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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/844,256	04/09/2020	JOSHUA HARTWELL	09685.0045-02000

CONFIRMATION NO. 1047

POA ACCEPTANCE LETTER



OC000000058031221

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

Date Mailed: 06/09/2023

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.

/qnghuyen/



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/844,256	04/09/2020	JOSHUA HARTWELL	09685.0045-02

CONFIRMATION NO. 1047

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

POWER OF ATTORNEY NOTICE



OC000000058031155

Date Mailed: 06/09/2023

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(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.

/qnghuyen/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 11,117,056	)	
	)	
Inventor: Joshua Hartwell et al.	)	Confirmation No.: 1047
	)	
Issued: September 14, 2021	)	
	)	<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: 11,117,056. 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

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PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Patent Number	11,117,056
	Issue Date	September 14, 2021
	First Named Inventor	Joshua Hartwell
	Title	Methods and Systems for Updating In-Game Content
	Attorney Docket No.	09685.0045-02000

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 11,117,056)
Inventor: Joshua Hartwell et al.) Confirmation No.: 1047
Issued: September 14, 2021)
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. 11,117,056 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.

STATEMENT UNDER 37 CFR 3.73(c)Applicant/Patent Owner: Flip Phone Games, Inc.Application No./Patent No.: 11,117,056 Filed/Issue Date: September 14, 2021Titled: 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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 11,117,056)
)
Inventor: Joshua Hartwell et al.) Confirmation No.: 1047
)
Issued: September 14, 2021)
) **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

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. 11,117,056

Page 1 of 1

APPLICATION NO.: 16/844,256

ISSUE DATE: September 14, 2021

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.: 11,117,056)
Inventor: Joshua Hartwell et al.) Confirmation No.: 1047
Issued: September 14, 2021)
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



UNITED STATES
PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
www.uspto.gov

ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #
16/844,256

RECEIPT DATE / TIME
05/25/2023 02:47:10 PM ET

ATTORNEY DOCKET #
09685.0045-02

Title of Invention

METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

Application Information

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

PATENT # 11117056

CONFIRMATION # 1047

FILED BY Linda Clark

PATENT CENTER # 62155868

FILING DATE 04/09/2020

CUSTOMER # 22852

FIRST NAMED INVENTOR JOSHUA HARTWELL

CORRESPONDENCE ADDRESS -

AUTHORIZED BY Matthew Karas

Documents

TOTAL DOCUMENTS: 7

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
09685_0045-02000_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_0045-02000_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_0045-02000_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- 02000_POA81A-signed.pdf	1	Power of Attorney	127 KB
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09685_0045- 02000_3_73c_Statement.pdf	5	Assignee showing of ownership per 37 CFR 3.73	276 KB
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09685_0045- 02000_Request_Under_37_C _F_R___1_324.pdf	2	Request for Certificate of Correction	147 KB
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09685_0045- 02000_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- 02000_Statement_by_FlipPhon e_in_Support_of_Request_Und er_37_C_F_R___1_324- signed.pdf	6A4400D47F676E4709807D84A8C3F33CEA16DCA2DE7ACD43 CA142E93F3A4D100615E751F737D43E2AAADC70F04DFF7870 5D140288A4E307D07A545F385C75FD3
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09685_0045-02000_POA81A-signed.pdf	4D36394A85A2EA10679854BD8E8BF55D7550201C470C049 DECE572FF31424E917F94485531B8D542EC77CE3E00456124B CF2F62CDC49ABFF824781BB8C06B1
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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.



ELECTRONIC PAYMENT RECEIPT

APPLICATION #
16/844,256

RECEIPT DATE / TIME
05/25/2023 02:47:10 PM ET

ATTORNEY DOCKET #
09685.0045-02

Title of Invention

METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

Application Information

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

PATENT # 11117056

CONFIRMATION # 1047

FILED BY Linda Clark

PATENT CENTER # 62155868

AUTHORIZED BY Matthew Karas

CUSTOMER # 22852

FILING DATE 04/09/2020

CORRESPONDENCE
ADDRESS -

FIRST NAMED
INVENTOR JOSHUA HARTWELL

Payment Information

PAYMENT METHOD
CARD / 1005

PAYMENT TRANSACTION ID
E20235OE49138381

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.
16/844,256	09/14/2021	11117056	09685.0045-02	1047

22852 7590 08/25/2021

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: 2641
)
Application No.: 16/844,256) Examiner: Hsinchun Liao
)
Filed: April 9, 2020) Confirmation No.: 1047
)
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: August 16, 2021

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

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 06/03/2021

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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.
16/844,256	04/09/2020	JOSHUA HARTWELL	09685.0045-02	1047

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	\$1200	\$0.00	\$0.00	\$1200	09/03/2021

EXAMINER	ART UNIT	CLASS-SUBCLASS
LIAO, HSINCHUN	2641	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.

1 FINNEGAN, HENDERSON

2 FARABOW, GARRETT &

3 DUNNER, LLP

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 ☐ 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. 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 /Kevin D. Rodkey/

Date August 16, 2021

Typed or printed name KEVIN D. RODKEY

Registration No. 65,506

Electronic Patent Application Fee Transmittal				
Application Number:		16844256		
Filing Date:		09-Apr-2020		
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:		09685.0045-02		
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	1200	1200

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1200

Electronic Acknowledgement Receipt

EFS ID:	43513702
Application Number:	16844256
International Application Number:	
Confirmation Number:	1047
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:	09685.0045-02
Receipt Date:	16-AUG-2021
Filing Date:	09-APR-2020
Time Stamp:	09:04:06
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 1200
RAM confirmation Number	E20218F004490236
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	Miscellaneous Incoming Letter	09685_0045_02_Comments_on_Reasons_for-Allowance.pdf	65403	no	2
			8607d8ac0e538bc14f00d460d32ac9399d939e5a		
Warnings:					
Information:					
2	Maintenance Fee Address Change	09685_0045_02_Fee_Address_for_Maintenance_Fee.pdf	62402	no	1
			6387cc3a99eb5c3279523bac45231982cac1b126		
Warnings:					
Information:					
3	Issue Fee Payment (PTO-85B)	09685_0045_02_Issue_Fee_Transmittal_Signed.pdf	834275	no	1
			1397ace09602ea7015e4453367793e3a9d3e5079		
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	37924	no	2
			603062d3f08dd6ee5ac6ffbbcd051ecbbaace94		
Warnings:					
Information:					
Total Files Size (in bytes):			1000004		

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: 2641
	)	
Application No.: 16/844,256	)	Examiner: Hsinchun Liao
	)	
Filed: April 9, 2020	)	Confirmation No.: 1047
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	

Mail Stop Issue Fee

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 June 3, 2021. Without withdrawing the allowed claims from issue, Applicant submits these comments for the record.

In the Statement of Reasons for Allowance that accompanied the Notice of Allowability, the Examiner referred to the Remarks filed on May 11, 2021, in response to the Final Office Action dated March 2, 2021. In the Final Office Action, the Examiner made certain characterizations and assertions about the allowed claims. Although Applicant agrees with the Examiner's ultimate conclusions that the claims are patentable, Applicant does not necessarily agree with all of the Examiner's assertions and characterizations.

Applicant respectfully submits that each of the allowed claims is patentable based on the subject matter defined by the claim language and the combination of recitations within the claims. Therefore, Applicant declines to subscribe to any assertions or characterizations regarding the allowed claims or the art of record contained in the Examiner's Statement.

Should the Examiner disagree with Applicant's comments on the Reasons for Allowance, the Examiner is invited to contact the undersigned to resolve such disagreement.

If there is any fee due in connection with the filing of these Comments, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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

Dated: August 16, 2021

By: /Kevin D. Rodkey/
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 06/03/2021
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
LIAO, HSINCHUN	
ART UNIT	PAPER NUMBER

2641

DATE MAILED: 06/03/2021

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/844,256	04/09/2020	JOSHUA HARTWELL	09685.0045-02	1047

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	\$1200	\$0.00	\$0.00	\$1200	09/03/2021

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

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

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

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

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

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

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

22852 7590 06/03/2021
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.
16/844,256	04/09/2020	JOSHUA HARTWELL	09685.0045-02	1047

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	\$1200	\$0.00	\$0.00	\$1200	09/03/2021

EXAMINER	ART UNIT	CLASS-SUBCLASS
LIAO, HSINCHUN	2641	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

☐ Applicant changing to regular undiscounted fee status.

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

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

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

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
16/844,256	04/09/2020	JOSHUA HARTWELL	09685.0045-02	1047
22852	7590	06/03/2021	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			LIAO, HSINCHUN	
			ART UNIT	PAPER NUMBER
			2641	

DATE MAILED: 06/03/2021

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

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

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

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

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

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

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

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 16/844,256	Applicant(s) HARTWELL, JOSHUA	
	Examiner HSINCHUN LIAO	Art Unit 2641	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 05/11/2021.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3. ☒ The allowed claim(s) is/are See Continuation Sheet. 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 _____. /HSINCHUN LIAO/ Primary Examiner, Art Unit 2641	5. ☐ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
--	--

Continuation of 3. The allowed claim(s) is/are: 32-36,39-46 and 49-51

Art Unit: 2641

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

REASONS FOR ALLOWANCE

1. Please see the Remarks (05/11/2021).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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, Charles Appiah can be reached on (571)272-7904. 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 2641

<i>Notice of References Cited</i>	Application/Control No. 16/844,256		Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA	
	Examiner HSINCHUN LIAO		Art Unit 2641	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-20110190063-A1	08-2011	Kajii; Takeshi	A63F13/5372	463/42
	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

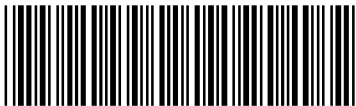
FOREIGN PATENT DOCUMENTS

*		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.

