/Fig. #s</u>	<u>Prior Art</u>	<u>Discussed</u>	<u>Agreed</u>	<u>Not Agreed</u>
1. <u>103</u>	20-26, 32-38	<i>Bennett, Gatto, Chatani</i>	☐	☐	☐
☐ Continuation Sheet Attached					
Brief Description of Arguments to be Presented: Applicant will discuss the § 103 rejections in light of <i>Bennett, Gatto, and Chatani</i> and why the claims are not rendered obvious. Applicant may also discuss possible amendments.					
<u>/Kevin D. Rodkey/</u> Kevin D. Rodkey Reg. No. 65,506			_____ Examiner/SPE Signature		



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/645,028	07/10/2017	JOSHUA HARTWELL	09685.0045-01	8411
22852	7590	06/05/2019	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			LIAO, HSINCHUN	
			ART UNIT	PAPER NUMBER
			2649	
			NOTIFICATION DATE	DELIVERY MODE
			06/05/2019	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):

regional-desk@finnegan.com

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

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 20-26 and 32-38 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Chatani (US 20040266529) is added to teach the limitation of "in-game content".

Claim Rejections - 35 USC § 103

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, 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.

3. Claims 20-26 and 32-38 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Bennett (US 20070124792) in view of Gatto (US 20040127279) and Chatani (US 20040266529).

In regards to claims 20 and 32, Bennett discloses a system and a method for providing content associated with a mobile video game (Bennett paragraph 0061) to a mobile communication device (Bennett Fig. 1 Item 103), the system comprising:

a storage medium (Bennett Fig. 4 Item 407, Fig. 6 Item 611, 643 paragraph 0061) for storing pre-selected content (Bennett paragraph 0061 media elements) for use in a video game;

a server (Bennett Fig. 4 Item 463, Fig. 7 Item 705 note: this reads on internet media server) in communication (Bennett Fig. 4 paragraph 0052 note: Internet 463 is in Item 409) with the storage medium (Bennett Fig. 4 Item 407); and

an interface (Bennett Fig. 1 Item 147, 155 and 167) coupled to the server and a network, wherein the interface receives a request (Bennett paragraph 0061 note: this reads on viewing request) content from the mobile communication device over the network;

wherein the server is operative to receive the request through the interface and utilize the request to:

check what pre-selected content to send (Bennett paragraph 0061 note: this reads on identifying media elements); and send (Bennett Fig. 7 Item 711 paragraph 0062, 0063) the pre-selected content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

Bennett fails to teach update content. However, Gatto discloses updated content (Gatto paragraph 0061 note: this reads on "promotional items"). It would have been obvious to a person of ordinary skill in the art at the time of invention to use Gatto's content in Bennett's system for offering another dimension in gaming (Gatto paragraph 0008).

Gatto and Bennett fail to teach "in-game content". However, Chatani discloses "in-game content" (Chatani Fig. 3C Item 195 paragraph 0053 note: this reads on "video game content", "data packets to deliver video, audio, and control data to a portable game device"). It would have been obvious to a person of ordinary skill in the art at the time of invention to use Chatani's content in Bennett's system for providing rich interactive content (Chatani paragraph 0007).

In regards to claims 21 and 33, Bennett in view of Gatto and Chatani discloses a system and a method as described above. Bennett in view of Gatto and Chatani further discloses the updated content is promotional content (Gatto paragraph 0061 note: this reads on "promotional items").

In regards to claims 22 and 34, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto and Chatani further discloses the server sends information to the mobile communication device regarding the in-game placement location of the content, the

information being part of the updated content (Gatto Fig. 9, 10 paragraph 0051 note: a pixel of an image inherently requires location information e.g. x, y location, so it can be displayed properly).

In regards to claims 23 and 35, Bennett in view of Gatto and Chatani discloses a system and a method as described above. Bennett in view of Gatto and Chatani further discloses the server sends a message (Bennett paragraph 0061 note: this reads on receiving media guide from media source) to the mobile communication device in response to receiving the request, the message relating to the content.

In regards to claims 24 and 36, Bennett in view of Gatto and Chatani discloses a system and a method as described above. Bennett in view of Gatto and Chatani further discloses the message is pre-selected by the server based on a model type (Bennett Fig. 1 Item 103 e.g. iOS or android) associated with the mobile communication device, a service subscription (Bennett Fig. 1 Item 103 e.g. data plan of the phone 103) associated with the mobile communication device, or a service provider (Bennett Fig. 1 Item 103 e.g. T-Mobile, Verizon) for the service subscription associated with the mobile communication device.

In regards to claims 25 and 37, Bennett in view of Gatto and Chatani discloses a system and a method as described above. Bennett in view of Gatto and Chatani further discloses the server checks whether the mobile communication device should receive the updated content before sending the updated content to the communication device (Gatto paragraph 0009, 0050 note: this reads on “secure validation”).

In regards to claims 26 and 38, Bennett in view of Gatto and Chatani discloses a system and a method as described above. Bennett in view of Gatto and Chatani further discloses the server tracks (Bennett Fig. 7 Item 709) the distribution of updated content.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HSINCHUN LIAO whose telephone number is (571)270-7701. The examiner can normally be reached on **Monday - Thursday, 8:00AM-4:00PM**.

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Edward Urban** can be reached on **(571)272-7899**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/HSINCHUN LIAO/
Primary Examiner, Art Unit 2649

<i>Notice of References Cited</i>	Application/Control No. 15/645,028		Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA	
	Examiner HSINCHUN LIAO		Art Unit 2649	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20040266529-A1	12-2004	Chatani, Masayuki	A63F13/12	463/40
	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC 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.

<i>Index of Claims</i> 	Application/Control No. 15/645,028	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2649

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

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	03/23/2018	12/28/2018	05/31/2019						
	1	÷								
	2	÷								
	3	÷								
	4	÷								
	5	÷								
	6	÷								
	7	÷								
	8	÷								
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	15	-								
	16	-								
	17	-								
	18	-								
	19	-								
	20	÷	✓	✓						
	21	÷	✓	✓						
	22	÷	✓	✓						
	23	÷	✓	✓						
	24	÷	✓	✓						
	25	÷	✓	✓						
	26	÷	✓	✓						
	27	÷								
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	29	÷								
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	31	÷								
	32		✓	✓						
	33		✓	✓						
	34		✓	✓						
	35		✓	✓						
	36		✓	✓						
	37		✓	✓						
	38		✓	✓						

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 15/645,028		Filing Date 07/10/2017		☐ To be Mailed		
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO										
APPLICATION AS FILED - PART I										
		(Column 1)	(Column 2)							
FOR		NUMBER FILED	NUMBER EXTRA	RATE (\$)		FEE (\$)				
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A	N/A						
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A	N/A	N/A						
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A	N/A						
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =	*	x \$80 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*	x \$420 =						
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL						
APPLICATION AS AMENDED - PART II										
		(Column 1)	(Column 2)	(Column 3)						
AMENDMENT	05/03/2019	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 14	Minus	** 14	= 0	x \$100 =		0		
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 2	= 0	x \$460 =		0		
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE		0		
		(Column 1)	(Column 2)	(Column 3)						
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =				
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =				
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE				
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LIE				
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/ANTHONY TYSON/				
*** 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.**

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

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	15/645,028
Filing Date	July 10, 2017
First Named Inventor	Joshua HARTWELL
Art Unit	2649
Examiner Name	Hsinchun Liao
Attorney Docket Number	09665.0045-01

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

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

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. 08-0918

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed)

d. ☒ Payment by EFS-Web

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	/Kevin D. Rodkey/	Date	May 3, 2019
Name (Print/Type)	Kevin D. Rodkey	Registration No.	65,506

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being EFS-Web transmitted to the United States Patent and Trademark Office (USPTO), 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 USPTO on the date shown below.

Signature	_____	Date	_____
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.

Electronic Patent Application Fee Transmittal				
Application Number:		15645028		
Filing Date:		10-Jul-2017		
Title of Invention:		METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT		
First Named Inventor/Applicant Name:		JOSHUA HARTWELL		
Filer:		Kevin Dale Rodkey/Sharon Horton		
Attorney Docket Number:		09685.0045-01		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 1 month with \$0 paid	1251	1	200	200
Miscellaneous:				
RCE- 1ST REQUEST	1801	1	1300	1300
Total in USD (\$)				1500

Electronic Acknowledgement Receipt

EFS ID:	35908515
Application Number:	15645028
International Application Number:	
Confirmation Number:	8411
Title of Invention:	METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT
First Named Inventor/Applicant Name:	JOSHUA HARTWELL
Customer Number:	22852
Filer:	Kevin Dale Rodkey/Sharon Horton
Filer Authorized By:	Kevin Dale Rodkey
Attorney Docket Number:	09685.0045-01
Receipt Date:	03-MAY-2019
Filing Date:	10-JUL-2017
Time Stamp:	10:44:32
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 1500
RAM confirmation Number	050319INTEFSW10455700
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		09685_0045-01_-_pdf_of_as-filed_RCE__Amendment__and__EOT_1___05_03_2019.pdf	507333	yes	12
			d6d9381fe7fa0203e98b67c45e18462bef99e65		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Extension of Time		12	12	
	Amendment Submitted/Entered with Filing of CPA/RCE		2	11	
	Request for Continued Examination (RCE)		1	1	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32641	no	2
			531b1d8baa2f9ae5938466f88bed777e33c1ccae		
Warnings:					
Information:					
Total Files Size (in bytes):			539974		

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

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Joshua HARTWELL) Group Art Unit: 2649
)
Application No.: 15/645,028) Examiner: Hsinchun Liao
)
Filed: July 10, 2017) Confirmation No.: 8411
)
For: METHODS AND SYSTEMS FOR)
UPDATING IN-GAME CONTENT)

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

VIA EFS-WEB

Commissioner:

PETITION FOR EXTENSION OF TIME

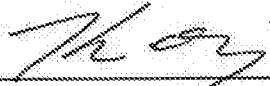
Applicant petitions for a one-month extension of time to file a reply to the Final Office Action issued January 4, 2019. A fee payment of \$200.00 is being submitted herewith via the EFS-Web system.

Please grant any additional extensions of time required to enter the attached reply and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 3, 2019

By: 

Kevin D. Rodkey
Reg. No. 65,506

SUBMISSION UNDER 37 C.F.R. § 1.114

PATENT

Customer No. 22852

Attorney Docket No.: 09685.0045-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent Application of:	)	
	)	
Joshua HARTWELL	)	Group Art Unit: 2649
	)	
Application No.: 15/645,028	)	Examiner: Hsinchun Liao
	)	
Filed: July 10, 2017	)	Confirmation No.: 8411
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	

MAIL STOP: RCE

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

VIA EFS-WEB

Commissioner:

REQUEST FOR CONTINUED EXAMINATION AND AMENDMENT

In response to the final Office Action mailed January 4, 2019 ("Office Action"), the period for response having been extended until May 4, 2019, by concurrent filing of a one-month extension of time, and in conjunction with a Request for Continued Examination (RCE), and corresponding fee payments filed herewith, please amend the above-identified application as follows:

Please amend the claims as indicated in the following **Amendments to the Claims** section, which begins on page 2 of this Amendment ("Response").

Remarks follow the amendments section of this paper.

AMENDMENTS TO THE CLAIMS:

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

1.-19. (Canceled)

20. (Currently Amended) A system for providing updated content associated with a mobile video game to a mobile communication device, the system comprising:

a storage medium for storing pre-selected in-game content for use in a video game;

a server in communication with the storage medium; and

an interface coupled to the server and a network, wherein the interface receives a request for updated content from the mobile communication device over the network;

wherein the server is operative to receive the request through the interface and utilize the request to:

check what pre-selected in-game content to send; and

send the pre-selected in-game content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

21. (Original) The system of claim 20, wherein the updated content is promotional content.

22. (Original) The system of claim 20, wherein the server sends information to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

23. (Original) The system of claim 20, wherein the server sends a message to the mobile communication device in response to receiving the request, the message relating to the content.

24. (Previously Amended) The system of claim 23, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device.

25. (Previously Amended) The system of claim 20, wherein the server checks whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication device.

26. (Original) The system of claim 20, wherein the server tracks the distribution of updated content.

27.-31. (Canceled)

32. (Currently Amended) A method for providing updated content associated with a mobile video game to a mobile communication device, the method comprising:

storing pre-selected in-game content for use in a video game on a storage medium;

receiving, at an interface coupled to a server and a network, a request for updated content from the mobile communication device over the network;

receiving the request at the server through the interface; and

utilizing the request to:

identify what pre-selected in-game content to send; and

send the pre-selected in-game content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

33. (Previously Presented) The method of claim 32, wherein the updated content is promotional content.

34. (Previously Presented) The method of claim 32, further comprising sending information from the server to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

35. (Previously Presented) The method of claim 32, further comprising

sending a message from the server to the mobile communication device in response to receiving the request, the message relating to the content.

36. (Previously Presented) The method of claim 35, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device.

37. (Previously Presented) The method of claim 32, further comprising checking whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication device.

38. (Previously Presented) The method of claim 32, further comprising tracking the distribution of updated content at the server.

REMARKS

By this Response, Applicant amends independent claims 20 and 32 without prejudice or disclaimer of the previously presented subject matter. The amendments to the claims are fully supported by the originally-filed specification, for example, at paragraphs [008], [023], [031], and [036]. Thus, no new matter has been added. Claims 20-26 and 32-38 are present in the application and pending on the merits.

For at least the reasons outlined below, Applicant respectfully requests reconsideration and withdrawal of the claim rejections included in the final Office Action, and allowance of the pending claims.

I. CLAIM REJECTION UNDER 35 U.S.C. § 103(a) BASED ON BENNETT AND GATTO

Claims 20-26 and 32-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2007/0124792 A1 to Bennett et al. ("Bennett") in view of U.S. Patent Publication No. 2004/0127279 to Gatto et al. ("Gatto"). The combination of Bennett and Gatto, however, fails to disclose or suggest every feature of the pending claims.

Bennett is generally directed to a phone that interacts with a television system. (Bennett at Abstract.) The phone may "be adapted to receive television system setting information and provide for user control of various television system settings." (*Id.*) It may also "be adapted to receive media guide information, present such information to a user, provide for user selection of a media element, and transmit a control signal adapted to cause deliver of the selected media element from a multimedia source to

the television system.” (*Id.*) When used for this latter purpose, the “media element may, for example, comprise . . . a video game.” (*Id.* at [0061].)

The Office Action asserted that Bennett’s “media elements” discloses “a storage medium for storing pre-selected content for use in a video game.” (Office Action at 2, 3.) Specifically, the Office Action asserted that because Bennett discloses a “video game,” it discloses the claimed content “for use in a video game.” (*Id.* at 2.) Applicant respectfully disagrees.

Bennett does not disclose any pre-selected content *for use in a video game*. (Emphasis added.) The content identified by the Office Action is the entire video game itself, not content “for use in a video game.” The Office Action appears to acknowledge this fact when discussing a separate claim limitation, stating that “Bennett fails to teach update content” for use in a video game. (Office Action at 3.)

Nevertheless, solely for purposes of advancing prosecution and without acquiescing to the rejection, Applicant has amended independent claim 20 to recite, in part, “a storage medium for storing pre-selected in-game content for use in a video game.” Bennett fails to teach or suggest this claim limitation. The “content” of Bennett identified by the Office Action is the video game itself, not “in-game content for use in a video game.” (See *id.* at 2, 3.) The Office Action’s assertion that Bennett discloses storing a video game is not the same as storing “in-game content.” Accordingly, the Office Action has not established that the asserted reference discloses or suggests this claimed feature. Amended independent claim 32, although different in scope, includes similar recitations, and is distinguishable for similar reasons.

Claims 20 and 32 also recite “send the pre-selected in-game content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.” The Office Action acknowledges that Bennett “fails to teach update content.” (Office Action at 3.) Instead, the Office Action relies on Gatto’s “promotional items” for this feature. (*Id.*) During prosecution of the parent to this application (Application Serial No. 11/768,892), the Examiner originally made a similar assertion that Gatto discloses content for use in a video game. (See, e.g., June 5, 2013 Office Action in 11/768,892.) The Examiner later withdrew reliance on Gatto after Applicant filed an appeal brief, and Applicant respectfully requests that the Examiner do so here as well.

