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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	04/06/2021	10967270	JDM/005 CON6	2611

32733 7590 03/17/2021
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

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 215 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):

Jeffrey D. Mullen, Scarsdale, NY;

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.

IR103 (Rev. 10/09)

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

Substitute for form 1449A/PTO				Complete if known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	11/841,889
				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	2	of	4	Attorney Docket Number	JDM/005CON6

Change(s) applied
to document
/T.W/
3/15/2021

		6,520,853	02/2003	Suzuki	
		6,522,312	02/2003	Ohshima et al.	
		6,527,641	03/2003	Sinclair et al.	
		6,541,482	04/2003	Masuyama Edwards, III et al.	
		6,545,661	04/2003	Goschy et al.	
		6,625,299	09/2003	Meisner et al.	
		6,633,267	10/2003	Numa	
		6,633,304	10/2003	Anabuki	
		6,663,105	12/2003	Sullivan et al.	
		6,690,947	02/2004	Tom	
		6,735,435	05/2004	Newell et al.	
		6,850,844	02/2005	Walters et al.	
		6,853,935	02/2005	Satch et al.	
		6,872,139	03/2005	Sato et al.	
		6,951,515	10/2005	Ohshima et al.	
		6,961,055	11/2005	Doak	
		6,972,734	12/2005	Ohshima et al.	
		7,038,699	05/2006	Sato et al.	
		7,050,078	05/2006	Dempski	
		7,056,216	08/2006	Ohshima et al.	
		7,084,887	08/2006	Sato et al.	
		7,303,474	12/2007	Anderson et al.	
		7,657,910	02/2010	McAulay et al	
		2001/0040591	11/2001	Abbott et al.	
		2001/0054019	12/2001	de Fabrega	
		2001/0006908	07/2001	Fujioka et al.	

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.

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

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.A.D/

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

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

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

JEFFREY D. MULLEN
 2212 Hassinger Lane
 Glenshaw, PA 15116

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

Certificate of Mailing or Transmission

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

Jeffrey D. Mullen	(Depositor's name)
/Jeffrey D. Mullen/	(Signature)
03/03/2021	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611

TITLE OF INVENTION:

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$600	\$0	\$600	08/05/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS

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

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

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 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 has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

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

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

4a. The following fee(s) are enclosed:

☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies __

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number **503855**

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

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

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

Authorized Signature /Jeffrey D. Mullen/

Date 03/03/2021

Typed or printed name Jeffrey D. Mullen

Registration No. 52,056

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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

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.

Electronic Patent Application Fee Transmittal				
Application Number:	11841889			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES			
First Named Inventor/Applicant Name:	Jeffrey D. Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/005 CON6			
Filed as Small 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	2501	1	600	600

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				600

Electronic Acknowledgement Receipt	
EFS ID:	42080483
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	03-MAR-2021
Filing Date:	20-AUG-2007
Time Stamp:	16:28:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$600
RAM confirmation Number	E202133G29232392
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)
 37 CFR 1.20 (Post Issuance fees)
 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	JDM-005CON6--IF.pdf	232030	no	2
			f52ae0f5230a0b9bbdecfd38ea16d8869d15fe2		

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30462	no	2
			4823c797867cb03b46ce34c2f6bb2bdafbe2409f		

Warnings:

Information:

Total Files Size (in bytes):	262492
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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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

32733 7590 12/03/2020
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER

D'AGOSTINO, PAUL ANTHONY

ART UNIT

PAPER NUMBER

3715

DATE MAILED: 12/03/2020

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611

TITLE OF INVENTION: SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$600	\$0.00	\$0.00	\$600	03/03/2021

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)

32733 7590 12/03/2020
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

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

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being 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.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611

TITLE OF INVENTION: SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$600	\$0.00	\$0.00	\$600	03/03/2021

EXAMINER	ART UNIT	CLASS-SUBCLASS
D'AGOSTINO, PAUL ANTHONY	3715	463-001000

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

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

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 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.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733	7590	12/03/2020	EXAMINER	
JEFFREY D. MULLEN			D'AGOSTINO, PAUL ANTHONY	
2212 Hassinger Lane			ART UNIT	
Glenshaw, PA 15116			PAPER NUMBER	
			3715	
DATE MAILED: 12/03/2020				

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. 11/841,889	Applicant(s) Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715
		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 RCE 11/18/2020.
☐ 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 19-20 and 22-38. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

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

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

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

* Certified copies not received: _____.

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

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

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

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

Attachment(s)

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

/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	
--	--

Notice of Pre-AIA or AIA Status

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

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/18/2020 has been entered.

Allowable Subject Matter

3. Claims 19-20 and 22-38 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:
See Allowance 9/10/2019.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is in the Notice of References Cited.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571) 270-1992.
7. 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>.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. 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.

/PAUL A D'AGOSTINO/
Primary Examiner, Art Unit 3715

Search Notes 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

CPC - Searched*		
Symbol	Date	Examiner
A63F13/10	8/21/2014	PD

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
463	31,40,42	9/6/2013	AK

* 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
EAST Text search of PGPUB, USPAT, USOCR, EPO, JPO, DERWENT. See attached search results.	9/6/2013	AK
update search see history	8/21/2014	PD
see history	3/7/2015	PD
search and review of parent '536 case and full review of this file wrapper. Updated search and search of IDS art.	11/30/2020	pd

/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	
--	--

<i>Search Notes</i> 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	see east search history	09/07/2019	pd
	see east search history	12/19/2019	pd
	see east search history	4/26/2020	pd
	see east search history	08/14/2020	pd
	see east search history	11/30/2020	pd

/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	
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Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

CPC						
Symbol					Type	Version
A63F	/	13	/	65	F	2014-09-02
A63F	/	13	/	216	I	2014-09-02
A63F	/	13	/	79	I	2014-09-02
A63F	/	13	/	332	I	2014-09-02
A63F	/	13	/	42	I	2014-09-02
A63F	/	2300	/	204	A	2013-01-01
A63F	/	2300	/	205	A	2013-01-01
A63F	/	2300	/	406	A	2013-01-01
A63F	/	2300	/	408	A	2013-01-01
A63F	/	2300	/	5573	A	2013-01-01
A63F	/	2300	/	8082	A	2013-01-01

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version
/				

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	20	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	30 November 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20201130

Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

INTERNATIONAL CLASSIFICATION			
CLAIMED			
A63F		13	00

NON-CLAIMED			

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

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

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	20	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	30 November 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20201130

Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

☒ 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

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	20	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	30 November 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

Bibliographic Data

Application No: 11/841,889

Foreign Priority claimed: ☐ Yes ☒ No

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

☐ Met After Allowance

Verified and Acknowledged:

Examiner's Signature

Initials

Title:

SYSTEMS AND METHODS FOR LOCATION BASED GAMES
AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED
DEVICES

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
08/20/2007	463	3715	JDM/005 CON6
RULE			

APPLICANTS

INVENTORS

Jeffrey D. Mullen, Scarsdale, NY, UNITED STATES

CONTINUING DATA

This application is a CON of 10932536 09/01/2004ABN

10932536 has PRO of 60603481 08/20/2004

10932536 has PRO of 60499810 09/02/2003

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

08/29/2007

**** SMALL ENTITY ****

STATE OR COUNTRY

UNITED STATES

ADDRESS

JEFFREY D. MULLEN

2212 Hassinger Lane

Glenshaw, PA 15116

UNITED STATES

FILING FEE RECEIVED

\$525

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	85	(location with game) and origin and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:06
S2	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S3	2	"20040172481"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S4	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:44
S5	85	(location with game) and origin and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:03
S6	478	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:14
S7	10	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	SAME	ON	2015/09/24 11:02
S8	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:29
S9	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:39
S10	1	"20030144047"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 10:27
S11	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/03/29 21:58
S13	18	kunieda.in. and virtual and camera	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:22
S14	310	game and (virtual with camera) same boundary	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:26

S15	0	game and (virtual with camera) same boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S16	0	game and (virtual with camera) same boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S17	0	game and (virtual with camera) and view with boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S18	500	game and (virtual with camera) and view with (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S19	0	game and (virtual with camera) and view with (turns turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S20	0	game and (virtual with camera) and view with (turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S21	12	game and (virtual with camera) and view with (turn) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S22	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2005"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S23	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2003"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S24	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S25	2	game and (virtual with camera) and view with (reset origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S26	0	game and (virtual with camera) same character same movement same (reset\$4 origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:31
S27	1	game and (virtual with camera) same movement same (reset\$4 origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:32
S32	11	("5991085" "6184847" "6561809" "6612925" "6716103").pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:46
S33	6	"20010010541"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:47

S34	11	"20020072418"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:47
S35	2	"20020193080"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:47
S36	4	"20040041822"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:48
S37	8	"10932536"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:49

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2020/11/30 12:59
S12	0	(location game origin character grid manual input).clm.	US-PGPUB; USPAT	AND	ON	2019/09/05 13:34
S28	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2019/09/07 16:53
S29	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2019/12/19 12:20
S30	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2020/04/26 10:56
S31	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2020/08/14 14:47

11/30/2020 12:59:51 PM

C:\Users\pdagostino\Documents\EAST\Workspaces\11841889.wsp

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

Substitute for form 1449A/PTO				Complete if known	
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	11/841,889
				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	1	of	5	Attorney Docket Number	JDM/005 CON6

U.S. PATENT DOCUMENTS					
Examiner initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)			
		5,991,085	11-1999	Rallison	
		6,184,847	02-2001	Fateh	
		6,561,809	05-2003	Lynch	
		6,612,925	09-2003	Forsberg	
		6,716,103	04-2004	Eck	
		20010010541	08-2001	Fernandez	
		20020072418	06-2002	Masuyama	
		20020193080	12-2002	Komsi	
		20040041822	03-2004	Lizuka	

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

NON PATENT 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	T ²

Examiner Signature	/PAUL A D'AGOSTINO/	Date Considered	11/30/2020
--------------------	---------------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.A.D/

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	11	("5991085" "6184847" "6561809" "6612925" "6716103").pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:46
L2	6	"20010010541"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:47
L3	11	"20020072418"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:47
L4	2	"20020193080"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:47
L5	4	"20040041822"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:48
L6	8	"10932536"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2020/11/30 12:49
S1	85	(location with game) and origin and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:06
S2	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S3	2	"20040172481"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S4	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:44
S5	85	(location with game) and origin and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:03
S6	478	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:14
S7	10	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	SAME	ON	2015/09/24 11:02

S8	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:29
S9	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:39
S10	1	"20030144047"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 10:27
S11	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/03/29 21:58
S13	18	kunieda.in. and virtual and camera	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:22
S14	310	game and (virtual with camera) same boundary	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:26
S15	0	game and (virtual with camera) same boundary same (turns turnaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S16	0	game and (virtual with camera) same boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S17	0	game and (virtual with camera) and view with boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S18	500	game and (virtual with camera) and view with (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S19	0	game and (virtual with camera) and view with (turns turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S20	0	game and (virtual with camera) and view with (turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S21	12	game and (virtual with camera) and view with (turn) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S22	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2005"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S23	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2003"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29

S24	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S25	2	game and (virtual with camera) and view with (reset origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S26	0	game and (virtual with camera) same character same movement same (reset\$4 origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:31
S27	1	game and (virtual with camera) same movement same (reset\$4 origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:32

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S12	0	(location game origin character grid manual input).clm.	US-PGPUB; USPAT	AND	ON	2019/09/05 13:34
S28	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2019/09/07 16:53
S29	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2019/12/19 12:20
S30	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2020/04/26 10:56
S31	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2020/08/14 14:47

11/30/2020 12:50:01 PM

C:\Users\pdagostino\Documents\EAST\Workspaces\11841889.wsp

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11841889	Filing Date	2020-08-20	Docket Number (if applicable)	JDM/005 CON6	Art Unit	3715
First Named Inventor	Jeffrey D. Mullen			Examiner Name	PAUL D'AGOSTINO		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☐ Amendment/Reply

☒ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

Applicant Signature			
Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2020-11-18
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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 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.

Substitute for form 1449A/PTO SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if known			
				Application Number		11/841,889	
				Filing Date		August 20, 2007	
				First Named Inventor		Jeffrey D. Mullen	
				Art Unit		3715	
				Examiner Name		Anthony D'Agostino	
Sheet	1	of	5	Attorney Docket Number		JDM/005 CON6	

U.S. PATENT DOCUMENTS					
Examiner initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)			
		5,991,085	11-1999	Rallison	
		6,184,847	02-2001	Fateh	
		6,561,809	05-2003	Lynch	
		6,612,925	09-2003	Forsberg	
		6,716,103	04-2004	Eck	
		20010010541	08-2001	Fernandez	
		20020072418	06-2002	Masuyama	
		20020193080	12-2002	Komsi	
		20040041822	03-2004	Lizuka	

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

NON PATENT 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	T ²

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.

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

Applicant : Jeffrey D. Mullen
 Application No. : 11/841,889
 Confirmation No. : 2611
 Filed : August 20, 2007
 For : SYSTEMS AND METHODS FOR
 LOCATION BASED GAMES AND
 EMPLOYMENT OF THE SAME ON
 LOCATION ENABLED DEVICES
 Group Art Unit : 3715
 Examiner : Paul Anthony D'Agostino

Hon. Commissioner for Patents
 P.O. Box 1450 Pittsburgh, PA 15116
 Alexandria, VA 22313-1450 November 18, 2020

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

A Request for Continued Examination is applicable
 hereto and being submitted herewith. In accordance with 37
 C.F.R. §§ 1.56 and 1.97, applicant wishes to call the
 attention of the Examiner to the following documents:

Patent Documents

5,991,085	11-1999	Rallison	(6)
6,184,847	02-2001	Fateh	(6)
6,561,809	05-2003	Lynch	(1)
6,612,925	09-2003	Forsberg	(6)

6,716,103	04-2004	Eck	(6)
20010010541	08-2001	Fernandez	(1)
20020072418	06-2002	Masuyama	(6)
20020193080	12-2002	Komsi	(6)
20040041822	03-2004	Lizuka	(4)

It is respectfully requested that these documents be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application. Applicant requests that a copy of Form PTO/SB/08A, as considered and initialed by the Examiner, be returned with the next communication.

Documents above marked with a (1) were cited in Application No. No. 10/932,536. Applicant respectfully requests the Examiner review the prosecution history of Application No. 10/932,536, including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (2) were cited in Application No. 11/486,756. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (3) were cited in Application No. 11/461,761. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (4) were cited in Application No. 11/461,827. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (5) were cited in Application No. 11/775,227. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (6) were cited in Application No. 11/778,047. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United

States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (8) were cited in Application No. 11/842,019. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Applicant hereby submits that not all of the patent documents and non-patent literature submitted herein may be, in fact, prior art to the present application. Applicant reserves the right to dispute whether references, or subject matter within references, are prior art to the present application (e.g., continuation-in-part subject matter filed after the filing date of the present application).

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. A favorable action is respectfully requested.

This Statement is being submitted with a Request
for Continued Examination.

The Director is hereby authorized to charge any
fees associated with this filing, or credit any overpayment
of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	1000	1000
Total in USD (\$)				1000

Electronic Acknowledgement Receipt	
EFS ID:	41161791
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	18-NOV-2020
Filing Date:	20-AUG-2007
Time Stamp:	17:20:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 1000
RAM confirmation Number	E2020AHH20449021
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)					
37 CFR 1.20 (Post Issuance fees)					
37 CFR 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-005CON6--RCE.pdf	697813	no	3
			60c7abf6e46c00c015f4db07ecb60f87fa921051		
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	JDM-005CON6--PTOSB08A.pdf	202003	no	1
			a4d645548ea9661bc44caf59d7fc17a94b94075c		
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Transmittal Letter	JDM-005CON6-IDS.pdf	74911	no	5
			ebb95ea1436d7450e26a195ebd9457ed918c480f		
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	30440	no	2
			de3f1636aaffe812c45c2dbf62631ec39440749b		
Warnings:					
Information:					
Total Files Size (in bytes):			1005167		

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.



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

32733 7590 08/18/2020
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER
D'AGOSTINO, PAUL ANTHONY

ART UNIT PAPER NUMBER
3715

DATE MAILED: 08/18/2020

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611

TITLE OF INVENTION: SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON
ENABLED DEVICES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	11/18/2020

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

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

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

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

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

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

32733 7590 08/18/2020
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

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

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being 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.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611

TITLE OF INVENTION: SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON
ENABLED DEVICES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	11/18/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
D'AGOSTINO, PAUL ANTHONY	3715	463-001000

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

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

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 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.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733	7590	08/18/2020	EXAMINER	
JEFFREY D. MULLEN			D'AGOSTINO, PAUL ANTHONY	
2212 Hassinger Lane			ART UNIT	
Glenshaw, PA 15116			PAPER NUMBER	
			3715	
DATE MAILED: 08/18/2020				

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. 11/841,889	Applicant(s) Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715
		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 8/5/2020.
☐ 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 19-20 and 22-38. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

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

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

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

* Certified copies not received: _____.

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

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

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

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

Attachment(s)

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

/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	
--	--

Notice of Pre-AIA or AIA Status

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

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/5/2020 has been entered.

Allowable Subject Matter

3. Claims 19, 20, 22-38 are allowed.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is in the Notice of References Cited.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571) 270-1992.
6. 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>.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/PAUL A D'AGOSTINO/
Primary Examiner, Art Unit 3715

Search Notes 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

CPC - Searched*		
Symbol	Date	Examiner
A63F13/10	8/21/2014	PD

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
463	31,40,42	9/6/2013	AK

* 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
EAST Text search of PGPUB, USPAT, USOCR, EPO, JPO, DERWENT. See attached search results.	9/6/2013	AK
update search see history	8/21/2014	PD
see history	3/7/2015	PD

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<i>Search Notes</i> 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	see east search history	09/07/2019	pd
	see east search history	12/19/2019	pd
	see east search history	4/26/2020	pd
	see east search history	08/14/2020	

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Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

CPC						
Symbol					Type	Version
A63F	/	13	/	65	F	2014-09-02
A63F	/	13	/	216	I	2014-09-02
A63F	/	13	/	79	I	2014-09-02
A63F	/	13	/	332	I	2014-09-02
A63F	/	13	/	42	I	2014-09-02
A63F	/	2300	/	204	A	2013-01-01
A63F	/	2300	/	205	A	2013-01-01
A63F	/	2300	/	406	A	2013-01-01
A63F	/	2300	/	408	A	2013-01-01
A63F	/	2300	/	5573	A	2013-01-01
A63F	/	2300	/	8082	A	2013-01-01

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version
/				

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 20	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715 (Primary Examiner) _____ (Date) 14 August 2020		O.G. Print Claim(s) 1	O.G. Print Figure 1

U.S. Patent and Trademark Office

Part of Paper No.: 20200815

Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

INTERNATIONAL CLASSIFICATION			
CLAIMED			
A63F		13	00

NON-CLAIMED			

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

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

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	20	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	14 August 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20200815

Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

☒ 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

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	20	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	14 August 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

EAST Search History**EAST Search History (Prior Art)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	85	(location with game) and origin and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:06
S2	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S3	2	"20040172481"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S4	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:44
S5	85	(location with game) and origin and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:03
S6	478	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:14
S7	10	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	SAME	ON	2015/09/24 11:02
S8	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:29
S9	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:39
S10	1	"20030144047"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 10:27
S11	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/03/29 21:58
S13	18	kunieda.in. and virtual and camera	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:22
S14	310	game and (virtual with camera) same boundary	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:26

S15	0	game and (virtual with camera) same boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S16	0	game and (virtual with camera) same boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S17	0	game and (virtual with camera) and view with boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S18	500	game and (virtual with camera) and view with (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S19	0	game and (virtual with camera) and view with (turns turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S20	0	game and (virtual with camera) and view with (turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S21	12	game and (virtual with camera) and view with (turn) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S22	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2005"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S23	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2003"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S24	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S25	2	game and (virtual with camera) and view with (reset origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S26	0	game and (virtual with camera) same character same movement same (reset\$4 origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:31
S27	1	game and (virtual with camera) same movement same (reset\$4 origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:32

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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L1	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2020/08/14 14:47
S12	0	(location game origin character grid manual input).clm.	US-PGPUB; USPAT	AND	ON	2019/09/05 13:34
S28	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2019/09/07 16:53
S29	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2019/12/19 12:20
S30	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2020/04/26 10:56

8/14/2020 2:47:57 PM

C:\Users\pdagostino\Documents\EAST\Workspaces\11841889.wsp

Bibliographic Data

Application No: 11/841,889

Foreign Priority claimed: ☐ Yes ☒ No

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

☐ Met After Allowance

Verified and Acknowledged:

Examiner's Signature

Initials

Title:

SYSTEMS AND METHODS FOR LOCATION BASED GAMES
AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED
DEVICES

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
08/20/2007	463	3715	JDM/005 CON6
RULE			

APPLICANTS

INVENTORS

Jeffrey D. Mullen, Scarsdale, NY, UNITED STATES

CONTINUING DATA

This application is a CON of 10932536 09/01/2004

10932536 has PRO of 60603481 08/20/2004

10932536 has PRO of 60499810 09/02/2003

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

08/29/2007

** SMALL ENTITY **

STATE OR COUNTRY

UNITED STATES

ADDRESS

JEFFREY D. MULLEN

2212 Hassinger Lane

Glenshaw, PA 15116

UNITED STATES

FILING FEE RECEIVED

\$525

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/841,889		Filing Date 08/20/2007		☐ 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 \$25 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*	x \$ 100 =						
☐ 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	08/05/2020	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(j))	* 20	Minus	** 20	= 0	x \$ 50 =		0		
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 4	= 0	x \$ 230 =		0		
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE		0		
AMENDMENT		(Column 1)	(Column 2)	(Column 3)						
		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(j))	*	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".						/CHERYL A CLARK/				
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".										
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

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

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

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11841889	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/005 CON6	Art Unit	3716
First Named Inventor	Jeffrey D. Mullen			Examiner Name	Paul D'Agnostino		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____
- ☒ Enclosed
- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

- ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- ☐ Other _____

FEES

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
- ☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

- Patent Practitioner Signature
- ☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

Applicant Signature			
Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2020-08-05
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,889
Confirmation No. : 2611
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATION BASED GAMES AND
EMPLOYMENT OF THE SAME ON
LOCATION ENABLED DEVICES
Group Art Unit : 2629
Examiner : Yuk Chow

Hon. Commissioner for Patents Pittsburgh, PA 15116
P.O. Box 1450 August 5, 2020
Alexandria, VA 22313-1450

AMENDMENT

Sir:

This is in response to Notice of Allowance issued May 5, 2020. A Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 4 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-18. (cancelled)

19. (previously presented) A system comprising:

a device for providing a location-based game, wherein said device is operable to determine whether said location-based game utilizes a manual origin setting for the start of the location-based game;

a graphical user interface of said device operable to prompt for manual input to be entered into said graphical user interface to position said device to a location associated with said manual origin setting, wherein said location is obtained on said device for use as said manual origin setting in said location-based game and said location is updated non-manually; and

a display for displaying virtual indicia associated with said location-based game, wherein said updated location impacts said location-based game in reference to said origin setting and changes said visual indicia displayed based on said updated location in reference to said origin setting, and said manual origin setting is operable to be manually updated.