Issue Classification 	Application/Control No. 16/844,256	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA	
	Examiner HSINCHUN LIAO	Art Unit 2641	

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
	/		/		

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	16	
/HSINCHUN LIAO/ Primary Examiner, Art Unit 2641	28 May 2021	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	32	1

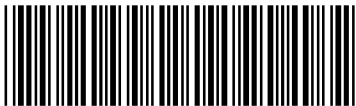
Issue Classification 	Application/Control No. 16/844,256	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2641

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

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

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

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	16	
/HSINCHUN LIAO/ Primary Examiner, Art Unit 2641	28 May 2021	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	32	1

Issue Classification 	Application/Control No. 16/844,256	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2641

☐ 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		37	13	46				
	2		11		20		29		38		47				
	3		12		21		30	6	39		48				
	4		13		22		31	7	40	14	49				
	5		14		23	1	32	8	41	15	50				
	6		15		24	2	33	9	42	16	51				
	7		16		25	3	34	10	43						
	8		17		26	4	35	11	44						
	9		18		27	5	36	12	45						

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 16	
/HSINCHUN LIAO/ Primary Examiner, Art Unit 2641 (Primary Examiner) _____ (Date) 28 May 2021		O.G. Print Claim(s) 32	O.G. Print Figure 1

<i>Search Notes</i> 	Application/Control No. 16/844,256	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2641

CPC - Searched*		
Symbol	Date	Examiner
A63F13/77	05/28/2021	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.	05/28/2021	hl

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	Interference searched using EAST. See the attached EAST search notes.	05/28/2021	hl

/HSINCHUN LIAO/ Primary Examiner, Art Unit 2641	
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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	7	server with transmi\$5 with (message database) AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 11:30
L2	1	server with (select\$5 message) with database AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 11:31
L3	5	server with select\$5 with (message database) AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 11:32
L4	40	server with (select\$5 message) AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 11:32
L5	139	server with (select\$5 with message) same game same content	US-PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 11:35
L6	32	server with (select\$5 with message) same game same content AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 11:35
L8	24	server with (select\$5 with message) same game same content same request	US-PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 11:37
L10	58	server with (select\$5 with message) same phone same model	US-PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 11:39

L15	5	server with ((pre select\$5) with message) with subscript\$5	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 11:45
S67	6	phone same model same server same message AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/27 15:36
S69	3	phone same model same server same message same (preselect\$5)	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/27 15:37
S70	243	server same ((preselect\$5) with message)	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/27 15:38
S72	6	server same ((preselect\$5) with message) AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/27 15:38
S73	5	server same ((pre select\$5) with message) AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/27 15:39
S74	229	server with ((pre select\$5) with message)	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/27 16:19
S76	7	server with ((pre select\$5) with message) same game	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/27 16:20
S77	4	server with ((pre select\$5) message)	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/27 16:22
S78	169	server with ((preselect\$5) with message)	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/27 16:23
S79	3	server with ((preselect\$5) with message) AND ((A63F13/12 OR A63F13/332 OR	US- PGPUB;	ADJ	OFF	2021/05/28 08:43

		A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	USPAT; USOCR			
S80	5	server with ((pre select\$5) with message) AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 08:43
S83	301	server with message with select\$5 same game AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 08:44
S86	132	server with (select\$5 message) with database	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 08:46
S87	159	server with select\$5 with (message database)	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 08:46
S89	22	server with select\$5 with (message database) and game	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 08:47
S91	7	server with transmi\$5 with (message database) same game	US- PGPUB; USPAT; USOCR	ADJ	OFF	2021/05/28 08:54

5/28/2021 12:18:13 PM

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EAST Search History

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L14	4	(video game content) and (pre select\$5) and message and request and service and (model type)	USPAT	ADJ	OFF	2021/05/28 11:43

5/28/2021 12:18:33 PM

C:\Users\hliao\Documents\EAST\Workspaces\15_cases\15645028\15645028.wsp



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/844,256	04/09/2020	JOSHUA HARTWELL	09685.0045-02

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

CONFIRMATION NO. 1047
POA ACCEPTANCE LETTER



Date Mailed: 05/24/2021

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/20/2021.

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.

/mtklemichael/

<i>Application Number</i> * 16/844,256 *	Application/Control No. 16/844,256	Applicant(s)/Patent under Reexamination HARTWELL, JOSHUA	
	Examiner LIAO, HSINCHUN	Art Unit 2641	
Document Code - DISQ		Internal Document - DO NOT MAIL	

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed: <u>20 May 2021</u>	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
/JEAN PROCTOR/ Technology Center: <u>OPLC</u> Telephone: <u>(571)272-1040</u> _____

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.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:



Practitioners associated with the Customer Number:

22,852

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:



The address associated with Customer Number:

22,852

OR

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

Assignee Name and Address:

GOSUB 60, INC.
1334 THIRD STREET PROMENADE, SUITE 300
SANTA MONICA, CALIFORNIA 90401**A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.****SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	/Joshua Hartwell/	Date	05/20/2021
Name	Joshua Hartwell	Telephone	310-751-4016
Title	President and CEO		

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

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

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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.

**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

09685.0045-02

In re Application of: Joshua HARTWELL

Application No.: 16/844,256

Filed: April 9, 2020

For: METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

The owner*, GOSUB 60, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 10,617,958 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 65,506

/Kevin D. Rodkey/

Signature

May 20, 2021

Date

Kevin D. Rodkey

Typed or printed name

404 653 6400

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) ~~included~~ was previously paid on May 11, 2021.

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.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. 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.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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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.

Electronic Acknowledgement Receipt

EFS ID:	42773824
Application Number:	16844256
International Application Number:	
Confirmation Number:	1047
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:	09685.0045-02
Receipt Date:	20-MAY-2021
Filing Date:	09-APR-2020
Time Stamp:	11:39:55
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	Power of Attorney	09685_0045_02_Power_of_Attorey_sb0080_signed.pdf	189334	no	2
			f174b94dfccc913d578181060b46d02311ea7303		

Warnings:

Information:					
2	Terminal Disclaimer Filed	09685_0045_02_sb0026_Second_TERMINAL_DISCLAIMER.pdf	189382	no	2
			18c85e65433a66c15920352553f91a20a6153788		
Warnings:					
Information:					
			Total Files Size (in bytes):	378716	
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.					

Application Number * 16/844,256 *	Application/Control No. 16/844,256	Applicant(s)/Patent under Reexamination HARTWELL, JOSHUA	
	Examiner LIAO, HSINCHUN	Art Unit 2641	
Document Code - DISQ		Internal Document - DO NOT MAIL	

TERMINAL DISCLAIMER	☐ APPROVED	☒ DISAPPROVED
Date Filed: <u>11 May 2021</u>	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
/PAMELA A YOUNG/ Technology Center: <u>OPLC</u> Telephone: <u>(571)272-3622</u> • <u>The person who signed the terminal disclaimer (only for applications filed on or after September 16, 2012):</u> <u>is not the applicant, patentee or an attorney or agent of record. 37 CFR 1.321(a) and (b). (See FP 14.26.08)</u> <u>Resubmit TD , no fee is required</u> <u>(Note: PoA can be given to a customer number, wherein all practitioners listed under the customer number have PoA. If PoA is given to a list of practitioners by registration number, the list may not comprise more than 10 practitioners, or a separate paper signed by a 37 CFR 1.33(b) party must be in the record identifying which of the practitioners, up to 10, are recognized as having PoA. A representative of the assignee, who is not of record, cannot sign the TD unless it is established that the representative is a party authorized to act on behalf of the assignee.)</u>

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP ART UNIT 2641**

PATENT
Customer No. 22,852
Attorney Docket No. 09685.0045-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Joshua HARTWELL	)	Group Art Unit: 2641
	)	
Application No.: 16/844,256	)	Examiner: Hsinchun Liao
	)	
Filed: April 9, 2020	)	Confirmation No.: 1047
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	
	)	

MAIL STOP: AFTER FINAL

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

VIA EFS-WEB

Commissioner:

AFTER-FINAL REQUEST FOR RECONSIDERATION

In reply to the Final Office Action dated March 2, 2021 ("Office Action"), the period for response being through June 2, 2021, Applicant respectfully requests reconsideration of the above-identified application in view of the following remarks. No claims are being amended.

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.

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
09685.0045-02

In re Application of: Joshua HARTWELL

Application No.: 16/844,256

Filed: April 9, 2020

For: METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

The owner*, GOSUB 60, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 10,617,958 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 65,506

/Kevin D. Rodkey/

Signature

May 11, 2021

Date

Kevin D. Rodkey

Typed or printed name

404 653 6400

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. 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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Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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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.

Electronic Patent Application Fee Transmittal

Application Number:	16844256			
Filing Date:	09-Apr-2020			
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:	09685.0045-02			
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(\$)
Miscellaneous:				
STATUTORY OR TERMINAL DISCLAIMER	1814	1	170	170
Total in USD (\$)				170

Electronic Acknowledgement Receipt

EFS ID:	42694611
Application Number:	16844256
International Application Number:	
Confirmation Number:	1047
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:	09685.0045-02
Receipt Date:	11-MAY-2021
Filing Date:	09-APR-2020
Time Stamp:	15:44:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 170
RAM confirmation Number	E20215AF45220031
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_02_Response_After_Final.pdf	66371	yes	2
			b8b705e0f356ce0c8de3b6d0c269476961f5cbff		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Applicant Arguments/Remarks Made in an Amendment		2	2	
	Response After Final Action		1	1	
Warnings:					
Information:					
2	Terminal Disclaimer Filed	09685_0045_02_sb0026_TERMINAL_DISCLAIMER.pdf	931164	no	2
			87141245022e133fb61519b145514ee1dde72166		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30394	no	2
			b4fcf6e863d117d002a3ced2f763c8d8ed53d5d0		
Warnings:					
Information:					
Total Files Size (in bytes):			1027929		

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.

REMARKS

In the Office Action, the Office rejected claims 32-37, 39-47, and 49-51 on the ground of nonstatutory double patenting as allegedly being unpatentable over claims 1-9 of U.S. Patent No. 10,617,958. Office Action at 2-3. Without conceding the merits of the rejection and solely to expedite prosecution of this application, Applicant is filing herewith a Terminal Disclaimer over U.S. Patent No. 10,617,958. Thus, the nonstatutory double patenting rejection is overcome and moot.

Applicant therefore requests the Examiner's reconsideration of the application and the timely allowance of the pending claims.

Applicants respectfully submit 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, Applicants respectfully decline to automatically subscribe to them.