Nothing in Gatto discloses or suggests updating *in-game* content *for use in a video game*, as claimed. The Office Action’s response to Applicant’s arguments misapplies Gatto. The Office Action asserts that paragraphs [0008] and [0061] of Gatto discloses updating content, but that is incorrect. (Office Action at 2, 3.) The Office Action fails to explain, however, how sending a game to a user corresponds to “updating content” or content “for use in a video game,” rather than the entire game, or the “in-game content” as recited in amended independent claims 20 and 32. Therefore, the Office Action fails to establish that the prior art discloses or suggests each element of independent claim 20 and 32, the Office Action also fails to establish that claims 20 and 32 are rendered obvious.

Claims 21-26 and 33-38 depend directly or indirectly from independent claim 20 and independent claim 32, respectfully, and are allowable for the same reasons are discussed for independent claims 20 and 32.

II. CONCLUSION

For at least the above-outlined reasons, the combination of Bennett and Gatto fails to render obvious claims 20-26 and 32-38. Applicant respectfully requests reconsideration of this application, withdrawal of the rejection, and allowance of pending claims 20-26 and 32-38.

The preceding remarks are based only on the arguments in the Office Action and, therefore, do not address additional patentable aspects of the claims that were not addressed by the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding remarks in favor of patentability are advanced without prejudice to other additional possible bases of patentability.

Applicant respectfully notes that the Office Action contains a number of assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicant respectfully declines to automatically subscribe to them.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned attorney at (404) 653-6484.

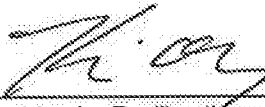
Please grant any extensions of time required to enter this response and charge
any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 3, 2019

By:



Kevin D. Rodkey
Reg. No. 65,506



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/645,028	07/10/2017	JOSHUA HARTWELL	09685.0045-01	8411
22852	7590	01/04/2019		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER LIAO, HSINCHUN	
			ART UNIT	PAPER NUMBER
			2649	
			NOTIFICATION DATE	DELIVERY MODE
			01/04/2019	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):

regional-desk@finnegan.com

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

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/21/2018 have been fully considered but they are not persuasive. In page 6 of the remarks, applicant argues that the content identified by the Office Action is the video game itself, not content "for use in a video game. The examiner respectfully disagrees. "Content" broadly reads on "**media element**" (Bennett paragraph 0061). Bennett discloses "a media element may comprise, for example, comprise...a video game" (Bennett paragraph 0061). Therefore, "content **for use in a video game**" reads on Bennett's arrangement.

In page 7 of the remarks, applicant argues that nothing in Gatto discloses or suggests updating content for use in a video game, as claimed, and neither does Bennett. As mentioned above, Bennett discloses "content **for use in a video game**". Regardless if it is called an "app", "email", "Candy crush", "Angry birds" or "Pokemon", Gatto discloses updating **gaming related applications** (Gatto Fig. 1-10 paragraph 0061 i.e. playing games displayed on a **video screen**). Therefore, Bennett discloses "update content".

Based on foregoing reasons, the previous rejection is still deemed proper.

Claim Rejections - 35 USC § 103

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, 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.

3. Claims 20-26 and 32-38 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Bennett (US 20070124792) in view of Gatto (US 20040127279).

In regards to claims 20 and 32, Bennett discloses a system and a method for providing content associated with a mobile video game (Bennett paragraph 0061) to a mobile communication device (Bennett Fig. 1 Item 103), the system comprising:

a storage medium (Bennett Fig. 4 Item 407, Fig. 6 Item 611, 643 paragraph 0061) for storing pre-selected content (Bennett paragraph 0061 media elements) for use in a video game;

a server (Bennett Fig. 4 Item 463, Fig. 7 Item 705 note: this reads on internet media server) in communication (Bennett Fig. 4 paragraph 0052 note: Internet 463 is in Item 409) with the storage medium (Bennett Fig. 4 Item 407); and

an interface (Bennett Fig. 1 Item 147, 155 and 167) coupled to the server and a network, wherein the interface receives a request (Bennett paragraph 0061 note: this reads on viewing request) content from the mobile communication device over the network;

wherein the server is operative to receive the request through the interface and utilize the request to:

check what pre-selected content to send (Bennett paragraph 0061 note: this reads on identifying media elements); and send (Bennett Fig. 7 Item 711 paragraph 0062, 0063) the pre-selected content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

Bennett fails to teach update content. However, Gatto discloses updated content (Gatto paragraph 0061 note: this reads on "promotional items"). It would have been obvious to a person of ordinary skill in the art at the time of invention to use Gatto's content in Bennett's system for offering another dimension in gaming (Gatto paragraph 0008).

In regards to claims 21 and 33, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the updated content is promotional content (Gatto paragraph 0061 note: this reads on "promotional items").

In regards to claims 22 and 34, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the server sends information to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content (Gatto Fig. 9, 10 paragraph 0051 note: a pixel of an image inherently requires location information e.g. x, y location, so it can be displayed properly).

In regards to claims 23 and 35, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the server sends a message (Bennett paragraph 0061 note: this reads on receiving media guide from media source) to the mobile communication device in response to receiving the request, the message relating to the content.

In regards to claims 24 and 36, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the message is pre-selected by the server based on a model type (Bennett Fig. 1 Item 103 e.g. iOS or android) associated with the mobile communication device, a service subscription (Bennett Fig. 1 Item 103 e.g. data plan of the phone 103) associated with the mobile communication device, or a service provider (Bennett Fig. 1 Item 103 e.g. T-Mobile, Verizon) for the service subscription associated with the mobile communication device.

In regards to claims 25 and 37, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the server checks whether the mobile communication device should receive the updated content before sending the updated content to the communication device (Gatto paragraph 0009, 0050 note: this reads on “secure validation”).

In regards to claims 26 and 38, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the server tracks (Bennett Fig. 7 Item 709) the distribution of updated content.

Conclusion

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.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HSINCHUN LIAO whose telephone number is (571)270-7701. The examiner can normally be reached on **Monday - Thursday, 8:00AM-4:00PM.**

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Edward Urban** can be reached on **(571)272-7899**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 2649

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.

/HSINCHUN LIAO/

Primary Examiner, Art Unit 2649

<i>Index of Claims</i> 	Application/Control No. 15/645,028	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2649

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

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	03/23/2018	12/28/2018							
	1	÷								
	2	÷								
	3	÷								
	4	÷								
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	15	-								
	16	-								
	17	-								
	18	-								
	19	-								
	20	÷	✓							
	21	÷	✓							
	22	÷	✓							
	23	÷	✓							
	24	÷	✓							
	25	÷	✓							
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	32		✓							
	33		✓							
	34		✓							
	35		✓							
	36		✓							
	37		✓							
	38		✓							

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 15/645,028		Filing Date 07/10/2017		☐ To be Mailed		
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO										
APPLICATION AS FILED - PART I										
		(Column 1)	(Column 2)							
FOR		NUMBER FILED	NUMBER EXTRA	RATE (\$)		FEE (\$)				
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A	N/A						
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A	N/A	N/A						
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A	N/A						
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =	*	x \$80 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*	x \$420 =						
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL						
APPLICATION AS AMENDED - PART II										
		(Column 1)	(Column 2)	(Column 3)						
AMENDMENT	11/21/2018	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 14	Minus	** 26	= 0	x \$100 =		0		
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 4	= 0	x \$460 =		0		
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE		0		
		(Column 1)	(Column 2)	(Column 3)						
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =				
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =				
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE				
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LIE				
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/TINA M. BELL/				
*** 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.**

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of:	)	
	)	
Joshua HARTWELL	)	Parent Group Art Unit: 2649
	)	
Application No.: 15/645,028	)	Parent Examiner: Hsinchun Liao
	)	
Filed: July 10, 2017	)	Confirmation No.: 8411
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	
	)	

MAIL STOP:

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VIA EFS-WEB

Commissioner:

RESPONSE TO NON-FINAL OFFICE ACTION

In response to the non-final Office Action mailed August 24, 2018 ("Office Action"), Applicant respectfully requests reconsideration and allowance of the pending claims (reflected on pages 2-5 of this Response) in light of the remarks that begin on page 6.

Electronic Acknowledgement Receipt

EFS ID:	34370399
Application Number:	15645028
International Application Number:	
Confirmation Number:	8411
Title of Invention:	METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT
First Named Inventor/Applicant Name:	JOSHUA HARTWELL
Customer Number:	22852
Filer:	Kara A. Specht/Diane Demby
Filer Authorized By:	Kara A. Specht
Attorney Docket Number:	09685.0045-01
Receipt Date:	21-NOV-2018
Filing Date:	10-JUL-2017
Time Stamp:	09:46:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		09685_0045-01000_RespondentOfficeAction.pdf	120042 80071800da516143a305cfa92bb36e3315a77514	yes	8

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Applicant Arguments/Remarks Made in an Amendment		6	8
Claims		2	5
Amendment/Req. Reconsideration-After Non-Final Reject		1	1
Warnings:			
Information:			
Total Files Size (in bytes):		120042	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.			

REMARKS

Claims 20-26 and 32-38 remain pending, and each has been rejected under 35 U.S.C. § 103(a) over U.S. Patent Publication 2007/0124792 (“Bennett”) in view of U.S. Patent Publication 2004/0127279 (“Gatto”). (Office Action at 2.) The proposed combination, however, does not disclose or suggest every feature of the pending claims.

Bennett is generally directed to a phone that interacts with a television system. (Bennett at Abstract.) The phone may “be adapted to receive television system setting information and provide for user control of various television system settings.” (*Id.*) It may also “be adapted to receive media guide information, present such information to a user, provide for user selection of a media element, and transmit a control signal adapted to cause deliver of the selected media element from a multimedia source to the television system.” (*Id.*) When used for this latter purpose, the “media element may, for example, comprise . . . a video game.” (*Id.* at [0061].)

In addressing claim 20’s “storage medium for storing pre-selected content for use in a video game,” the Office Action relies in part on Bennett’s “media elements.” (Office Action at 2.) In particular, the Office Action identifies “a storage medium (Bennett Fig. 4 Item 407, Fig. 6 Item 611, 643 paragraph 0061) for storing pre-selected content (Bennett paragraph 0061 media elements) for use in a video game.” (*Id.*) But Bennett does not disclose any “pre-selected content *for use in a video game*,” as claimed. Instead, the content identified by the Office Action is the video game itself, not content “for use in a video game.” The Office Action appears to acknowledge this fact when discussing a separate claim limitation, stating that “Bennett fails to teach update

content” for use in a video game. (Office Action at 3.) Accordingly, the Office Action has not established that the asserted art discloses or suggests this claimed feature. The same is true for the similar feature in independent claim 32, which recites “storing pre-selected content *for use in a video game* on a storage medium.”

Claims 20 and 32 also recite “send the pre-selected content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.” The Office Action acknowledges that Bennett “fails to teach update content.” (Office Action at 3.) Instead, the Office Action relies on Gatto’s “promotional items” for this feature. (*Id.*) But Gatto is directed to e-mails and has nothing to do with mobile video games. (See, e.g., Gatto at Abstract.) During prosecution of the parent to this application (Application Serial No. 11/768,892), the Examiner originally made a similar assertion that Gatto discloses content for use in a video game. (See, e.g., June 5, 2013 Office Action in 11/768,892.) The Examiner later withdrew reliance on Gatto after Applicant filed an appeal brief, and Applicant respectfully requests that the Examiner do so here as well. Nothing in Gatto discloses or suggests updating content *for use in a video game*, as claimed, and neither does Bennett. The Office Action, therefore, has not established that the asserted art discloses or suggest this claimed feature. Having failed to show that the prior art discloses or suggests each element of independent claims 20 and 32, the Office Action also fails to establish that claims 20 and 32 are rendered obvious.

Claims 21-26 and 33-38 depend directly or indirectly from claim 20 or claim 32, and are allowable for the same reasons as discussed for claims 20 and 32.

Applicant respectfully requests reconsideration of this application, withdrawal of the rejection, and allowance of pending claims 20-26 and 32-38. Applicant respectfully submits that the Office Action contains a number of assertions concerning the related art and the claims of the present application. Regardless of whether those assertions are addressed specifically herein, Applicant respectfully declines to automatically subscribe to them.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned attorney at (404) 653-6484.

Please grant any additional extensions of time required to enter this Response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 21, 2018

By: /Kevin D. Rodkey/
Kevin D. Rodkey
Reg. No. 65,506

LISTING OF THE CLAIMS:

The following listing of claims is provided for the convenience of the Office.

1.-19. (Canceled)

20. (Previously Amended) A system for providing updated content associated with a mobile video game to a mobile communication device, the system comprising:

- a storage medium for storing pre-selected content for use in a video game;
- a server in communication with the storage medium; and
- an interface coupled to the server and a network, wherein the interface receives a request for updated content from the mobile communication device over the network;

wherein the server is operative to receive the request through the interface and utilize the request to:

- check what pre-selected content to send; and
- send the pre-selected content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

21. (Original) The system of claim 20, wherein the updated content is promotional content.

22. (Original) The system of claim 20, wherein the server sends information to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

23. (Original) The system of claim 20, wherein the server sends a message to the mobile communication device in response to receiving the request, the message relating to the content.

24. (Previously Amended) The system of claim 23, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device.

25. (Previously Amended) The system of claim 20, wherein the server checks whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication device.

26. (Original) The system of claim 20, wherein the server tracks the distribution of updated content.

27.-31. (Canceled)

32. (Previously Presented) A method for providing updated content associated with a mobile video game to a mobile communication device, the method comprising:

storing pre-selected content for use in a video game on a storage medium;

receiving, at an interface coupled to a server and a network, a request for updated content from the mobile communication device over the network;
receiving the request at the server through the interface; and
utilizing the request to:
 identify what pre-selected content to send; and
 send the pre-selected content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

33. (Previously Presented) The method of claim 32, wherein the updated content is promotional content.

34. (Previously Presented) The method of claim 32, further comprising sending information from the server to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

35. (Previously Presented) The method of claim 32, further comprising sending a message from the server to the mobile communication device in response to receiving the request, the message relating to the content.

36. (Previously Presented) The method of claim 35, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile

communication device, or a service provider for the service subscription associated with the mobile communication device.

37. (Previously Presented) The method of claim 32, further comprising checking whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication device.

38. (Previously Presented) The method of claim 32, further comprising tracking the distribution of updated content at the server.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/645,028	07/10/2017	JOSHUA HARTWELL	09685.0045-01	8411

22852 7590 08/24/2018
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

LIAO, HSINCHUN

ART UNIT	PAPER NUMBER
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2649

NOTIFICATION DATE	DELIVERY MODE
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08/24/2018

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):

regional-desk@finnegan.com

Office Action Summary	Application No. 15/645,028	Applicant(s) HARTWELL, JOSHUA	
	Examiner HSIN-CHUN LIAO	Art Unit 2649	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2018.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 20-26 and 32-38 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) _____ is/are allowed.
- 7) ☒ Claim(s) 20-26 and 32-38 is/are rejected.
- 8) ☐ Claim(s) _____ is/are objected to.
- 9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

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

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 10 July 2017 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 4) ☐ Other: _____

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

DETAILED ACTION

Claim Rejections - 35 USC § 103

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, 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.

3. Claims 20-26 and 32-38 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Bennett (US 20070124792) in view of Gatto (US 20040127279).