20. (currently amended) A system comprising:

a first-location based gaming device, wherein a game ID is utilized to initialize a multiple-

player location-based game on said location-based gaming device, wherein said first-location based device is operable to determine whether said multiple-player location-based game utilizes a manual origin setting for the location-based game, wherein the manual origin setting is operable to be updated during said location-based game; and

a second location-based gaming device, wherein said game ID is associated with said multiple-player ~~multiplayer~~ location-based game and at least said second location-based gaming device, and said multiple-player location-based game is provided on at least said first and second location-based gaming devices.

21. (cancelled).

22. (previously presented) A device comprising:
a display for providing a location-based game, wherein a grid is provided on said display, areas of said grid are covered, a virtual character is provided on said grid, the location of said virtual character on said grid is associated with the location of said device on a physical playfield with respect to a manual origin setting utilized for the location-based game, wherein the manual origin setting is operable to be updated during said location-based game; and

a locating device that provides, at least in part, said location and said covered areas of said grid are uncovered as said device is moved to locations of said physical playfield that are associated with covered areas of said grid.

23. (previously presented) A system comprising:
a device having a display, wherein a graphical user interface is provided on said display to receive a first manual input for setting a origin location setting for a location reference for gameplay and a second manual input for setting a directional reference for a direction of gameplay for a virtual character of a location-based game provided on said device based on the direction of said device and said location-based game is provided on said device with respect to said directional reference and said directional reference is operable to be updated during said gameplay.

24. (previously presented) The system of claim 23, wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

25. (new) The system of claim 19, further comprising a wireless communications device, wherein information associated with said location-based game is operable to be communicated through said wireless communications device.

26. (new) The system of claim 19, further comprising a wireless communications device, wherein said location-based game is a multiple player location-based game and information associated with second player control signals and second player location are operable to be received by said wireless communication device.

26. (new) The system of claim 19, further comprising manual input controls, wherein said location-based game includes a virtual character and said manual input controls are operable to provide control signals associated with said virtual character.

27. (new) The system of claim 19, further comprising a wireless communications device, wherein information associated with said updated location is communicated through said wireless communications device.

28. (new) The system of claim 20, wherein said first location-based device includes a wireless communications device and a locating device and location information associated with said locating device is operable of being communicated through said wireless communications device.

29. (new) The system of claim 20, wherein said first location-based device includes a wireless communications device and a locating device, and location information associated with said second location-based device is operable to be received by said wireless communications device.

30. (new) The system of claim 20, wherein first location-based device includes manual input controls operable to provide control signals associated with a virtual character of said multiple player location-based game.

31. (new) The device of claim 22, wherein said grid is operable to be removed from said display and a time-based mini-game is operable to be displayed on said display.

32. (new) The device of claim 22, further comprising manual input controls, wherein alphanumeric information is operable to be entered into manual inputs controls.

33. (new) The system of claim 23, wherein said display is a head-mounted display.

34. (new) The system of claim 23, wherein said display is a head-mounted display and said device includes a power source.

35. (new) The system of claim 23, wherein said device includes a wireless communications device and location information associated with said location-based game is communicated through said wireless communications device.

36. (new) The system of claim 23, wherein said location-based game is a multiple player location based game.

37. (new) The system of claim 23, wherein said display is a head-mounted display, said device includes a wireless communications device and location information associated with said location-based game is communicated through said wireless communications device, and said

location-based game is a multiple player location-based game.

38. (new) The system of claim 23, wherein said location-based game is selected from a list of location-based games.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 19, 20, 22-24 were allowed.

Summary of Applicant's Amendments

Without prejudice, and solely in order to expedite prosecution, applicant has amended claim 20.

Without prejudice, and solely in order to expedite prosecution, applicant has added new claims 25-39.

New Dependent Claim 25-39.

Dependent claims 25-39 depend from one of claims 19, 20, and 22-24. As claims 19, 20, and 22-24 are patentable, claims 25-39 are patentable for depending from a patentable claim. No new subject matter has been added. Applicant respectfully requests that the Examiner place claims 25-39 in condition for allowance.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees required in conjunction with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855, Order No. JDM/005 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Mobile: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	950	950
Total in USD (\$)				950

Electronic Acknowledgement Receipt	
EFS ID:	40206959
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	05-AUG-2020
Filing Date:	20-AUG-2007
Time Stamp:	20:51:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 950
RAM confirmation Number	E202085K52251062
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)					
37 CFR 1.20 (Post Issuance fees)					
37 CFR 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-005CON6--RCE.pdf	697794	no	3
			fc5f333631ae5496132855330c5af5f939a4f4d7		
Warnings:					
Information:					
2		JDM-005C6-Reply.pdf	109508	yes	9
			32d3e9a813a4ecd78533afdc5284d951c4ff3fea		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	7	
	Applicant Arguments/Remarks Made in an Amendment		8	9	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30563	no	2
			171e8550af0833575bcbf29b59fe813ce42fd7d5		
Warnings:					
Information:					
Total Files Size (in bytes):			837865		

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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NOTICE OF ALLOWANCE AND FEE(S) DUE

32733 7590 05/05/2020
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER
D'AGOSTINO, PAUL ANTHONY

ART UNIT PAPER NUMBER

3715

DATE MAILED: 05/05/2020

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611

TITLE OF INVENTION: SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON
ENABLED DEVICES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	08/05/2020

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

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

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

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

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

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

32733 7590 05/05/2020
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

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

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being 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.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611

TITLE OF INVENTION: SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON
ENABLED DEVICES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	08/05/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
D'AGOSTINO, PAUL ANTHONY	3715	463-001000

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

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

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 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.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733	7590	05/05/2020	EXAMINER	
JEFFREY D. MULLEN			D'AGOSTINO, PAUL ANTHONY	
2212 Hassinger Lane			ART UNIT	
Glenshaw, PA 15116			PAPER NUMBER	
			3715	
DATE MAILED: 05/05/2020				

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. 11/841,889	Applicant(s) Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715
		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 RCE 4/13/2020.
☐ 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 19, 20, 22, 23, 24. 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)	5. ☒ Examiner's Amendment/Comment
2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____	6. ☐ Examiner's Statement of Reasons for Allowance
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____	7. ☐ Other _____
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____	

/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	
--	--

Notice of Pre-AIA or AIA Status

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

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/13/2020 has been entered.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is in the Notice of References Cited.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571) 270-1992.
5. 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>.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see <http://pair-direct.uspto.gov>. Should you have 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.

/PAUL A D'AGOSTINO/
Primary Examiner, Art Unit 3715

Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

CPC						
Symbol					Type	Version
A63F	/	13	/	65	F	2014-09-02
A63F	/	13	/	216	I	2014-09-02
A63F	/	13	/	79	I	2014-09-02
A63F	/	13	/	332	I	2014-09-02
A63F	/	13	/	42	I	2014-09-02
A63F	/	2300	/	204	A	2013-01-01
A63F	/	2300	/	205	A	2013-01-01
A63F	/	2300	/	406	A	2013-01-01
A63F	/	2300	/	408	A	2013-01-01
A63F	/	2300	/	5573	A	2013-01-01
A63F	/	2300	/	8082	A	2013-01-01

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version
/				

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	5	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	26 April 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20200426

Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

INTERNATIONAL CLASSIFICATION			
CLAIMED			
A63F		13	00

NON-CLAIMED			

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

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

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	5	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	26 April 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20200426

<i>Issue Classification</i> 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

☒ 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

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	5	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	26 April 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20200426

Search Notes 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

CPC - Searched*		
Symbol	Date	Examiner
A63F13/10	8/21/2014	PD

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
463	31,40,42	9/6/2013	AK

* 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
EAST Text search of PGPUB, USPAT, USOCR, EPO, JPO, DERWENT. See attached search results.	9/6/2013	AK
update search see history	8/21/2014	PD
see history	3/7/2015	PD

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	see east search history	09/07/2019	pd
	see east search history	12/19/2019	pd
	see east search history	4/26/2020	pd

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

Substitute for form 1449A/PTO SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if known	
				Application Number	11/841,889
				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	1	of	5	Attorney Docket Number	JDM/005 CON6

U.S. PATENT DOCUMENTS					
Examiner initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)			

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

NON PATENT 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	T ²
		Information Filtering For Mobile Augmented Reality, Simon Julier et al., pages 3-11, IEEE 0-7695-0846-4/00, 2000.	
		A Wearable Augmented Reality Testbed for Navigation and Control, Built Solely with Commercial-Off-The-Shelf (COTS) Hardware, Reinhold Behringer et al., pages 12-19, IEEE 0-7695-0846-4/00, 2000.	
		Bridging Multiple User Interface Dimensions with Augmented Reality, Deiter Schmalsteig et al., pages 20 to 29, IEEE 0-7695-0846-4/00, 2000.	
		The Augmented Man, Didier Stricker et al, pages 30-36, IEEE 0-7695-0846-4/00, 2000.	
		Distributed User Tracking Concepts for Augmented Reality Applications, Gudrun Klinker, pages 20 to 29, pages 37-44, IEEE 0-7695-0846-4/00, 2000.	
		Augmented Workspace: Designing an AR testbed, ,pages 47-53, Frank Sauer et al., IEEE 0-7695-0846-4/00, 2000.	
		Development of the Varioscope AR; A See-Through HMD for Computer-Aided Strategy, Wolfgang Birkfellner, pages 54-59, IEEE 0-7695-0846-4/00, 2000.	
		An Optical See-through Display for Mutual Occlusion of Real and Virtual Environments, Kiyoshi Kiyokawa et al., pages 60-67, IEEE 0-7695-0846-4/00, 2000.	

Examiner Signature	/PAUL A D'AGOSTINO/	Date Considered	04/26/2020
--------------------	---------------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.A.D./

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

Substitute for form 1449A/PTO				Complete if known	
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	11/841,889
				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	2	of	5	Attorney Docket Number	JDM/005 CON6

NON PATENT 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	T ²
		Development of a Stereo Video See-through HDM for AR Systems, Akinari Takagi et al., pages 68-77, IEEE 0-7695-0846-4/00, 2000.	
		A mobile Passive Augmented Reality Device - mPARD, H. T. Regenbrecht et al, pages 81 to 84, IEEE 0-7695-0846-4/00, 2000.	
		Adapting to Dynamic Registration Errors Using Level of Error (LOE) Filtering, Blair MacIntyre et al., pages 85 to 88, IEEE 0-7695-0846-4/00, 2000.	
		Matching Buildings: Pose estimation in an urban environment, Volker Coors et al., pages 89 to 92, IEEE 0-7695-0846-4/00, 2000.	
		Augmenting Buildings with Infrared Information, Andreas Butz et al., pages 93-96, IEEE 0-7695-0846-4/00, 2000.	
		A Stereo Vision-based Augmented reality System with an Inertial Sensor, Masayuki Kanbara et al., pages 97-100, IEEE 0-7695-0846-4/00, 2000.	
		Virtual Property Lines Drawing on the Monitor for Observation of Unmanned Dam Construction Sides, Nobuyuki et al., pages 101 to 104, IEEE 0-7695-0846-4/00, 2000.	
		View-Independent Scene Acquisition for Tele-Presence, Jane Mulligan, pages 105-108, IEEE 0-7695-0846-4/00, 2000.	
		Virtual Object Manipulation on a Table-Top AR Environment, H. Kato et al., pages 111-119, IEEE 0-7695-0846-4/00, 2000.	
		Markerless Tracking using Planar Structures in the Scene, Gilles Simon et al., pages 120-128, IEEE 0-7695-0846-4/00, 2000.	
		Weakly Calibrated Video-based Augmented Reality: Embedding and Rendering through Virtual Camera, pages 129-136, IEEE 0-7695-0846-4/00, 2000.	
		Handling Occlusion in Augmented Reality Systems: A Semi-Automated Method, Vincent Lepetit, pages 137-146, IEEE 0-7695-0846-4/00, 2000.	
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				Application Number	11/841,889
				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	3	of	5	Attorney Docket Number	JDM/005 CON6

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		The Role of Internal Models in Motion Planning and Control: Evidence from Grip Force Adjustments during Movements of Hnad-Held Loads, J. Randall Flanagan et al., The Journal of Neurosciences, February 15, 1997, 17(4):1519-1528	
		Presetable Micromachined MEMS Accelerometers, Scott Valoff et al., University of California	
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		Inertial Navigation - Forty Years of Evolution, A. D. King et. al, GEC Review Vol 13, No. 3, 1998	
		A Tri-Axial Accelerometer Interface For The Transmission of Impact Measurements, Heather Marandola et al. Sunfest, 2000.	
		Distributed Low-latency Rendering for Mobile AR, W. Pasmaz et al., pages 107-113, IEEE 0-7695-1371-1/01, 2001.	
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		Augmented maintenance of powerplants: A prototyping case study of a mobile AR system, Gudrun Klinkar, pages 124-133, IEEE 0-7695-1371-1/01, 2001.	
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		Testing Information Delivery Methods Using Augmented Reality, Dr. Paul Jackson, pages 171-172, IEEE 0-7695-1371-1/01, 2001.	

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		Real-Time 3D Object Recognition for Automatic Tracker Initialization, Gabor Blasco et al, pages 175-176, IEEE 0-7695-1371-1/01, 2001.	
		Tinmith-evo5 - An Architecture for Supporting Mobile Augmented Reality Environments, Wayne Piekarski et al., pages 177-178, IEEE 0-7695-1371-1/01, 2001.	
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		Mobile AR5ALL, Christian Geiger, pages 181-182, IEEE 0-7695-1371-1/01, 2001.	
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		Dynamic Shader Lamps: Painting on Movable Objects: Deepak Bandyopadhyay, pages 207-216, IEEE 0-7695-1371-1/01, 2001.	
		Using a head-Mounted Projective Display in Interactive Augmented Environments, pages 217-223, IEEE 0-7695-1371-1/01, 2001.	

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Bibliographic Data

Application No: 11/841,889

Foreign Priority claimed: ☐ Yes ☒ No

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

☐ Met After Allowance

Verified and Acknowledged:

Examiner's Signature

Initials

Title:

SYSTEMS AND METHODS FOR LOCATION BASED GAMES
AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED
DEVICES

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
08/20/2007	463	3715	JDM/005 CON6
RULE			

APPLICANTS

INVENTORS

Jeffrey D. Mullen Scarsdale, NY, UNITED STATES

CONTINUING DATA

This application is a CON of 10932536 09/01/2004

10932536 has PRO of 60603481 08/20/2004

10932536 has PRO of 60499810 09/02/2003

FOREIGN APPLICATIONS

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		A Wearable Augmented Reality Testbed for Navigation and Control, Built Solely with Commercial-Off-The-Shelf (COTS) Hardware, Reinhold Behringer et al., pages 12-19, IEEE 0-7695-0846-4/00, 2000.	
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Substitute for form 1449A/PTO				Complete if known	
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	11/841,889
				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	4	of	5	Attorney Docket Number	JDM/005 CON6

NON PATENT 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	T ²
		The Role of Internal Models in Motion Planning and Control: Evidence from Grip Force Adjustments during Movements of Hand-Held Loads, J. Randall Flanagan et al., The Journal of Neurosciences, February 15, 1997, 17(4):1519-1528	
		Pre-settable Micromachined MEMS Accelerometers, Scott Valoff et al., University of California	
		MEMS Sensors in Virtual Reality, Harvey Weinberg et. al., August 2002,	
		Inertial Navigation - Forty Years of Evolution, A. D. King et. al, GEC Review Vol 13, No. 3, 1998	
		A Tri-Axial Accelerometer Interface For The Transmission of Impact Measurements, Heather Marandola et al. Sunfest, 2000.	
		Distributed Low-latency Rendering for Mobile AR, W. Pasmaz et al., pages 107-113, IEEE 0-7695-1371-1/01, 2001.	
		Mobile Collaborative Augmented Reality, Gerhard Reitmayr et al., pages 114-123, IEEE 0-7695-1371-1/01, 2001.	
		Augmented maintenance of powerplants: A prototyping case study of a mobile AR system, Gudrun Klinkar, pages 124-133, IEEE 0-7695-1371-1/01, 2001.	
		Dynamic Virtual Convergence for Video See-through Head-mounted Displays: Maintaining Maximum Stereo Overlap throughout a Close-range Work Space, Andrei State et al, pages 137-146, IEEE 0-7695-1371-1/01, 2001.	
		Optical See-Through Calibration with Vision-Based Trackers: Propagation of Projection Matrices, Yakup Gene et al, pages 147-156, IEEE 0-7695-1371-1/01, 2001.	
		A New System for Online Quantitative Evaluation of Optical See-Through Augmentation, Erin McGarrity, pages 157-166, IEEE 0-7695-1371-1/01, 2001.	
		MR2 (MR Square): A mixed-Reality Meeting Room, Kiyoshi Kiyokawa et al., pages 169-170, IEEE 0-7695-1371-1/01, 2001.	
		Testing Information Delivery Methods Using Augmented Reality, Dr. Paul Jackson, pages 171-172, IEEE 0-7695-1371-1/01, 2001.	

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Sheet	5	of	5			

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		A Quick Method for Synthesizing Photorealistic Color Images under Various Illumination Conditions, Li Shen et al., pages 173-174, IEEE 0-7695-1371-1/01, 2001.	
		Real-Time 3D Object Recognition for Automatic Tracker Initialization, Gabor Blasco et al, pages 175-176, IEEE 0-7695-1371-1/01, 2001.	
		Tinmith-evo5 - An Architecture for Supporting Mobile Augmented Reality Environments, Wayne Piekarski et al., pages 177-178, IEEE 0-7695-1371-1/01, 2001.	
		Taking AR into Large Scale Industrial Environments: Navigation and Information Access with Mobile Computers, pages 179-180, IEEE 0-7695-1371-1/01, 2001.	
		Mobile AR5ALL, Christian Geiger, pages 181-182, IEEE 0-7695-1371-1/01, 2001.	
		Linear Solutions for Visual Augmented Reality Registration, Adnan Ansar, pages 183-184, IEEE 0-7695-1371-1/01, 2001.	
		Augmented Reality (AR) for Assembly Processes - An Experimental Evaluation, S. Wiedenmaier, pages 185-186, IEEE 0-7695-1371-1/01, 2001.	
		Illuminating the Mixed Reality Stage; Applying Complex Lighting Conditions to AR, Michael Wittkamper et al., pages 187-188, IEEE 0-7695-1371-1/01, 2001.	
		Real-time and Markerless Vision-Based Tracking for Outdoor Augmented Reality Applications, Dider Stricker et al., pages 189-90, IEEE 0-7695-1371-1/01, 2001.	
		3D reconstruction of the operating field for image overlay in 3D-endoscopic surgery, Dabien Mourgues, pages 191-192, IEEE 0-7695-1371-1/01, 2001.	
		Living in a Computer Augmented Environment, Jun Rekimoto, pages 193, IEEE 0-7695-1371-1/01, 2001.	
		Augmented Reality as a New Media Experience, Blair McIntyre et al., pages 197-206, IEEE 0-7695-1371-1/01, 2001.	
		Dynamic Shader Lamps: Painting on Movable Objects: Deepak Bandyopadhyay, pages 207-216, IEEE 0-7695-1371-1/01, 2001.	
		Using a head-Mounted Projective Display in Interactive Augmented Environments, pages 217-223, IEEE 0-7695-1371-1/01, 2001.	

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EAST Search History**EAST Search History (Prior Art)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	85	(location with game) and origin and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:06
S2	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S3	2	"20040172481"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S4	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:44
S5	85	(location with game) and origin and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:03
S6	478	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:14
S7	10	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	SAME	ON	2015/09/24 11:02
S8	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:29
S9	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:39
S10	1	"20030144047"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 10:27

S11	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/03/29 21:58
S13	18	kunieda.in. and virtual and camera	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:22
S14	310	game and (virtual with camera) same boundary	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:26
S15	0	game and (virtual with camera) same boundary same (turns turnaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S16	0	game and (virtual with camera) same boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S17	0	game and (virtual with camera) and view with boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S18	500	game and (virtual with camera) and view with (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S19	0	game and (virtual with camera) and view with (turns turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S20	0	game and (virtual with camera) and view with (turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S21	12	game and (virtual with camera) and view with (turn) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S22	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2005"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S23	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2003"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29

S24	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S25	2	game and (virtual with camera) and view with (reset origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S26	0	game and (virtual with camera) same character same movement same (reset\$4 origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:31
S27	1	game and (virtual with camera) same movement same (reset\$4 origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:32

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2020/04/26 10:56
S12	0	(location game origin character grid manual input).clm.	US-PGPUB; USPAT	AND	ON	2019/09/05 13:34
S28	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2019/09/07 16:53
S29	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2019/12/19 12:20

4/26/2020 10:56:49 AM

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Sheet	1	of	5	Attorney Docket Number	JDM/005 CON6

U.S. PATENT DOCUMENTS					
Examiner initials*	Cite No. ¹	Document Number Number – Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

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

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		Information Filtering For Mobile Augmented Reality, Simon Julier et al., pages 3-11, IEEE 0-7695-0846-4/00, 2000.	
		A Wearable Augmented Reality Testbed for Navigation and Control, Built Solely with Commercial-Off-The-Shelf (COTS) Hardware, Reinhold Behringer et al., pages 12-19, IEEE 0-7695-0846-4/00, 2000.	
		Bridging Multiple User Interface Dimensions with Augmented Reality, Deiter Schmalsteig et al., pages 20 to 29, IEEE 0-7695-0846-4/00, 2000.	
		The Augmented Man, Didier Stricker et al, pages 30-36, IEEE 0-7695-0846-4/00, 2000.	
		Distributed User Tracking Concepts for Augmented Reality Applications, Gudrun Klinker, pages 20 to 29, pages 37-44, IEEE 0-7695-0846-4/00, 2000.	
		Augmented Workspace: Designing an AR testbed, ,pages 47-53, Frank Sauer et al., IEEE 0-7695-0846-4/00, 2000.	
		Development of the Varioscope AR; A See-Through HMD for Computer-Aided Strategy, Wolfgang Birkfellner, pages 54-59, IEEE 0-7695-0846-4/00, 2000.	
		An Optical See-through Display for Mutual Occlusion of Real and Virtual Environments, Kiyoshi Kiyokawa et al., pages 60-67, IEEE 0-7695-0846-4/00, 2000.	