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

Respectfully submitted,

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

Dated: May 11, 2021

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/844,256	04/09/2020	JOSHUA HARTWELL	09685.0045-02	1047
22852	7590	03/02/2021	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			LIAO, HSINCHUN	
			ART UNIT	PAPER NUMBER
			2641	
			NOTIFICATION DATE	DELIVERY MODE
			03/02/2021	ELECTRONIC

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

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

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

regional-desk@finnegan.com

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Response to Arguments

Applicant's arguments filed 01/14/2021 have been fully considered but they are not persuasive. In page 8 of the remarks, applicant argued that the non- statutory double patenting rejection should be withdrawn because independent claims 32 and 42 have been amended to include the subject matter of non-rejected claims 38 and 48, the non-statutory double patenting rejecting is moot. The examiner respectfully disagrees. Claims 5 and 12 of U.S. Patent No. **10617958** recite “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” as recited in the amended claims. Therefore, the non- statutory double patenting rejection is maintained.

Also the filing date of IDS entry “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**” appears to be Jun 25, **2008** (not **2006**).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious

over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP § 2146 *et seq.* for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

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

Claims 32-37, 39-47 and 49-51 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-9 of U.S. Patent No. **10617958**. Although the claims at issue are not identical, they are not patentably distinct from each other because U.S. Patent No. 10617958 encompasses limitations recited in Claims 32, 33, 36, 37, 39, 40, 42, 43, 46, 47, 49 and 50.

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, **Charles Appiah** can be reached on **(571)272-7904**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/HSINCHUN LIAO/
Primary Examiner, Art Unit 2641

<i>Index of Claims</i> 	Application/Control No. 16/844,256	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2641

✓	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	09/10/2020	09/10/2020	02/25/2021						
	1	-		-						
	2	-		-						
	3	-		-						
	4	-		-						
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	28	-		-						
	29	-		-						
	30	-		-						
	31	-		-						
	32	✓		✓						
	33	✓		✓						
	34	✓		✓						
	35	✓		✓						
	36	✓		✓						
	37	✓		✓						
	38	✓	O	✓						
	39	✓		✓						
	40	✓		✓						
	41	✓		✓						
	42	✓		✓						

<i>Index of Claims</i> 	Application/Control No. 16/844,256	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2641

CLAIM		DATE								
Final	Original	09/10/2020	09/10/2020	02/25/2021						
	43	✓		✓						
	44	✓		✓						
	45	✓		✓						
	46	✓		✓						
	47	✓		✓						
	48	✓	○	✓						
	49	✓		✓						
	50	✓		✓						
	51	✓		✓						

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	16/844,256
				Filing Date	April 9, 2020
				First Named Inventor	Joshua HARTWELL
				Group Art Unit	2641
Examiner Name	Hsinchun Liao				
Attorney Docket Number	09685.0045-02				
Sheet	1	of	1		

U.S. PATENTS					
Examiner Initials*	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*	Cite No. ³	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.	
/H.L./		2004/0266529 A1	12-30-2004	CHATANI	
/H.L./		2007/0124792 A1	05-31-2007	BENNETT ET AL.	

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

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	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*	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 ⁶
		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	02/25/2021
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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.

PTO Notes regarding this form:

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² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Applicant's unique citation designation number (optional).

⁴ See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

⁵ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁶ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁷ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

⁸ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 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.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Joshua HARTWELL	)	Group Art Unit: 2641
	)	
Application No.: 16/844,256	)	Examiner: Hsinchun Liao
	)	
Filed: April 9, 2020	)	Confirmation No.: 1047
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	
	)	

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

VIA EFS-WEB

Commissioner:

REPLY TO NON-FINAL OFFICE ACTION

In response to the non-final Office Action mailed September 15, 2020 ("Office Action"), the period for response having been extended until January 15, 2021, 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 amendments and remarks.

Amendments to the Claims are reflected in the listing of claims in this paper.

Remarks follow the amendment sections of this paper.

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application. Please cancel claims 37-38 and 47-48 and amend claims 32-34, 36 and 39-42, as follows:

1-31. (Canceled)

32. (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 in-game video game content;

a server in communication with the storage medium; and

wherein the server is configured to:

receive a request for updated content from the mobile communication device;

[[check]] identify, in response to receiving the request, what in-game video game content to send; [[and]]

send a message relating to the in-game video game content to the mobile communication device in response to receiving the request, 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; and

send the in-game video game content to the mobile communication device as the updated content for the mobile video game.

33. (Currently Amended) The system of claim 32, wherein the updated content ~~[[is]]~~ comprises promotional content.

34. (Currently Amended) The system of claim 33, wherein the promotional content ~~[[is]]~~ comprises localized promotional content based on a location of the mobile communication device.

35. (Previously presented) The system of claim 32, wherein identifying what in-game video game content to send is based on a model type associated with the mobile communication device, a service subscription associated with the mobile communications device, a service provider for the service subscription associated with the mobile communication device, or a location of the mobile communications device.

36. (Currently Amended) The system of claim 32, wherein the server ~~[[sends]]~~ is further configured to send information to the mobile communication device regarding the in-game placement location of the in-game video game content.

37.-38. (Canceled)

39. (Currently Amended) The system of claim 32, wherein the server ~~checks~~ is further configured to check whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication device.

40. (Currently Amended) The system of claim 32, wherein the server is further configured to track ~~tracks~~ the distribution of updated content.

41. (Currently Amended) The system of claim 32, wherein the server is further configured to check ~~[[checks]]~~ for availability of bandwidth before sending the updated content to the mobile communication device.

42. (Currently amended) A method for providing updated content associated with a mobile video game to a mobile communication device, the method comprising:
storing, on a storage medium, pre-selected in-game video game content for use in a video game;

receiving, at a server, a request from the mobile communication device for updated content from the mobile communication device;

identifying, by the server in response to receiving the request, what pre-selected in-game video game content to send; ~~[[and]]~~

sending a message relating to the in-game video game content from the server to the mobile communication device in response to receiving the request, 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; and

sending, from the server, the pre-selected in-game video game content to the mobile communication device as the updated content for the mobile video game.

43. (Previously presented) The method of claim 42, wherein the updated content is promotional content.

44. (Previously presented) The method of claim 43, wherein the promotional content is localized promotional content based on a location of the mobile communication device.

45. (Previously presented) The method of claim 42, wherein identifying what in-game video game content to send is based on a model type associated with the mobile communication device, a service subscription associated with the mobile communications device, a service provider for the service subscription associated with the mobile communication device, or a location of the mobile communications device.

46. (Previously presented) The method of claim 42, further comprising sending information from the server to the mobile communication device regarding the in-game placement location of in-game video game content.

47.-48. (Canceled)

49. (Previously presented) The method of claim 42, further comprising checking whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication device.

50. (Previously presented) The method of claim 42, further comprising tracking the distribution of updated content at the server.

51. (Previously presented) The method of claim 42, wherein the server checks for availability of bandwidth before sending the updated content to the mobile communication device.

REMARKS

The Office Action indicated that claims 38 and 48 would be allowable if written in independent form. Office Action at 5. The Office Action rejected claims 32-37, 39-47, and 49-51 on the ground of non-statutory double patenting. Office Action at 5-6.

Although Applicant does not agree that the rejections are proper and believes that the previously pending claims are allowable over the Office Action's rejections, solely to further prosecution of this application, Applicant has amended claims 32 and 42 to include the subject matter of allowable claims 38 and 48, including intervening claims 37 and 47. Applicant has canceled claims 37-38 and 47-48 without prejudice or disclaimer. Claims 33, 34, 36, and 39-41 are amended to correct formalities. No new matter has been added. Claims 32-36, 39-46, and 49-51 are now pending.

I. Allowable Subject Matter

The Office Action objected to claims 38 and 48 as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form. Office Action at 5. Applicant has amended independent claims 32 and 42 to incorporate claims 37-38 and 47-48, respectively. Claims 32 and 42 are therefore allowable at least because of the incorporated subject matter. Dependent claims 33-36, 39-41, 43-46, and 49-51 depend from independent claims 32 and 42, respectively, and are therefore allowable at least because of their dependence. Accordingly, Applicant requests withdrawal of the rejections of claims 32-37, 39-47, and 49-51 and allowance of the pending claims.

II. Non-Statutory Double Patenting

The Office Action rejected claims 32-37, 39-47, and 49-51 on the ground of non-statutory double patenting. Office Action at 5-6. Because independent claims 32 and 42 have been amended to include the subject matter of non-rejected claims 38 and 48, the non-statutory double patenting rejecting is moot. Applicant respectfully requests withdrawal of the rejection.

Conclusion

For at least the above-outlined reasons, claims 32-36, 39-46, and 49-51 should be allowable. Therefore, Applicant respectfully requests reconsideration of this application, reconsideration and withdrawal of the objection and rejections, and allowance of pending claims 32-36, 39-46, and 49-51.

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 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: January 14, 2021

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Joshua HARTWELL	)	Group Art Unit: 2641
	)	
Application No.: 16/844,256	)	Examiner: Hsinchun Liao
	)	
Filed: April 9, 2020	)	Confirmation No.: 1047
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	

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

VIA EFS-WEB

Commissioner:

PETITION FOR EXTENSION OF TIME

Applicant respectfully petitions for a one-month extension of time to file a reply to the final Office Action issued September 15, 2020. A fee payment of \$220.00 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: January 14, 2021

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of:	)	
	)	
Joshua HARTWELL	)	Group Art Unit: 2641
	)	
Application No.: 16/844,256	)	Parent Examiner: Hsinchun Liao
	)	
Filed: April 9, 2020	)	Confirmation No.: 1047
	)	
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(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), 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 after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action, *Quayle* Action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Supplemental Information Disclosure Statement includes the fee payment under § 1.17(p).

The listed documents are of record in parent U.S. Application Nos. 11/768,892, filed June 26, 2007, and 15/645,028, filed July 10, 2017, 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 Nos. 11/768,892 and 15/645,028.

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 claims 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.

Please charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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

Dated: January 14, 2021

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	16/844,256
				Filing Date	April 9, 2020
				First Named Inventor	Joshua HARTWELL
				Group Art Unit	2641
Examiner Name	Hsinchun Liao				
Sheet	1	of	1	Attorney Docket Number	09685.0045-02

U.S. PATENTS					
Examiner Initials*	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					
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		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.	
		2004/0266529 A1	12-30-2004	CHATANI	
		2007/0124792 A1	05-31-2007	BENNETT ET AL.	