In regards to claims 20 and 32, Bennett discloses a system and a method for providing content associated with a mobile video game (Bennett paragraph 0061) to a mobile communication device (Bennett Fig. 1 Item 103), the system comprising:

a storage medium (Bennett Fig. 4 Item 407, Fig. 6 Item 611, 643 paragraph 0061) for storing pre-selected content (Bennett paragraph 0061 media elements) for use in a video game;

a server (Bennett Fig. 4 Item 463, Fig. 7 Item 705 note: this reads on internet media server) in communication (Bennett Fig. 4 paragraph 0052 note: Internet 463 is in Item 409) with the storage medium (Bennett Fig. 4 Item 407); and

an interface (Bennett Fig. 1 Item 147, 155 and 167) coupled to the server and a network, wherein the interface receives a request (Bennett paragraph 0061 note: this

reads on viewing request) content from the mobile communication device over the network;

wherein the server is operative to receive the request through the interface and utilize the request to:

check what pre-selected content to send (Bennett paragraph 0061 note: this reads on identifying media elements); and send (Bennett Fig. 7 Item 711 paragraph 0062, 0063) the pre-selected content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

Bennett fails to teach update content. However, Gatto discloses updated content (Gatto paragraph 0061 note: this reads on "promotional items"). It would have been obvious to a person of ordinary skill in the art at the time of invention to use Gatto's content in Bennett's system for offering another dimension in gaming (Gatto paragraph 0008).

In regards to claims 21 and 33, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the updated content is promotional content (Gatto paragraph 0061 note: this reads on "promotional items").

In regards to claims 22 and 34, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the server sends information to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content

(Gatto Fig. 9, 10 paragraph 0051 note: a pixel of an image inherently requires location information e.g. x, y location, so it can be displayed properly).

In regards to claims 23 and 35, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the server sends a message (Bennett paragraph 0061 note: this reads on receiving media guide from media source) to the mobile communication device in response to receiving the request, the message relating to the content.

In regards to claims 24 and 36, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the message is pre-selected by the server based on a model type (Bennett Fig. 1 Item 103 e.g. iOS or android) associated with the mobile communication device, a service subscription (Bennett Fig. 1 Item 103 e.g. data plan of the phone 103) associated with the mobile communication device, or a service provider (Bennett Fig. 1 Item 103 e.g. T-Mobile, Verizon) for the service subscription associated with the mobile communication device.

In regards to claims 25 and 37, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the server checks whether the mobile communication device should receive the updated content before sending the updated content to the communication device (Gatto paragraph 0009, 0050 note: this reads on “secure validation”).

In regards to claims 26 and 38, Bennett in view of Gatto discloses a system and a method as described above. Bennett in view of Gatto further discloses the server tracks (Bennett Fig. 7 Item 709) the distribution of updated content.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HSIN-CHUN LIAO whose telephone number is (571)270-7701. The examiner can normally be reached on Monday - Thursday, 8:00AM-4:00PM.

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

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/HSIN-CHUN LIAO/
Primary Examiner, Art Unit 2649

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	Examiner HSIN-CHUN LIAO		Art Unit 2649	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2007/0124792 A1	05-2007	Bennett; James D.	H04M1/0233	725/133
	B	US-				
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

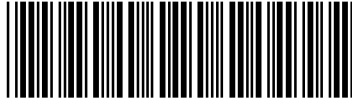
FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
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	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.

<i>Index of Claims</i> 	Application/Control No. 15645028	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSIN-CHUN LIAO	Art Unit 2649

✓	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	03/23/2018							
	1	÷							
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	27	÷							
	28	÷							
	29	÷							
	30	÷							
	31	÷							

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L4	29	(server communicat\$5) with (storage medium) AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009).CPC.)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2018/08/14 09:04
L5	16	(server communicat\$5) with (storage medium) and (video game) and phone AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009).CPC.)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2018/08/14 09:04
S43	43	(server communicat\$5) with (storage medium) and (video game) and phone	US-PGPUB; USPAT; USOCR	ADJ	OFF	2018/08/12 14:43
S46	42	server with (hard drive) same (video game) same phone	US-PGPUB; USPAT; USOCR	ADJ	OFF	2018/08/12 14:48

8/ 14/ 2018 9:06:08 AM
C:\ Users\ hliao\ Documents\ EAST\ Workspaces\ 15_cases\ 15645028\ 15645028.wsp

Bibliographic Data

Application No: 15/645,028

Foreign Priority claimed: ☐ Yes ☒ No

35 USC 119 (a-d) conditions met: ☐ Yes ☒ No ☐ Met After Allowance

Verified and Acknowledged: /HSINCHUN LIAO/

Examiner's Signature

Initials

Title:

METHODS AND SYSTEMS FOR UPDATING IN-GAME
CONTENT

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
07/10/2017	455	2649	09685.0045-01
RULE			

APPLICANTS

GOSUB 60, INC., Santa Monica, CA,

INVENTORS

JOSHUA HARTWELL Santa Monica, CA, UNITED STATES

CONTINUING DATA

This application is a DIV of 11768892 06/26/2007 PAT 9731202

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

07/17/2017

STATE OR COUNTRY

UNITED STATES

ADDRESS

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413
UNITED STATES

FILING FEE RECEIVED

\$2,500

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	15/645,028
Filing Date	July 10, 2017
First Named Inventor	Joshua HARTWELL
Group Art Unit	2425
Examiner Name	Not Yet Assigned
Attorney Docket Number	09685.0045-01

U.S. PATENTS

Examiner Initials ¹	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/H.L./		6,219,696 B1	04-17-2001	Wynblatt et al.	

U.S. PUBLISHED PATENT APPLICATIONS

Examiner Initials ¹	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ⁴ (if known)			
/H.L./		2002/0166119 A1	11-07-2002	Cristofalo	
/H.L./		2003/0105669 A1	06-05-2003	Tsuchiya	
/H.L./		2003/0224855 A1	12-04-2003	Cunningham	
/H.L./		2004/0049419 A1	03-11-2004	Knight	
/H.L./		2004/0127279 A1	07-01-2004	Gatto et al.	
/H.L./		2005/0240476 A1	10-27-2005	Bigott	
/H.L./		2006/0128469 A1	06-15-2006	Willis et al.	
/H.L./		2006/0130046 A1	06-15-2006	O'Neill	
/H.L./		2006/0136297 A1	06-22-2006	Willis et al.	
/H.L./		2007/0022442 A1	01-25-2007	Gil et al.	

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁸
		Country Code ⁵ Number ⁶ Kind Code ⁷ (if known)				

NONPATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁹
/H.L./		International Search Report and The Written Opinion of the International Searching Authority or the Declaration; International Application No. PCT/US08/68249; International Filing Date June 25, 2006; 8 pages.	
/H.L./		International Search Report and The Written Opinion of the International Searching Authority or the Declaration; International Application No. PCT/US08/68250; International Filing Date June 25, 2008; 8 pages	
/H.L./		PCT Notification Concerning Transmittal of Copy of International Preliminary Report on Patentability; International Application No. PCT/US/2008/068250, dated January 14, 2010; 7 pages.	
/H.L./		PCT Notification Concerning Transmittal of Copy of International Preliminary Report on Patentability; International Application No. PCT/US/2008/068249, dated January 14, 2010; 6 pages.	

Examiner Signature	/HSINCHUN LIAO/	Date Considered	08/14/2018
-----------------------	-----------------	--------------------	------------

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete If Known	
				<i>Application Number</i>	15/645,028
				<i>Filing Date</i>	July 10, 2017
				<i>First Named Inventor</i>	Joshua HARTWELL
				<i>Group Art Unit</i>	2425
				<i>Examiner Name</i>	Not Yet Assigned
				<i>Attorney Docket Number</i>	09685.0045-01
Sheet	2	of	2		

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.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	Examiner	Art Unit

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner

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

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 15/645,028		Filing Date 07/10/2017		☐ To be Mailed	
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO									
APPLICATION AS FILED - PART I									
		(Column 1)	(Column 2)						
FOR		NUMBER FILED	NUMBER EXTRA	RATE (\$)		FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A	N/A					
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A	N/A	N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A	N/A					
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 = *		x \$80 =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 = *		x \$420 =					
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL					
APPLICATION AS AMENDED - PART II									
AMENDMENT	06/04/2018	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 14	Minus	** 26	= 0	x \$100 =		0	
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 4	= 0	x \$460 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						SLIE			
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						KIMBERLY D WILLIAMS			
*** 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.**

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Joshua Hartwell) Group Art Unit: 2649
)
Application No.: 15/645,028) Parent Examiner: Hsinchun Liao
)
Filed: July 10, 2017) Confirmation No.: 8411
)
For: METHODS AND SYSTEMS FOR)
UPDATING IN-GAME CONTENT)
)

MAIL STOP:

VIA EFS-WEB

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

Commissioner:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In the restriction requirement dated April 3, 2018, the period for response
expiring June 4, 2018 (June 3 being a Sunday), the Examiner required restriction under
35 U.S.C. § 121 to one of three asserted groups:

- Group I: Claims 1-14, drawn to a mobile communication device that
downloads updated content;
- Group II: Claims 20-26, drawn a system for providing updated content
comprising a storage medium, a server and an interface; or
- Group III: Claims 27-31, drawn to selling and payment of promotional
content.

Please amend the above-identified patent application as follows:

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

Remarks follow the Amendments section of this Response.

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application. Please cancel claims 1-14 and 27-31 without prejudice or disclaimer; amend claims 20, 24, and 25; and add new claims 32-38, as follows:

1.-19. (Canceled)

20. (Currently Amended) A system for providing updated content associated with [[of]] a mobile video game to a mobile communication device, the system comprising:

- a storage medium for storing pre-selected content for use in a video game;
- a server in communication with the storage medium; and
- an interface coupled to the server and a network, wherein the interface receives a request for updated content from the mobile communication device over the network; wherein the server is operative to receive the request through the interface and utilize the request to:

- check what pre-selected content to send; and
- send the pre-selected content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

21. (Original) The system of claim 20, wherein the updated content is promotional content.

22. (Original) The system of claim 20, wherein the server sends information to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

23. (Original) The system of claim 20, wherein the server sends a message to the mobile communication device in response to receiving the request, the message relating to the content.

24. (Currently Amended) The system of claim 23, wherein the message is pre-selected by the server based on a model type associated with the mobile communication communications device, a service subscription associated with the mobile communication communications device, or a service provider for the service subscription associated with the mobile communication communications device.

25. (Currently Amended) The system of claim 20, wherein the server checks whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication communications device.

26. (Original) The system of claim 20, wherein the server tracks the distribution of updated content.

27.-31. (Canceled)

32. (New) A method for providing updated content associated with a mobile video game to a mobile communication device, the method comprising:

- storing pre-selected content for use in a video game on a storage medium;
- receiving, at an interface coupled to a server and a network, a request for updated content from the mobile communication device over the network;
- receiving the request at the server through the interface; and
- utilizing the request to:
 - identify what pre-selected content to send; and
 - send the pre-selected content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

33. (New) The method of claim 32, wherein the updated content is promotional content.

34. (New) The method of claim 32, further comprising sending information from the server to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

35. (New) The method of claim 32, further comprising sending a message from the server to the mobile communication device in response to receiving the request, the message relating to the content.

36. (New) The method of claim 35, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device.

37. (New) The method of claim 32, further comprising checking whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication device.

38. (New) The method of claim 32, further comprising tracking the distribution of updated content at the server.

REMARKS

In response to the restriction requirement, Applicant elects Group II (claims 20-26) without traverse.

Applicant does not necessarily believe that the restriction requirement is proper, but has elected to prosecute Group II in order to further prosecution of this application. Applicant has canceled claims 1-14 and 27-31 of non-elected Groups I and III without prejudice or disclaimer to pursue those claims in a subsequent divisional or continuation application. Applicant has amended claims 20, 24, and 25 to correct formalities. Applicant has added new claims 32-38, which are drawn to similar subject matter as elected claims 20-26. Support for new claims 32-38 can be found in original claims 20-26 and throughout the originally-filed specification. No new matter has been added.

The restriction requirement may contain statements reflecting characterizations of the claims with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to automatically subscribe to any characterizations or assertions included in the restriction requirement. Specifically, Applicant does not admit that any of the claims or modifications would be obvious over the others.

The Examiner is cordially invited to call Applicant's undersigned attorney at (404) 653-6484 if a telephone conversation would expedite the prosecution of the above-referenced application.

If there is any fee due in connection with the filing of this Response, please
charge the fee to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 4, 2018

By:


Kevin D. Rodkey
Reg. No. 65,506

Electronic Acknowledgement Receipt

EFS ID:	32795212
Application Number:	15645028
International Application Number:	
Confirmation Number:	8411
Title of Invention:	METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT
First Named Inventor/Applicant Name:	JOSHUA HARTWELL
Customer Number:	22852
Filer:	Kevin Dale Rodkey/Sharon R. Horton
Filer Authorized By:	Kevin Dale Rodkey
Attorney Docket Number:	09685.0045-01
Receipt Date:	04-JUN-2018
Filing Date:	10-JUL-2017
Time Stamp:	14:25:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Response to Election / Restriction Filed	09685_0045_01_Resp_to_Election_Restriction.pdf	250830 7fa48eb1038c518f84300dbd38d2c20ec11aa85c	no	7

Warnings:

Information:	
Total Files Size (in bytes):	250830
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.	



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/645,028	07/10/2017	JOSHUA HARTWELL	09685.0045-01	8411

22852 7590 04/03/2018
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
LIAO, HSINCHUN

ART UNIT	PAPER NUMBER
2649	

NOTIFICATION DATE	DELIVERY MODE
04/03/2018	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):

regional-desk@finnegan.com

Office Action Summary	Application No. 15/645,028	Applicant(s) HARTWELL, JOSHUA	
	Examiner HSIN-CHUN LIAO	Art Unit 2649	

-- 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 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2017.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-14 and 20-31 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☐ Claim(s) ____ is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☒ Claim(s) 1-14 and 20-31 are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ 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).
- 12) ☐ 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

- 13) ☐ 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: ____. |

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

DETAILED ACTION

Election/Restrictions

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

I. Claims 1-14, drawn to a mobile communication device that downloads updated content, classified in CPC H04M1/72525.

II. Claims 20-26, drawn to a system for providing updated content comprising a storage medium, a server and an interface, classified in CPC H04W4/50.

III. Claims 27-31, drawn to selling and payment of promotional content, classified in CPC G06Q30/0212.

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

3. Inventions I, II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the presence of the claim to invention II or III is evidenced that the details of invention I are not required for patentability (and vice versa). The subcombinations I, II and III has separate utility such as a mobile device, a server system and selling promotional content.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

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

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

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

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HSIN-CHUN LIAO whose telephone number is

Art Unit: 2649

(571)270-7701. The examiner can normally be reached on Monday - Thursday, 8:00AM-4:00PM.

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

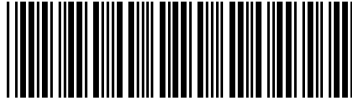
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/HSIN-CHUN LIAO/
Primary Examiner, Art Unit 2649

Application/Control Number: 15/645,028
Art Unit: 2649

Page 6

<i>Index of Claims</i> 	Application/Control No. 15645028	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSIN-CHUN LIAO	Art Unit 2649

✓	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	03/23/2018							
	1	÷							
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	3	÷							
	4	÷							
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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/645,028	07/10/2017	JOSHUA HARTWELL	09685.0045-01

CONFIRMATION NO. 8411

PUBLICATION NOTICE



OC00000095033421

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Title:METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

Publication No.US-2017-0304733-A1

Publication Date:10/26/2017

NOTICE OF PUBLICATION OF APPLICATION

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

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

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Public Records Division. The Public Records Division can be reached by telephone at (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Public Records Division, Alexandria, VA 22313-1450 or via the Internet.

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

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

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number 15/645,028
Filing Date July 10, 2017
First Named Inventor Joshua HARTWELL
Group Art Unit 2425
Examiner Name Not Yet Assigned
Attorney Docket Number 09685.0045-01

U.S. PATENTS

Examiner Initials ¹	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		6,219,696 B1	04-17-2001	Wynblatt et al.	