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		Development of a Stereo Video See-through HDM for AR Systems, Akinari Takagi et al., pages 68-77, IEEE 0-7695-0846-4/00, 2000.	
		A mobile Passive Augmented Reality Device - mPARD, H. T. Regenbrecht et al, pages 81 to 84, IEEE 0-7695-0846-4/00, 2000.	
		Adapting to Dynamic Registration Errors Using Level of Error (LOE) Filtering, Blair MacIntyre et al., pages 85 to 88, IEEE 0-7695-0846-4/00, 2000.	
		Matching Buildings: Pose estimation in an urban environment, Volker Coors et al., pages 89 to 92, IEEE 0-7695-0846-4/00, 2000.	
		Augmenting Buildings with Infrared Information, Andreas Butz et al., pages 93-96, IEEE 0-7695-0846-4/00, 2000.	
		A Stereo Vision-based Augmented reality System with an Inertial Sensor, Masayuki Kanbara et al., pages 97-100, IEEE 0-7695-0846-4/00, 2000.	
		Virtual Property Lines Drawing on the Monitor for Observation of Unmanned Dam Construction Sides, Nobuyuki et al., pages 101 to 104, IEEE 0-7695-0846-4/00, 2000.	
		View-Independent Scene Acquisition for Tele-Presence, Jane Mulligan, pages 105-108, IEEE 0-7695-0846-4/00, 2000.	
		Virtual Object Manipulation on a Table-Top AR Environment, H. Kato et al., pages 111-119, IEEE 0-7695-0846-4/00, 2000.	
		Markerless Tracking using Planar Structures in the Scene, Gilles Simon et al., pages 120-128, IEEE 0-7695-0846-4/00, 2000.	
		Weakly Calibrated Video-based Augmented Reality: Embedding and Rendering through Virtual Camera, pages 129-136, IEEE 0-7695-0846-4/00, 2000.	
		Handling Occlusion in Augmented Reality Systems: A Semi-Automated Method, Vincent Lepetit, pages 137-146, IEEE 0-7695-0846-4/00, 2000.	
		Single point active alignment method (SPAAM) for optical see-through HMD calibration for HR, Mibran Thenryan et al., pages 149-158, IEEE 0-7695-0846-4/00, 2000.	
		Autocalibration of an Electronic Compass in an Outdoor Augmented Reality System, Bruce Hoff et al., pages 159-164, IEEE 0-7695-0846-4/00, 2000.	

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		Microscope Assisted Guided Interventions (MAGI) - An Application of Augmented reality in Image Guided Surgery, David Hawkes et al., page 3, IEEE 0-7695-1375-1/01, 2001.	
		Dynamic Superimposition of Synthetic Objects on Rigid and Simple-deformable Real Objects, Yann Argotti, pages 5-10, IEEE 0-7695-1375-1/01, 2001.	
		Real Time Tomographic Reflection: Phantoms for Calibration and Biopsy, George Steffen et al., pages 11-19, IEEE 0-7695-1375-1/01, 2001.	
		Current status of the Varioscope AR, a head-mounted operating microscope for computer-aided surgery, M Figl et al., pages 20-29, IEEE 0-7695-1375-1/01, 2001.	
		Augmented Reality Visualization of Ultrasound Images: System Description, Calibration, and Features, Frank Sauer et al., pages 30-39, IEEE 0-7695-1375-1/01, 2001.	
		AR Out of the Box, Ulrich Neumann, page 40, IEEE 0-7695-1375-1/01, 2001.	
		Design of a Component-Based Augmented Reality Framework, Martin Bauer et al., pages 45-54, IEEE 0-7695-1375-1/01, 2001.	
		Finger tracking for interaction in augmented environments, Klaus Dorfmueller-Ulhaas, pages 55-64, IEEE 0-7695-1375-1/01, 2001.	
		A Hybrid Registration Method for Outdoor Augmented Reality, Kiyohide Satoh et al., pages 67-76, IEEE 0-7695-1375-1/01, 2001.	
		Augmented Reality in Wide Area Sentient Environment, Joseph Newman et al., pages 77-86, IEEE 0-7695-1375-1/01, 2001.	
		Markerless Augmented Reality with a Real-time Affine Region Tracker, V. Ferrari, pages 87-96, IEEE 0-7695-1375-1/01, 2001.	
		Extendible Tracking by Line Auto-Calibration, Bolan Jiang et al., pages 97-103, IEEE 0-7695-1375-1/01, 2001.	
		Inertial proprioceptive devices: self-motion-sensing toys and tools - MIT Media Lab, Christopher Verplasetse, http://www.finaricles.com/p/articles/mi_m0ISI/is_n-3-4_v35/ni_18891269/print , 09/05/2004.	

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Substitute for form 1449A/PTO SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if known	
				Application Number	11/841,889
				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	4	of	5	Attorney Docket Number	JDM/005 CON6

NON PATENT 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	T ²
		The Role of Internal Models in Motion Planning and Control: Evidence from Grip Force Adjustments during Movements of Hnad-Held Loads, J. Randall Flanagan et al., The Journal of Neurosciences, February 15, 1997, 17(4):1519-1528	
		Presettable Micromachined MEMS Accelerometers, Scott Valoff et al., University of California	
		MEMS Sensors in Virtual Reality, Harvey Weinberg et. al., August 2002,	
		Inertial Navigation - Forty Years of Evolution, A. D. King et. al, GEC Review Vol 13, No. 3, 1998	
		A Tri-Axial Accelerometer Interface For The Transmission of Impact Measurements, Heather Marandola et al. Sunfest, 2000.	
		Distributed Low-latency Rendering for Mobile AR, W. Pasma et al., pages 107-113, IEEE 0-7695-1371-1/01, 2001.	
		Mobile Collaborative Augmented Reality, Gerhard Reitmayr et al., pages 114-123, IEEE 0-7695-1371-1/01, 2001.	
		Augmented maintenance of powerplants: A prototyping case study of a mobile AR system, Gudrun Klinkar, pages 124-133, IEEE 0-7695-1371-1/01, 2001.	
		Dynamic Virtual Convergence for Video See-through Head-mounted Displays: Maintaining Maximum Stereo Overlap throughout a Close-range Work Space, Andrei State et al, pages 137-146, IEEE 0-7695-1371-1/01, 2001.	
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		A New System for Online Quantitative Evaluation of Optical See-Through Augmentation, Erin McGarrity, pages 157-166, IEEE 0-7695-1371-1/01, 2001.	
		MR2 (MR Square): A mixed-Reality Meeting Room, Kiyoshi Kiyokawa et al., pages 169-170, IEEE 0-7695-1371-1/01, 2001.	
		Testing Information Delivery Methods Using Augmented Reality, Dr. Paul Jackson, pages 171-172, IEEE 0-7695-1371-1/01, 2001.	

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.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 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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Sheet	5	of	5	Attorney Docket Number	JDM/005 CON6

NON PATENT 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	T ²
		A Quick Method for Synthesizing Photorealistic Color Images under Various Illumination Conditions, Li Shen et al., pages 173-174, IEEE 0-7695-1371-1/01, 2001.	
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		Augmented Reality (AR) for Assembly Processes - An Experimental Evaluation, S. Wiedenmaier, pages 185-186, IEEE 0-7695-1371-1/01, 2001.	
		Illuminating the Mixed Reality Stage; Applying Complex Lighting Conditions to AR, Michael Wittkamper et al., pages 187-188, IEEE 0-7695-1371-1/01, 2001.	
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		Living in a Computer Augmented Environment, Jun Rekimoto, pages 193, IEEE 0-7695-1371-1/01, 2001.	
		Augmented Reality as a New Media Experience, Blair McIntyre et al., pages 197-206, IEEE 0-7695-1371-1/01, 2001.	
		Dynamic Shader Lamps: Painting on Movable Objects: Deepak Bandyopadhyay, pages 207-216, IEEE 0-7695-1371-1/01, 2001.	
		Using a head-Mounted Projective Display in Interactive Augmented Environments, pages 217-223, IEEE 0-7695-1371-1/01, 2001.	

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 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

Applicant : Jeffrey D. Mullen
Application No. : 11/841,889
Confirmation No. : 2611
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATION BASED GAMES AND
EMPLOYMENT OF THE SAME ON
LOCATION ENABLED DEVICES
Group Art Unit : 3715
Examiner : Paul Anthony D'Agostino

Hon. Commissioner for Patents
P.O. Box 1450 Pittsburgh, PA 15116
Alexandria, VA 22313-1450 April 13, 2020

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

A Request for Continued Examination is applicable hereto and being submitted herewith. In accordance with 37 C.F.R. §§ 1.56 and 1.97, applicant wishes to call the attention of the Examiner to the following documents:

Non-Patent Documents

Information Filtering For Mobile Augmented Reality, Simon Julier et al., pages 3-11, IEEE 0-7695-0846-4/00, 2000.

A Wearable Augmented Reality Testbed for Navigation and Control, Built Solely with Commercial-Off-The-Shelf (COTS) Hardware, Reinhold Behringer et al., pages 12-

19, IEEE 0-7695-0846-4/00, 2000.

Bridging Multiple User Interface Dimensions with Augmented Reality, Deiter Schmalsteig et al., pages 20 to 29, IEEE 0-7695-0846-4/00, 2000.

The Augmented Man, Didier Stricker et al, pages 30-36, IEEE 0-7695-0846-4/00, 2000.

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Augmented Workspace: Designing an AR testbed, ,pages 47-53, Frank Sauer et al., IEEE 0-7695-0846-4/00, 2000.

Development of the Varioscope AR; A See-Through HMD for Computer-Aided Surgery, Wolfgang Birkfellner, pages 54-59, IEEE 0-7695-0846-4/00, 2000.

An Optical See-through Display for Mutual Occlusion of Real and Virtual Environments, Kiyoshi Kiyokawa et al., pages 60-67, IEEE 0-7695-0846-4/00, 2000.

Development of a Stereo Video See-through HMD for AR Systems, Akinari Takagi et al., pages 68-77, IEEE 0-7695-0846-4/00, 2000.

A mobile Passive Augmented Reality Device - mPARD, H. T. Regenbrecht et al, pages 81 to 84, IEEE 0-7695-0846-4/00, 2000.

Adapting to Dynamic Registration Errors Using Level of Error (LOE) Filtering, Blair MacIntyre et al., pages 85 to 88, IEEE 0-7695-0846-4/00, 2000.

Matching Buildings: Pose estimation in an urban environment, Volker Coors et al., pages 89 to 92, IEEE 0-7695-0846-4/00, 2000.

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Virtual Property Lines Drawing on the Monitor for Observation of Unmanned Dam Construction Sites, Nobuyuki et al., pages 101 to 104, IEEE 0-7695-0846-4/00, 2000.

View-Independent Scene Acquisition for Tele-Presence, Jane Mulligan, pages 105-108, IEEE 0-7695-0846-4/00, 2000.

Virtual Object Manipulation on a Table-Top AR Environment, H. Kato et al., pages 111-119, IEEE 0-7695-0846-4/00, 2000.

Markerless Tracking using Planar Structures in the Scene, Gilles Simon et al., pages 120-128, IEEE 0-7695-0846-4/00, 2000.

Weakly Calibrated Video-based Augmented Reality: Embedding and Rendering through Virtual Camera, pages 129-136, IEEE 0-7695-0846-4/00, 2000.

Handling Occlusion in Augmented Reality Systems: A Semi-Automated Method, Vincent Lepetit, pages 137-146, IEEE 0-7695-0846-4/00, 2000.

Single point active alignment method (SPAAM) for optical see-through HMD calibration for HR, Mibran Thenryan et al., pages 149-158, IEEE 0-7695-0846-4/00, 2000.

Autocalibration of an Electronic Compass in an Outdoor Augmented Reality System, Bruce Hoff et al., pages 159-164, IEEE 0-7695-0846-4/00, 2000.

Optical See-Through HMD Calibration: A Stereo Method Validated with a Video See-Through System, Yakup Gene et al., pages 165-174, IEEE 0-7695-0846-4/00, 2000.

Microscope Assisted Guided Interventions (MAGI) - An Application of Augmented reality in Image Guided Surgery, David Hawkes et al., page 3, IEEE 0-7695-1375-1/01, 2001.

Dynamic Superimposition of Synthetic Objects on Rigid and Simple-deformable Real Objects, Yann Argotti, pages 5-10, IEEE 0-7695-1375-1/01, 2001.

Real Time Tomographic Reflection: Phantoms for Calibration and Biopsy, George Steffen et al., pages 11-19, IEEE 0-7695-1375-1/01, 2001.

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AR Out of the Box, Ulrich Neumann, page 40, IEEE 0-7695-1375-1/01, 2001.

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A Hybrid Registration Method for Outdoor Augmented Reality, Kiyohide Satoh et al., pages 67-76, IEEE 0-7695-1375-1/01, 2001.

Augmented Reality in Wide Area Sensitive Environment, Joseph Newman et al., pages 77-86, IEEE 0-7695-1375-1/01, 2001.

Markerless Augmented Reality with a Real-time Affine Region Tracker, V. Ferrari, pages 87-96, IEEE 0-7695-1375-1/01, 2001.

Extendible Tracking by Line Auto-Calibration, Bolan Jiang et al., pages 97-103, IEEE 0-7695-1375-1/01, 2001.

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The Role of Internal Models in Motion Planning and Control: Evidence from Grip Force Adjustments during Movements of Hand-Held Loads, J. Randall Flanagan et al., The Journal of Neuroscience, February 15, 1997, 17(4):1519-1528

Programmable Micromachined MEMS Accelerometers, Scott Valoff et al., University of California

MEMS Sensors in Virtual Reality, Harvey Weinberg et al., August 2002,

Inertial Navigation - Forty Years of Evolution, A. D. King et al., GEC Review Vol 13, No. 3, 1998

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Dynamic Virtual Convergence for Video See-through Head-mounted Displays: Maintaining Maximum Stereo Overlap throughout a Close-range Work Space, Andrei State et al, pages 137-146, IEEE 0-7695-1371-1/01, 2001.

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3D reconstruction of the operating field for image overlay in 3D-endoscopic surgery, Dabien Mourgues, pages 191-192, IEEE 0-7695-1371-1/01, 2001.

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Using a head-Mounted Projective Display in Interactive Augmented Environments, pages 217-223, IEEE 0-7695-1371-1/01, 2001.

It is respectfully requested that these documents be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application. Applicant requests that a copy of Form PTO/SB/08A, as considered and initialed by the Examiner, be returned with the next communication.

Documents above marked with a (1) were cited in Application No. No. 10/932,536. Applicant respectfully

requests the Examiner review the prosecution history of Application No. 10/932,536, including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (2) were cited in Application No. 11/486,756. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (3) were cited in Application No. 11/461,761. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (4) were cited in Application No. 11/461,827. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (5) were cited in Application No. 11/775,227. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (6) were cited in Application No. 11/778,047. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (8) were cited in Application No. 11/842,019. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Applicant hereby submits that not all of the patent documents and non-patent literature submitted herein may be, in fact, prior art to the present application. Applicant reserves the right to dispute whether references, or subject matter within references, are prior art to the present application (e.g., continuation-in-part subject matter filed after the filing date of the present application).

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. A favorable action is respectfully requested.

This Statement is being submitted with a Request for Continued Examination.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	950	950
Total in USD (\$)				950

Electronic Acknowledgement Receipt	
EFS ID:	39142440
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	13-APR-2020
Filing Date:	20-AUG-2007
Time Stamp:	16:03:32
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$950
RAM confirmation Number	E20204CG04046118
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees) 37 CFR 1.20 (Post Issuance fees) 37 CFR 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-005CON6--RCE.pdf	697803	no	3
			d176fce9440e8a37aee0c7365ee26b0f89d91cc8		
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	JDM-005CON6--PTOSB08A.pdf	224224	no	5
			802a444ac303857c8740617482ad77ee1840b3fe		
Warnings:					
Information:					
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3	Transmittal Letter	JDM-005CON6-IDS.pdf	87657	no	9
			57fb37e0fac83350c3a7c75ca139151d2acadb		
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Information:					
4	Non Patent Literature	JDM-005--References1.pdf	1434900	no	14
			953af48d5b52eceb4f5fc25ec749ec5d1c3a9f05		
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Information:					
5	Non Patent Literature	JDM-005--References2.pdf	483476	no	10
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Information:					
6	Non Patent Literature	JDM-005--References3.pdf	300516	no	12
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Information:					
8	Non Patent Literature	JDM-005--References5.pdf	163349	no	13
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Warnings:					
Information:					
9	Non Patent Literature	JDM-005--References6-1.pdf	105069	no	1
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10	Non Patent Literature	JDM-005--References6-2.pdf	5223309	no	36
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Information:					
12	Non Patent Literature	JDM-005--References6-4.pdf	6036332	no	37
			ce10b6c121b24a4f92dae50fcb7ec5498c9aefe3		
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13	Non Patent Literature	JDM-005--References7-1.pdf	5994986	no	42
			27236f3fcb516d496b48c9cad5755eaa9f42802e		
Warnings:					
The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
Information:					
14	Non Patent Literature	JDM-005--References7-2.pdf	8653315	no	59
			5aeecl937b71e161dc63be241b62272568ffc8e0e		
Warnings:					
The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
Information:					
15	Non Patent Literature	JDM-005--References7-3.pdf	6095337	no	36
			8ca255a6f9644d74a4c270a6dec9ec71c76b1efd		
Warnings:					
The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
Information:					
16	Non Patent Literature	JDM-005--References7-4.pdf	2666086	no	26
			f9987f78e6314aed9a9c8e6674274ffcfe91d8c2		
Warnings:					
The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
Information:					
17	Non Patent Literature	JDM-005--References8-1.pdf	4820614	no	27
			b957d5cb743bea27371ecee89da7692f28f65f28c		
Warnings:					
Information:					
18	Non Patent Literature	JDM-005--References8-2.pdf	5288871	no	30
			08644d548010c3f1266ec85c6e3829700b810320		
Warnings:					
Information:					

19	Non Patent Literature	JDM-005--References8-3.pdf	4730208 dffe7e19e3067a7ae0d8c056b5fc3686b0d9f36c	no	25
Warnings:					
Information:					
20	Non Patent Literature	JDM-005--References8-4.pdf	6041815 f4493da21e96090b27fc096f7064ec03abb4b6cc	no	27
Warnings:					
Information:					
21	Fee Worksheet (SB06)	fee-info.pdf	30562 58795475b91eaf463cf444c73188012178172952	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				61759194	
<p>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.</p> <p><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.</p> <p><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.</p> <p><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.</p>					

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11841889	Filing Date	2020-08-20	Docket Number (if applicable)	JDM/005 CON6	Art Unit	3715
First Named Inventor	Jeffrey D. Mullen			Examiner Name	PAUL D'AGOSTINO		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____
- ☒ Enclosed
- ☐ Amendment/Reply
- ☒ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

- ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- ☐ Other _____

FEES

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
- ☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

- Patent Practitioner Signature
- ☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

Applicant Signature			
Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2020-04-13
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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 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.



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

32733 7590 01/13/2020
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER

D'AGOSTINO, PAUL ANTHONY

ART UNIT PAPER NUMBER

3715

DATE MAILED: 01/13/2020

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611

TITLE OF INVENTION: SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	04/13/2020

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

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

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

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

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

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

32733 7590 01/13/2020
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

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

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being 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.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611

TITLE OF INVENTION: SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	04/13/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
D'AGOSTINO, PAUL ANTHONY	3715	463-001000

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

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 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 _____
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.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733	7590	01/13/2020	EXAMINER	
JEFFREY D. MULLEN			D'AGOSTINO, PAUL ANTHONY	
2212 Hassinger Lane			ART UNIT	
Glenshaw, PA 15116			PAPER NUMBER	
			3715	
DATE MAILED: 01/13/2020				

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.