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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	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*	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 ⁶
		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	
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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.

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³ Applicant's unique citation designation number (optional).

⁴ See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

⁵ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁶ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁷ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

⁸ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 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.**

Electronic Patent Application Fee Transmittal

Application Number:	16844256			
Filing Date:	09-Apr-2020			
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:	09685.0045-02			
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	220	220
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	1806	1	260	260
Total in USD (\$)				480

Electronic Acknowledgement Receipt

EFS ID:	41643963
Application Number:	16844256
International Application Number:	
Confirmation Number:	1047
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:	09685.0045-02
Receipt Date:	14-JAN-2021
Filing Date:	09-APR-2020
Time Stamp:	11:57:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$480
RAM confirmation Number	E20211DB58237368
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_02_Amendment_and_Response.pdf	80726	yes	9
			730ef81fad86a98b61cb28a12b0ea36f54c1830a		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	9	
Warnings:					
Information:					
2	Extension of Time	09685_0045_02_Petition_for_EOT1_Month.pdf	61708	no	1
			598fbc879f41f138a58e8fa0afa933ebffa3276a		
Warnings:					
Information:					
3	Transmittal Letter	09685_0045_02_IDS_after_non_final_OA.pdf	77736	no	2
			972bbfa7bc5ec8c01de15c9b4655a8689d0ee59e		
Warnings:					
Information:					
4	Information Disclosure Statement (IDS) Form (SB08)	09685_0045_02_IDSPTOSB08.pdf	113637	no	2
			286114df7bd8eaeef243cf2326fbc7c9eef1130		
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					

5	Fee Worksheet (SB06)	fee-info.pdf	32678	no	2
			4f3ea09c169e71165eb647fed74c66007718d4d4		

Warnings:

Information:

Total Files Size (in bytes):	366485
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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.

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 16/844,256		Filing Date 04/09/2020		☐ 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 \$100 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*	x \$460 =						
☐ 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	01/14/2021	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 16	Minus	** 20	= 0	x \$100 =		0		
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	x \$480 =		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".						/ALLYSON PURNELL/				
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".										
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/844,256	04/09/2020	JOSHUA HARTWELL	09685.0045-02

CONFIRMATION NO. 1047

PUBLICATION NOTICE



OC000000120997509

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-2020-0338455-A1

Publication Date:10/29/2020

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/844,256	04/09/2020	JOSHUA HARTWELL	09685.0045-02	1047
22852	7590	09/15/2020		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER LIAO, HSINCHUN	
			ART UNIT	PAPER NUMBER
			2641	
			NOTIFICATION DATE	DELIVERY MODE
			09/15/2020	ELECTRONIC

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

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

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

regional-desk@finnegan.com

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim(s) 32, 33, 36, 37, 39, 40, 42, 43, 46, 47, 49 and 50 is/are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Marr (US 20080307412).

In regards to claims 32 and 42, Marr discloses a system and a method for providing updated content associated with a mobile video game to a mobile communication device (Marr paragraph 0016 note: this reads on portable video game devices), the system comprising:

a storage medium for storing in-game video game content (Marr paragraph 0004 note: this reads on content server); a server (Marr paragraph 0004 note: this reads on distribution server) in communication with the storage medium; and wherein the server is configured to:

receive a request for updated content from the mobile communication device (Marr paragraph 0004 note: this reads on “request the designated content assets.”);

check, in response to receiving the request, what in-game video game content to send (Marr paragraph 0004 note: this reads on “content assets that a video game console may use to generate the content for a particular advertising space”); and

send the in-game video game content to the mobile communication device as the updated content for the mobile video game (Marr paragraph 0004 note: this reads on “updating of the content in advertising spaces within the video game”).

In regards to claims 33 and 43, Marr discloses a system and a method as described above. Marr further discloses the updated content is promotional content (Marr paragraph 0004 note: this reads on “advertising spaces within the video game”).

In regards to claims 36 and 46, Marr discloses a system and a method as described above. Marr further discloses the server sends information to the mobile communication device regarding the in-game placement location (Marr paragraph 0004 note: this reads on “a particular advertising space”) of the in-game video game content.

In regards to claims 37 and 47, Marr discloses a system and a method as described above. Marr further discloses the server sends a message to the mobile communication device in response to receiving the request, the message relating to the in-game video game content. (Marr paragraph 0004 note: this reads on “the distribution server instructs the game console”).

In regards to claims 39 and 49, Marr discloses a system and a method as described above. Marr further discloses the server checks whether the mobile communication device should receive the updated content before sending the updated content to the mobile device (Marr paragraph 0004 note: this reads on “the distribution server instructs the game console”).

In regards to claims 40 and 50, Marr discloses a system and a method as described above. Marr further discloses the server tracks the distribution of updated content (Marr paragraph 0004 note: this reads on “the distribution server”).

Claim Rejections - 35 USC § 103

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.

Claims 34, 35, 41, 44, 45 and 51 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Willis (US 20060136297).

In regards to claims 34 and 44, Marr discloses a system and a method as described above. Marr fails to teach the promotional content is localized promotional content based on a location of the mobile communication device. However, Willis discloses the promotional content is localized promotional content based on a location of the mobile communication device (Willis Abstract, paragraph 0014). It would have been obvious to a person of ordinary skill in the art at the time of invention to use Willis' location in Marr's system for supporting more audiences (Willis paragraph 0004).

In regards to claims 35 and 45, Marr discloses a system and a method as described above. Marr fails to teach identifying what in-game video game content to send is based on a model type associated with the mobile communication device, a service subscription associated with the mobile communications device, a service provider for the service subscription associated with the mobile communication device, or a location of the mobile communications device.. However, Willis discloses the promotional content is localized promotional content based on a location of the mobile communication device (Willis Abstract, paragraph 0014). It would have been obvious to a person of ordinary skill in the art at the time of invention to use Willis' location in Marr's system for supporting more audiences (Willis paragraph 0004).

In regards to claims 41 and 51, Marr discloses a system and a method as described above. Marr fails to teach the server checks for availability of bandwidth before sending the updated content to the mobile communication device. However, Willis discloses the server checks for availability of bandwidth

before sending the updated content to the mobile communication device (Willis paragraph 0009 note: this reads on for use in broadband).

Allowable Subject Matter

Claims 38 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Double Patenting

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

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP § 2146 *et seq.* for applications not subject

to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

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

Claims 32, 34, 35, 41, 42, 44, 45 and 51 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-9 of U.S. Patent No. **9731202**. Although the claims at issue are not identical, they are not patentably distinct from each other because U.S. Patent No. 9731202 encompasses limitations recited in Claims 32, 34, 35, 41, 42, 44, 45 and 51.

Claims 32, 33, 36, 37, 39, 40, 42, 43, 46, 47, 49 and 50 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-9 of U.S. Patent No. **10617958**. Although the claims at issue are not identical, they are not patentably distinct from each other because U.S. Patent No. 10617958 encompasses limitations recited in Claims 32, 33, 36, 37, 39, 40, 42, 43, 46, 47, 49 and 50.

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, **Charles Appiah** can be reached on **(571)272-7904**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/HSINCHUN LIAO/
Primary Examiner, Art Unit 2641

<i>Notice of References Cited</i>	Application/Control No. 16/844,256		Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA	
	Examiner HSINCHUN LIAO		Art Unit 2641	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-20080307412-A1	12-2008	Marr; James E.	G06F16/9574	717/177
	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
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	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>Search Notes</i> 	Application/Control No. 16/844,256	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2641

CPC - Searched*		
Symbol	Date	Examiner
H04L12/1859	09/10/2020	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
See East search note.	09/10/2020	hl
Inventor names searched using PALM and EAST. See the attached PDF file.	09/10/2020	hl

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

/HSINCHUN LIAO/ Primary Examiner, Art Unit 2641	
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<i>Index of Claims</i> 	Application/Control No. 16/844,256	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2641

✓	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	09/10/2020	09/10/2020							
	1	-								
	2	-								
	3	-								
	4	-								
	5	-								
	6	-								
	7	-								
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	31	-								
	32	✓								
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	36	✓								
	37	✓								
	38	✓	O							
	39	✓								
	40	✓								
	41	✓								
	42	✓								

<i>Index of Claims</i> 	Application/Control No. 16/844,256	Applicant(s)/Patent Under Reexamination HARTWELL, JOSHUA
	Examiner HSINCHUN LIAO	Art Unit 2641

CLAIM		DATE								
Final	Original	09/10/2020	09/10/2020							
	43	✓								
	44	✓								
	45	✓								
	46	✓								
	47	✓								
	48	✓	○							
	49	✓								
	50	✓								
	51	✓								

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	41	(video game rating)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2020/09/09 10:46
S2	1	(video game rating) same server	US-PGPUB; USPAT; USOCR	ADJ	OFF	2020/09/09 10:47
S3	40	(video game) with rating same server	US-PGPUB; USPAT; USOCR	ADJ	OFF	2020/09/09 10:48
S9	293	(video game) with updat\$5 same server AND ((A63F13/12 OR A63F13/332 OR A63F13/525 OR A63F13/60 OR A63F13/77 OR A63F2300/406 OR A63F2300/552 OR A63F2300/6009 OR H04L12/1822 OR H04L12/1859).CPC.)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2020/09/09 12:38
S10	84	(video game) with content with updat\$5 same server	US-PGPUB; USPAT; USOCR	ADJ	OFF	2020/09/09 12:39

9/10/2020 10:01:40 AM

C:\Users\hliao\Documents\EAST\Workspaces\16_cases\16844256\16844256.wsp

Bibliographic Data

Application No: 16/844,256

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.
04/09/2020	455	2641	09685.0045-02
RULE			

APPLICANTS

GOSUB 60, INC., SANTA MONICA, CA,

INVENTORS

JOSHUA HARTWELL, Santa Monica, CA, UNITED STATES

CONTINUING DATA

This application is a CON of 15645028 07/10/2017 PAT 10617958

15645028 is a DIV of 11768892 06/26/2007 PAT 9731202

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

04/16/2020

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

\$2,480



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
16/844,256	04/09/2020		1880	09685.0045-02	20	2

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

CONFIRMATION NO. 1047
UPDATED FILING RECEIPT



Date Mailed: 07/22/2020

Receipt is acknowledged of this non-provisional utility 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 FIRST INVENTOR, 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 corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction 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 provided that the request is grantable.