U.S. PUBLISHED PATENT APPLICATIONS

Examiner Initials ¹	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ⁴ (if known)			
		2002/0166119 A1	11-07-2002	Cristofalo	
		2003/0105669 A1	06-05-2003	Tsuchiya	
		2003/0224855 A1	12-04-2003	Cunningham	
		2004/0049419 A1	03-11-2004	Knight	
		2004/0127279 A1	07-01-2004	Gatto et al.	
		2005/0240476 A1	10-27-2005	Bigott	
		2006/0128469 A1	06-15-2006	Willis et al.	
		2006/0130046 A1	06-15-2006	O'Neill	
		2006/0136297 A1	06-22-2006	Willis et al.	
		2007/0022442 A1	01-25-2007	Gil et al.	

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁸
		Country Code ⁵ Number ⁶ Kind Code ⁷ (if known)				

NONPATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁹
		International Search Report and The Written Opinion of the International Searching Authority or the Declaration; International Application No. PCT/US08/68249; International Filing Date June 25, 2006; 8 pages.	
		International Search Report and The Written Opinion of the International Searching Authority or the Declaration; International Application No. PCT/US08/68250; International Filing Date June 25, 2008; 8 pages	
		PCT Notification Concerning Transmittal of Copy of International Preliminary Report on Patentability; International Application No. PCT/US/2008/068250, dated January 14, 2010; 7 pages.	
		PCT Notification Concerning Transmittal of Copy of International Preliminary Report on Patentability; International Application No. PCT/US/2008/068249, dated January 14, 2010; 6 pages.	

Examiner Signature	Date Considered
-----------------------	--------------------

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete If Known	
				<i>Application Number</i>	15/645,028
				<i>Filing Date</i>	July 10, 2017
				<i>First Named Inventor</i>	Joshua HARTWELL
				<i>Group Art Unit</i>	2425
				<i>Examiner Name</i>	Not Yet Assigned
				<i>Attorney Docket Number</i>	09685.0045-01
Sheet	2	of	2		

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Joshua HARTWELL	)	Group Art Unit: 2425
	)	
Application No.: 15/645,028	)	Examiner: Not Yet Assigned
	)	
Filed: July 10, 2017	)	Confirmation No.: 8411
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	

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

VIA EFS-WEB

Commissioner:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached IDS Form PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

The listed documents are of record in parent U.S. Application No. 11/768,892, filed June 26, 2007, upon which Applicant relies for the benefits provided in 35 U.S.C. § 120, and accordingly copies of the listed documents are not attached because they were submitted in parent U.S. Application No. 11/768,892.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached IDS Form PTO/SB/08.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

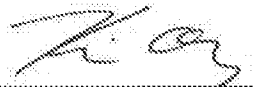
If there is any fee due in connection with the filing of this Information Disclosure Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 7, 2017

By:


Kevin D. Rodkey
Reg. No. 65,506

Electronic Acknowledgement Receipt

EFS ID:	30002299
Application Number:	15645028
International Application Number:	
Confirmation Number:	8411
Title of Invention:	METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT
First Named Inventor/Applicant Name:	JOSHUA HARTWELL
Customer Number:	22852
Filer:	Kevin Dale Rodkey/Sharon R. Horton
Filer Authorized By:	Kevin Dale Rodkey
Attorney Docket Number:	09685.0045-01
Receipt Date:	07-AUG-2017
Filing Date:	10-JUL-2017
Time Stamp:	14:27:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		09685_0045-01_-_Information_Disclosure_State ment_after_Divisional_Appln_ _08_07_2017.pdf	220227	yes	4
			4f27919da05f0af00427229de12c88ba15d263e31		

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Information Disclosure Statement (IDS) Form (SB08)	3	4
	Transmittal Letter	1	2
Warnings:			
Information:			
Total Files Size (in bytes):		220227	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.			

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 15/645,028	
APPLICATION AS FILED - PART I							
(Column 1)		(Column 2)		SMALL ENTITY		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	280
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A	600
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	720
TOTAL CLAIMS (37 CFR 1.16(j))	26	minus 20 = *	6			x 80 =	480
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4	minus 3 = *	1			x 420 =	420
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL		TOTAL	2500
APPLICATION AS AMENDED - PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)	RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	x =	=
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	x =	=
	Application Size Fee (37 CFR 1.16(s))						
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
				TOTAL ADD'L FEE		TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)	RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	x =	=
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	x =	=
	Application Size Fee (37 CFR 1.16(s))						
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
				TOTAL ADD'L FEE		TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.							



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
15/645,028	07/10/2017	2668	2500	09685.0045-01	26	4

CONFIRMATION NO. 8411

FILING RECEIPT



0000000092805968

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Date Mailed: 07/18/2017

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

JOSHUA HARTWELL, Santa Monica, CA;

Applicant(s)

GOSUB 60, INC., Santa Monica, CA;

Assignment For Published Patent Application

GOSUB 60, INC., Santa Monica, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a DIV of 11/768,892 06/26/2007

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 07/17/2017

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/645,028**

Projected Publication Date: 10/26/2017

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

Preliminary Class

382

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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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.

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	09685.0045-01
	First Named Inventor	Joshua HARTWELL
	Title	METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT
	Express Mail Label No.	

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
1. ☒ Fee Transmittal Form (PTO/SB/17 or equivalent) 2. ☐ Applicant asserts small entity status. See 37 CFR 1.27 3. ☐ Applicant certifies micro entity status. See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent. 4. ☒ Specification [Total Pages <u>38</u>] Both the claims and abstract must start on a new page. (See MPEP § 608.01(a) for information on the preferred arrangement) 5. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets <u>7</u>] 6. Inventor's Oath or Declaration [Total Pages <u>2</u>] (including substitute statements under 37 CFR 1.64 and assignments serving as an oath or declaration under 37 CFR 1.63(e)) a. ☒ Newly executed (original or copy) b. ☐ A copy from a prior application (37 CFR 1.63(d)) 7. ☒ Application Data Sheet * See note below. See 37 CFR 1.76 (PTO/AIA/14 or equivalent) 8. CD-ROM or CD-R in duplicate, large table, or Computer Program (Appendix) ☐ Landscape Table on CD 9. Nucleotide and/or Amino Acid Sequence Submission (if applicable, items a. - c. are required) a. ☐ Computer Readable Form (CRF) b. ☐ Specification Sequence Listing on: i. ☐ CD-ROM or CD-R (2 copies); or ii. ☐ Paper c. ☐ Statements verifying identity of above copies	ACCOMPANYING APPLICATION PAPERS
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*Note: (1) Benefit claims under 37 CFR 1.78 and foreign priority claims under 1.55 must be included in an Application Data Sheet (ADS).
(2) For applications filed under 35 U.S.C. 111, the application must contain an ADS specifying the applicant if the applicant is an assignee, person to whom the inventor is under an obligation to assign, or person who otherwise shows sufficient proprietary interest in the matter. See 37 CFR 1.56(b).

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UNITED STATES PATENT APPLICATION
FOR
SYSTEMS AND METHODS FOR UPDATING IN-GAME CONTENT
BY
JOSHUA HARTWELL

DESCRIPTION OF THE INVENTION

Field of the Invention

[001] The invention relates generally to systems and methods for providing updated video game content to a mobile communication device.

Background of the Invention

[002] Many mobile communication devices (including cellular phones, PDAs, and other handheld devices capable of communicating with a server) are capable of operating video games. Most current mobile communication devices come equipped with one or more games at the time of purchase, and most modern mobile communication devices also allow users to download and/or purchase new games. As mobile communication device technology has advanced, the games available for these devices have become more robust. For example, most current mobile communication devices include color screens that can support games with detailed color graphics, and more content may generally fit onto these screens than on screens of older mobile devices. As a result, gaming on mobile communication devices has become a popular mode of entertainment in a mobile environment.

[003] However, all video games tend to have a popularity life span. As game elements become increasingly familiar to players, the game may hold less surprises and/or no longer present a challenge to the user, at which point the user may stop playing that particular game in favor of others. Because mobile communication devices are generally less powerful than personal computers and stand-alone video game consoles, some games for mobile communication devices may be relatively simple or repetitive by comparison. Typically, games that hold user interest for longer periods of

time are more valuable than games that users leave behind quickly. As a result, game creators are always looking for ways to make games that hold the user's interest for a longer period of time.

[004] The recent surge in technical capabilities of mobile communication devices has also spawned attractive new promotional possibilities. Because an extremely large number of people worldwide own mobile communication devices, many third parties may wish to advertise within the screen of a mobile communication device. In particular, when a user plays a game on the mobile communication device, the user's full attention may be directed to the screen of the mobile communication device. Therefore, providing in-game advertising space in the palm of the user's hand is an attractive proposition for both buyers and sellers of the space.

[005] Permanent advertisements within a video game that is played on a mobile communication device may be presented in various ways. For example, the background of the video game might contain a permanent advertisement for a third party. In most cases, this advertisement would generate revenue for the maker of the game, while also serving as a valuable promotional opportunity for the third party.

[006] However, the potential popularity of a mobile communication device game may be unknown until after the game is released to the public. Even then, it may be difficult to gauge how long the game will keep its popularity. This creates uncertainty in the process of buying and selling promotional space within a video game. Specifically, because long term popularity is difficult to determine, both the game company and the third-party advertiser may find valuation of the permanent in-game advertisement space difficult. The third party may not want to pay for a permanent ad

that spans the lifetime of the game, when the success of the game is relatively uncertain.

[007] It is accordingly an object of the invention to provide systems and methods for updating in-game content on a mobile communication device. Some embodiments may prolong user interest in a game for a mobile communication device, and make promotional opportunities more predictable and/or desirable, as follows.

SUMMARY OF THE INVENTION

[008] In accordance with embodiments of the invention, systems and methods for updating in-game content on a mobile communication device are provided.

[009] In an embodiment, a mobile communication device may comprise a screen for viewing by the user, a processor, and a memory. The memory may contain instructions that, when executed by the processor, cause the communications device to operate a video game, contact a server to check for updated content to use in the video game, download the updated content to the communications device from a server, and display the updated content within the video game. The video game itself may be presented on the screen.

[010] The displayed content may be, for example, promotional content. The content may be displayed within the game at a location based on user interaction.

[011] In addition, various steps may exist for checking updated content on the server. For example, checking for updated content on the server may be performed upon launch of the video game, in some embodiments. The check may also be performed upon request by a user of the mobile communication device. In addition, checking for updated content may also be performed periodically.

[012] In some embodiments, the mobile communication device may receive and utilize a message from the server in response to checking for updated content. For example, the message may contain information that is displayed to the user. Alternatively or in addition, the message may describe updated content available at the server.

[013] The communications device may, in some embodiments, check whether the updated content should be downloaded before downloading the updated content from the server. If downloading is appropriate, the communications device may send a follow-up request to the server indicating that the user wishes to download the updated content from the server. Subsequently, the communications device may download the updated content.

[014] Another embodiment disclosed herein includes a computer-readable medium containing instructions for execution by a mobile communication device. The instructions may cause the mobile communication device to operate a video game, contact a server to check for updated content for use in the video game, download the updated content to the communications device, and display the updated content within the video game. The video game may be presented within a screen controlled by the mobile communication device.

[015] A method for distributing updated content to a communications device for use in a video game that runs on the communications device is disclosed herein. In an embodiment, the method may comprise the steps of storing updated content on a computer-readable medium, receiving a request for updated content from a mobile communication device, the updated content being usable in a video-game that already

exists on the communications device, and uploading content to the communications device from the server, the content being usable when the video game operates on the communications device.

[016] For example, the content may be promotional content. Information may be sent to the communications device regarding the in-game placement location of the content. In addition, the content may include a helpful tip or suggestion to the user of the video game.

[017] Some embodiments may include the additional step of checking whether the communications device should receive the updated content before uploading the updated content to the communications device. In addition, the method may call for tracking what updated content has been uploaded.

[018] Further, some embodiments may include a system for distributing updated video game content to a communications device. The system may comprise a storage medium for storing updated content for use in a video game, a server in communication with the storage medium, and an interface coupled to the server and a network, wherein the interface receives a request for updated content from the communications device over the network. In some systems, the server may be operative to receive a request through the interface and utilize the request to send the updated content from the storage medium to the communications device, the content being displayable in a video game on the communications device.

[019] The content may be promotional content. In addition, the server may send information to the communications device regarding the in-game placement location of the content. The server may send a message to the mobile communication

device in response to receiving the request, the message relating to the content. In some embodiments, the message is pre-selected by the server based on a model type associated with the communications device, a service subscription associated with the communications device, or a service provider for the service subscription associated with the communications device.

[020] Further, the server may store an indicator of whether the mobile communication device should receive the updated content. In these embodiments, the server may check the indicator before uploading the updated content to the communications device. The server may also track the distribution of updated content.

[021] It is to be understood that both the foregoing general description and the following detailed description are exemplary and explanatory only and are not restrictive of the invention, as claimed.

[022] The accompanying drawings, which are incorporated in and constitute a part of this specification, illustrate several embodiments of the invention and together with the description, serve to explain the principles of the invention.

BRIEF DESCRIPTION OF THE DRAWINGS

[023] Figure 1 is an overview diagram of exemplary components used to update in-game content on a mobile communication device in accordance with some embodiments of the present invention.

[024] Figures 2A-B are diagrams of an exemplary scene in a video game played on a mobile communication device in accordance with some embodiments of the present invention.

[025] Figures 3A-B are exemplary flow charts that include steps taken by a mobile communication device to update in-game content in accordance with an embodiment of the present invention.

[026] Figures 4A-B are exemplary flow charts that include steps taken by a server to update in-game content on a mobile communication device in accordance with an embodiment of the present invention.

DESCRIPTION OF THE EMBODIMENTS

[027] Reference will now be made in detail to the present exemplary embodiments of the invention, examples of which are illustrated in the accompanying drawings. Wherever possible, the same reference numbers will be used throughout the drawings to refer to the same or like parts.

[028] It is to be understood that both the foregoing background description and the following detailed description are exemplary and explanatory only and are not restrictive of the invention as claimed.

[029] This application incorporates by reference in its entirety the U.S. Patent Application entitled "Systems and Methods for Providing In-Game Hot Spots," filed concurrently with this application.

[030] As used herein, a server includes any remote system capable of receiving communication from a handheld device over a network, such as the Internet, intranet, local area network, telecommunications network, and/or Ethernet.

[031] An embodiment of the invention described below allows a game company and/or provider to provide updated content to a mobile communication device for use in a mobile video game that operates on the mobile communication device. The

ability to update in-game content may allow game companies to keep game elements fresh and prolong user enjoyment of the game. For example, a particular scene within the game may be rearranged so that the user has something new to look at or explore. In one embodiment, the updated content may comprise a new level within the game. In addition, the game company may charge third-party advertisers a fee per downloaded promotional update. Consequently, the game may sustain its popularity and be more profitable for the game creator than existing mobile communication device games.

[032] The game may be more attractive to third-party advertisers and provide promotional revenue for the game provider. An embodiment may provide an avenue for selling time blocks of in-game advertising. Third parties may now have the option to advertise for a period of time, rather than permanently, within a video game for a mobile communication device. This flexibility may allow the negotiation of promotional contracts that involve less guess-work with respect to the placing advertisements or virtual products within a video game on a mobile communication device. Further, an embodiment herein also provides promotional opportunities for third parties that could not previously afford to place advertisements within a game for a mobile communication device. For example, while purchasing a promotional spot that lasts the lifetime of the game may not be feasible, it may be much cheaper to purchase a smaller block of time.

[033] In some embodiments, advertisements may be tracked on a per-view or per-download basis. In these embodiments, it may be possible for the game company and/or distributor to profit based upon when promotional content is downloaded and/or viewed.

[034] In addition, local third party advertisers may be able to place promotional content on mobile communication devices located within a proximity to the locality.

[035] The ability to place updated content within the game may also provide an avenue for signing additional promotional contracts after the game has already been publicly released. For example, in a previously-released game, a bar scene might be filled with updated bottles that show a company logo not present at the time of the game's launch. The ongoing promotional aspects of such a system could be very attractive to both buyers and sellers of promotional space.