Supplemental Notice of Allowability	Application No. 11/841,889 Examiner PAUL A D'AGOSTINO	Applicant(s) Mullen, Jeffrey D. Art Unit 3715 AIA (FITF) Status No
--	--	--

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

1. ☒ This communication is responsive to 12/10/2019.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3. ☒ The allowed claim(s) is/are 19-20 and 22-24. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

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

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

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

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

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____. 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.	5. ☐ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
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/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	
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Search Notes 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

CPC - Searched*		
Symbol	Date	Examiner
A63F13/10	8/21/2014	PD

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
463	31,40,42	9/6/2013	AK

* 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
EAST Text search of PG PUB, US PAT, USOCR, EPO, JPO, DERWENT. See attached search results.	9/6/2013	AK
update search see history	8/21/2014	PD
see history	3/7/2015	PD

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	see east search history	09/07/2019	pd
	see east search history	12/19/2019	pd

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Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

CPC						
Symbol				Type	Version	
A63F	/	13	/	65	F	2014-09-02
A63F	/	13	/	216	I	2014-09-02
A63F	/	13	/	79	I	2014-09-02
A63F	/	13	/	332	I	2014-09-02
A63F	/	13	/	42	I	2014-09-02
A63F	/	2300	/	204	A	2013-01-01
A63F	/	2300	/	205	A	2013-01-01
A63F	/	2300	/	406	A	2013-01-01
A63F	/	2300	/	408	A	2013-01-01
A63F	/	2300	/	5573	A	2013-01-01
A63F	/	2300	/	8082	A	2013-01-01

CPC Combination Sets					
Symbol				Type	Version
/	/	/	/		

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	5	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	19 December 2019	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20191219

Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

INTERNATIONAL CLASSIFICATION			
CLAIMED			
A63F		13	00

NON-CLAIMED			

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

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

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	5	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	19 December 2019	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20191219

<i>Issue Classification</i> 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

☒ 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

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	5	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	19 December 2019	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20191219

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if known	
				Application Number	11/841,889
Filing Date	August 20, 2007				
First Named Inventor	Jeffrey D. Mullen				
Art Unit	3715				
Examiner Name	Anthony D'Agostino				
Attorney Docket Number	JDM/005CON6				
Sheet	1	of	4		

U.S. PATENT DOCUMENTS					
Examiner initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)			
		5,139,261	08/1992	Openiano	
		5,320,538	06/1994	Baum	
		5,523,890	06/1996	Reaney	
		5,724,660	03/1998	Kauser et al.	
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		5,802,274	09/1998	Dorak et al.	
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		6,345,929	02/2002	Fukushima	
		6,378,390	04/2002	Saito	
		6,437,794	08/2002	Ohshima	

Examiner Signature	/ PAUL A D'AGOSTINO/	Date Considered	12/19/2019
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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.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 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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Substitute for form 1449A/PTO				Complete if known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	11/841,889
				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
(use as many sheets as necessary)				Attorney Docket Number	JDM/005CON6
Sheet	2	of	4		

		6,520,853	02/2003	Suzuki	
		6,522,312	02/2003	Ohshima et al.	
		6,527,641	03/2003	Sinclair et al.	
		6,541,482	08/2002	Masuyama	
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		6,972,734	12/2005	Ohshima et al.	
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		2001/0054019	12/2001	de Fabrega	
		2001/0006908	07/2001	Fujioka et al.	

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	11/841,889
				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	3	of	4	Attorney Docket Number	JDM/005CON6

		2002/0052933	05/2002	Leonhard et al.	
		2002/0061741	05/2002	Leung et al.	
		2002/0063655	05/2002	Aoyama	
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Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	11/841,889
				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	4	of	4	Attorney Docket Number	JDM/005CON6

		2004/0189675	09/2004	Pretlove	
		2004/0224740	11/2004	Ball et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner initials*	Cite No. ¹	Foreign Patent Document Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		WO02073287A2	09/1992	Yonezawa et al.		

NON PATENT 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	T ²
		"Antti Kotanen, Marko Hannikainen, Helena Leppakoski, Timo D. Hamalainen "Experimnets with Bluetooth" Proeedings of the International Conferene on Information Technology: Computers and Communications (ITCC '03) April, 2003.	
		"First Person Indoor/outdoor Augmented Reality Application: ARQuake", written by Thomas et al, and published February 2002	
		Mortal Kombat instruction booklet for Super Nintendo, 1992, Licensed from Midway.	
		Mortak Kombat 4 (released October 15, 1997). Published by Midway Games < http://en.wikipedia.org/w/index.php?title=Mortal_Kombat_4&printable=yes >	
		Youtube.com Screenshot of Super Dodge Ball Walkthrough with Commentary (Part 1 of 2). Accessed: December 14, 2010. http://www.youtube.com/watch?E1LUWmr64JA	

Examiner Signature		Date Considered	
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				Filing Date	August 20, 2007
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				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	5	of	4	Attorney Docket Number	JDM/005CON6

NON PATENT 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	T ²
		GameFAQs: Super Dodge Ball (NES) FAG/Walkthrough by TOKADasrik. Accessed: December 14, 2010. http://www.gamefaqs.com/nes/587662-super-dodge-ball/faqs/34823	
		Halo: Combat Evolved, Wikipedia description, http://en.wikipedia.org/wiki/Halo_%28game%29	
		Quake Game Manual, Release circa 1996	
		"Description of Journey Geolocation Game" published November 4, 2004 accessible via URL https://web.archive.org/web/20041102005616/http://journey.mop/us.com/ , 1 page	
		Wikipedia, N-Gage (device), 7 October 2003, https://en.wikipedia.org/wiki/N-Gage_device	
		IGN, Call of Duty, 27 September, 2004, http://www.ign.com/articles/2004/09/28/call-of-duty-6	
		Nokia, "Let the sales begin! Nokia N-Gage™ game deck sales to start," October 6, 2003, https://www.web.archive.org/web/20081210124611/http://www.nokia.com/A4136002?newsid=919619	

Examiner Signature	/PAUL A D'AGOSTINO/	Date Considered	12/19/2019
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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	85	(location with game) and origin and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:06
S2	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S3	2	"20040172481"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S4	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:44
S5	85	(location with game) and origin and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:03
S6	478	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:14
S7	10	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	SAME	ON	2015/09/24 11:02
S8	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:29
S9	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:39
S10	1	"20030144047"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 10:27
S11	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/03/29 21:58
S13	18	kunieda.in. and virtual and camera	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:22
S14	310	game and (virtual with camera) same boundary	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:26
S15	0	game and (virtual with camera) same boundary same (turns turnaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S16	0	game and (virtual with camera) same boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
S17	0	game and (virtual with camera) and view with boundary same (turns	US-PGPUB; USPAT; USOCR;	OR	OFF	2019/09/07 16:27

EAST Search History

		turnsaround)	FPRS; EPO; JPO			
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S19	0	game and (virtual with camera) and view with (turns turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S20	0	game and (virtual with camera) and view with (turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S21	12	game and (virtual with camera) and view with (turn) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S22	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py< "2005"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
S23	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py< "2003"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S24	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py< "2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S25	2	game and (virtual with camera) and view with (reset origin) and @py< "2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
S26	0	game and (virtual with camera) same character same movement same (reset\$4 origin) and @py< "2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:31
S27	1	game and (virtual with camera) same movement same (reset\$4 origin) and @py< "2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:32

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2019/12/19 12:20
S12	0	(location game origin character grid manual input).clm.	US-PGPUB; USPAT	AND	ON	2019/09/05 13:34
S28	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2019/09/07 16:53

12/ 19/ 2019 12:22:25 PM

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if known	
				Application Number	11/841,889
				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	1	of	4	Attorney Docket Number	JDM/005CON6

U.S. PATENT DOCUMENTS					
Examiner initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)			
		5,139,261	08/1992	Openiano	
		5,320,538	06/1994	Baum	
		5,523,890	06/1996	Reaney	
		5,724,660	03/1998	Kauser et al.	
		5,741,182	04/1998	Lipps et al.	
		5,790,085	08/1998	Hergesheimer	
		5,802,274	09/1998	Dorak et al.	
		5,846,134	12/1998	Latypov	
		5,902,343	05/1999	Hale et al.	
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		6,337,688	01/2002	Berstis	
		6,345,929	02/2002	Fukushima	
		6,378,390	04/2002	Saito	
		6,437,794	08/2002	Ohshima	

Examiner Signature		Date Considered	
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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				Art Unit	3715
				Examiner Name	Anthony D'Agostino
				Attorney Docket Number	JDM/005CON6
Sheet	2	of	4		

		6,520,853	02/2003	Suzuki	
		6,522,312	02/2003	Ohshima et al.	
		6,527,641	03/2003	Sinclair et al.	
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		6,545,661	04/2003	Goschy et al.	
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		6,633,304	10/2003	Anabuki	
		6,663,105	12/2003	Sullivan et al.	
		6,690,947	02/2004	Tom	
		6,735,435	05/2004	Newell et al.	
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		6,853,935	02/2005	Satch et al.	
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		6,951,515	10/2005	Ohshima et al.	
		6,961,055	11/2005	Doak	
		6,972,734	12/2005	Ohshima et al.	
		7,038,699	05/2006	Sato et al.	
		7,050,078	05/2006	Dempski	
		7,056,216	08/2006	Ohshima et al.	
		7,084,887	08/2006	Sato et al.	
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		2001/0054019	12/2001	de Fabrega	
		2001/0006908	07/2001	Fujioka et al.	

Examiner Signature		Date Considered	
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				Filing Date	August 20, 2007
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	3715
				Examiner Name	Anthony D'Agostino
Sheet	3	of	4	Attorney Docket Number	JDM/005CON6

		2002/0052933	05/2002	Leonhard et al.	
		2002/0061741	05/2002	Leung et al.	
		2002/0063655	05/2002	Aoyama	
		2002/0082068	06/2002	Singhai	
		2002/0082082	06/2002	Stamper	
		2002/0086732	07/2002	Kirmse et al	
		2002/0090985	07/2002	Tochner et al	
		2002/0101568	08/2002	Eberl	
		2002/0102992	08/2002	Koorapaty	
		2002/0128063	09/2002	Kunieda et al	
		2002/0190861	12/2002	Wentworth	
		2002/0131404	09/2002	Mehta et al	
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		2003/0171147	09/2003	Sinclair et al.	
		2003/0032484	02/2003	Ohshima	
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		2004/0058732	03/2004	Plocionelli	
		2004/0128250	07/2004	Fox	
		2004/0164897	08/2004	Treadwell et al.	

Examiner Signature		Date Considered	
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				Application Number	11/841,889	
Sheet		4	of	4	Filing Date	August 20, 2007
					First Named Inventor	Jeffrey D. Mullen
					Art Unit	3715
					Examiner Name	Anthony D'Agostino
					Attorney Docket Number	JDM/005CON6

		2004/0189675	09/2004	Pretlove	
		2004/0224740	11/2004	Ball et al.	
		2004/0248653	12/2004	Barros et al.	
		2005/0009608	01/2005	Roberts et al.	
		2005/0048987	03/2005	Glass	
		2006/0154710	07/2006	Serafat	
		2008/0253315	10/2008	Bodlaender	

FOREIGN PATENT DOCUMENTS						
Examiner initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO02073287A2	09/1992	Yonezawa et al.		

NON PATENT 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	T ²
		"Antti Kotanen, Marko Hannikainen, Helena Leppakoski, Timo D. Hamalainen "Experimnets with Bluetooth" Proeedings of the International Conferene on Information Technology: Computers and Communications (ITCC '03) April, 2003.	
		"First Person Indoor/outdoor Augmented Reality Application: ARQuake", written by Thomas et al, and published February 2002	
		Mortal Kombat instruction booklet for Super Nintendo, 1992, Licensed from Midway.	
		Mortak Kombat 4 (released October 15, 1997). Published by Midway Games < http://en.wikipedia.org/w/index.php?title=Mortal_Kombat_4&printable=yes >	
		Youtube.com Screenshot of Super Dodge Ball Walkthrough with Commentary (Part 1 of 2). Accessed: December 14, 2010. http://www.youtube.com/watch?E1LUWmr64JA	

Examiner Signature		Date Considered	
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Sheet	5	of	4		

NON PATENT 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	T ²
		GameFAQs: Super Dodge Ball (NES) FAG/Walkthrough by TOKADasrik. Accessed: December 14, 2010. http://www.gamefaqs.com/nes/587662-super-dodge-ball/faqs/34823	
		Halo: Combat Evolved, Wikipedia description, http://en.wikipedia.org/wiki/Halo_%28game%29	
		Quake Game Manual, Release circa 1996	
		"Description of Journey Geolocation Game" published November 4, 2004 accessible via URL https://web.archive.org/web/20041102005616/http://journey.mop/us.com/ , 1 page	
		Wikipedia, N-Gage (device), 7 October 2003, https://en.wikipedia.org/wiki/N-Gage_device	
		IGN, Call of Duty, 27 September, 2004, http://www.ign.com/articles/2004/09/28/call-of-duty-6	
		Nokia, "Let the sales begin! Nokia N-Gage™ game deck sales to start," October 6, 2003, https://www.web.archive.org/web/20081210124611/http://www.nokia.com/A4136002?newsid=919619	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
 Application No. : 11/841,889
 Confirmation No. : 2611
 Filed : August 20, 2007
 For : SYSTEMS AND METHODS FOR
 LOCATING CELLULAR PHONES AND
 SECURITY MEASURES FOR THE SAME
 Group Art Unit : 3715
 Examiner : Anthony D'Agostino

Hon. Commissioner for Patents
 P.O. Box 1450 Pittsburgh, PA 15116
 Alexandria, VA 22313-1450 December 10, 2019

INFORMATION DISCLOSURE STATEMENT

Sir:

A Request for Continued Examination is applicable
 hereto and being submitted herewith. In accordance with 37
 C.F.R. §§ 1.56 and 1.97, applicant wishes to call the
 attention of the Examiner to the following documents:

Patent Documents

5,139,261	08/1992	Openiano	(4)
5,320,538	06/1994	Baum	(4)
5,523,890	06/1996	Reaney	(1)
5,724,660	03/1998	Kauser et al.	(1)
5,741,182	04/1998	Lipps et al.	(4)

5,790,085	08/1998	Hergesheimer	(4)
5,802,274	09/1998	Dorak et al.	(5)
5,846,134	12/1998	Latypov	(4)
5,902,343	05/1999	Hale et al.	(1)
5,913,727	06/1999	Ahdoot	(1)
5,999,808	12/2999	LaDue	(4)
6,080,063	06/2000	Khosla	(1)
6,011,653	01/2000	Karasawa	(1)
6,015,344	01/2000	Kelly et al.	(5)
6,028,593	02/2000	Rosenberg et al.	(8)
6,106,397	08/2000	Phillips	(2)
6,106,399	08/2000	Baker et al.	(6)
6,124,825	09/2000	Eschenbach	(2)
6,287,200	09/2001	Sharma	(1)
6,337,688	01/2002	Berstis	(1)
6,346,929	02/2002	Fukushima	(4)
6,378,390	04/2002	Saito	(2)
6,520,853	02/2003	Suzuki	(3)
6,522,312	02/2003	Ohshima et al.	(2)
6,527,641	03/2003	Sinclair et al.	(7)
6,545,661	04/2003	Goschy et al.	(8)
6,625,299	09/2003	Meisner et al.	(2)
6,633,267	10/2003	Numa	(1)
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6,437,794	08/2002	Ohshima	(4)
6,541,482	11/2003	Masuyama	(3)
6,663,105	12/2003	Sullivan et al.	(5)
6,690,947	02/2004	Tom	(1)
6,735,435	05/2004	Newell et al.	(1)
6,850,844	02/2005	Walters et al.	(3)
6,853,935	02/2005	Satch et al.	(2)

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6,951,515	10/2005	Ohshima et al.	(2)
6,961,055	11/2005	Doak	(3)
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7,056,216	08/2006	Ohshima et al.	(2)
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7,657,910	02/2010	McAulay et al	(5)
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2002/0102992	08/2002	Koorapaty	(6)
2002/0128063	09/2002	Kunieda et al	(7)
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2004/0053690	03/2004	Fogel et al.	(2)
2004/0058732	03/2004	Plocionelli	(5)
2004/0128250	07/2004	Fox	(5)
2004/0164897	08/2004	Treadwell et al.	(5)
2004/0189675	09/2004	Pretlove	(4)
2004/0224740	11/2004	Ball et al.	(6)
2004/0248653	12/2004	Barros et al.	(1)
2005/0009608	01/2005	Roberts et al.	(1)
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2008/0253315	10/2008	Bodlaender	(4)

Foreign Patent Documents

WO02073287A2	09/1992	Japan	Yonezawa et al.	(2)
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Non-Patent Documents

"Antti Kotanen, Marko Hannikainen, Helena Leppakoski, Timo D. Hamalainen "Experimnets with Bluetooth" Proeedings of the International Conferene on Information Technology: Computers and Communications (ITCC '03) April, 2003.	(1)
"First Person Indoor/outdoor Augmented Reality Application: ARQuake", written by Thomas et al, and published February 2002	(2)
Mortal Kombat instruction booklet for Super Nintendo, 1992, Licensed from Midway.	(1)
Mortak Kombat 4 (released October 15, 1997). Published by Midway Games	(1)

<http://en.wikipedia.org/w/index.php?title=Mortal_Kombat_4&printable=yes>

Youtube.com Screenshot of Super Dodge Ball Walkthrough with Commentary (Part 1 of 2). Accessed: December 14, 2010. <http://www.youtube.com/watch?ElLUWmr64JA> (1)

GameFAQs: Super Dodge Ball (NES) FAG/Walkthrough by TOKADasrik. Accessed: December 14, 2010. <http://www.gamefaqs.com/nes/587662-super-dodge-ball/faqs/34823> (1)

Halo: Combat Evolved, Wikipedia description, http://en.wikipedia.org/wiki/Halo_%28game%29 (2)

Quake Game Manual, Release circa 1996 (2)

"Description of Journey Geolocation Game" published November 4, 2004 accessible via URL <https://web.archive.org/web/20041102005616/http://journey.mop/us.com/>, 1 page (6)

Pikmin, December 2, 2001, Nintendo, instruction manual (8)

Wikipedia, Super Dodge Ball - Wikipedia, the free encyclopedia. Accessed December 14, 2010. http://en.wikipedia.org/wiki/Super_Dodge_Ball (8)

Wikipedia, N-Gage (device), 7 October 2003, https://en.wikipedia.org-wiki/N-Gage_device (3)

IGN, Call of Duty, 27 September, 2004, <http://www.ign.com/articles/2004/09/28/call-of-duty-6> (3)

Nokia, "Let the sales begin! Nokia N-Gage™ game deck sales to start," October 6, 2003, <https://www.web.archive.org/web/20081210124611/http://www.nokia.com/A4136002?newsid=919619> (3)

It is respectfully requested that these documents be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application. Applicant

requests that a copy of Form PTO/SB/08A, as considered and initialed by the Examiner, be returned with the next communication.

Documents above marked with a (1) were cited in Application No. 10/932,536. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (2) were cited in Application No. 11/486,756. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (3) were cited in Application No. 11/461,761. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (4) were cited in Application No. 11/461,827. Applicant respectfully requests

the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (5) were cited in Application No. 11/775,227. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (6) were cited in Application No. 11/778,047. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (7) were cited in Application No. 11/841,889. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (8) were cited in Application No. 11/842,019. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Applicant hereby submits that not all of the patent documents and non-patent literature submitted herein may be, in fact, prior art to the present application. Applicant reserves the right to dispute whether references, or subject matter within references, are prior art to the present application (e.g., continuation-in-part subject matter filed after the filing date of the present application).

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. A favorable action is respectfully requested.

This Statement is being submitted with a Request for Continued Examination.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

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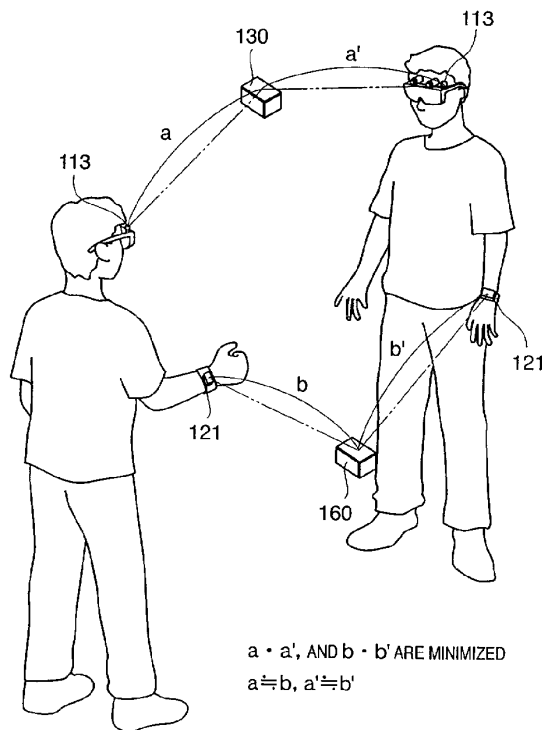
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(54) Title: MIXED REALITY SYSTEM WHICH REDUCES MEASUREMENT ERRORS OF VIEWPOINT POSITION AND DIRECTION OF OBSERVER



(57) Abstract: ABSTRACT A mixed reality system which reduces positional shifts between a real space picture and a virtual space picture with an inexpensive arrangement is disclosed. The mixed reality system according to this invention detects the viewpoint position and direction of an observer and the position and direction of another region of the observer by using reception results on signals output from a transmitter. In this mixed reality system, the transmitter is positioned such that the distance between the transmitter and a receiver used for the measurement of the viewpoint position and direction of the observer becomes shorter than the distance between the transmitter and a receiver used for the measurement of the position and direction of another region of the observer. This makes it possible to reduce measurement errors of the line-of-sight position and direction which are more dominant over positional shifts.

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DESCRIPTION

MIXED REALITY SYSTEM WHICH REDUCES
MEASUREMENT ERRORS OF VIEWPOINT POSITION AND
DIRECTION OF OBSERVER

5

TECHNICAL FIELD

The present invention relates to an augmented or
mixed reality system which creates and displays a mixed
reality space picture by combining a real space picture
10 received from a video camera or the like and a virtual space
picture created by CG or the like, and a head mounted display
apparatus which can be used for the mixed reality system.

The present invention also relates to a method of
determining the position of a transmitter used to measure
15 the position and direction of a predetermined region of an
observer in the above mixed reality system.

BACKGROUND ART

In a mixed reality system, to merge a real space with
20 a virtual space, the 3D coordinates and direction of a real
space object by using some means. As methods of acquiring
these pieces of information, for example, the following
method are realized: a method using a position/direction
measurement apparatus typified by FASTRAK (trademark)
25 available from Polhemus Inc. in the US, a method of
combining information obtained by image processing of a
real space picture based on known camera parameters with

information obtained by a gyro, and a method of measuring the position and direction of a real space object by using a special multi-eye camera.

Apparatuses used in these methods are expensive, and besides, have measurement errors. To reduce such measurement errors, a measurement apparatus which is more expensive rather than cost-effective is required, which is one of the factors that hinder a reduction in the cost of a mixed reality system.

Fig. 22 shows an example of how a conventional position/direction measurement apparatus typified by FASTRAK available from Polhemus Inc. in the US.

Referring to Fig. 22, reference numerals 300a and 300b denote observers; 301, an HMD (Head Mounted Display) used by an observer to observe a mixed real space; 302, a position/direction measurement receiver mounted on the HMD 301; and 304, a position/direction measurement transmitter hidden by a wall. The observers 300a and 300b stand to face each other in a set 310. Each observer can freely determine a viewpoint position and line-of-sight direction within a movable area 311.