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 CON of 15/645,028 07/10/2017 PAT 10617958
which is a DIV of 11/768,892 06/26/2007 PAT 9731202

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: 04/16/2020

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/844,256**

Projected Publication Date: 10/29/2020

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

Preliminary Class

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.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

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).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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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 U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 16/844,256	
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	300
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A	660
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	760
TOTAL CLAIMS (37 CFR 1.16(j))	20	minus 20 = *			OR	x 100 =	0.00
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *				x 460 =	0.00
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
							0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
			TOTAL			TOTAL	1720
* If the difference in column 1 is less than zero, enter "0" in column 2.							
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(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
			TOTAL ADD'L FEE		OR	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(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.							

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Joshua Hartwell	)	Group Art Unit: TBD
	)	
Application No.: 16/844,256	)	Examiner: To be assigned
	)	
Filed: April 9, 2020	)	Confirmation No.: 1047
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	

Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EFS-WEB

Commissioner:

**RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION**

In response to the Notice to File Missing Parts mailed April 17, 2020, the period for response being extended until August 17, 2020, by the concurrent filing of a two-month extension of time and payment of the corresponding fee, Applicant submits the filing fees totaling \$1,880.00, including the basic filing fee, search fee, examination fee, and surcharge fee. Applicant files herewith a preliminary amendment reducing the number of pending claims to 20 total claims and less than 3 independent claims.

Please grant any extensions of time required to enter this response, and charge any additional required fees or refund any overpayments to our Deposit Account No. 06-0916.

Respectfully submitted,

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

Dated: July 20, 2020

By: /Kevin D. Rodkey/
Kevin D. Rodkey
Reg. No. 65,506
(404) 653-6484

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Joshua HARTWELL) Group Art Unit: TBD
)
Application No.: 16/844,256) Examiner: To be assigned
)
Filed: April 9, 2020) Confirmation No.: 1047
)
For: METHODS AND SYSTEMS FOR)
UPDATING IN-GAME CONTENT)

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

VIA EFS-WEB

Commissioner:

PETITION FOR EXTENSION OF TIME

Applicant petitions for a two-month extension of time to file a reply to the Notice of Missing Parts mailed April 17, 2020. A fee payment of \$600.00 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: July 20, 2020

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

Electronic Patent Application Fee Transmittal

Application Number:	16844256			
Filing Date:	09-Apr-2020			
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:	09685.0045-02			
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	300	300
UTILITY SEARCH FEE	1111	1	660	660
UTILITY EXAMINATION FEE	1311	1	760	760
Pages:				
Claims:				
Miscellaneous-Filing:				
LATE FILING FEE FOR OATH OR DECLARATION	1051	1	160	160
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with \$0 paid	1252	1	600	600
Miscellaneous:				
Total in USD (\$)				2480

Electronic Acknowledgement Receipt

EFS ID:	40045790
Application Number:	16844256
International Application Number:	
Confirmation Number:	1047
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:	09685.0045-02
Receipt Date:	20-JUL-2020
Filing Date:	09-APR-2020
Time Stamp:	12:51:33
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$2480
RAM confirmation Number	E20207JC54149371
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	Applicant Response to Pre-Exam Formalities Notice	09685_0045_02_Response_to_Notice_to_File_Missing_Parts.pdf	65512	no	2
			8a68678c6142c79b133b5aa9deb3fc5d7b6a6d2		
Warnings:					
Information:					
2	Extension of Time	09685_0045_02_Petition_for_Extension_of_Time_OT2_month.pdf	61638	no	1
			603638b500ba70e4bab60f216c95b2285605adc2		
Warnings:					
Information:					
3	Preliminary Amendment	09685_0045_02_Preliminary_Amendment.pdf	73783	no	7
			2508ef3870ec75618a1bcb97c9414bd60b5c2deb		
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	39242	no	2
			435f06930c0f5dd46fd4d3418f939de81453579d		
Warnings:					
Information:					
Total Files Size (in bytes):			240175		

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: TBD
	)	
Application No.: 16/844,256	)	Examiner: To be assigned
	)	
Filed: April 9, 2020	)	Confirmation No.: 1047
	)	
For: METHODS AND SYSTEMS FOR	)	
UPDATING IN-GAME CONTENT	)	

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

VIA EFS-WEB

Commissioner:

PRELIMINARY AMENDMENT

Prior to the examination of the above application, please amend this application
as follows:

Amendments to the Claims are reflected in the listing of claims in this paper.

Remarks follow the amendment sections of this paper.

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application. Please cancel claims 1-31 and add new claims 32-51, as follows:

1-31. (Canceled)

32. (New) 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 in-game video game content;

a server in communication with the storage medium; and

wherein the server is configured to:

receive a request for updated content from the mobile communication device;

check, in response to receiving the request, what in-game video game content to send; and

send the in-game video game content to the mobile communication device as the updated content for the mobile video game.

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

34. (New) The system of claim 33, wherein the promotional content is localized promotional content based on a location of the mobile communication device.

35. (New) The system of claim 32, wherein identifying what in-game video game content to send is based on a model type associated with the mobile communication device, a service subscription associated with the mobile communications device, a service provider for the service subscription associated with the mobile communication device, or a location of the mobile communications device.

36. (New) The system of claim 32, wherein the server sends information to the mobile communication device regarding the in-game placement location of the in-game video game content.

37. (New) The system of claim 32, wherein the server sends a message to the mobile communication device in response to receiving the request, the message relating to the in-game video game content.

38. (New) The system of claim 37, 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.

39. (New) The system of claim 32, wherein the server checks whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication device.

40. (New) The system of claim 32, wherein the server tracks the distribution of updated content.

41. (New) The system of claim 32, wherein the server checks for availability of bandwidth before sending the updated content to the mobile communication device.

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

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

receiving, at a server, a request from the mobile communication device for updated content from the mobile communication device;

identifying, by the server in response to receiving the request, what pre-selected in-game video game content to send; and

sending, from the server, the pre-selected in-game video game content to the mobile communication device as the updated content for the mobile video game.

43. (New) The method of claim 42, wherein the updated content is promotional content.

44. (New) The method of claim 43, wherein the promotional content is localized promotional content based on a location of the mobile communication device.

45. (New) The method of claim 42, wherein identifying what in-game video game content to send is based on a model type associated with the mobile communication device, a service subscription associated with the mobile communications device, a service provider for the service subscription associated with the mobile communication device, or a location of the mobile communications device.

46. (New) The method of claim 42, further comprising sending information from the server to the mobile communication device regarding the in-game placement location of in-game video game content.

47. (New) The method of claim 42, further comprising sending a message from the server to the mobile communication device in response to receiving the request, the message relating to the in-game video game content.

48. (New) The method of claim 47, 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.

49. (New) The method of claim 42, further comprising checking whether the mobile communication device should receive the updated content before sending the updated content to the mobile communication device.

50. (New) The method of claim 42, further comprising tracking the distribution of updated content at the server.

51. (New) The method of claim 42, wherein the server checks for availability of bandwidth before sending the updated content to the mobile communication device.

REMARKS

After entry of the amendments provided herein, claims 32-51 are pending. Applicant cancels claims 1-31 without prejudice or disclaimer of the subject matter presented therein and adds new claims 32-51. No new matter has been added by these amendments. Support for new claims 32-51 is found throughout the as-filed specification. Therefore, no new matter has been added.

Applicant respectfully requests the Examiner to consider this Preliminary Amendment prior to examination of this application.

If there are any fees due in connection with the filing of this Preliminary Amendment, please charge the fees to deposit account 06-0916.

Respectfully submitted,

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

Dated: July 20, 2020

By: /Kevin D. Rodkey/
Kevin D. Rodkey
Reg. No. 65,506
(404) 653-6484



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/844,256	04/09/2020	JOSHUA HARTWELL	09685.0045-02

CONFIRMATION NO. 1047

FORMALITIES LETTER



OC000000116307153

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

Date Mailed: 04/17/2020

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
- The application search fee must be submitted.
- The application examination fee must be submitted.
- Additional claim fees of \$ **2020** as an undiscounted entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Surcharge as set forth in 37 CFR 1.16(f) must be submitted.

The surcharge is due for any one of:

- late submission of the basic filing fee, search fee, or examination fee,
- late submission of inventor's oath or declaration,
- filing an application that does not contain at least one claim on filing, or
- submission of an application filed by reference to a previously filed application.

SUMMARY OF FEES DUE:

The fee(s) required within **TWO MONTHS** from the date of this Notice to avoid abandonment is/are itemized below. No entity status discount is in effect. If applicant is qualified for small entity status, a written assertion of small entity status must be submitted to establish small entity status. (See 37 CFR 1.27). If applicant is qualified for micro entity status, an acceptable Certification of Micro Entity Status must be submitted to establish micro entity status. (See 37 CFR 1.29 and forms PTO/SB/15A and 15B.)

- \$ **300** basic filing fee.
- \$ **160** surcharge.
- \$ **660** search fee.
- \$ **760** examination fee.
- \$ **920** for **2** independent claims over 3.
- \$ **1100** for **11** total claims over 20.

- \$(0) previous unapplied payment amount.
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/fhadera/

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 16/844,256				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	300			
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A	660			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	760			
TOTAL CLAIMS (37 CFR 1.16(j))	31 minus 20 =	*				x 100 =	1100			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	5 minus 3 =	*				x 460 =	920			
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	3740			
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN 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	
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
16/844,256	04/09/2020		0.00	09685.0045-02	31	5

CONFIRMATION NO. 1047

FILING RECEIPT



0000000116307152

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

Date Mailed: 04/17/2020

Receipt is acknowledged of this non-provisional utility 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 FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

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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 CON of 15/645,028 07/10/2017 PAT 10617958
which is a DIV of 11/768,892 06/26/2007 PAT 9731202

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: 04/16/2020

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/844,256**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENT

Preliminary Class

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

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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>		Attorney Docket No. 09685.0045-02	
		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>	Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
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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 _____] (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 10. ☐ Assignment Papers (cover sheet & document(s)) Name of Assignee <u>GOSUB 80, Inc.</u> 11. ☒ 37 CFR 3.73(c) Statement ☐ Power of Attorney (when there is an assignee) 12. ☐ English Translation Document (if applicable) 13. ☐ Information Disclosure Statement (PTO/SB/08 or PTO-1449) ☐ Copies of citations attached 14. ☒ Preliminary Amendment 15. ☐ Return Receipt Postcard (MPEP § 503) (Should be specifically itemized) 16. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed) 17. ☐ Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent. 18. ☐ Other: _____ _____ _____ _____
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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 1.46(b).