[036] Figure 1 is an overview diagram of exemplary components used to update in-game content on a mobile communication device in accordance with several embodiments of the present invention. Turning to Figure 1, both a distribution block 125 and a creation block 140 are shown. In the distribution block 125, the user 105 plays a mobile video game on mobile communication device 110. In some embodiments, the game includes instructions to check 115 for updated content at server 120. The mobile communication device may perform this check 115 by connecting to server 120 through network 122.

[037] In some embodiments, the mobile communication device 110 may contain a processor and a memory. The program instructions for the mobile video game may be located in the memory and executed by the processor, causing the game to operate on the mobile communication device. The mobile communication device may also contain a screen for displaying the mobile video game to the user 105.

[038] The network 122 may include, for example, the global internet. Alternatively or in addition, the network 122 may include a phone or data network. In an

embodiment, the mobile communication device 110 may connect to an interface (not shown) that may, in turn, pass a request for updated content to server 120. The interface may be part of server 120 or a separate device, depending on the embodiment. For example, the interface may receive communications from the network, validate the communications as coming from a known or compatible source, and then relay the communications to the server 120. In addition, server 120 may actually be implemented as one or more servers.

[039] In the example of Figure 1, updated content for a particular mobile communications device is stored on a data storage medium 130 as part of a group of pre-selected content for the mobile communications device. In this example, the data storage medium 130 is computer-readable. Potential data storage mediums include a hard drive, memory (such as RAM), and other storage devices (e.g., flash memory, a USB drive, compact disk, DVD, tape, or other media). The data storage medium may be implemented by one or more distinct storage mediums. In some embodiments, the updated content may be organized or indexed by a database of pre-selected content. The storage medium 130 may be a part of server 120 in some embodiments.

[040] After server 120 receives a communication request from mobile communication device 110, server 120 may check whether updated content is available for one or more mobile video games. If updated content is available, server 120 may send or provide (i.e., upload) the updated content to mobile communication device 110. Other steps, such as performing a check of whether the user wishes to receive the updated content, are possible in some embodiments. For example, the server 120 may store an indicator of whether updated content should be sent to the particular mobile

communication device 110. Additionally, before the updated content is downloaded, the user 105 may be prompted by mobile communication device 110 to make sure the user 105 wishes to add the updated content to the mobile video game.

[041] Other user information may also be utilized to determine which updated content to download, such as the sex, age, or interests of the user. Other checks are also possible, such as the geographic location of the user. In one embodiment, the user may be queried for this information. In another embodiment, the mobile communications device automatically transmits the information to the server and/or the server stores the information for later use.

[042] Once the updated content has been downloaded by mobile communication device 110, the content may be placed in-game (i.e., within the video game environment). The updated content may replace or supplement previously existing content within the game. For example, the updated content may be a new background, or it may include a new item that the user interacts with in-game.

[043] The updated content may be loaded into the server 120 and/or storage medium 130 from any number of external sources (although typical server access restrictions may apply). In Figure 1, computer 140 may upload the updated content to the server 120. In other embodiments, the updated content may be created on server 120. In still other embodiments, a user 105 may have the option create the updated content. For example, some embodiments may allow the user 110 to upload a picture to server 120, either via the mobile communication device 110 or some other device, such as a personal computer. An embodiment may also allow for the picture to be used as part of the updated content.

[044] The server 120 may be in communication with the storage medium 130 that contains the updated content so that the updated content may be retrieved and sent to the mobile communication device 110.

[045] Figures 2A-B are diagrams of an exemplary scene in a mobile video game played on a mobile communication device in accordance with several embodiments. The exemplary screen is from a darts game, which includes dart board 210. However, embodiments disclosed herein may benefit all types of mobile video games, and are not limited to darts games or any other particular type of mobile video game that is available for mobile communication devices.

[046] Turning now to Fig. 2A, several items 210, 220, 225, 230, and 235 are shown within scene 200. In this example, virtually any of these items may be changed by receiving updated content on the mobile communication device. For instance, the shirt 230 might be updated to include a logo associated with third party X (as shown). The poster 225 might advertise an upcoming movie for third party Y, and chalk board 220 may contain a handwritten advertisement for third party Z (as shown).

[047] The timing of updated content becoming available may be driven by promotional contract terms, such as with third parties X, Y, and Z. In this example, when the promotional contract with third party X ends, the logo on shirt 230 may be removed. In addition, the mobile communication device may thereafter download updated content reflecting a new graphic, shirt, or entirely new object, to place at 230. The updated shirt 230 may not even be promotional item, or it may advertise the in-game availability of a promotional spot. As an example, the shirt may be replaced with a sign that states "space available." Localized promotional content may removed and/or

replaced in a shorter time frame if the mobile communication device enters a new local area with different localized promotional content in some embodiments.

[048] Turning to Fig. 2B, if third party X is a beverage company, a beverage 232 resembling those made by third party X could be placed within scene 200. In the example in Fig. 2B, the blackboard may be replaced with updated content, such as window 232. This may be done, for example, if the promotional contract with third party Z ends. Alternatively, the text on blackboard 220 of Fig. 2A may be erased and/or replaced with new text.

[049] Other content of the mobile video game, such as the shape, design, coloring of dartboard 210 or the texture or coloring of background 215 may be updated. In other games, new weapons, interactive characters, levels, hot spots, and other items may be provided as part of the update. In short, any content element used in the mobile video game may be updated, depending on the embodiment.

[050] Figures 3A-B are exemplary flow charts that include steps taken by a mobile communication device to update in-game content in accordance with an embodiment of the present invention. Turning to Figure 3A, the mobile communication device operates a mobile video game at step 305. The mobile video game may be any type of game operable on a mobile communication device.

[051] At step 310, the mobile communication device may contact a server. As will be explained in more detail with reference to Figure 3B, contacting the server may be triggered by many different events and occur at many different times, depending on the embodiment. The mobile video game may be concurrently operating in some embodiments, or not operating in other embodiments.

[052] After the server has been contacted, at step 310, the mobile communications device checks for an available update for the mobile video game. If updated content for the mobile video game is available, the mobile communication device may begin downloading the content at step 320. The length of time that passes between contacting the server at 310 and downloading the updated content varies between embodiments and depends on many factors, some of which are discussed in more detail with reference to Figure 3B. For example, other communications, such as an authorization to download files, may occur before downloading begins in some embodiments. Alternatively or in addition, downloading may be delayed in an embodiment until a time when more bandwidth is available or when downloading will not disrupt game play.

[053] At step 340, the mobile communication device may display the updated content within the mobile video game (i.e., in-game). For example, the shirt 230 from Fig. 2A may be removed and replaced with the bottle 232 from Fig. 2B. The exact timing of when the updated content is displayed in-game varies depending on the embodiment.

[054] Additionally, user interaction within the game may determine the location of content placement. For example, motion sensing devices within the mobile communication device may be used to determine where the updated content is displayed within the gaming environment. In one such embodiment, the user may make a throwing motion while holding the mobile communication device, which detects the motion and displays a thrown dart on dartboard 210 along with a message based upon the updated content. The mobile communication device may detect the motion via a

camera component of the mobile communication device. In another embodiment, motion is detected by one or more gyroscopes within the mobile communication device.

[055] Some embodiments may require the user to agree to display the content before the updated content is displayed. An embodiment might also include presenting the user with a message explaining the updated content. For example, before the updated content is displayed, the user might be presented with a message that states "X would like to redecorate this room". In some of those embodiments, the user may have the option of accepting or declining the display of the updated content.

[056] The updated content may also be displayed in a pop-up window. Pop-up windows that are spawned from the operation of the game are considered to be in-game for the purpose of this disclosure.

[057] Turning now to Figure 3B, a more elaborate set of exemplary steps followed by a mobile communication device in some embodiments is presented. At step 305, the mobile communication device may operate a mobile video game.

[058] Unlike in Figure 3A, Figure 3B includes intervening steps 306, 307, and 309 for triggering checks for updated content. Requests (i.e., checks) for updated content may or may not specify particular content, depending on the embodiment. For example, the mobile communication device may not know what updated content, if any, is available when the mobile communication device contacts the server at step 310. In some embodiments, the mobile communication device may identify a particular game, scene, and/or element within the game when it contacts the server. In other embodiments, the mobile communication device may request updated content for several games during contact with the server at step 310.

[059] Some of the methods for triggering a content update will now be discussed. In some embodiments, the user may manually request updated content at step 306. For example, the video game operating on the mobile communication device may include a selectable option to retrieve updated content. Selecting this option may cause the mobile communication device to immediately contact the server and check for content to download at step 310 in some embodiments. Alternatively, there may be further options, including retrieving updated content when the game ends or at some other time.

[060] In one embodiment, the mobile communication device may request updated content upon initialization of the video game. For example, when the game is selected or otherwise initialized by the user, the mobile communication device may automatically contact the server to check for content to download at step 310. In some of embodiments, the check may not be performed automatically on every startup. For example, upon initializing the game, the mobile communication device may check how much time has passed since the previous updated content download before automatically contacting to the server at 310. In those embodiments, the mobile communication device may track the dates of one or more previous content updates.

[061] In some embodiments, at step 309, the mobile communication device may connect to the server to check for updated content when the time period since the last request for updated content exceeds a threshold. As previously stated, in some embodiments step 309 is combined with step 307. In other embodiments, the time period since the last update is checked at times other than upon initializing the game. For example, upon reaching a certain level or scene in the game, the mobile

communication device may examine the last time the game, level, and/or scene was updated. If the time period exceeds a threshold, then the mobile device may contact the server at 310. The threshold time period between updates may vary depending upon the game and the embodiment. In some embodiments, the user may be able to increase or reduce the frequency of content updates by lowering or raising the threshold period. Those skilled in the art will appreciate that a user with lower bandwidth limits may not want to check for updates as often as a user who has higher limits in their service plan.

[062] In other embodiments, the mobile communication device may utilize a separate scheduler program to schedule a request for updated content. When the scheduled time for checking for updated content arrives, the mobile communication device may contact the server. The video game may not be operating while the request is sent in some of those embodiments. Alternatively, at the scheduled time, the mobile communication device may launch a component of the game to request updated content from the server.

[063] At step 310, the mobile communication device may contact the server to check for updated content to download. Contacting the server may be accomplished by using the network accessible by the mobile communication device in an embodiment. Some embodiments may contact the server over the Internet, while other embodiments may require traversing other types of networks to contact the server. In some embodiments, the server is contacted by first connecting to an interface. The interface may validate the mobile communication device as belonging to a particular service

and/or confirm that the mobile communication device is configured and/or allowed to receive updated content.

[064] Other embodiments may not contact the server unless the user has selected a game option that allows content updates. In some of those embodiments, if the user requests a content update at step 306, the request may override current settings concerning whether content updates are allowed.

[065] In some embodiments, when the mobile communication device contacts the server, the mobile communication device may send the server one or more version identification numbers for content currently on the mobile communication device. The server may use these version identification numbers to determine if the mobile communication device already has downloaded some or all of the updated content available for download. In those embodiments, sending the version identification number may help eliminate downloads of duplicative updated content. In one embodiment, the mobile communication device may execute a checksum algorithm on the version identifier (and/or compare the identifier to locally-stored data) to determine whether the updated hot spot associated with the version identifier has already been downloaded. Any known algorithm for checking whether content has previously been downloaded, thus reducing download redundancy, may be used in an embodiment.

[066] Before reaching step 312, the server in some embodiments may verify whether the mobile communication device should receive content updates before sending the updated content. To make this verification, the server may track whether the mobile communication device should receive updated content.

[067] At step 312, the mobile communication device may receive an initial message from the server. In some embodiments, this message may alert the user of available updated content and/or ask the user whether they wish to receive the updated content. For example, an embodiment may require the user to allow the updated content at step 315 in order for the content updating process to continue. The initial message, presented at step 312, may be influenced by whether the server data suggests that the mobile communication device should receive updates. For example, the initial message received at step 312 could be a message specifying that the mobile communication device is not configured to receive updated content. The initial message may also describe the features of the updated content to aid the user in deciding whether to download the content. In addition, the initial message may also specify details about the available updated content, such as file size, number of files, and/or estimated download time. In some embodiments, parameters may be set so that this presentation and/or authorization is bypassed.

[068] The initial message may also include information for use by the mobile communication device that is not displayed to the user. For example, the initial message may provide information that helps the mobile communication device to internally check what available updated content is already present on the mobile communication device. In some embodiments, this may allow the mobile communication device to present the user with only those new content features that the mobile communication device has not already implemented. In one embodiment, the mobile communication device may execute a checksum algorithm on at least a portion of the received message (and/or compare the message to locally-stored data) to

determine whether the updated content associated with the message has already been downloaded.

[069] In addition, the initial message at step 312 may be promotional in nature. For example, the message may state "X would like to redecorate this scene." Therefore, even if the user declines the update, an embodiment may still promote the third party (e.g., X) in a certain way without requiring the download. Sending a promotional initial message at step 312 may also provide the game company with a means of tracking the number of times users view promotional content. This embodiment also may allow a game company to charge the advertising third party on a per-view basis. In other words, the game company may profit for each time the promotional initial message is presented to a user at step 312.

[070] The initial message may be pre-selected based upon at least one of the factors including a type of the mobile communication device, a telecommunication service, a subscription associated with the mobile communication device, and a service provider of the telecommunication service. For example, a particular service provider may wish to provide an initial message that thanks the user of the mobile communication device for using their services. In another example, newer mobile communication devices may be able to display a more elaborate initial message, so distinguishing among types of mobile communication devices may allow a game provider to maximize the experience on each type of mobile communication device.

[071] Continuing at step 317, the mobile communication device may send a follow-up request to the server. The request may include whether or not the mobile communication device should receive the updated content. For example, if the mobile

device determines, at step 315, that it should not receive updated content, the follow-up request may alert the server to take no further action. In some embodiments, the mobile communication device may not send a follow-up request if receiving updated content is disallowed. Conversely, if receiving updated content is allowed, the follow-up request sent to the server at step 317 may include an indication that the updated content should be sent to mobile device from the server.

[072] In some embodiments, the follow-up request may specify which updated content the user wishes to download. For example, the initial message at step 312 may allow the user to select less than all of the available updated content for download. Additionally, the mobile communication device may already have some of the updated content that is available on the server, in which case the mobile communication device may not need to download that content again.

[073] In yet another embodiment, the user may specify when to download the updated content. For example, the user may wish to delay the download until some later time when the user is not placing calls, playing a game, or otherwise using the mobile communication device. The follow-up request may alert the server that the download may occur at some other time.

[074] The follow-up request may also allow the server to track the success of promotional messages. For instance, if a high percentage of users reject downloading of updated content after being presented with a particular message, the message may be ineffective.

[075] At step 320, the mobile communication device may receive updated content from the server. In some embodiments, this may occur while the game is

operating on the mobile communication device. In other embodiments, the mobile communication device may receive the updated content at some other time. As stated previously, the user may specify when the download will occur in some embodiments.

[076] In some embodiments, the mobile communication device may recognize certain files (of updated content) as already downloaded to the mobile communication device. In these embodiments, the mobile communication device may automatically bypass the repeated download of this updated content.

[077] The server may track the number of mobile communication devices that have downloaded promotional content. For example, the game company may use this information to profit from each download of a third-party advertisement.

[078] The pre-selected content may be stored on a storage medium accessible by the server. Updated content may be chosen from pre-selected content based on at least one of the factors including a type of the mobile communication device, a telecommunication service, a subscription associated with the mobile communication device, and a service provider of the telecommunication service. For example, a particular service provider may wish to provide content that includes the service provider's logo. In another example, newer mobile communication devices may be able to display a elaborate content, so distinguishing among types of mobile communication devices may allow a game provider to maximize the experience on each type of mobile communication device.

[079] At step 325, a version identifier for the received content may be saved. This identifier may be saved on the mobile communication device, the server, both, or neither, depending on the embodiment. Saving the identifier may help prevent against

downloading duplicative content updates in some embodiments. In embodiments where the server stores the version identifier, the version identifier may be stored in a database table in relation to a mobile communication device identification value. This may allow the server to verify which updated contents the mobile communication device has already received the next time the mobile device requests updated content. The identifier data may be stored on a storage medium such as described with reference to Figure 1 (e.g., storage medium 130).