Reference numeral 312 denotes a mixed real space picture observable area. When the observer 300a or 300b sees this mixed real space picture observable area 312, he/she can observe, through the HMD 301, a mixed real space picture obtained by merging a CG picture as a virtual space picture with a real space picture. When the observer does

not see the mixed real space picture observable area 312, only a real space picture is displayed on the HMD 301. A virtual space picture is displayed at a position determined on the basis of the viewpoint position and line-of-sight direction of the observer. It is therefore important to reduce measurement errors of the viewpoint position and line-of-sight direction when the observer sees the mixed real space picture observable area 312.

As shown in Fig. 22, if, however, the receiver 302 is fixed to the left side of the HMD 301 to measure the viewpoint position and line-of-sight direction of an observer, the distance between the receiver 302 and the transmitter 304 becomes long. This may result in an increase in measurement errors.

DISCLOSURE OF INVENTION

The present invention has been made in consideration of the above problem in the prior art, and has as its object to reduce positional shifts between a real space picture and a virtual space picture with an inexpensive arrangement.

According to the first aspect of the present invention, a mixed reality system which creates and displays a mixed real space picture by combining a real space picture with a virtual space picture, characterized by comprising a transmitter, a first receiver which receives a signal generated by said transmitter to measure

a viewpoint position and direction of an observer, and a second receiver which receives a signal generated by said transmitter to measure a position and direction of another body region of the observer, wherein said transmitter is positioned such that a distance between said transmitter and said first receiver becomes shorter than a distance between said transmitter and said second receiver.

According to the second aspect of the present invention, a head mounted display apparatus which is used in a mixed reality system that creates and displays a mixed real space picture by combining a real space picture with a virtual space picture, and which can mount a receiver used to measure a viewpoint position and direction of an observer to be mounted, characterized in that a plurality of mount portions for detachably mounting said receiver are formed.

According to the third aspect of the present invention, a method of positioning a transmitter in a mixed reality system which includes the transmitter, a first receiver which receives a signal generated by the transmitter to measure a viewpoint position and direction of an observer, and a second receiver which receives a signal generated by the transmitter to measure a position and direction of another body region of the observer, and creates and displays a mixed real space picture by combining a real space picture with a virtual space picture, characterized in that said transmitter is positioned such that a distance between the transmitter and the first

receiver becomes shorter than a distance between the transmitter and the second receiver.

BRIEF DESCRIPTION OF DRAWINGS

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

10 Fig. 1 is a view showing the schematic arrangement of a mixed reality system to which the third embodiment of the present invention is applied;

 Fig. 2 is a view showing the arrangement of an HMD;

15 Fig. 3 is a flow chart showing the processing of creating a mixed real space picture;

 Figs. 4A and 4B are views showing a real space picture example and virtual space picture;

20 Fig. 5 is a view showing an ideal (with no error in position sensor measurement values) mixed real space picture corresponding to the real space picture example and virtual space picture example in Figs. 4A and 4B;

 Fig. 6 is a view showing a mixed real space picture corresponding to the real space picture example and virtual space picture example in Figs. 4A and 4B in a case where
25 an error exists only in an eye position sensor measurement value;

 Fig. 7 is a view showing a mixed real space picture

corresponding to the real space picture example and virtual space picture example in Figs. 4A and 4B in a case where an error exists only in a hand position sensor measurement value;

5 Fig. 8 is a view for explaining the distance relationship between a position sensor transmitter and a position sensor in the first embodiment of the present invention;

10 Fig. 9 is a view for explaining the distance relationship between a position sensor transmitter and a position sensor in the second embodiment of the present invention;

15 Fig. 10 is a view for explaining the distance relationship between a position sensor transmitter and a position sensor in the third embodiment of the present invention;

 Fig. 11 is a view showing the schematic arrangement of a mixed reality system to which the third embodiment of the present invention is applied;

20 Fig. 12 is a view showing the schematic arrangement of a mixed reality system to which the fourth embodiment of the present invention is applied;

25 Fig. 13 is a view for explaining the distance relationship between a position sensor transmitter and a position sensor in the fourth embodiment of the present invention;

 Fig. 14 is a view showing the schematic arrangement

of a mixed reality system to which the fifth embodiment of the present invention is applied;

Fig. 15 is a view for explaining the distance relationship between position sensor transmitters and position sensors in the fifth embodiment of the present invention;

Fig. 16 is a view showing the schematic arrangement of a mixed reality system to which the sixth embodiment of the present invention is applied;

Fig. 17 is a perspective view showing a case where the HMD according to the sixth and seventh embodiments is viewed from the direction of a photographing unit;

Fig. 18 is a perspective view showing a case where the HMD according to the sixth and seventh embodiments is viewed from the direction of a display unit;

Fig. 19 is a block diagram showing a hardware arrangement corresponding to one observer in the system shown in Fig. 16;

Fig. 20 is a view for explaining the mount position of a position sensor (receiver) in the sixth embodiment of the present invention;

Fig. 21 is a view for explaining the mount position of a position sensor (receiver) in the seventh embodiment of the present invention; and

Fig. 22 is a view for explaining an example of a problem in the prior art.

BEST MODE OF CARRYING OUT THE INVENTION

Preferred embodiments of the present invention will now be described in detail in accordance with the accompanying drawings.

5

[First Embodiment]

Fig. 1 is a view showing the schematic arrangement of a mixed reality system to which the first embodiment of the present invention is applied. An observer 100 is
10 wearing an HMD (Head Mounted Display) 110 on the head and a glove 120 on his/her hand.

As shown in Fig. 2, the HMD 110 is comprised of a video camera 111, LCD 112, position/direction measurement apparatus receiver (eye position sensor) 113, and optical
15 prisms 114 and 115. The video camera 111 photographs a real space picture at/in the viewpoint position and line-of-sight direction of the observer through the optical prism 115. The eye position sensor 113 is used to measure the viewpoint position and line-of-sight direction of an
20 observer. The LCD 112 displays a mixed real space picture. This picture is guided to the pupil of the observer through the optical prism 114.

The glove 120 incorporates a hand position sensor 121 and speaker 122 (not shown). The hand position sensor 121
25 is used as a sensor for measuring the position and direction of the hand of the observer. The speaker 122 generates a sound corresponding to an event that has occurred at the

position of the hand. This sound may be a sound generated when the user touches or hits a virtual space object with his/her hand, a sound generated when the condition of a virtual space object displayed in synchronism with the position of the hand changes, or the like.

Reference numeral 130 denotes a position/direction measurement apparatus transmitter (position sensor transmitter); and 131, a position/direction measurement apparatus body (position sensor body). The eye position sensor 113, hand position sensor 121, and position sensor transmitter 130 are connected to the position sensor body 131. Magnetism is transmitted from the position sensor transmitter 130. This magnetism is received by the eye position sensor 113 and hand position sensor 121. The position sensor body 131 calculates the position and direction of the eye and hand on the basis of the reception intensity signal from the hand position sensor 121. As this position/direction measurement apparatus, FASTRAK available from Polhemus Inc. in the US or the like can be used.

Reference numeral 140 denotes a processing apparatus for creating a mixed real space picture for one observer and displaying it on the HMD 110. This processing apparatus 140 is comprised of, for example, a personal computer, a video capture card, a video card having a CG function, a sound card, and the like. The HMD 110, speaker 122, and position sensor body 131 are connected to the processing

apparatus 140.

A procedure for creating a mixed real space picture in the processing apparatus 140 will be described next with reference to the flow chart of Fig. 3.

5 First of all, the processing apparatus 140 receives a viewpoint position, a line-of-sight direction, and the position and direction of the hand transmitted from the position sensor body 131 (step S301). Note that the operation in step S301 uses thread S311 of periodically
10 receiving the viewpoint position, the line-of-sight direction, and the position and direction of the hand transmitted from the position sensor body 131.

The virtual space time is then updated, and the state of the virtual space (the type, position, and condition of
15 a virtual space object) is updated (step S302). In this case, if there is a virtual space object whose position and direction change in synchronism with the position and direction of a real space object, the state of such an object is also updated. If, for example, the user is made to see
20 that he/she is always wearing a glove as a virtual space object on his/her hand, the position and direction of the glove are updated in accordance with changes in the position and direction of the hand in step S302.

If the relationship between the position and
25 direction (the hand position and viewpoint position) of the real space object and the position and direction of the virtual space object is then checked, and it is determined

that a predefined event has occurred, the state of the virtual space is updated in accordance with the event (step S303). For example, the occurrence of an even corresponds to a case where it is determined that the user touches the virtual space object with his/her hand. Updating the state of a virtual space in accordance with this event may be equivalent to changing, for example, the picture of the touched virtual space object into a picture of an explosion.

A real space picture at/in the viewpoint position and line-of-sight direction of the observer which is obtained from the video camera 111 is received (step S304). This operation in step S304 uses thread S314 of periodically acquiring the real space picture obtained from the video camera 111 through a video capture card.

A virtual space picture at/in the viewpoint position and line-of-sight direction of the observer, which are obtained in step S301, is created in accordance with the state of virtual space updated in steps S302 and S303 (step S305).

Finally, the virtual space picture created in step S305 is combined with the real space picture received in step S304, and the resultant picture is output to the LCD 112 of the HMD 110 (step S306). The above processing is repeatedly executed until some terminating operation is performed (step S307).

A method unique to this embodiment will be described next, which is used to reduce the differences in position

and direction between a virtual space object and a real space object in a mixed real space picture observed by each observer.

If the position/direction measurement apparatus can properly measure the viewpoint position and line-of-sight direction of an observer and the position and direction of the hand, there are no differences in position and direction between the virtual space object and the real space object. Consider the real space picture shown in Fig. 4A and the virtual space picture shown in Fig. 4B. In this case, ideally, a mixed reality picture like the one shown in Fig. 5 is created. In practice, however, the position/direction measurement apparatus uses magnetism or ultrasonic waves, and hence is very susceptible to disturbances and has a small measurable range. The actual position/direction measurement apparatus can measure with effective accuracy only within a range of about 80 cm from the position sensor transmitter. It is also known that even in measurement in a space without any ferromagnetic object, position and direction measurement errors monotonously increase with an increase in distance between the position sensor transmitter and the position sensor (receiver). In order to improve this situation, it is important to minimize the distance between the position sensor transmitter and the receiver.

Measurement errors in the position/direction measurement apparatus pose a more serious problem in the

measurement of viewpoint position and line-of-sight direction. If measurement errors about the hand position and direction increase, only a positional shift occurs between the hand the virtual space object that moves in synchronism with the hand, as shown in Fig. 7. If, however, measurement errors about the viewpoint position and line-of-sight direction increase, positional shifts occur with respect to all virtual space objects as well as a positional shift with respect to the hand, as shown in Fig. 6.

The principal object of the first embodiment is therefore to improve the measurement accuracy of the eye position sensor 113. To reduce positional shifts between a real space object and a virtual space object, the position sensor transmitter 130 is placed such that the distance between the eye position sensor 113 and the position sensor transmitter 130 becomes shorter than the distances between the position sensor transmitter 130 and the remaining sensors connected to the position sensor body 131 at the positions and directions at/in which the respective position sensors are used with high frequencies, as shown in Fig. 8, thereby improving the measurement accuracy of the viewpoint position and line-of-sight direction as compared with the measurement accuracy of the position and direction of the remaining position sensors. This makes it possible to make positional shifts with respect to all the virtual space objects less noticeable.

The position of the position sensor transmitter 130 cannot be specified but should be changed flexibly depending on the type of mixed reality picture the mixed reality system displays and the position and direction viewed by an observer.

Assume that a plurality of observers exist. In this case, mixed reality can be further augmented by setting a situation in which the observers can observe each other. In general, therefore, the direction in which each observer observes with a high frequency becomes the horizontal direction. In such a situation, placing the position sensor transmitter 130 above the head of the observer as shown in Fig. 8 makes it possible to have the merits of this embodiment and prevent a picture of the transmitter, which should not be combined as a real space object in the mixed real space, from being combined. In addition, this allows the observer to freely move in all directions. Furthermore, since measurement errors caused when the observer moves become equal to each other in all directions, management is facilitated. As described above, a mixed real space picture without any unnecessary real object, which has high quality as a whole, can be observed while the freedom of movement is ensured.

[Second Embodiment]

The second embodiment exemplifies a case where a position sensor transmitter 130 is placed such that the

distance from a hand position sensor 121 is shortened, as well as the distance from an eye position sensor 113, at/in the viewpoint position and line-of-sight direction at/in which the hand is observed with a high frequency and at/in
5 the hand position and direction, as shown in Fig. 9.

In the second embodiment, in a situation where an observer frequently observes the hand, the position sensor transmitter 130 is so placed as to shorten the distance between the eye position sensor 113 and the position sensor
10 transmitter 130 as well as the distance between the hand position sensor 121 and the position sensor transmitter 130. This makes it possible to reduce measurement errors in both the eye position sensor 113 and the hand position sensor 121. As compared with the first embodiment, a virtual space
15 object that moves in synchronism with the hand can be observed while the object is localized on the hand with a small error.

Obviously, the posture of an observer in which the hand is frequently observed depends on the contents of a
20 mixed real space picture which the mixed reality system is to present to the observer. For this reason, the position sensor transmitter 130 must be adjusted such that the distance from the hand position sensor 121 becomes almost equal to the distance from the eye position sensor 113 when
25 the hand is frequently observed.

This embodiment has exemplified the case where the position of a virtual space object is changed in synchronism

with the hand. However, the present invention is not limited to this, and can also be applied to a case where the position of a virtual space object is changed in synchronism with another body region such as a foot.

5

[Third Embodiment]

Fig. 11 is a view showing the schematic arrangement of a mixed reality system to which the third embodiment is applied. This system is based on the assumption that two
10 observers simultaneously observe the same mixed real space. This system includes two systems each identical to the one shown in Fig. 1. Note that a position sensor transmitter 130 and position sensor body 131 are shared by the two observers to realize a reduction in the total cost of the
15 mixed real space system. The position sensor body 131 is connected to only one processing apparatus 140 and is not connected to the other processing apparatus 140. For this reason, the processing apparatuses 140 for the respective observers are connected to each other through a network 150
20 to allow the processing apparatus 140 to which the position sensor body 131 is not connected to create a mixed real space picture.

In the third embodiment, as shown in Fig. 10, at the position where each observer observes a hand with a high
25 frequency, the position sensor transmitter 130 is so placed as to almost match the distance (a or a') between an eye position sensor 113 for each observer and the position

sensor transmitter 130 with the distance (b or b') between
a hand position sensor 121 and the position sensor
transmitter 130. In addition, the position sensor
transmitter 130 is so placed as to minimize the respective
5 distances (a, a', b, and b').

With this arrangement, each observer can observe a
virtual space object that moves in synchronism with a hand
with a small position shift on the hand.

Note that positional shifts can be made uniform with
10 respect to all observers by placing the position sensor
transmitter 130 such that the distance (a) between the eye
position sensor 113 for a given observer and the position
sensor transmitter 130 becomes almost equal to the distance
(a') between the eye position sensor 113 for the other
15 observer and the position sensor transmitter 130, and the
distance (b) between the hand position sensor 121 for a
given observer and the position sensor transmitter 130
becomes almost equal to the distance (b') between the hand
position sensor 121 for the other observer and the position
20 sensor transmitter 130.

The procedure executed by each processing apparatus
140 is almost the same as that in the first embodiment except
that the processing apparatus 140 to which the position
sensor body 131 controls the position sensor body 131
25 through a position/direction acquisition thread in thread
S311 in Fig. 3 to acquire measurement values. This
processing apparatus 140 then accesses the network 150 to

distribute the measurement values obtained by the respective position sensors to the other processing apparatus.

The processing apparatus 140 to which the position
5 sensor body 131 is not connected accesses the network through a position/direction acquisition thread in thread S311 in Fig. 3 to acquire the measurement values obtained by the respective position sensors which are sent from the processing apparatus 140 to which the position sensor body
10 131 is connected.

[Fourth Embodiment]

The fourth embodiment is obtained by developing the first embodiment to have one each of a position sensor
15 transmitter and a position sensor body for one position sensor. In this case, two components, i.e., a position sensor transmitter and position sensor body, are required for one position sensor, and hence the cost increases accordingly. However, a viewpoint position, a
20 line-of-sight direction, and the position and direction of the hand can be measured with high accuracy.

Fig. 12 is a view showing the schematic arrangement of a mixed reality system to which the fourth embodiment is applied. This system additionally has a hand position
25 sensor transmitter 160 and position sensor body 161 as compared with the arrangement of the first embodiment shown in Fig. 1. The hand position sensor body 161 is connected

to a processing apparatus 140, and the hand position sensor transmitter 160 is connected to the hand position sensor body 161. A hand position sensor 121 is designed to receive magnetism from the hand position sensor transmitter 160.

5 In this embodiment, a position sensor transmitter 130 and position sensor body 131 function as dedicated devices for the eyes.

The hand position sensor transmitter 160 is so placed as to shorten the distance between the hand position sensor 121 and the hand position sensor transmitter 160 at/in the
10 hand position and direction where an observer observes the hand with a high frequency. The position sensor transmitter 130 is so placed as to shorten the distance between an eye position sensor 113 and the eye position
15 sensor transmitter 130.

Although the procedure executed by the processing apparatus 140 is almost the same as that in the first embodiment except that in thread S311 in Fig. 3, a position/direction acquisition thread controls the
20 plurality of position sensor bodies 131 and 161 to acquire measurement values from the respective sensor bodies.

By arranging the dedicated position sensor transmitter and position sensor body for each position sensor in this manner, positional shifts between a real
25 space picture and a virtual space picture can be further reduced in the viewpoint position, the line-of-sight direction, and the hand position and direction where the

hand is observed with high frequencies, as compared with the second embodiment. This allows the observer to observe a mixed real space picture with higher quality.

The fourth embodiment is especially effective in preventing an observer from feeling a positional shift when a translucent virtual space object like seawater or a virtual space picture almost equal in size to a hand (real space picture) is to be expressed as if it were always on the hand of the observer.

Assume that a virtual space object is not translucent. In this case, if the virtual space object is larger than the hand, the hand is completely hidden by the virtual space object. Even if, therefore, a slight positional shift occurs, the resultant mixed real space picture does not look strange to the observer. In the case of a translucent virtual space object equal in size to a hand, even with a slight positional shift, the hand cannot be hidden by the virtual space object, and the positional shift between the hand and the virtual space object is seen by the observer. Furthermore, in the case of a translucent virtual space object, a positional shift between a virtual space object and a real space object is always seen by the observer regardless of the size of the virtual space object.

Even in such a situation, this embodiment can prevent the observer from observing positional shifts between the virtual space object and the real space object.

Note that the quality of a mixed real space picture

can be improved by placing the eye position sensor transmitter 130 above the head of the observer, as shown in Fig. 13, as in the first embodiment. In addition, if possible, the hand position sensor transmitter 160 may be placed below the hand position at/in the hand position and direction where the observer uses the system with a high accuracy. With this arrangement, the hand position sensor transmitter 160 does not interfere with the field of view of the observer in the horizontal direction, thereby presenting a mixed real space picture with higher quality.

[Fifth Embodiment]

Fig. 14 is a view showing the arrangement of a mixed reality system to which the fifth embodiment is applied. In this embodiment, as in the fourth embodiment, position sensor transmitters 130 and 160 and position sensor bodies 131 and 161 are respectively provided for an eye position sensor 113 and hand position sensor 121 to allow high-accuracy measurement of a viewpoint position, a line-of-sight direction, and the position and direction of the hand. In addition, the position sensor transmitters 130 and 160 and position sensor bodies 131 and 161 are shared by two observers to attain a reduction in cost.

The two position sensor bodies 131 and 161 are connected to only one processing apparatus 140 and are not connected to the other processing apparatus 140. The processing apparatuses 140 for the respective observers are

therefore connected to each other through a network 150 to allow the processing apparatus 140 to which the position sensor bodies 131 and 161 are not connected to create a mixed real space picture.

5 In this embodiment, as shown in Fig. 15, the distance between the eye position sensor 113 for each observer and the eye position sensor transmitter 130 and the distance between the hand position sensor 121 and the hand position sensor transmitter 160 are minimized at a position where
10 each observer makes observations with a high frequency. In addition, the eye position sensor transmitter 130 and hand position sensor transmitter 160 are placed such that the distances between the eye position sensors 113 for the respective observers and the position sensor transmitter
15 130 become almost equal to each other, and the distances between the hand position sensors 121 for the respective observers and the hand position sensor transmitter 160 become almost equal to each other.

 With this arrangement, all observers can observe a
20 high-quality mixed real picture with positional shifts between a virtual object and a real object being further reduced, and positional shifts are made uniform to all the observers.

 The procedure executed by each processing apparatus
25 140 is the same as that in the first embodiment except that the processing apparatus 140 to which the position sensor bodies 131 and 161 are connected controls the position

sensor bodies 131 and 161 through a position/direction acquisition thread in thread S311 in Fig. 3 to acquire measurement values. The apparatus then accesses the network 150 to distribute the measurement values obtained by the respective position sensors to the other processing apparatus.

If the eye position sensor transmitter 130 is placed above the head of an observer and the hand position sensor transmitter 160 is placed below the hand position where the observer observes the hand with a high frequency as in the fourth embodiment, the position sensor transmitters 130 and 160 do not interfere with the field of view of the observer in the horizontal direction. This allows the observer to observe a high-quality mixed real space picture in the direction in which a mixed real space is observed with a high frequency.

[Sixth Embodiment]

Fig. 16 is a view showing the schematic arrangement of a mixed reality system to which the sixth embodiment is applied. Referring to Fig. 16, reference numerals 300a and 300b denote observers who observe mixed real space pictures created in this system. Each of the observers 300a and 300b wears an HMD 301 on which a receiver 302 is mounted. Each observer can observe a mixed real space corresponding to position/direction measurement values through the HMD 301.

Reference numeral 306 denotes a position/direction measurement apparatus. A transmitter 304 and receiver 302 are connected to this position/direction measurement apparatus 306. The magnetism generated from the transmitter 304 is received by the receiver 302. The position/direction measurement apparatus 306 then measures the viewpoint position and line-of-sight direction of the observer from the strength of magnetism.

The position/direction measurement apparatus 306 is connected to a processing apparatus 307 to be always notified of the viewpoint position and line-of-sight direction of the observer from the position/direction measurement apparatus 306. The processing apparatus 307 creates a mixed real space picture corresponding to the viewpoint position and line-of-sight direction of each observer on the basis of this information, and displays it on the HMD 301.