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Name (Print/Type)	Kevin D. Rodkey	Registration No. (Attorney/Agent)	65,506

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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.

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.

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.

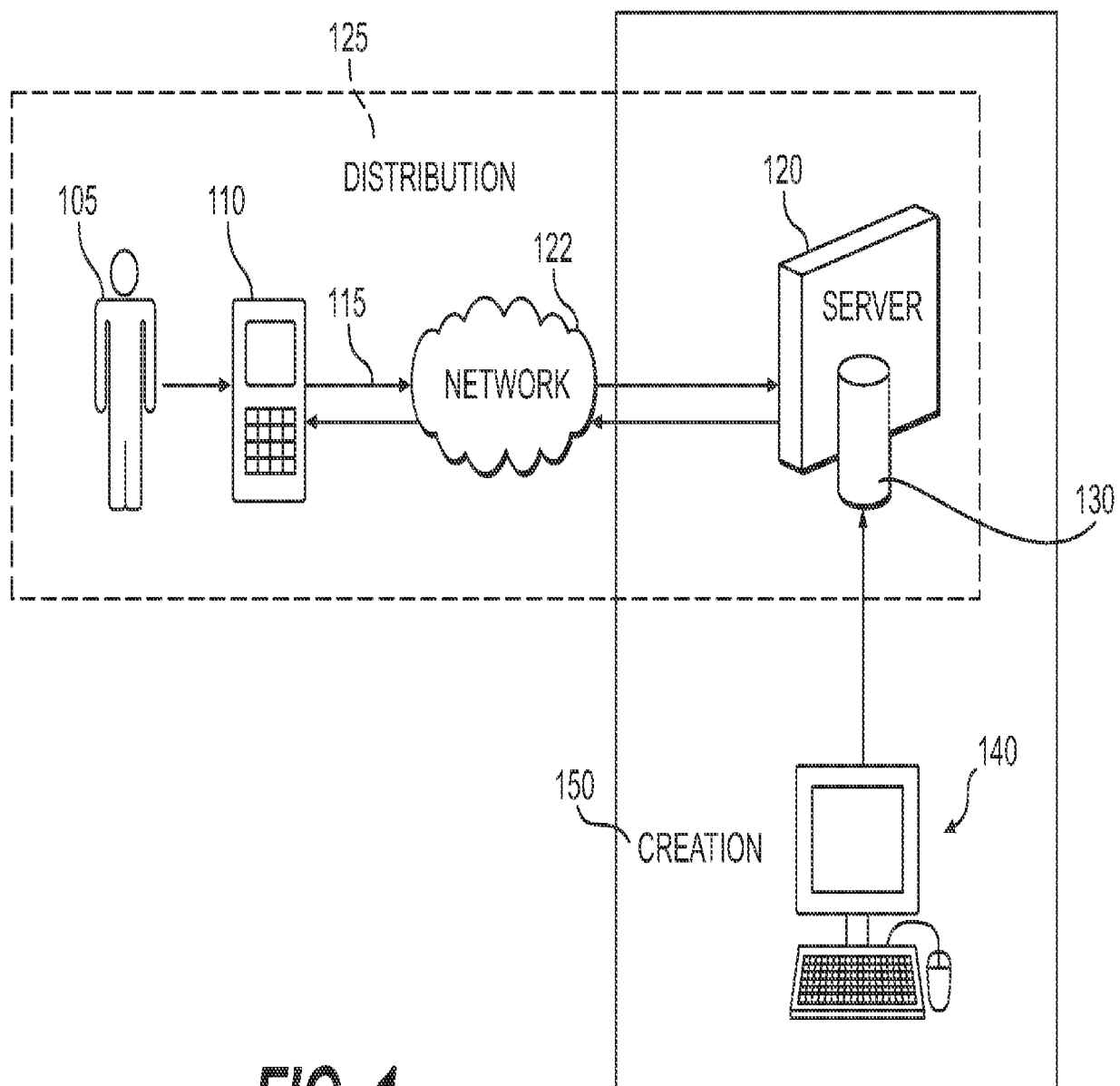


FIG. 1

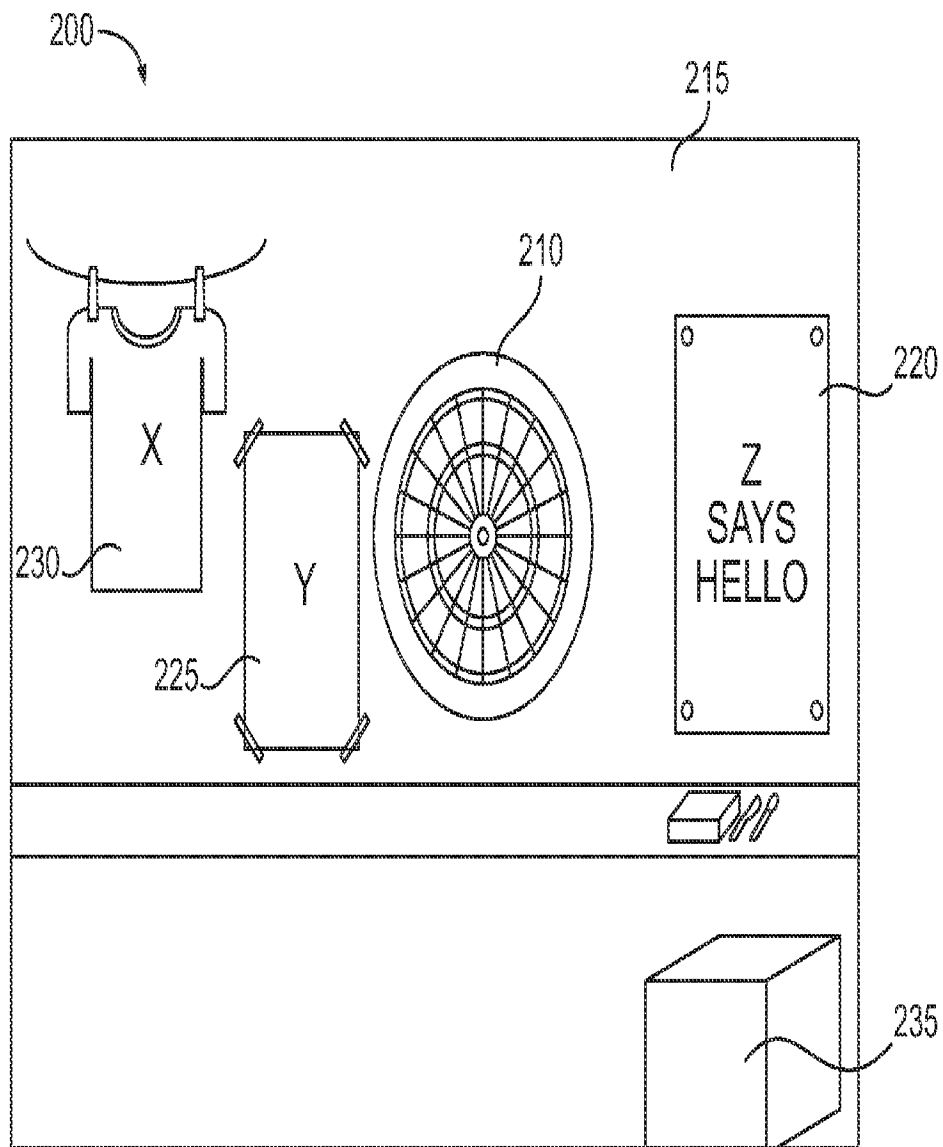


FIG. 2A

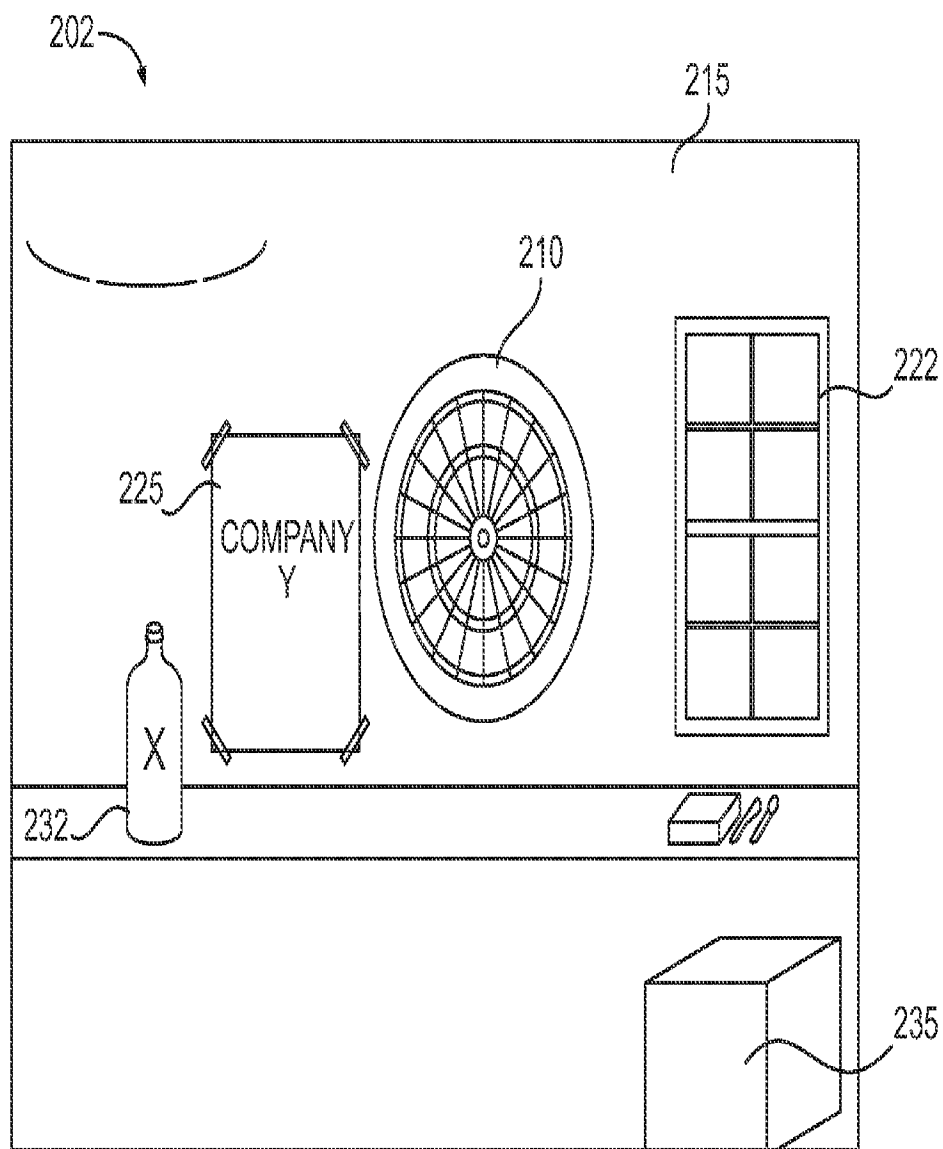


FIG. 2B

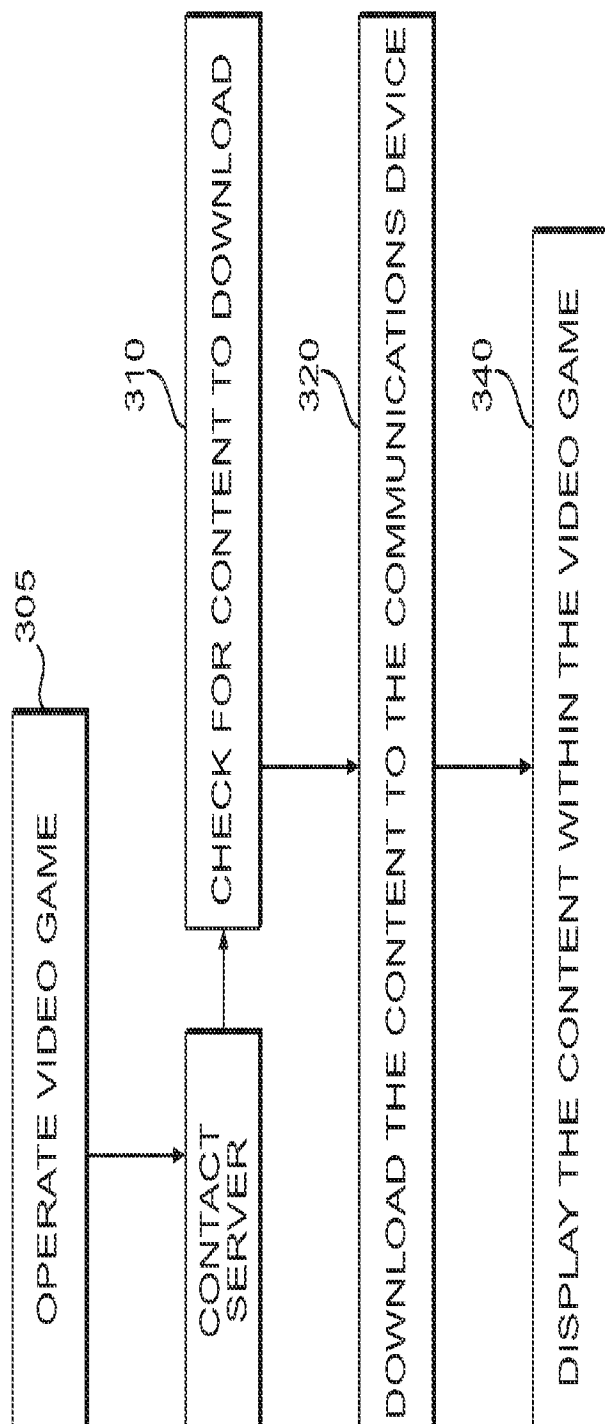


FIG. 3A

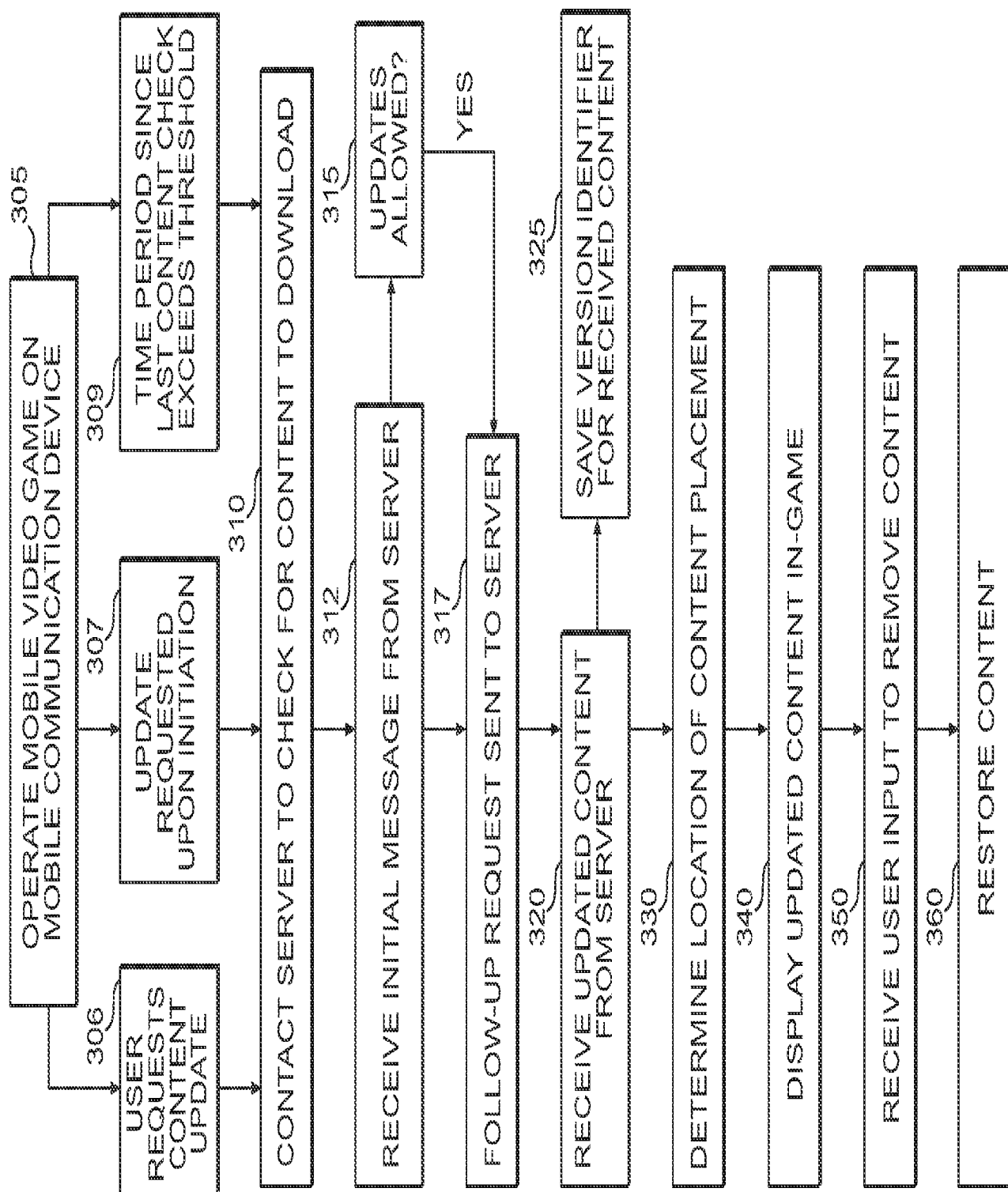


FIG. 3B

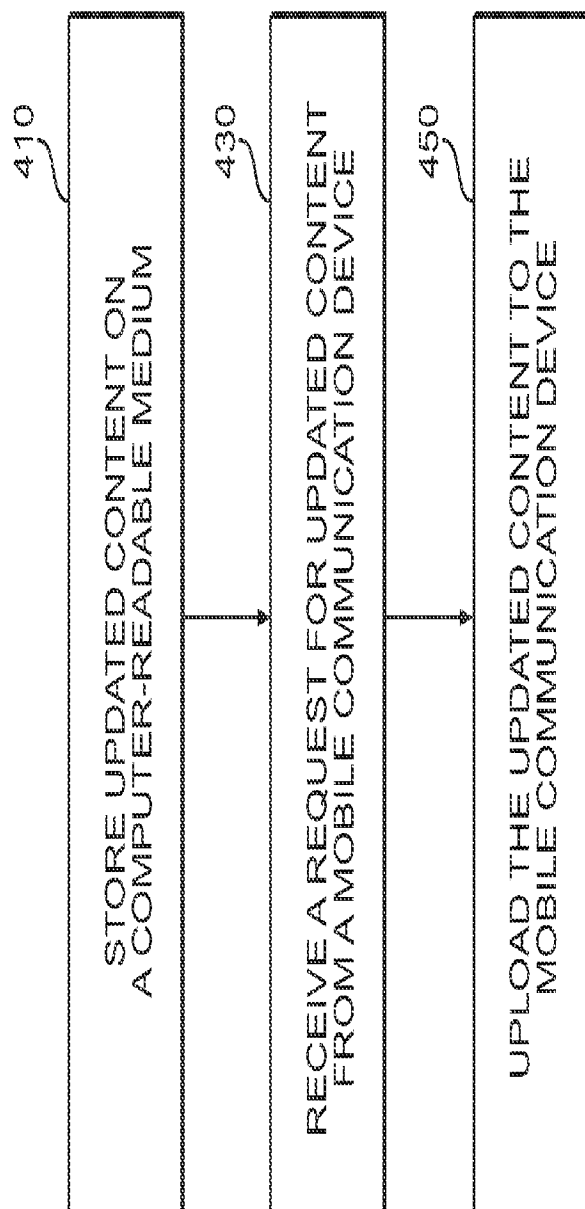


FIG. 4A

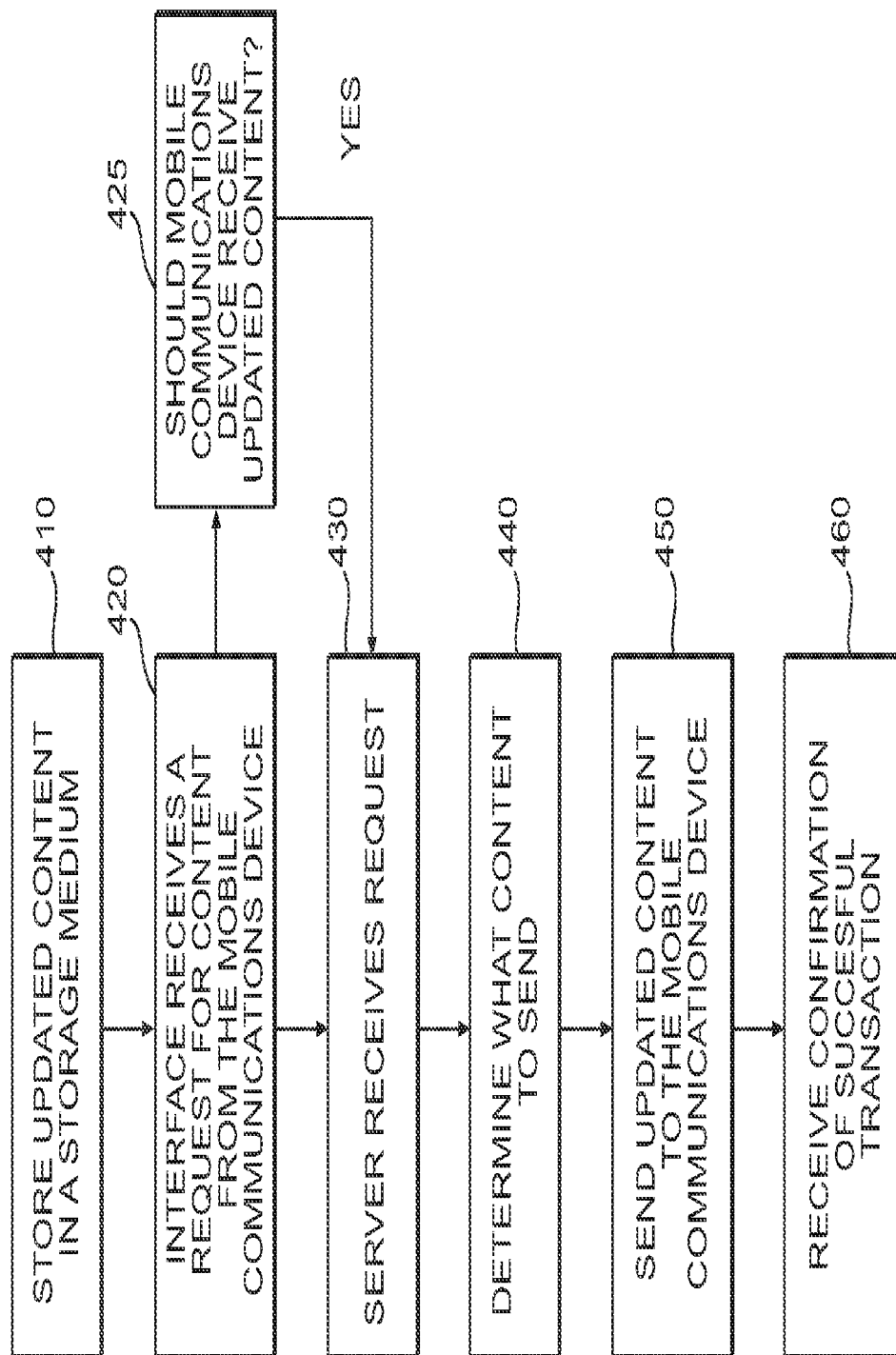


FIG. 4B

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	09685.0045-02
		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.)
--------------------------	---

Inventor Information:

Inventor 1 Remove				
Legal Name				
Prefix	Given Name	Middle Name	Family Name	Suffix
	Joshua		Hartwell	
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service				
City	Santa Monica	State/Province	CA	Country of Residence US
Mailing Address of Inventor:				
Address 1	841 Twenty-Third Street			
Address 2				
City	Santa Monica	State/Province	CA	
Postal Code		Country	US	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. Add				

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
☐ An Address is being provided for the correspondence Information of this application.	
Customer Number	22852
Email Address	Add Email Remove Email

Application Information:

Title of the Invention	Methods and Systems for Updating In-Game Content		
Attorney Docket Number	09685.0045-02	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	7	Suggested Figure for Publication (if any)	

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	09685.0045-02
		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

Publication Information:

☐ 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.

Representative Information:

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.

Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	22852		

Domestic Benefit/National Stage Information:

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.

When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Continuation of	15645028	2017-07-10

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	09685.0045-02		
		Application Number			
Title of Invention	Methods and Systems for Updating In-Game Content				
Prior Application Status	Patented		Remove		
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
15645028	Division of	11768892	2007-06-26	9731202	2017-08-15
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.					

Foreign Priority Information:

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)ⁱ 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).

Remove			
Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

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	09685.0045-02
		Application Number	
Title of Invention	Methods and Systems for Updating In-Game Content		