[080] Similarly, in some embodiments, if the mobile device saves the version identifier locally, the mobile device may use the saved version identifier to request only different content versions. This may be achieved, as previously mentioned, by sending one or more version identifiers to the server at either step 310 or step 317, depending on the embodiment. Alternatively, the mobile communication device may compare available content identifiers received from the server with version identifiers on the mobile communication device, when analyzing which files to receive.

[081] At step 330, the mobile communication device may determine the location of the content placement. In some embodiments, the downloaded updated content includes coordinates. For example, the coordinates may specify a location along the horizontal axis of the screen and the vertical axis of the screen for placing an image. In these embodiments, the actual positioning of the updated content within the viewable screen of the mobile communication device depends on the current view of the scene in which the updated content is situated. In some embodiments, such as games with three-dimensional views, the coordinates may additionally specify a location along

a depth axis. In other embodiments, the coordinates may specify a fixed location on the screen of the mobile communication device.

[082] In some embodiments, the coordinates may also include scene, level, or time information for displaying the updated content. For example, in the darts game illustrated in Figures 2A-B, different messages may be written on chalk board 220 when the user has been playing the game for a certain amount of time or has achieved a certain score.

[083] In still more embodiments, the coordinates comprise a selection of one or more predefined in-game locations. For example, turning back to Figure 2A, a first location may be where the shirt 230 is hanging, a second location may be where poster 225 is positioned, a third location may be where the dart board 210 is placed, and so on. In that embodiment, the coordinates need only identify the pre-defined location (rather than positions along the axes) and the mobile communication device may display the updated content at that location.

[084] In other embodiments, the updated content may not include coordinates. For example, the mobile communication device may have a predefined location for placing updated content and not require further guidance from the server.

[085] In some embodiments, the placement location of updated content is determined based on user interaction. For example, in the darts game shown in Figures 2A-B, content may be placed on dart board 210 after the user throws an object at the dartboard. User interaction may be detected by motion sensing devices within the mobile communication device to determine where the updated content is displayed within the gaming environment. For example, the user may make a throwing motion

while holding the mobile communication device, which detects the motion and displays a thrown dart on dartboard 210 along with a message based upon the updated content.

[086] At step 340, the mobile communication device may place the updated content in-game. As previously stated, this may not occur until a particular scene is displayed or a particular user interaction occurs. The content may include a message, graphics, animation, and/or sound, depending on the embodiment.

[087] Some embodiments include an option for the user to remove in-game updated content, at step 350. Similarly, at step 360, the mobile communication device may restore original content to the game. For example, the user may be able to restore the scene 202 of Figure 2B to the scene 200 of Figure 2A by selecting an option within the game in some embodiments. In some embodiments, this is achieved by archiving original content on the mobile communication device. In other embodiments, original content may be archived on the server for download by the mobile communication device.

[088] Figures 4A-B are exemplary flow charts that include steps taken by a server to update in-game content on a mobile communication device in accordance with an embodiment of the present invention. Turning now to Figure 4A, the server may store updated content on a computer-readable medium in some embodiments. The computer-readable medium may be the storage medium discussed with respect to Figure 1 (i.e., storage medium 130) in some embodiments.

[089] At step 430, the server may receive a request for updated content from the mobile communication device. This request may be an inquiry regarding a particular game, scene, and/or element within the game. In some embodiments, the

request is an inquiry for updated content for multiple mobile video games. The request may also contain a version identifier that may help the server determine what updated content the mobile communication device has already downloaded. In addition, the request may allow the server to determine the type of mobile communication device, the service subscription associated with the mobile communications device, or the service provider from which the request is received.

[090] At step 450, the server may upload the content to the mobile communication device. In one embodiment, the updated content may be provided from pre-selected content based on the type of mobile communication device, the service subscription associated with the mobile communications device, or the service provider from which the request is received.

[091] Turning now to Figure 4B, a more elaborate set of steps followed by a server in some embodiments is presented. At step 410, the server may store updated content in a storage medium. In some embodiments, the updated content is indexed in a database, such as a relational database. The storage medium may be any number of types of memory or devices, such as described above with reference to Fig. 3B.

[092] At step 420, an interface may receive a request for updated content from a mobile communications device. The interface may be configured differently depending on the embodiment, and as previously discussed with respect to Figure 1.

[093] In some embodiments, the request may include one or more version identification numbers. These version identification numbers may be used by the server to determine if the mobile communication device already has some or all of the updated content available for download. In those embodiments, sending the version

identification number may help eliminate downloads of duplicative updated content. In other embodiments, no version identification is included in the request.

[094] At step 425, the interface in some embodiments may verify whether the mobile communication device should receive content updates before sending the updated content. In an embodiment, the interface verifies that the mobile communication device belongs to a particular service subscription. In another embodiment, the interface may query stored data to determine whether the mobile communication device is configured to receive updated content. If the mobile communication device is configured to receive updated content, the interface may pass the request to the server. In some embodiments, the server will receive the request without (or regardless of) any querying by the interface. In other embodiments, the verification is handled after the server receives the request.

[095] The server may receive the request at step 430. In some embodiments step 420 and 430 are combined.

[096] At step 440, the server may attempt to determine what content should be sent to the mobile communication device. For example, the determination may be based on the model type of the mobile communication device, the service plan or subscription to which the mobile device belongs, the service provider that provides the plan to the mobile device, the base location of the mobile device, the current location of the mobile device, which updates the mobile device has already received, and/or other criteria associated with the user or the mobile communications device.

[097] In an embodiment, the server uses the base location of the mobile communication device to provide localized promotional content. For example, the

server may query a database of content using the area code of the mobile communication device to promote businesses that are in or near the area code. Similarly, the mobile communication device may report its current location to the server. In some of those embodiments, the server may determine updated content to send to the mobile communication device includes promotional content for businesses near the mobile communication device's current location. The promotion content, for example, may be organized into geographical zones. Therefore, in one aspect, choosing the updated content to upload to the mobile communications device may involve determining which geographical zone the mobile communication device currently or previously belonged to.

[098] The server may also add an element of randomness to the selection of updated content in some embodiments. In these embodiments, more than one promotional item may be eligible for placement in an in-game scene or location, and the server may choose what updated content to send based at least partially on chance. In another similar embodiment, the server may send content to one or more mobile communication devices on a rotational basis. For example, if content A was previously sent to a mobile communication device, content B may be sent to the next mobile communication device to contact the server. In this way, the server may take turns selecting which content to send to a mobile communication device that requests updated content.

[099] At step 450, the updated content may be sent to the mobile communication device. The updated content may be sent immediately in some embodiments, or it may be sent at some other time. In addition, some updated content

may be sent in different download blocks. In this way, the mobile communication device may be able to display some updated content before all of the updated content is received.

[0100] The server may also track the number of times promotional content is sent, as previously mentioned.

[0101] In some embodiments, at step 460, the mobile communication device may send a confirmation to the server indicating a successful transaction. In embodiments comprising a server that tracks what updated content the mobile communication device has already received, the server may not count the updated content as received until the confirmation is returned. In some embodiments, the server receives confirmation when the last of the updated content data is transferred to the mobile communication device. In yet another embodiment, the mobile communication device chooses which content to display from a pool of content already downloaded.

[0102] Other embodiments of the invention will be apparent to those skilled in the art from consideration of the specification and practice of the invention disclosed herein. It is intended that the specification and examples be considered as exemplary only, with a true scope and spirit of the invention being indicated by the following claims.

WHAT IS CLAIMED IS:

1. A mobile communication device that provides updated content associated with a mobile video game, comprising:
 - a screen for viewing by the user;
 - a processor; and
 - a memory containing instructions that, when executed by the processor, cause the communications device to:
 - contact a server;
 - check for updated content for use in the mobile video game;
 - download the updated content to the mobile communication device from the server; and
 - display the updated content within the video game, the video game being presented on the screen.
2. The mobile communication device of claim 1, wherein the updated content is promotional content.
3. The mobile communication device of claim 2, wherein the promotional content is pre-selected for the mobile communication device based upon at least one of the factors including a type of mobile communication device, a telecom service associated with the mobile communication device, and a service provider of the telecom service.

4. The mobile communication device of claim 1, wherein the content is displayed within the mobile video game at a location on the screen based on user interaction with the mobile communication device.

5. The mobile communication device of claim 1, wherein checking for updated content is performed upon a request by a user of the mobile communication device.

6. The mobile communication device of claim 1, wherein checking for updated content is performed periodically.

7. The mobile communication device of claim 1, wherein the instructions further allow the mobile communication device to receive an initial message from the server prior to downloading the updated content.

8. The mobile communication device of claim 7, wherein the initial message contains information that is displayed to the user on the screen.

9. The mobile communication device of claim 7, wherein the initial message is pre-selected based upon at least one of the factors including a type of the mobile communication device, a telecommunication service, subscription associated with the mobile communication device, and a service provider of the telecommunication service.

10. The mobile communication device of claim 7, wherein the communications device sends a follow-up request to the server indicating that the user wishes to download the updated content from the server; and

the communications device downloads the updated content after sending the follow-up request.

11. The mobile communication device of claim 1, wherein the instructions further cause the mobile communication device to check whether the updated content should be downloaded before downloading the updated content from the server.

12. A computer-readable medium containing instructions for execution by a mobile communication device, the instructions causing the mobile communication device to perform a method that provides updated content associated with a mobile video game, the method comprising the steps of:

contacting a server;

checking for updated content for use in the video game;

downloading the updated content to the communications device; and

displaying the updated content within the video game, the video game

being presented within a screen controlled by the mobile communication device.

13. The computer-readable medium of claim 12, wherein the updated content is promotional content.

14. The computer-readable medium of claim 13, wherein the promotional is pre-selected for the mobile communication device based upon at least one of the factors including a type of the mobile communication device, a telecom service associated with the mobile communication device, and a service provider of the telecom service.

15. A method for providing updated content to a mobile communication device for use in a mobile video game, the method comprising the steps of:

receiving a request for the updated content from the mobile communication device, the updated content being usable in the video-game that already exists on the mobile communication device;

checking what updated content to send based on one of the factors including a type of the mobile communication device, a telecom service associated with the mobile communication device, and a service provider of the telecom service; and

uploading updated content to the communications device, the content being usable when the video game operates on the communications device.

16. The method of claim 15, wherein the updated content is promotional content.

17. The method of claim 15, further comprising the step of checking whether the communications device should receive the updated content before uploading the updated content to the communications device.

18. The method of claim 15, further comprising the step of sending information to the mobile communication device as part of the updated content, the information providing an in-game placement location associated with the updated content.

19. The method of claim 15, further comprising the step of tracking what has been uploaded to the mobile communication device.

20. A system for providing updated content associated with of a mobile video game to a mobile communication device, the system comprising:

- a storage medium for storing pre-selected content for use in a video game;

- a server in communication with the storage medium; and

- an interface coupled to the server and a network, wherein the interface receives a request for updated content from the mobile communication device over the network;

- wherein the server is operative to receive the request through the interface and utilize the request to:

 - check what pre-selected content to send; and

 - send the pre-selected content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

21. The system of claim 20, wherein the updated content is promotional content.

22. The system of claim 20, wherein the server sends information to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

23. The system of claim 20, wherein the server sends a message to the mobile communication device in response to receiving the request, the message relating to the content.

24. The system of claim 23, wherein the message is pre-selected by the server based on a model type associated with the communications device, a service subscription associated with the communications device, or a service provider for the service subscription associated with the communications device.

25. The system of claim 20, wherein the server checks whether the mobile communication device should receive the updated content before sending the updated content to the communications device.

26. The system of claim 20, wherein the server tracks the distribution of updated content.

27. A method for selling promotional content in a mobile video game for use on a mobile communications device, comprising the steps of:

associating updated content with a third party in exchange for payment from the third party;

receiving a request for updated content from the mobile communication device;
and

uploading the updated content to the mobile communication device, the updated content being displayable within the mobile video game.

28. The method of claim 27, wherein the payment is based on the number of times that the updated content is uploaded.

29. The method of claim 27, wherein the updated content is pre-selected based on the proximity of the mobile communications device to a physical location associated with the third party.

30. The method of claim 29, wherein the request is received in response to a change in the proximity of the mobile communications device to the location associated with the third party.

31. The method of claim 27, wherein payment is based on the length of time the updated content is available for download.

ABSTRACT OF THE DISCLOSURE

Systems and methods for updating content of a mobile video game allow for mobile communication devices to receive updated content for video games that operate on the devices. The updates may be promotional in nature, and may be pre-selected based on the device type, service, or service provider. The game may contain instructions that cause the mobile communication device to contact an interface and/or server to receive updated content. After the updated content is received by the mobile communication device, the content may be displayed in-game. The user of the mobile communication device may be provided with one or more options that affect the frequency or ability to receive or display updated content. In addition, the server may track what content has already been received by the mobile communication device.