The processing apparatuses 307 for the respective observers are connected to each other through a network 330. The respective processing apparatuses 307 share the viewpoint positions and line-of-sight directions of the respective observers and the position and direction of a virtual space object by using the network 330. This allows a given observer to display a virtual space object at the position of the other observer.

Figs. 17 and 18 are perspective views of the HMD 301 to which the sixth embodiment is applied. Fig. 17 is a

perspective view from the direction of a photographing unit.
Fig. 18 is a perspective view from the direction of a
display unit.

Reference numeral 201 denotes an HMD display unit.

5 This HMD display unit 201 includes two units, i.e., a
right-eye display 201R and left-eye display 201L, each of
which has a color liquid crystal and prism. A mixed real
space picture corresponding to the viewpoint position and
line-of-sight direction of an observer is displayed on each
10 display unit.

Reference numerals 204 to 208 denote constituent
members for head mounting. To mount the HMD 301 on the head,
the observer wears it while the length adjusting portion
206 is loosened by the adjuster 205. After the forehead
15 pad 208 is brought into tight contact with the forehead,
the length adjusting portion 206 may be fastened by the
adjuster 205 to bring the temple bridges 204 and occiput
pad 207 into tight contact with the temple and occipital
portion of the observer, respectively.

20 Reference numeral 203 denotes an HMD photographing
unit for photographing a real space picture at/in the
viewpoint position and line-of-sight direction of an
observer. This HMD photographing unit 203 includes two
units, i.e., a right-eye photographing unit 203R and
25 left-eye photographing unit 203L, each of which is formed
by an NTSC compact video camera. The photographed real
space picture is superimposed on a virtual space picture

to create a mixed real space picture.

The receiver 302 is used to receive magnetism generated by the transmitter 304 as information for the measurement of the viewpoint position and line-of-sight direction of the observer. As the mount portions of the receiver 302 for the HMD 301, three portions, i.e., receiver joints 200R, 200L, and 200C, are formed. The receiver 302 can be detachably mounted on an arbitrary joint of these receiver joints 200R, 200L, and 200C. Referring to Figs. 17 and 18, the receiver 302 is mounted on the receiver joint 200R on the right side in the direction of the light of sight of the observer. However, the receiver 302 can be mounted on the receiver joint 200L on the left side in the direction of the light of sight of the observer or the receiver joint 200C on the median line of the observer.

In this embodiment, the receiver joints 200R, 200L, and 200C are designed to have receptacles in which the receiver 302 is fitted to be fixed. However, other detachable joint (mount) schemes may be used.

Reference numeral 210 denotes a receiver signal line, which is exposed outside the HMD 301 at a position near the receiver joint 200C. This receiver signal line 210 is long enough to allow the receiver 302 to be mounted on either of the receiver joints 200R, 200L, and 200C.

Reference numeral 209 denotes a tied linear member obtained by binding various kinds of lines, e.g., signal lines and power feed lines to the HMD photographing unit

203 and the like and the above receiver signal line 210. The tied linear member 209 is attached to the occipital portion mount portion 207. Signal lines and power feed lines to the right and left displays 201R and 201L, HMD
5 photographing units 203R and 203L, and the like in the tied linear member 209 pass through the right and left temple mount portions 204.

Fig. 19 is a block diagram showing a hardware arrangement corresponding to one observer in the system
10 shown in Fig. 16. The processing apparatus 307 incorporates a right-eye video capture board 350, left-eye video capture board 351, right-eye graphic board 352, left-eye graphic board 353, I/O interface 354, and network interface 359. These constituent elements are connected
15 to a CPU 356, HDD 355, and memory 357.

The left- and right-eye video capture boards 351 and 350 are respectively connected to the left- and right-eye video cameras 203L and 203R, and convert pictures actually photographed by these video cameras 203L and 203R into
20 pictures in a form that can be processed by the processing apparatus 307 with a virtual space picture. The left- and right-eye graphic boards 353 and 352 are respectively connected to the left- and right-eye display units (devices) 201L and 201R to perform display control on the
25 left- and right-eye display units 201L and 201R.

The I/O interface 354 is connected to the position/direction measurement apparatus 306. The

network interface 359 is connected to the network 330. Note that each of the processing apparatuses 140 according to the first to fifth embodiments is constituted by the same constituent elements as those of the processing apparatus 5 307 according to this embodiment.

An outline of processing performed by the mixed reality system according to this embodiment will be described next. In this system, (1) a real space picture at/in the current viewpoint position and line-of-sight 10 direction of an observer is acquired, (2) the viewpoint position and line-of-sight direction of the observer are acquired, and (3) a virtual space picture at/in the acquired viewpoint position and line-of-sight direction is created. In this case, the positional relationship between an object 15 in a virtual space viewed from the viewpoint position and an object in a real space in consideration of the position, shape, and the like of the object in the real space which are stored in advance, (4) the real space picture is superimposed on the virtual space picture to create a mixed 20 real space picture, and (5) the mixed real space picture is presented to the observer. By repeating this series of operations, the observer is made to experience a mixed real space picture.

In this series of operations, acquisition processing 25 of a real space picture at/in the current viewpoint position and line-of-sight direction of the observer is performed by the video capture boards 350 and 351. More specifically,

the video capture boards 350 and 351 convert video signals from the video cameras 203R and 203L into digital signals and continuously store them in the memory 357. The viewpoint position and line-of-sight direction of the observer are kept transmitted from the position/direction measurement apparatus 306 to the processing apparatus 307 through the I/O interface 354.

The processing apparatus 307 updates the time in a virtual space on the basis of a program stored in the memory 357 and calculates the position and direction of the virtual space object again. A virtual space picture corresponding to the viewpoint position and direction of the observer, which are acquired through the I/O interface 354, is created.

In this case, by defining in advance an object existing in a real space such that it exists in a virtual space, a virtual space picture can also be created in consideration of the positional relationship between the real space object and the virtual space object. For example, a virtual space object can be seen as if it were hidden behind a real wall.

Finally, the real space picture and virtual space picture created in the memory 357 are superimposed on each other to create a mixed real space picture. The created mixed real space picture is displayed on the HMD displays 201R and 201L under the control of the graphic boards 352 and 353.

A method of mounting the receiver 302, which is a characteristic feature of this embodiment, will be described next. Fig. 20 shows a state where the receiver 302 is mounted on a right receiver joint 210R of the HMD 301 for the observer 300a, and the receiver 302 is mounted on left receiver joint 210L of the HMD 301 for the observer 300b in the same situation as that shown in Fig. 22 which shows the problem in the prior art.

Assume that the transmitters 304 for measuring the viewpoint positions and line-of-sight directions of the observers 300a and 300b are placed at the positions in Fig. 20. In this case, by selecting receiver joints for mounting the receivers 302 in the above manner, the distances between the transmitters 304 and receivers 302 used by the observers 300a and 300b are shortened when both the observers 300a and 300b set their viewpoint positions in movable areas 311, and line-of-sight directions are set in the direction of a mixed real space picture observable area 312. In other words, position/direction measurement errors can be reduced in a situation where the observers 300a and 300b make observations with high frequencies.

In addition, by selecting mount positions for the receivers 302 as shown in Fig. 20, since the observers 300a and 300b, receivers 302, and transmitters 304 are symmetrical about a line segment 313 passing through the center of the mixed real space picture observable area 312, measurement errors of positions and directions associated

with the two observers 300a and 300b can be made uniform.

[Seventh Embodiment]

The seventh embodiment is applied to a case where
5 transmitters 304 are placed in front of observers 300a and
300b, as shown in Fig. 21.

When the transmitters 304 are placed in front of the
observers 300a and 300b in this manner, receivers 302 are
mounted on central receiver joints 200C of HMDs 301 to
10 minimize the distances between the receivers 302 on the HMD
301 and the transmitters 304.

In this case, as in the sixth embodiment,
position/direction measurement errors can be reduced in a
situation where the observers 300a and 300b make
15 observations with high frequencies. In addition,
position/direction measurement errors associated with the
two observers 300a and 300b can be made uniform.

As described above, according to the first to seventh
embodiments positional shifts between a real space picture
20 and a virtual space picture can be reduced by the method
requiring no cost, i.e., adjusting the mount position of
the transmitter for position/direction measurement or the
mount position of the receiver on each HMD.

The present invention is not limited to the above
25 embodiments. For example, as the transmitters and
receivers (position/direction measurement apparatus), for
example, devices based on an ultrasonic scheme instead of

a magnetic scheme can be used. In addition, the respective embodiments described above can be properly combined with each other.

As has been described above, according to the present
5 invention, positional shifts between a real space picture and a virtual space picture can be reduced with an inexpensive arrangement.

Furthermore, the present invention can be applied to the system comprising either a plurality of units or a single
10 unit. It is needless to say that the present invention can be applied to the case which can be attained by supplying programs which execute the process defined by the present system or invention.

CLAIMS

1. A mixed reality system which creates and displays a mixed real space picture by combining a real space picture with a virtual space picture, characterized by comprising:
- 5 a transmitter;
- a first receiver which receives a signal generated by said transmitter to measure a viewpoint position and direction of an observer; and
- a second receiver which receives a signal generated
- 10 by said transmitter to measure a position and direction of another body region of the observer,
- wherein said transmitter is positioned such that a distance between said transmitter and said first receiver becomes shorter than a distance between said transmitter
- 15 and said second receiver.
2. The mixed reality system according to claim 1, characterized in that said transmitter is positioned such that the distance between said transmitter and said first receiver always become shorter than the distance between
- 20 said transmitter and said second receiver within at least a predetermined movement range of the observer.
3. The mixed reality system according to claim 1, characterized in that the mount position of said transmitter for measuring the viewpoint position and
- 25 direction of the observer is above the head of the observer.
4. The mixed reality system according to claim 1, characterized in that said transmitter is shared by said

plurality of first and second receivers.

5. The mixed reality system according to claim 1, characterized in that said receiver and transmitter receive and transmit magnetism or an ultrasonic wave.

5 6. A head mounted display apparatus which is used in a mixed reality system that creates and displays a mixed real space picture by combining a real space picture with a virtual space picture, and which can mount a receiver used to measure a viewpoint position and direction of an observer
10 to be mounted,

characterized in that a plurality of mount portions for detachably mounting said receiver are formed.

7. The head mounted display apparatus according to claim 6, characterized in that said mount portions are formed at
15 least on a median line of the observer and both left and right sides in a line-of-sight direction of the observer.

8. The head mounted display apparatus according to claim 6 or 7, characterized in that a signal line connected to said receiver extends from a portion near said mount portion
20 on the median line to the outside.

9. The head mounted display apparatus according to claim 6, characterized in that said receiver receives magnetism or an ultrasonic wave.

10. A method of positioning a transmitter in a mixed
25 reality system which includes the transmitter, a first receiver which receives a signal generated by the transmitter to measure a viewpoint position and direction

of an observer, and a second receiver which receives a signal generated by the transmitter to measure a position and direction of another body region of the observer, and creates and displays a mixed real space picture by combining
5 a real space picture with a virtual space picture,

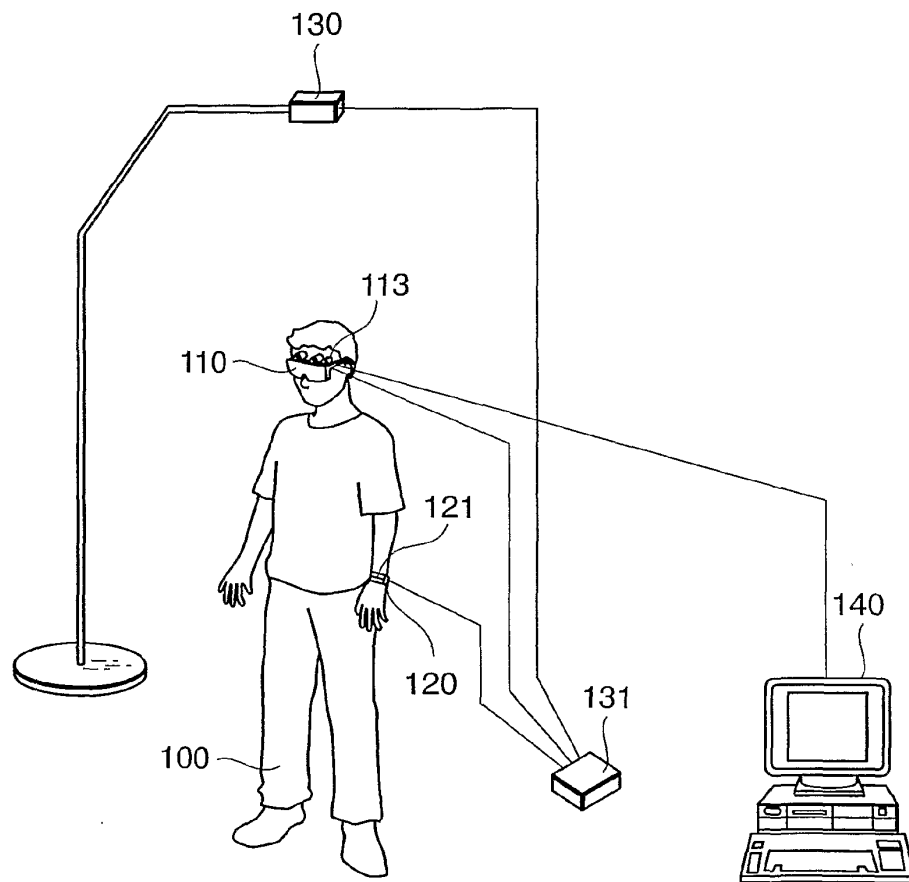
characterized in that said transmitter is positioned such that a distance between the transmitter and the first receiver becomes shorter than a distance between the transmitter and the second receiver.

10 11. The method of positioning the transmitter in the mixed reality system according to claim 10, characterized in that said transmitter is positioned such that the distance between said transmitter and said first receiver always become shorter than the distance between said
15 transmitter and said second receiver within at least a predetermined movement range of the observer.

12. The method of positioning the transmitter in the mixed reality system according to claim 10, characterized in that the mount position of said transmitter for measuring
20 the viewpoint position and direction of the observer is above the head of the observer.

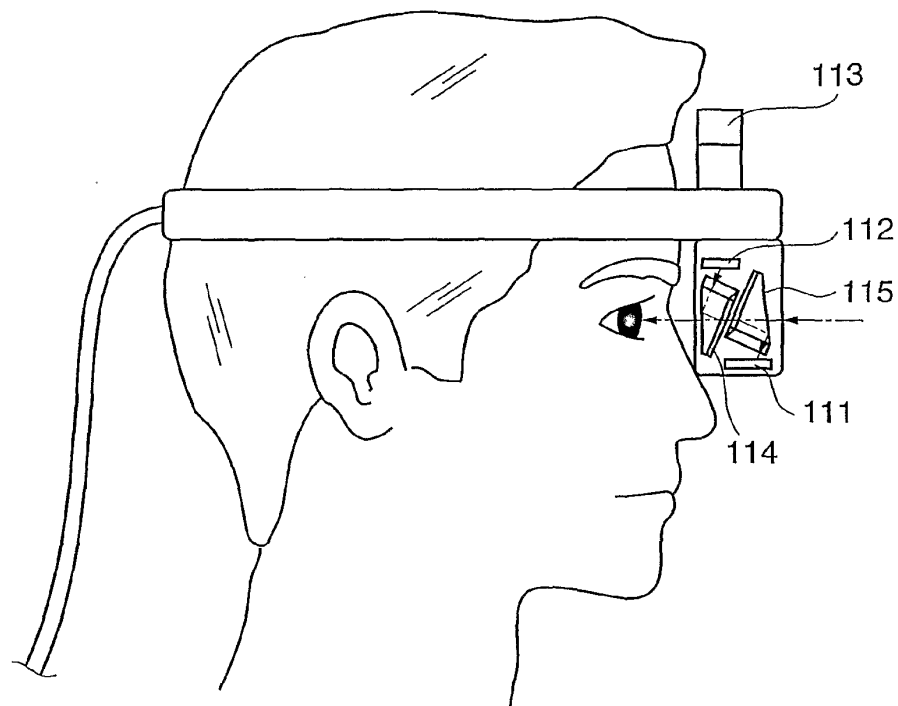
13. The method of positioning the transmitter in the mixed reality system according to claim 10, characterized in that said transmitter is shared by said plurality of
25 first and second receivers.

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FIG. 1

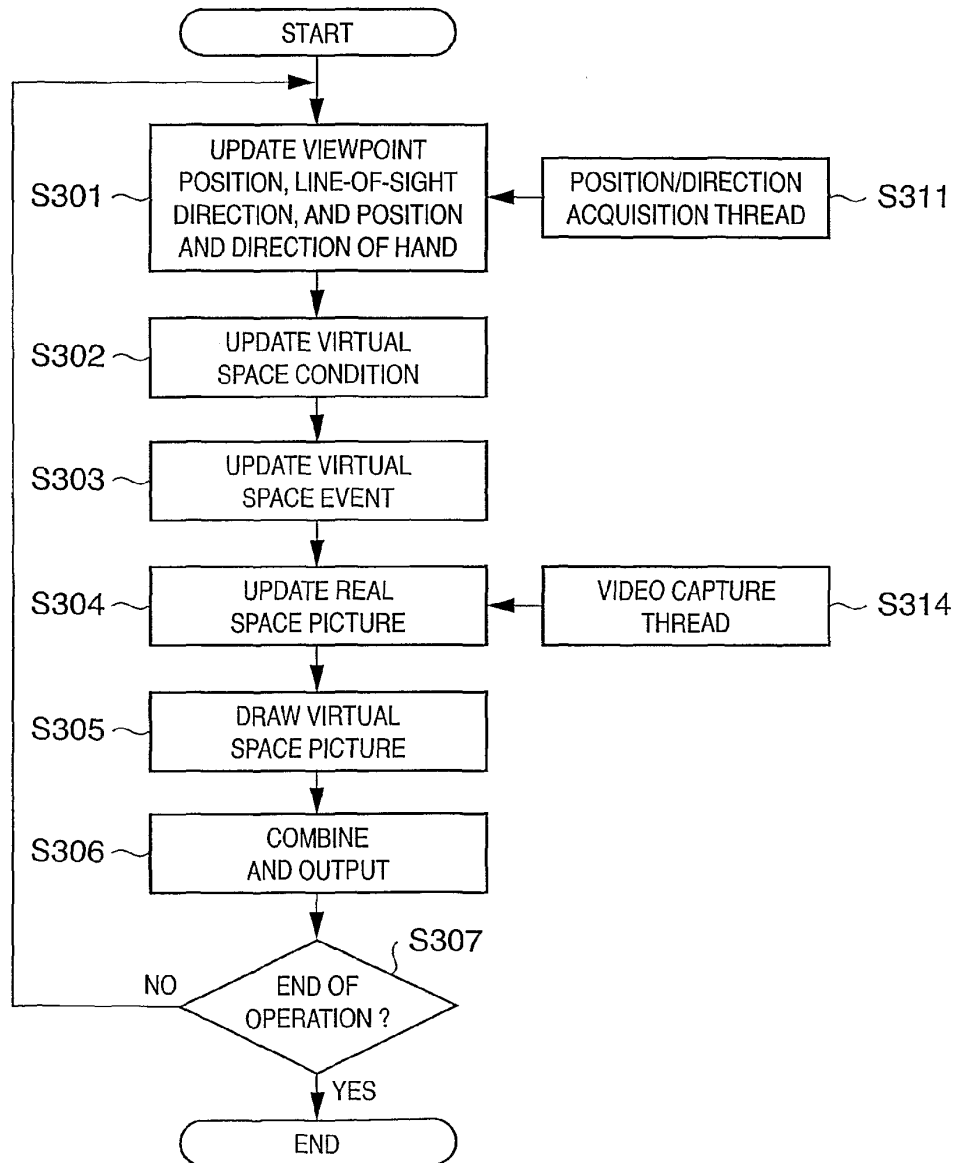
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FIG. 2



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FIG. 3



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FIG. 4A

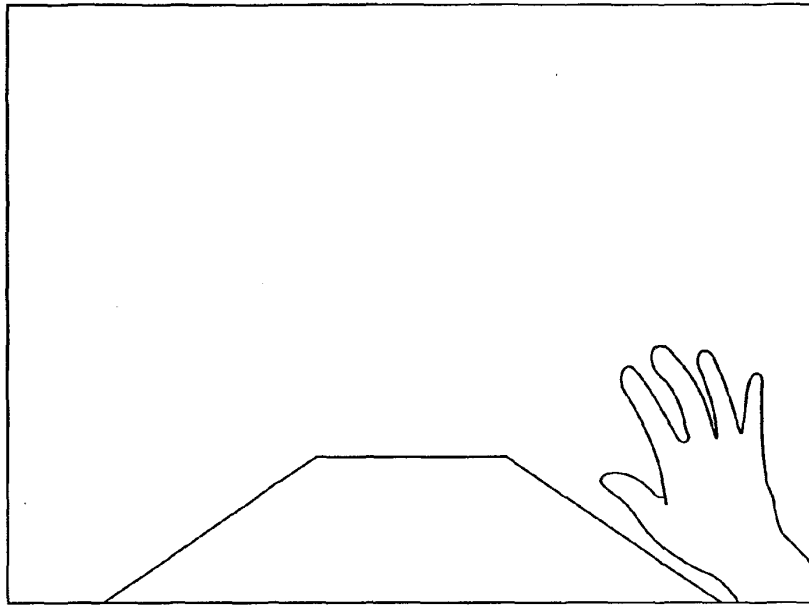
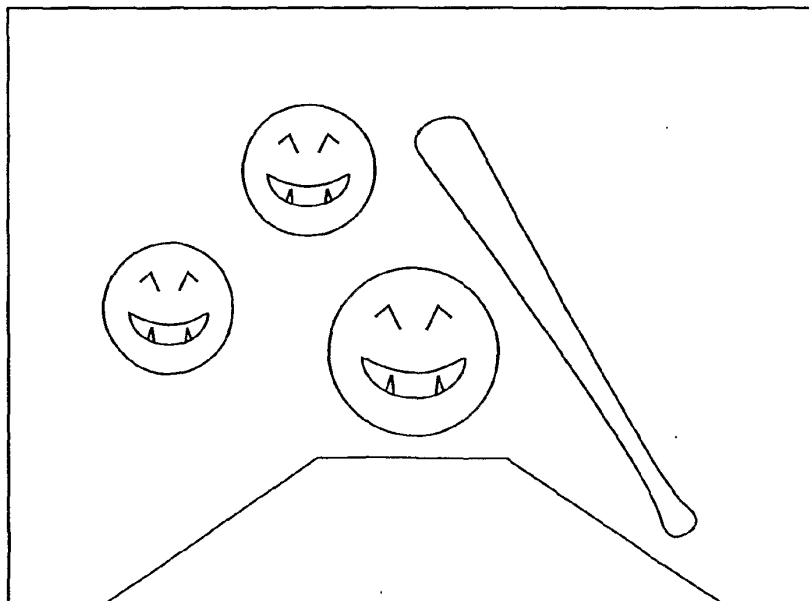
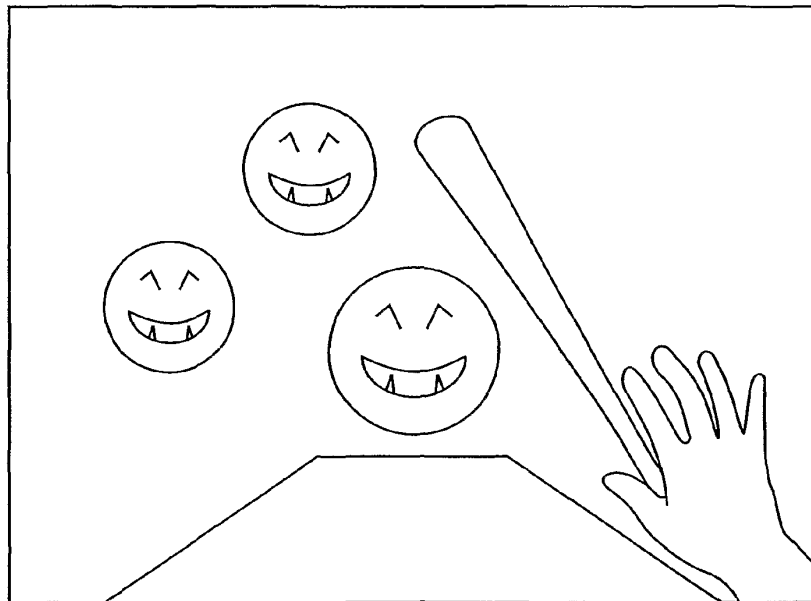