Authorization or Opt-Out of Authorization to Permit Access:

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.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

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.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

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	09685.0045-02
		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](#)

☒ Assignee
 ☐ Legal Representative under 35 U.S.C. 117
 ☐ Joint Inventor

☐ Person to whom the inventor is obligated to assign.
 ☐ Person who shows sufficient proprietary interest

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☒

Organization Name:

Mailing Address Information For Applicant:

Address 1	1334 THIRD STREET PROMENADE		
Address 2	SUITE 300		
City	SANTA MONICA	State/Province	CA
Country	US	Postal Code	90401
Phone Number		Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button.

Assignee Information including Non-Applicant Assignee 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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	09685.0045-02
		Application Number	
Title of Invention	Methods and Systems for Updating In-Game Content		

Assignee 1

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

If the Assignee or Non-Applicant Assignee is an Organization check here. ☒

Organization Name GOSUB 60, INC.

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1		1334 THIRD STREET PROMENADE	
Address 2		SUITE 300	
City	SANTA MONICA	State/Province	CA
Country ⁱ	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	/Kevin D. Rodkey/		Date (YYYY-MM-DD)	2020-04-09	
First Name	Kevin	Last Name	Rodkey	Registration Number	65,506

Additional Signature may be generated within this form by selecting the Add button.

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	09685.0045-02
		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.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the international Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections 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.

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.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration
Submitted
With Initial
Filing

OR

Declaration
Submitted After Initial
Filing (surcharge
(37 CFR 1.16(f))
required)Attorney Docket
Number

09685.0045-01

First Named Inventor

Joshua HARTWELL

COMPLETE IF KNOWN

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:

22,852

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.

DECLARATION — Utility or Design Patent Application

WARNING:

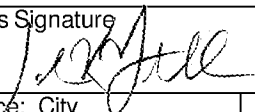
Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization 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

Santa Monica

State

CA

Country

US

Mailing Address

841 Twenty-Third Street

City

Santa Monica

State

CA

Zip

90403

Country

US

☐

Additional inventors are being named on the

Supplemental sheet(s) PTO/AIA/10 attached hereto

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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: GOSUB 60, INC.