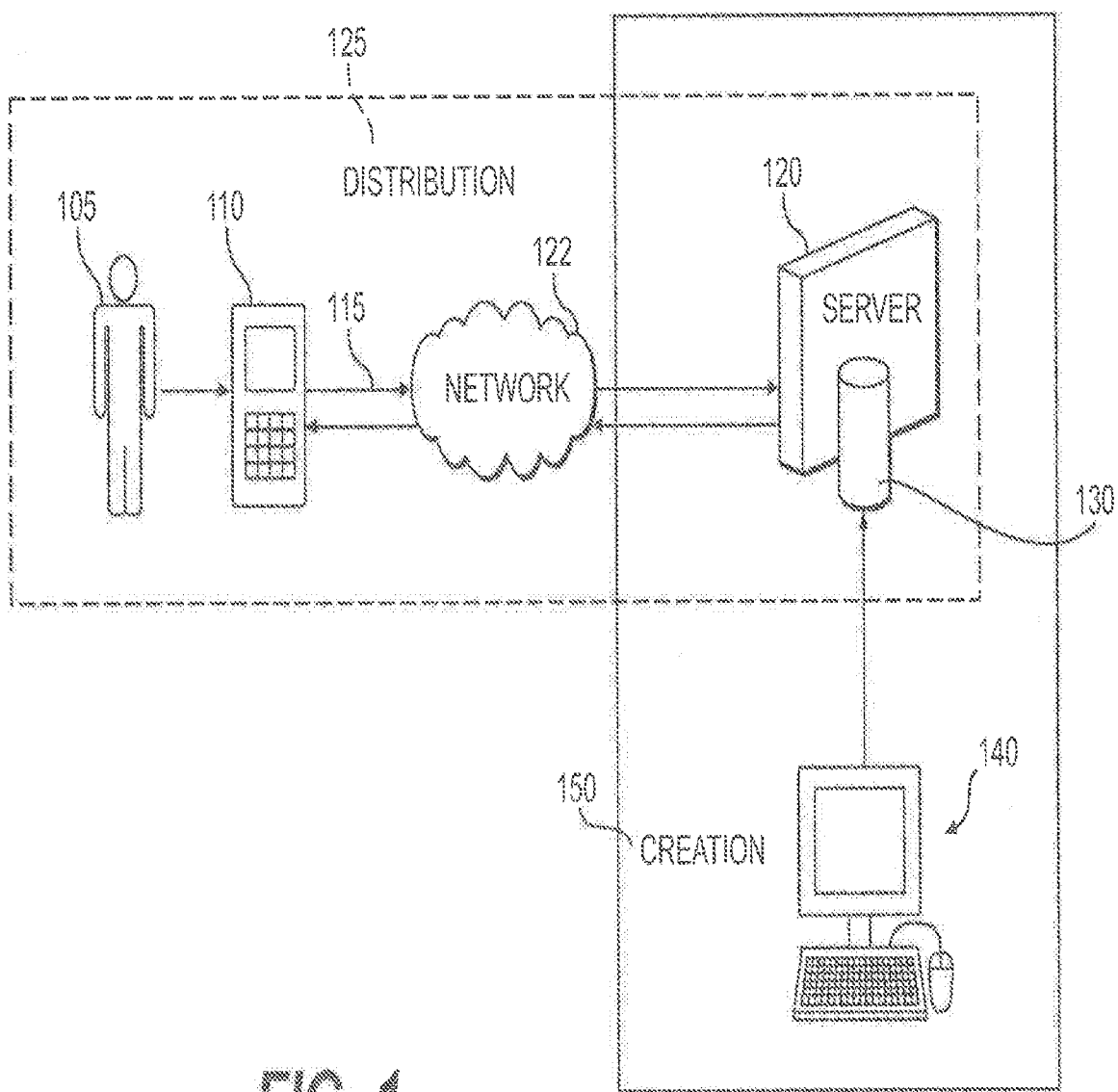


FIG. 1

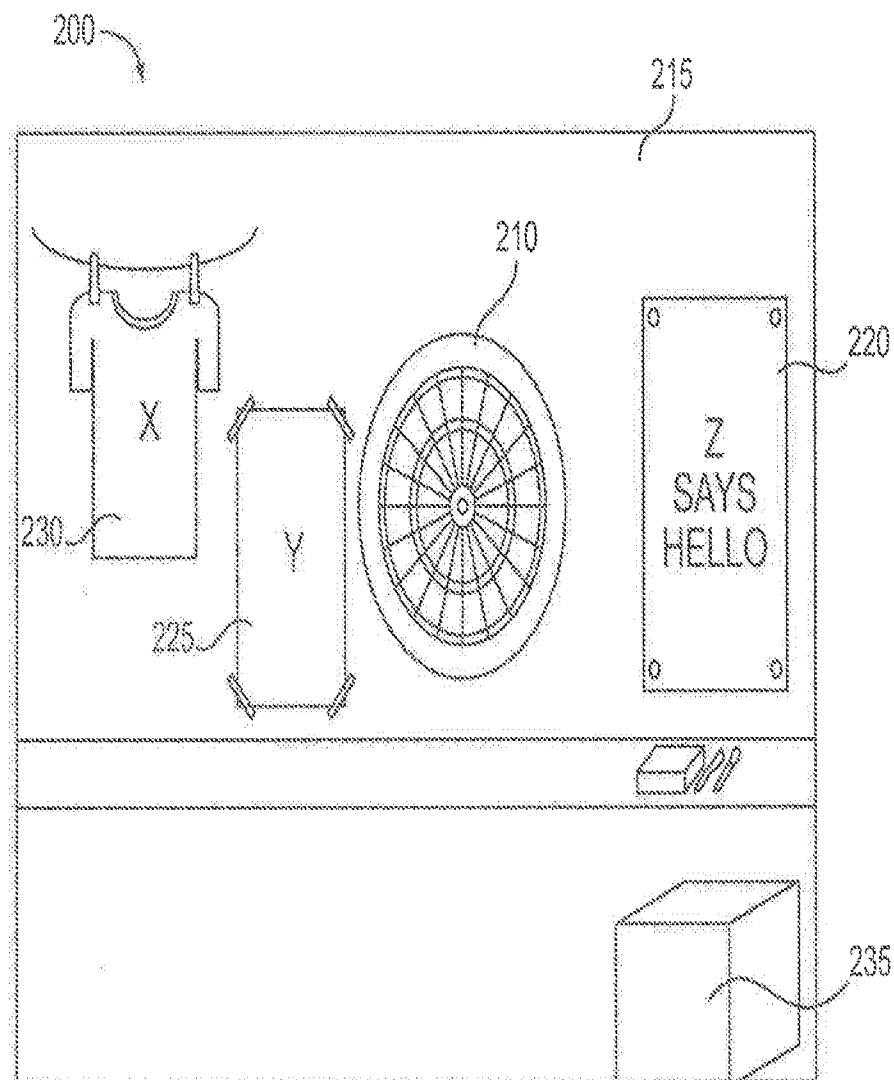


FIG. 2A

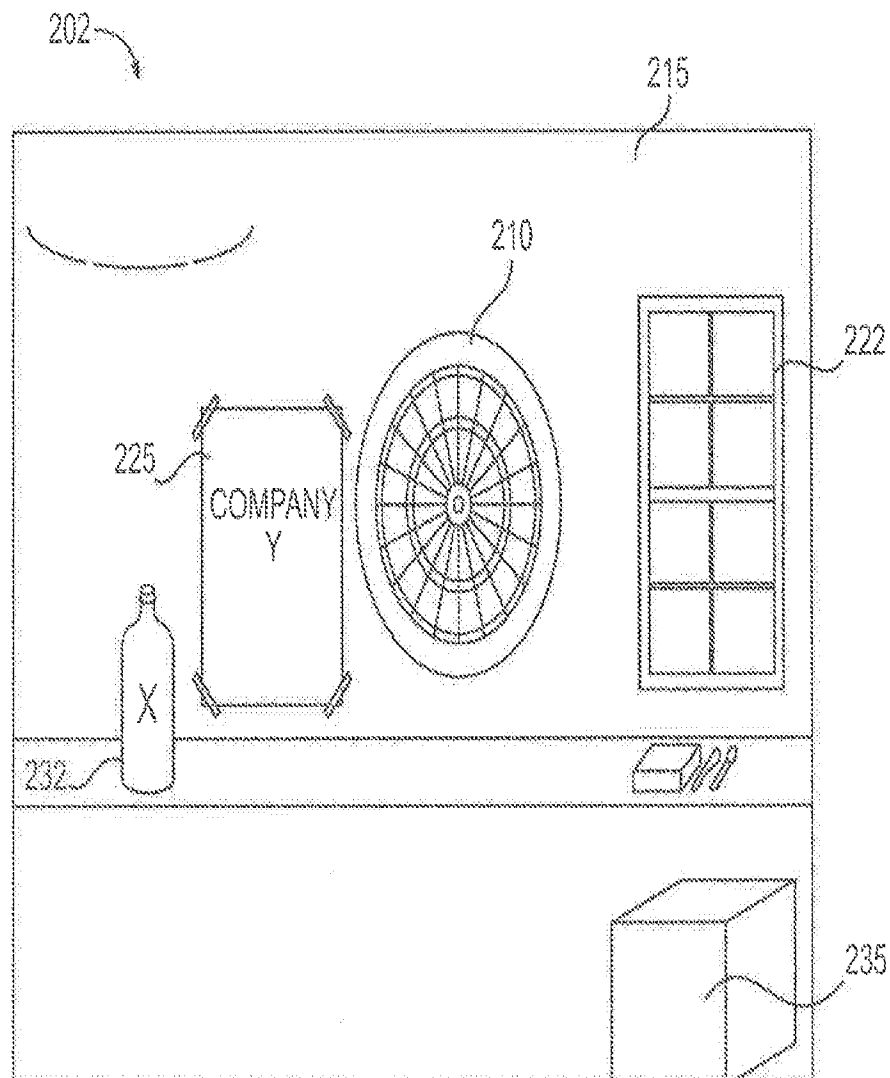


FIG. 2B

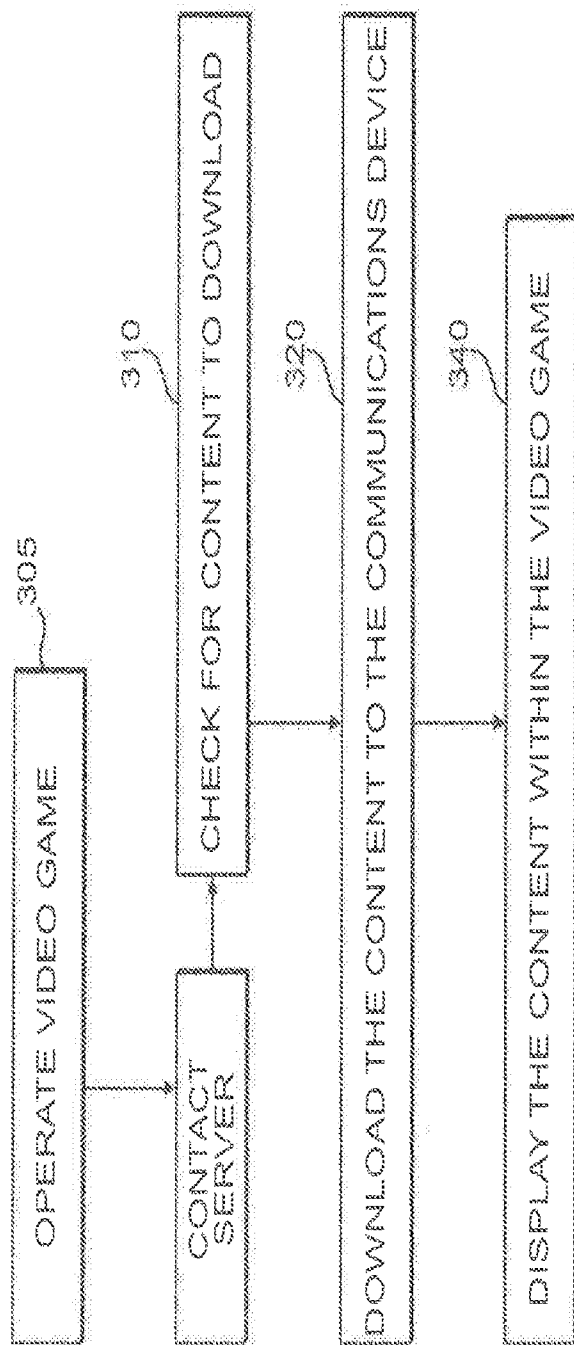


FIG. 3A

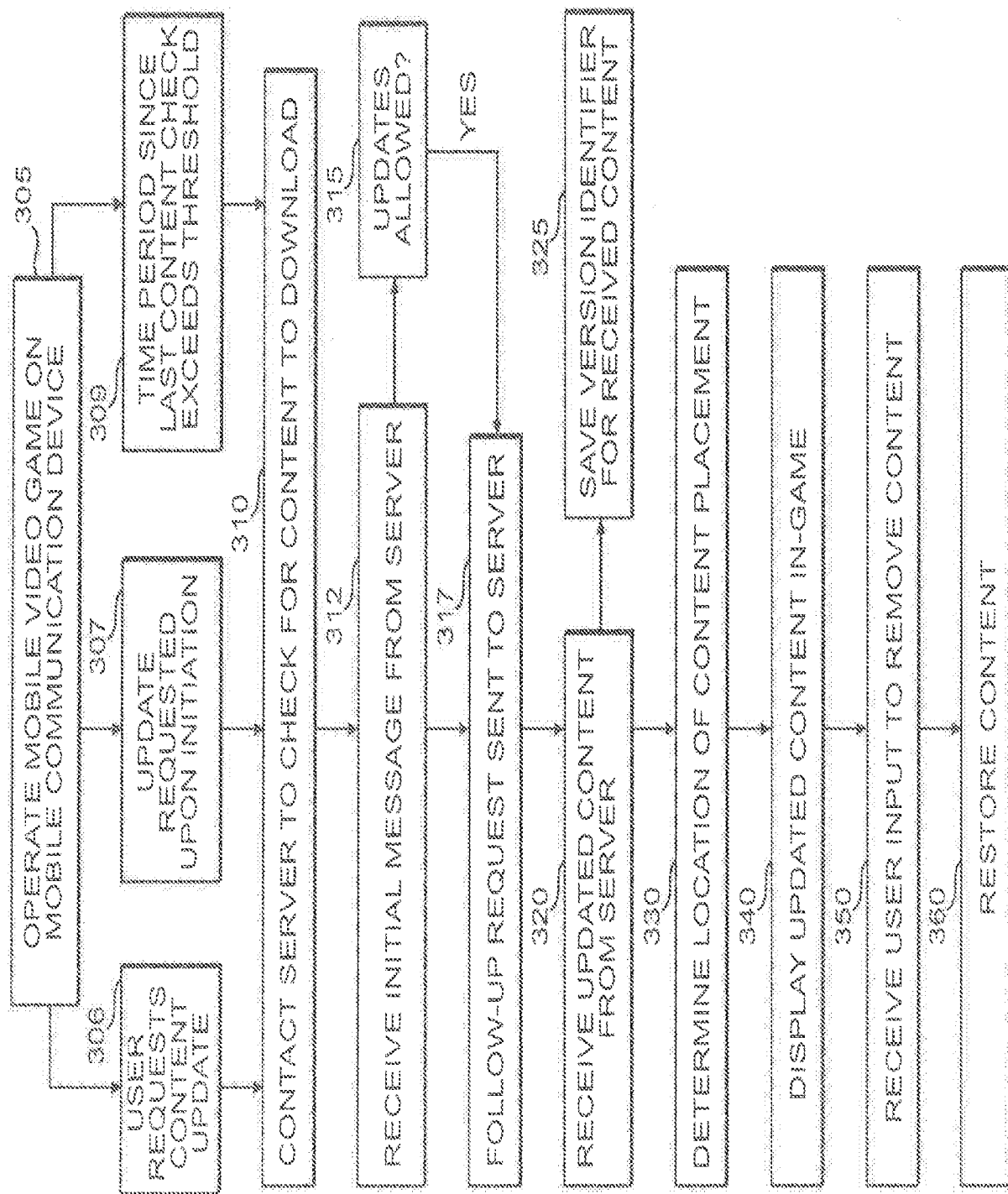


FIG. 3B

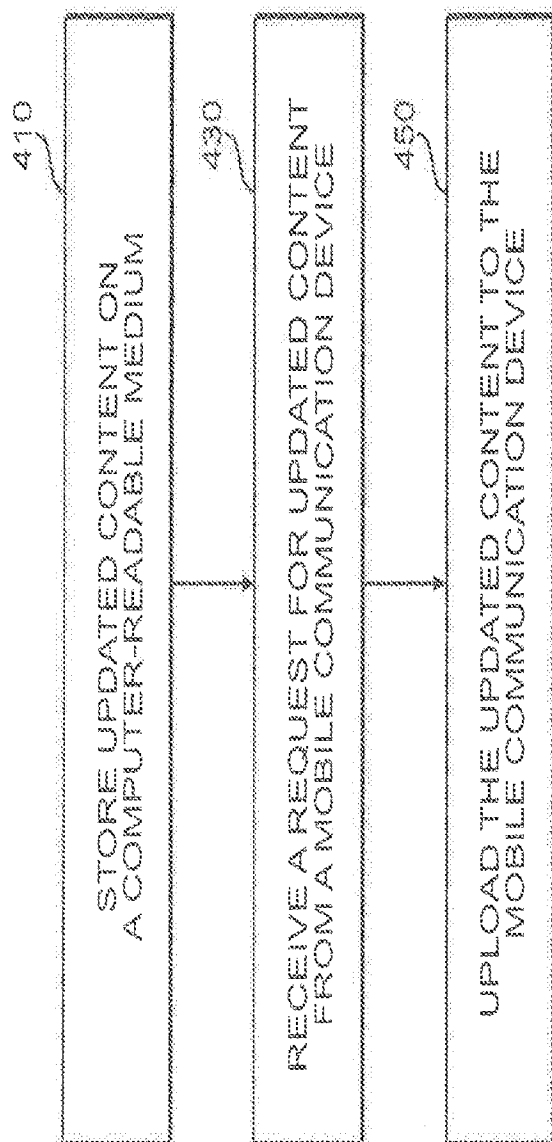


FIG. 4A

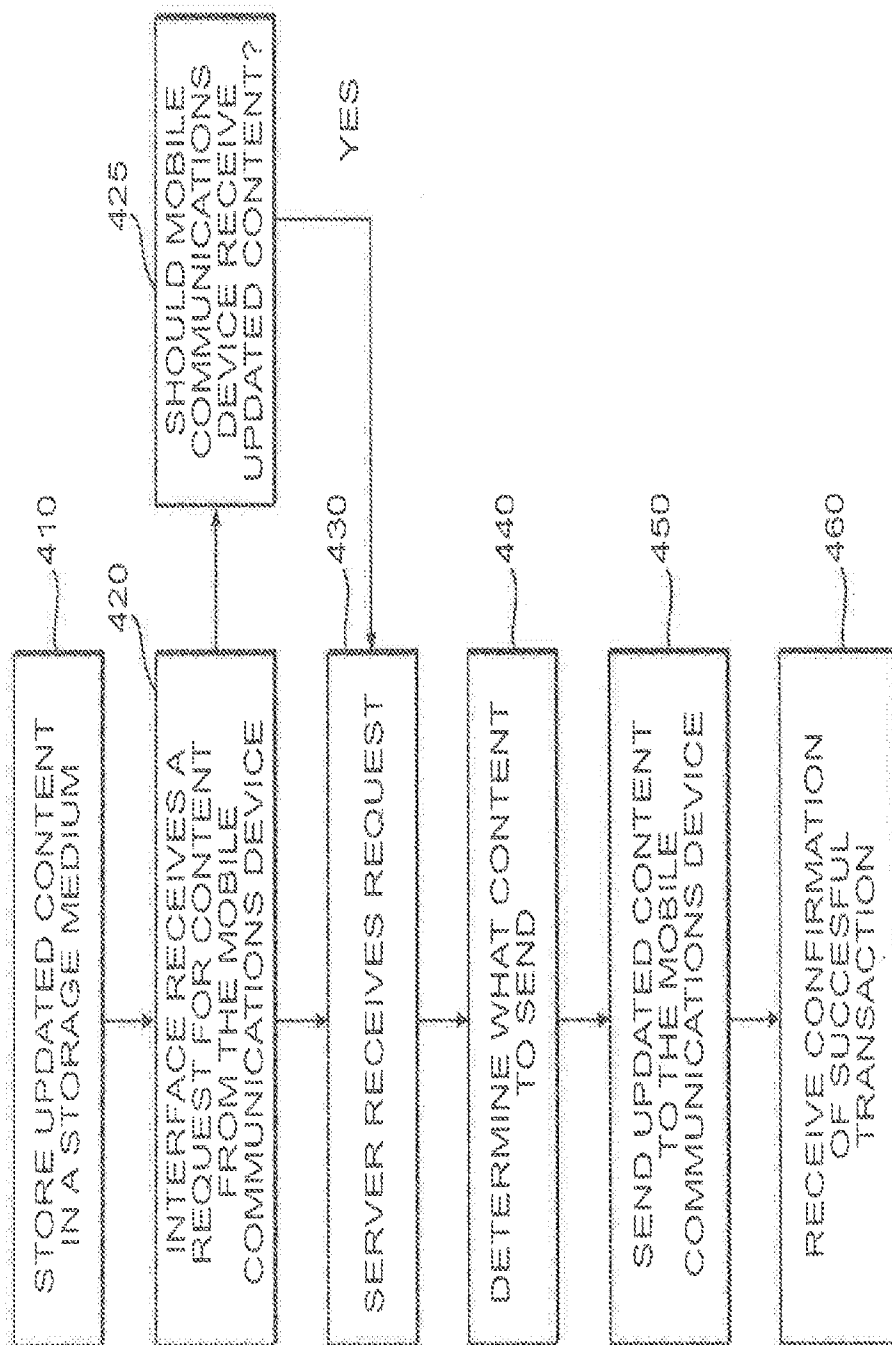


FIG. 4B

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	09685 0045-01
		Application Number	
Title of Invention	Methods and Systems for Updating In-Game Content		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2:

☐	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
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Title of the Invention	Methods and Systems for Updating In-Game Content		
Attorney Docket Number	09685 0045-01	Small Entity Status Claimed ☐	
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	7	Suggested Figure for Publication (if any)	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	09685.0045-01
		Application Number	
Title of Invention	Methods and Systems for Updating In-Game Content		

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

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☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

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Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

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This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

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Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Division of	11768892	2007-06-26

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	09685.0045-01
		Application Number	
Title of Invention	Methods and Systems for Updating In-Game Content		

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This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)¹ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Application Number	Country ¹	Filing Date (YYYY-MM-DD)	Access Code ¹ (if applicable)

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Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	09685.0045-01
		Application Number	
Title of Invention	Methods and Systems for Updating In-Game Content		

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When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant must opt-out of the authorization by checking the corresponding box A or B or both in subsection 2 below.

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The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	09685.0045-01
		Application Number	
Title of Invention	Methods and Systems for Updating In-Game Content		

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

[Clear](#)

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 ☐ Joint Inventor

☐ Person to whom the inventor is obligated to assign.
 ☐ Person who shows sufficient proprietary interest

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If the Applicant is an Organization check here. ☒

Organization Name GOSUB 60, INC.

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Phone Number		Fax Number	
Email Address			

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	09685.0045-01
		Application Number	
Title of Invention	Methods and Systems for Updating In-Game Content		

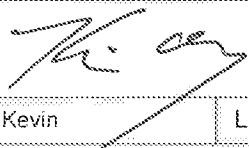
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Address 2	SUITE 300		
City	SANTA MONIVA	State/Province	CA
Country ¹	US	Postal Code	90401
Phone Number		Fax Number	
Email Address			
Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.			

Signature:

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the **INITIAL** filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic** entity (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature			Date (YYYY-MM-DD)	2017-07-10	
First Name	Kevin	Last Name	Rodkey	Registration Number	65,506
Additional Signature may be generated within this form by selecting the Add button.					

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	09685.0045-01
	Application Number	
Title of Invention	Methods and Systems for Updating In-Game Content	

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: GOSUB 60, INC.

Application No./Patent No.: _____ Filed/Issue Date: _____

Titled: METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

GOSUB 60, INC., a Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose one of options 1, 2, 3 or 4 below):

1. ☒ The assignee of the entire right, title, and interest.
2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):
- ☐ The extent (by percentage) of its ownership interest is ____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.
- ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (e.g., bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose one of options A or B below):

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 031958, Frame 0110 or for which a copy thereof is attached.

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

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 Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
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5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
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6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Kevin D. Rodkey

Printed or Typed Name

July 10, 2017

Date

65,506

Title or Registration Number

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)		Attorney Docket Number	09685.0045-01	
		First Named Inventor	Joshua HARTWELL	
<i>COMPLETE IF KNOWN</i>				
☒ Declaration Submitted With Initial Filing	OR	☐ Declaration Submitted After Initial Filing (surcharge (37 CFR 1.16(f)) required)	Application Number	Not Yet Assigned
			Filing Date	Not Yet Assigned
			Art Unit	Not Yet Assigned
			Examiner Name	Not Yet Assigned

Systems and Methods for Updating In-Game Content

(Title of the Invention)

As a below named inventor, I hereby declare that:

This declaration is directed to:

☒ The attached application,

OR

☐ United States Application Number or PCT International application number _____

filed on _____

The above-identified application was made or authorized to be made by me.

I believe I am the original inventor or an original joint inventor of a claimed invention in the application.

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

Direct all correspondence to: ☒ The address associated with Customer Number: OR ☐ Correspondence address below

Name _____

Address _____

City _____

State _____

Zip _____

Country _____

Telephone _____

Email _____

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 21 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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DECLARATION — Utility or Design Patent Application**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. Petitioner/applicant is advised that documents which form the record of a patent application (such as the PTO/SB/01) are placed into the Privacy Act system of records DEPARTMENT OF COMMERCE, COMMERCE-PAT-7, System name: *Patent Application Files*. Documents not retained in an application file (such as the PTO-2038) are placed into the Privacy Act system of COMMERCE/PAT-TM-10, System name: *Deposit Accounts and Electronic Funds Transfer Profiles*.

LEGAL NAME OF SOLE OR FIRST INVENTOR:

(E.g., Given Name (first and middle if any) and Family Name or Surname)

Joshua Hartwell

Inventor's Signature

Date (Optional)

Residence: City

State

Country

Santa Monica

CA

US

Mailing Address

841 Twenty-Third Street

City

State

Zip

Country

Santa Monica

CA

90403

US



Additional inventors are being named on the

Supplemental sheet(s) PTO/AIA/10 attached hereto

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of:	)	
	)	
Joshua HARTWELL	)	Parent Group Art Unit: 2649
	)	
Application No.: Not Assigned	)	Parent Examiner: Hsinchun Liao
	)	
Filed: Not Assigned	)	Confirmation No.: Not Assigned
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	
	)	

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

VIA EFS-WEB

Commissioner:

PRELIMINARY AMENDMENT

Please amend the above-identified patent application as follows:

Amendments to the Specification are included on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks follow the Amendments section of this paper.

AMENDMENTS TO THE SPECIFICATION:

Please insert the following paragraph before the heading "Field of the Invention" and paragraph [001] of the originally-filed specification:

-- [001] This application is a divisional application of U.S. Patent Application No. 11/768,892, filed June 26, 2007, which is incorporated herein by reference in its entirety. --

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application. Please cancel claims 15-19, as follows:

1. (Original) A mobile communication device that provides updated content associated with a mobile video game, comprising:

a screen for viewing by the user;

a processor; and

a memory containing instructions that, when executed by the processor, cause the communications device to:

contact a server;

check for updated content for use in the mobile video game;

download the updated content to the mobile communication device from the server; and

display the updated content within the video game, the video game being presented on the screen.

2. (Original) The mobile communication device of claim 1, wherein the updated content is promotional content.