FIG. 4B



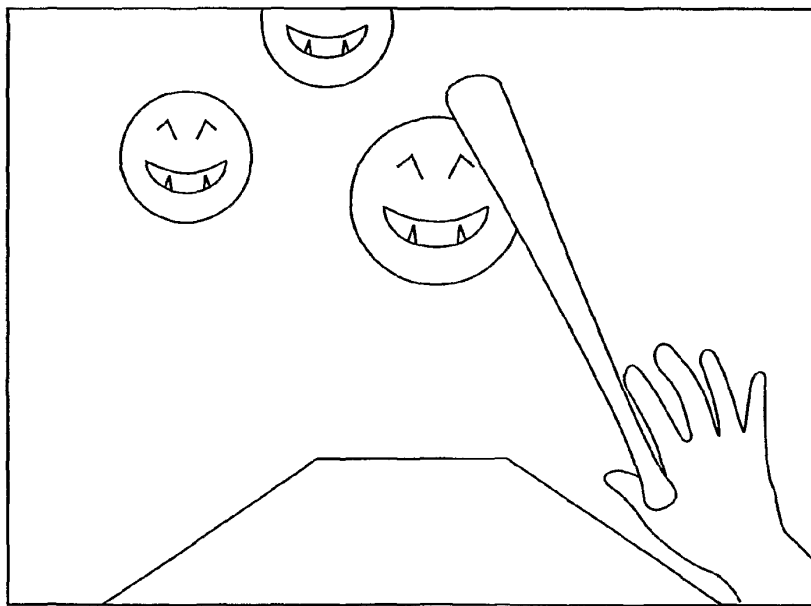
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FIG. 5



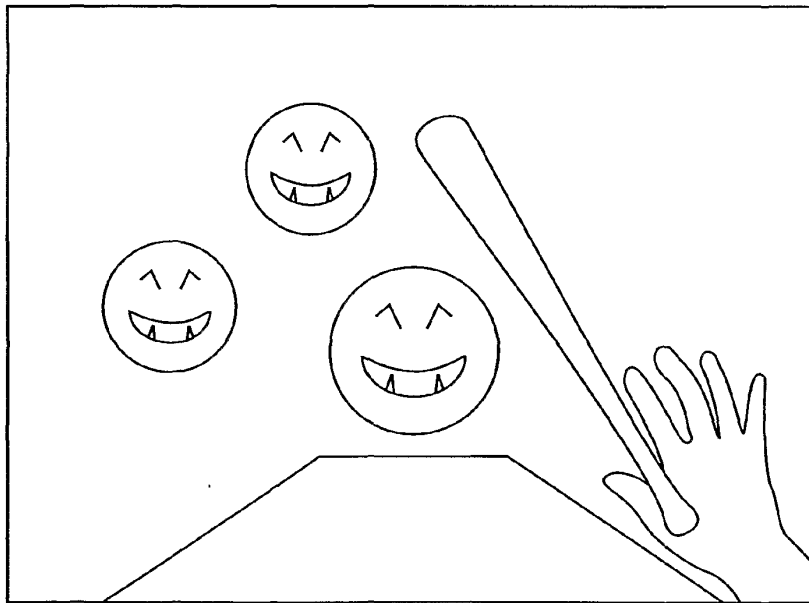
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FIG. 6

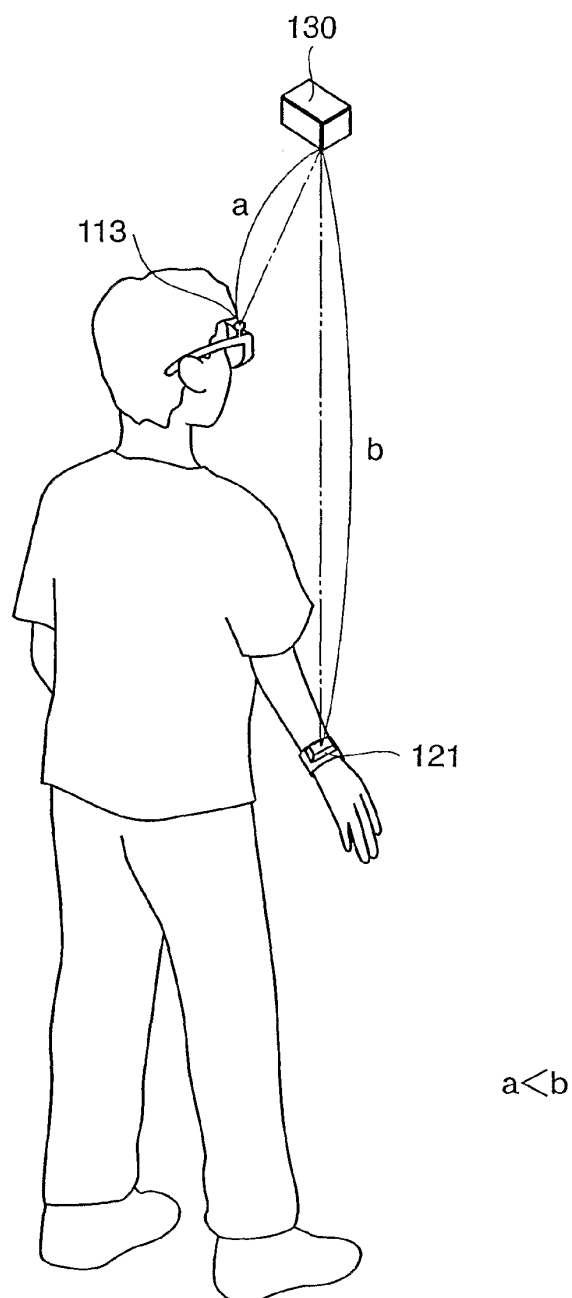


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FIG. 7

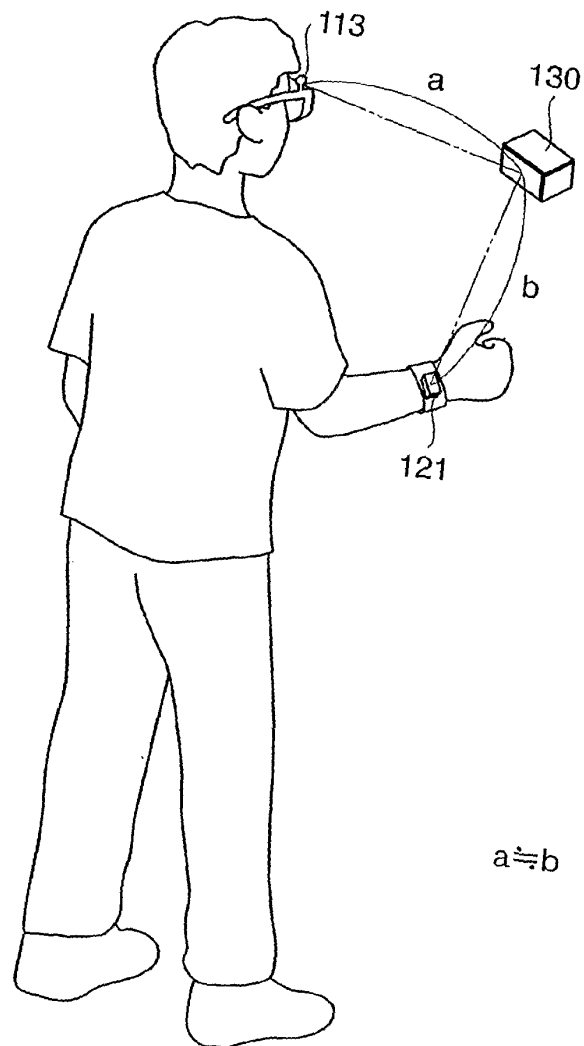


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FIG. 8

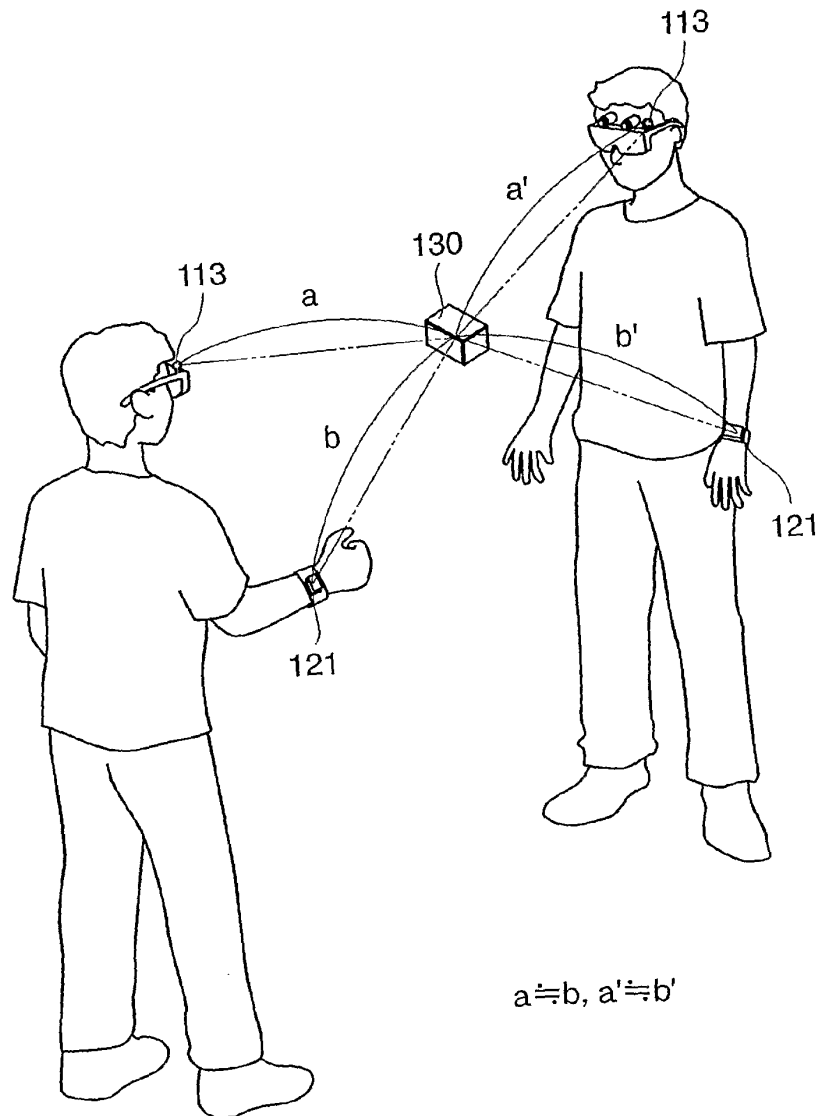
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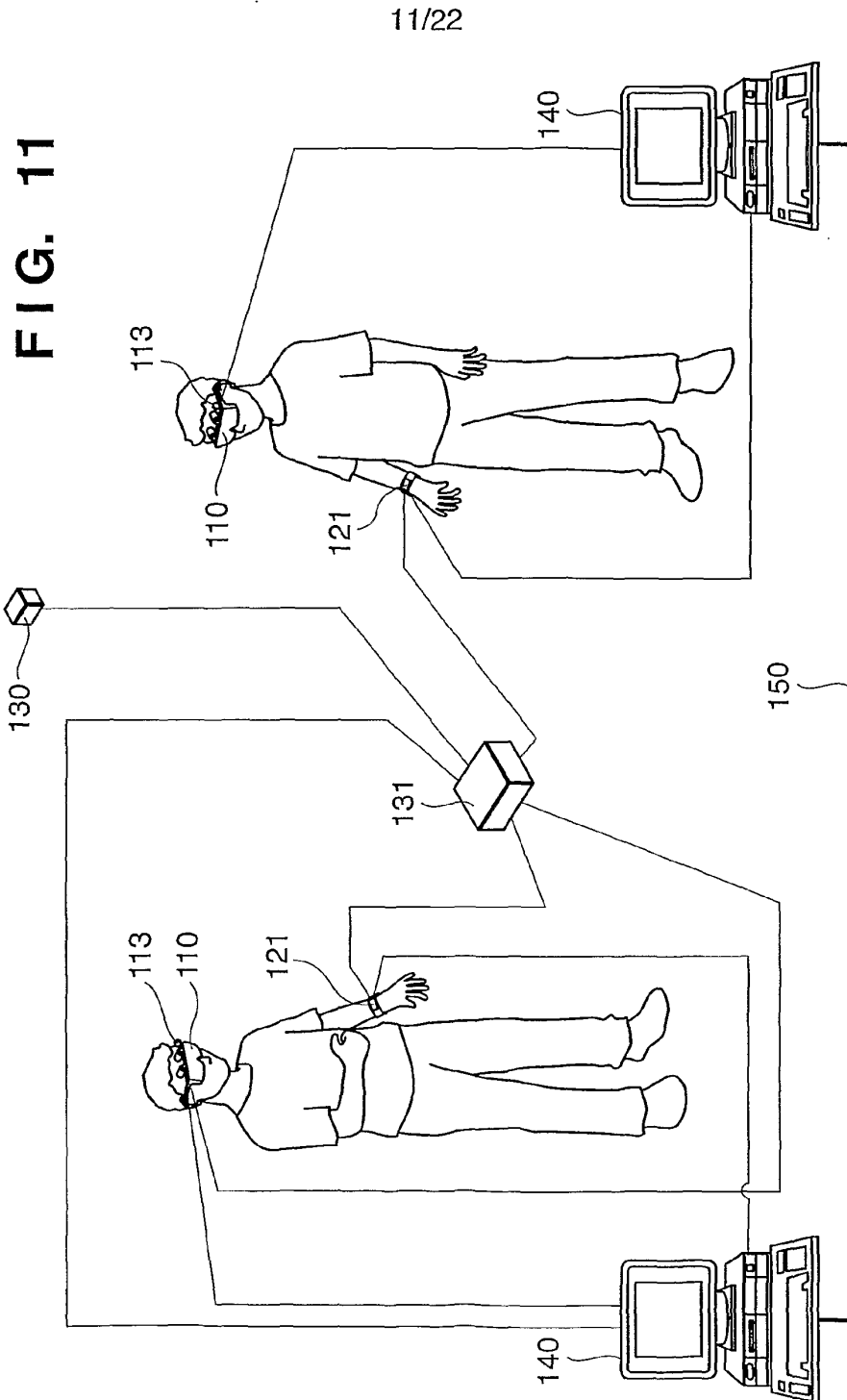
FIG. 9



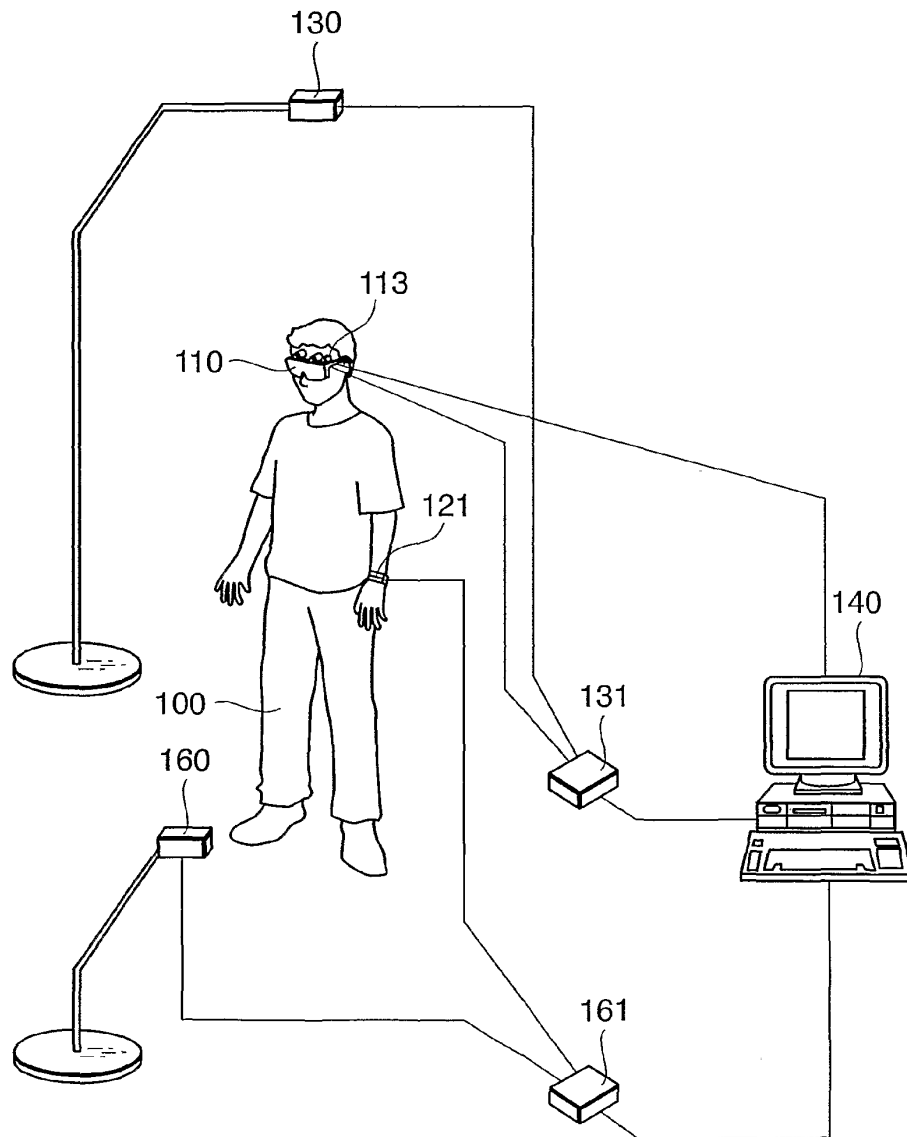
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FIG. 10