Application No./Patent No.: _____ Filed/Issue Date: _____

Titled: METHODS AND SYSTEMS FOR UPDATING IN-GAME CONTENTGOSUB 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.**

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 displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(c)

3. 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.

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.

/Kevin D. Rodkey/

April 9, 2020

Signature

Date

Kevin D. Rodkey

65,506

Printed or Typed Name

Title or Registration Number

[Page 2 of 2]

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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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.

Electronic Acknowledgement Receipt

EFS ID:	39111392
Application Number:	16844256
International Application Number:	
Confirmation Number:	1047
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:	09685.0045-02
Receipt Date:	09-APR-2020
Filing Date:	
Time Stamp:	14:04:55
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	Transmittal of New Application	09685_0045_02_New_Application_Transmittal.pdf	241518	no	2
			d5f88cee897c98a76829eace028d7341ecdc5c1b		

Warnings:

Information:					
2		09685_0045_Patent_Specificati on.pdf	862470 2326e9cd29cf42041a98dff1447fb998e2d05e5f	yes	38
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Abstract		38	38	
	Claims		31	37	
	Specification		1	30	
Warnings:					
Information:					
3	Drawings-only black and white line drawings	09685_0045_Patent_Drawings.pdf	249672 d11d79a00b5499601430d9a6d41ff772b05b56f7	no	7
Warnings:					
Information:					
4	Application Data Sheet	09685_Application_Data_Sheet.pdf	109296 a12ea59523f563b05ca2e1864af46d48c6bb2eda	no	8
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
5	Oath or Declaration filed	09685_0045_02_Declaration.pdf	79316 86d4d258dee00b46242213f55b8a19364f8c46d3	no	3
Warnings:					
Information:					
6	Preliminary Amendment	09685_Preliminary_Amendme nt.pdf	69233 6f11a81d6dcd721d416f87f4cab8e7ecb2d56eb3	no	3
Warnings:					
Information:					

7	Assignee showing of ownership per 37 CFR 3.73	09685_0045_02_3_73c_statem ent.pdf	84893	no	3
			c9d5a1eead156c3e50ff8fe5d9dafef1c404 21a		

Warnings:

Information:

Total Files Size (in bytes):	1696398
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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 Continuation 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.

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 continuation of U.S. Patent Application No. 15/645,028, filed July 10, 2017, which is a divisional application of U.S. Patent Application No. 11/768,892, filed June 26, 2007, the contents of both of which are incorporated herein by reference in their entireties. --

REMARKS

This application has been amended to insert the required reference to the parent applications, for which benefit of priority is claimed, of this new continuation application. Thus, no new matter has been added.

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: April 9, 2020

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