3. (Original) The mobile communication device of claim 2, wherein the promotional content is pre-selected for the mobile communication device based upon at least one of the factors including a type of mobile communication device, a telecom

service associated with the mobile communication device, and a service provider of the telecom service.

4. (Original) The mobile communication device of claim 1, wherein the content is displayed within the mobile video game at a location on the screen based on user interaction with the mobile communication device.

5. (Original) The mobile communication device of claim 1, wherein checking for updated content is performed upon a request by a user of the mobile communication device.

6. (Original) The mobile communication device of claim 1, wherein checking for updated content is performed periodically.

7. (Original) The mobile communication device of claim 1, wherein the instructions further allow the mobile communication device to receive an initial message from the server prior to downloading the updated content.

8. (Original) The mobile communication device of claim 7, wherein the initial message contains information that is displayed to the user on the screen.

9. (Original) The mobile communication device of claim 7, wherein the initial message is pre-selected based upon at least one of the factors including a type of the

mobile communication device, a telecommunication service, subscription associated with the mobile communication device, and a service provider of the telecommunication service.

10. (Original) The mobile communication device of claim 7, wherein the communications device sends a follow-up request to the server indicating that the user wishes to download the updated content from the server; and

the communications device downloads the updated content after sending the follow-up request.

11. (Original) The mobile communication device of claim 1, wherein the instructions further cause the mobile communication device to check whether the updated content should be downloaded before downloading the updated content from the server.

12. (Original) A computer-readable medium containing instructions for execution by a mobile communication device, the instructions causing the mobile communication device to perform a method that provides updated content associated with a mobile video game, the method comprising the steps of:

contacting a server;

checking for updated content for use in the video game;

downloading the updated content to the communications device; and

displaying the updated content within the video game, the video game being presented within a screen controlled by the mobile communication device.

13. (Original) The computer-readable medium of claim 12, wherein the updated content is promotional content.

14. (Original) The computer-readable medium of claim 13, wherein the promotional is preselected for the mobile communication device based upon at least one of the factors including a type of the mobile communication device, a telecom service associated with the mobile communication device, and a service provider of the telecom service.

15.—19. (Canceled)

20. (Original) A system for providing updated content associated with of a mobile video game to a mobile communication device, the system comprising:

- a storage medium for storing pre-selected content for use in a video game;
- a server in communication with the storage medium; and
- an interface coupled to the server and a network, wherein the interface receives a request for updated content from the mobile communication device over the network; wherein the server is operative to receive the request through the interface and utilize the request to:

- check what pre-selected content to send; and

send the pre-selected content stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

21. (Original) The system of claim 20, wherein the updated content is promotional content.
22. (Original) The system of claim 20, wherein the server sends information to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.
23. (Original) The system of claim 20, wherein the server sends a message to the mobile communication device in response to receiving the request, the message relating to the content.
24. (Original) The system of claim 23, wherein the message is pre-selected by the server based on a model type associated with the communications device, a service subscription associated with the communications device, or a service provider for the service subscription associated with the communications device.
25. (Original) The system of claim 20, wherein the server checks whether the mobile communication device should receive the updated content before sending the updated content to the communications device.

26. (Original) The system of claim 20, wherein the server tracks the distribution of updated content.

27. (Original) A method for selling promotional content in a mobile video game for use on a mobile communications device, comprising the steps of:

associating updated content with a third party in exchange for payment from the third party;

receiving a request for updated content from the mobile communication device;
and

uploading the updated content to the mobile communication device, the updated content being displayable within the mobile video game.

28. (Original) The method of claim 27, wherein the payment is based on the number of times that the updated content is uploaded.

29. (Original) The method of claim 27, wherein the updated content is pre-selected based on the proximity of the mobile communications device to a physical location associated with the third party.

30. (Original) The method of claim 29, wherein the request is received in response to a change in the proximity of the mobile communications device to the location associated with the third party.

31. (Original) The method of claim 27, wherein payment is based on the length of time the updated content is available for download.

REMARKS

This application has been amended to insert the required reference to the parent application, for which benefit of priority is claimed, of this new divisional application.

Thus, no new matter has been added.

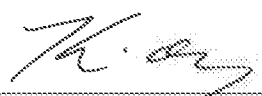
Claims 15-19 have been canceled without prejudice or disclaimer to the subject matter presented therein. Applicant reserves the right to pursue such subject matter in this or a continuing application.

Please grant any extensions of time required to enter this paper and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 10, 2017

By: 

Kevin D. Redkey

Reg. No. 65,506

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT		
First Named Inventor/Applicant Name:		JOSHUA HARTWELL		
Filer:		Kevin Dale Rodkey/Sharon R. Horton		
Attorney Docket Number:		09685.0045-01		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
UTILITY APPLICATION FILING	1011	1	280	280
UTILITY SEARCH FEE	1111	1	600	600
UTILITY EXAMINATION FEE	1311	1	720	720
Pages:				
Claims:				
CLAIMS IN EXCESS OF 20	1202	6	80	480
INDEPENDENT CLAIMS IN EXCESS OF 3	1201	1	420	420
Miscellaneous-Filing:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2500

Electronic Acknowledgement Receipt

EFS ID:	29729384
Application Number:	15645028
International Application Number:	
Confirmation Number:	8411
Title of Invention:	METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT
First Named Inventor/Applicant Name:	JOSHUA HARTWELL
Customer Number:	22852
Filer:	Kevin Dale Rodkey/Sharon R. Horton
Filer Authorized By:	Kevin Dale Rodkey
Attorney Docket Number:	09685.0045-01
Receipt Date:	10-JUL-2017
Filing Date:	
Time Stamp:	12:37:17
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$2500
RAM confirmation Number	071017INTEFSW12415700
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		09685_0045-01_- _New_Divisional_Appln__Tran smittal_and_Docs_07_10_2017 .pdf	3071008	yes	67
			aebf2e06db34bf7017a26e013b49192cb07652d2		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Transmittal of New Application		1	1	
	Specification		2	31	
	Claims		32	38	
	Abstract		39	39	
	Drawings-only black and white line drawings		40	46	
	Application Data Sheet		47	53	
	Assignee showing of ownership per 37 CFR 3.73		54	55	
	Oath or Declaration filed		56	57	
	Preliminary Amendment		58	67	
	Warnings:				
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	38086	no	2
			a5f0a300ba7765289ea9f416cf02adc5b1283d8c		
Warnings:					
Information:					
Total Files Size (in bytes):			3109094		

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New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/645,028	Filing Date 07/10/2017	☐ To be Mailed
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ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☒ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	280
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	280

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	07/10/2017	CLAIMS REMAINING AFTER AMENDMENT	Minus	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 26	Minus	** 26	= 0	X \$80 =	0
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 4	= 0	X \$420 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
TOTAL ADD'L FEE						0	

(Column 1)

(Column 2)

(Column 3)

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
FELICIA JENKINS

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