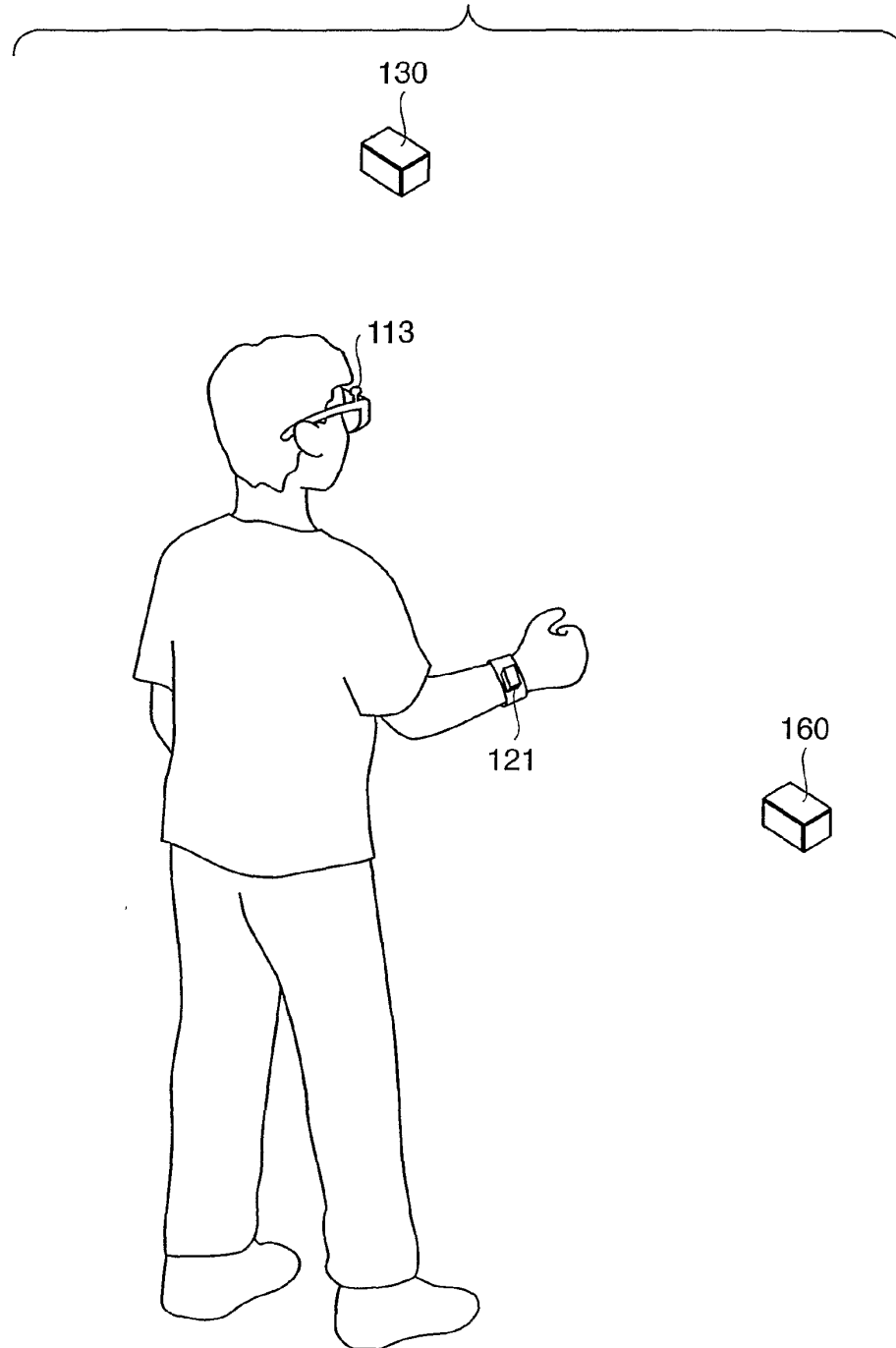


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FIG. 12

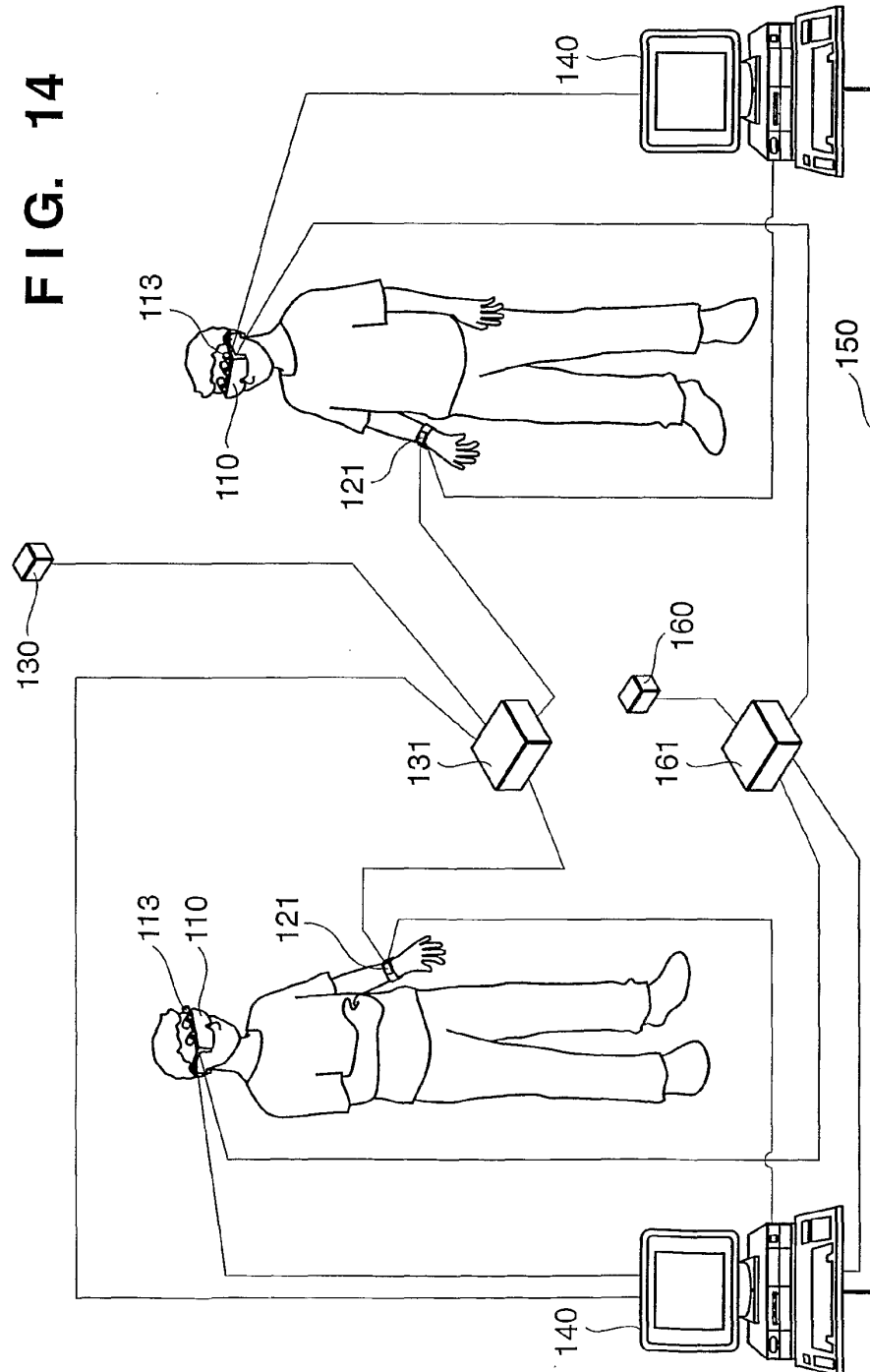
13/22

FIG. 13



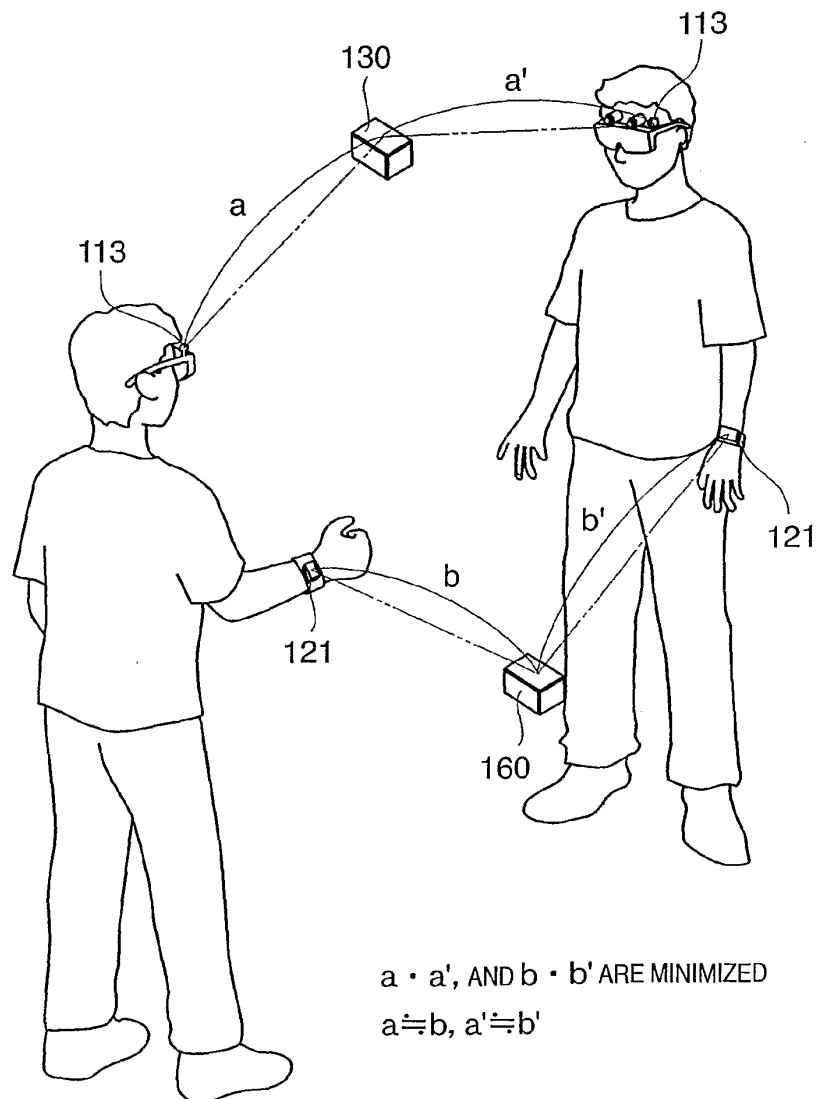
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FIG. 14



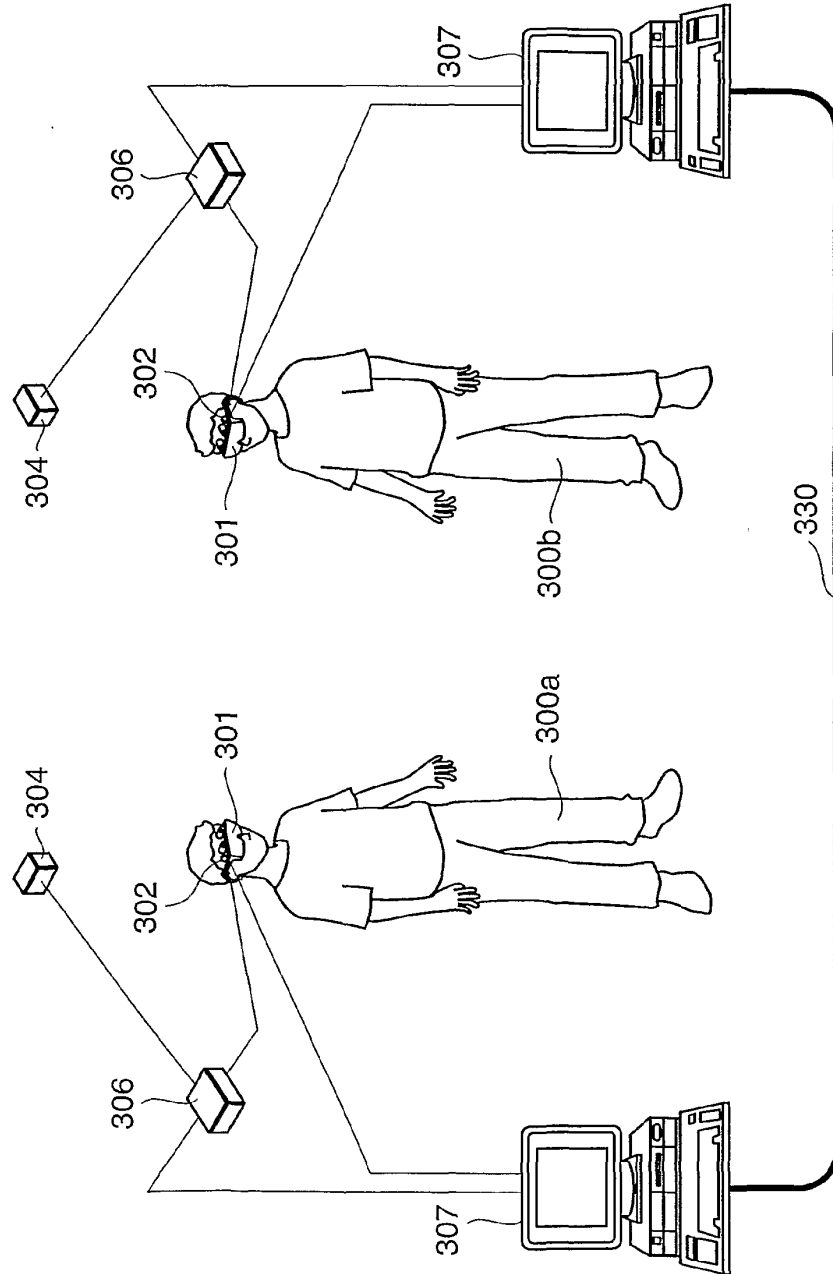
3/26/2008, EAST Version: 2.2.1.0

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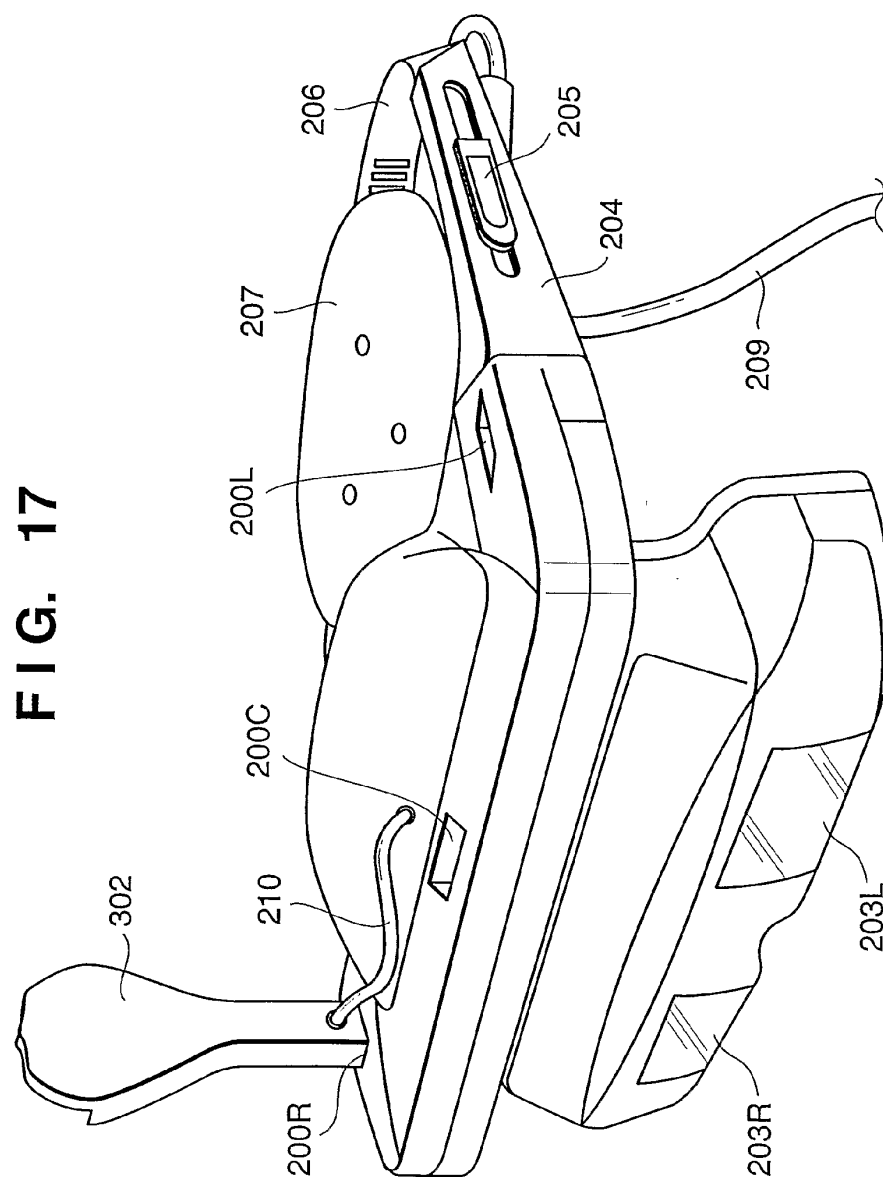
FIG. 15

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FIG. 16

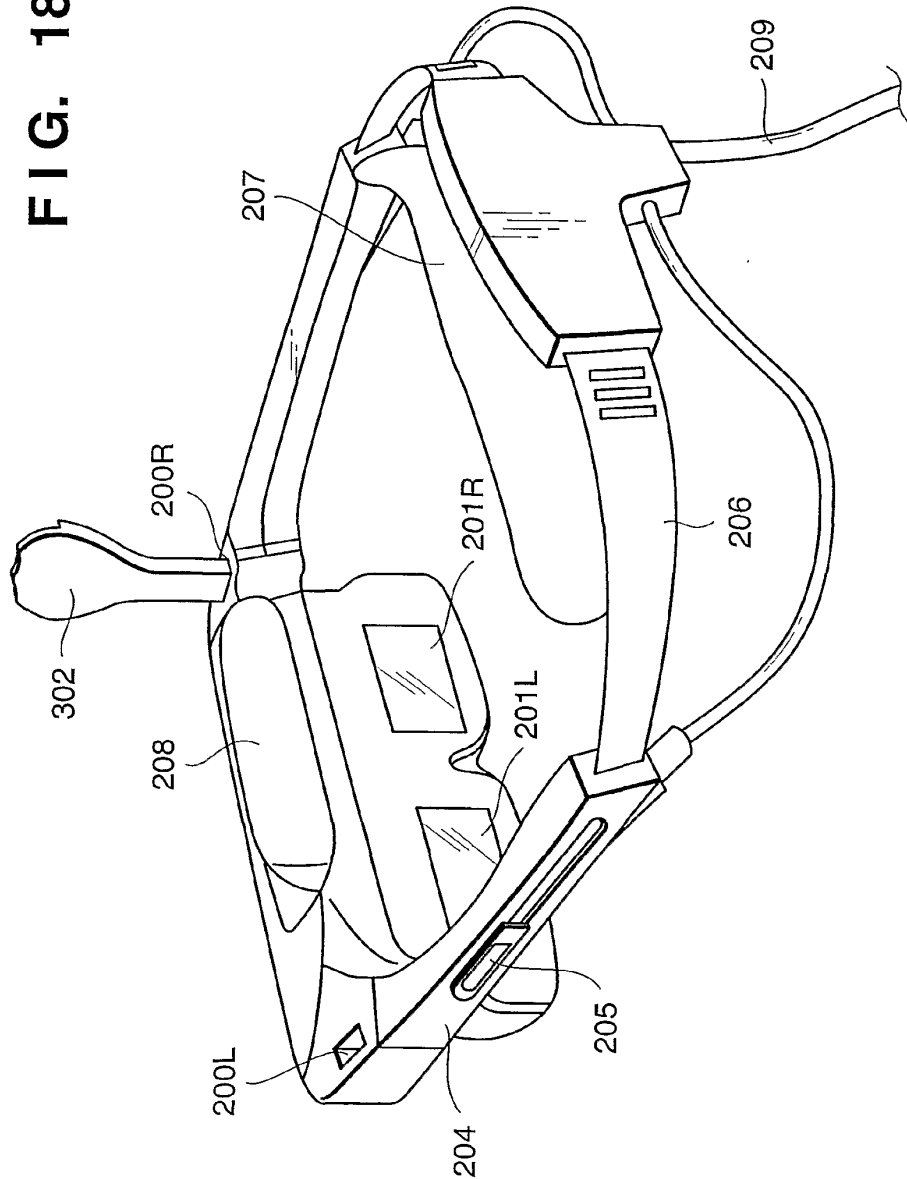


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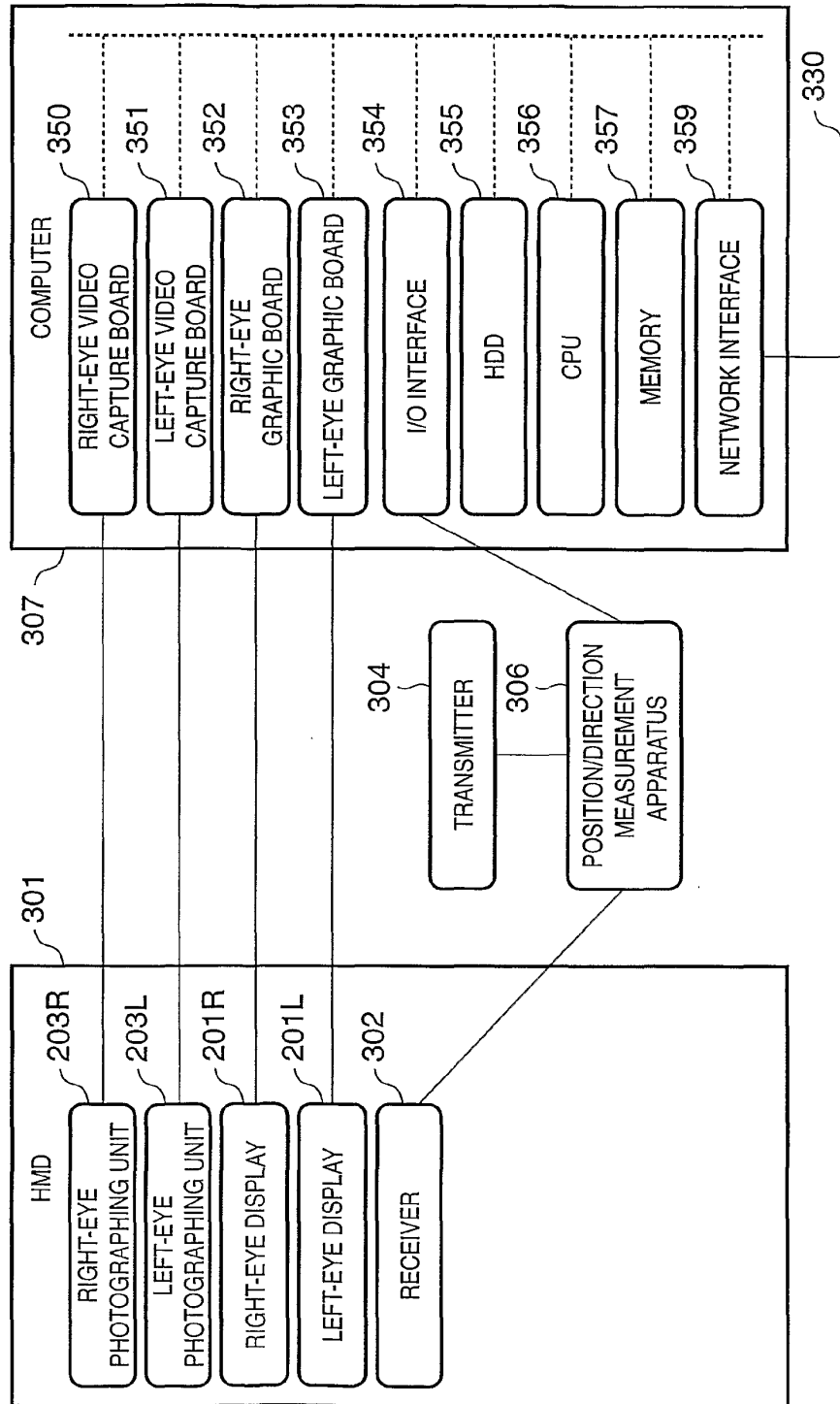
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FIG. 18



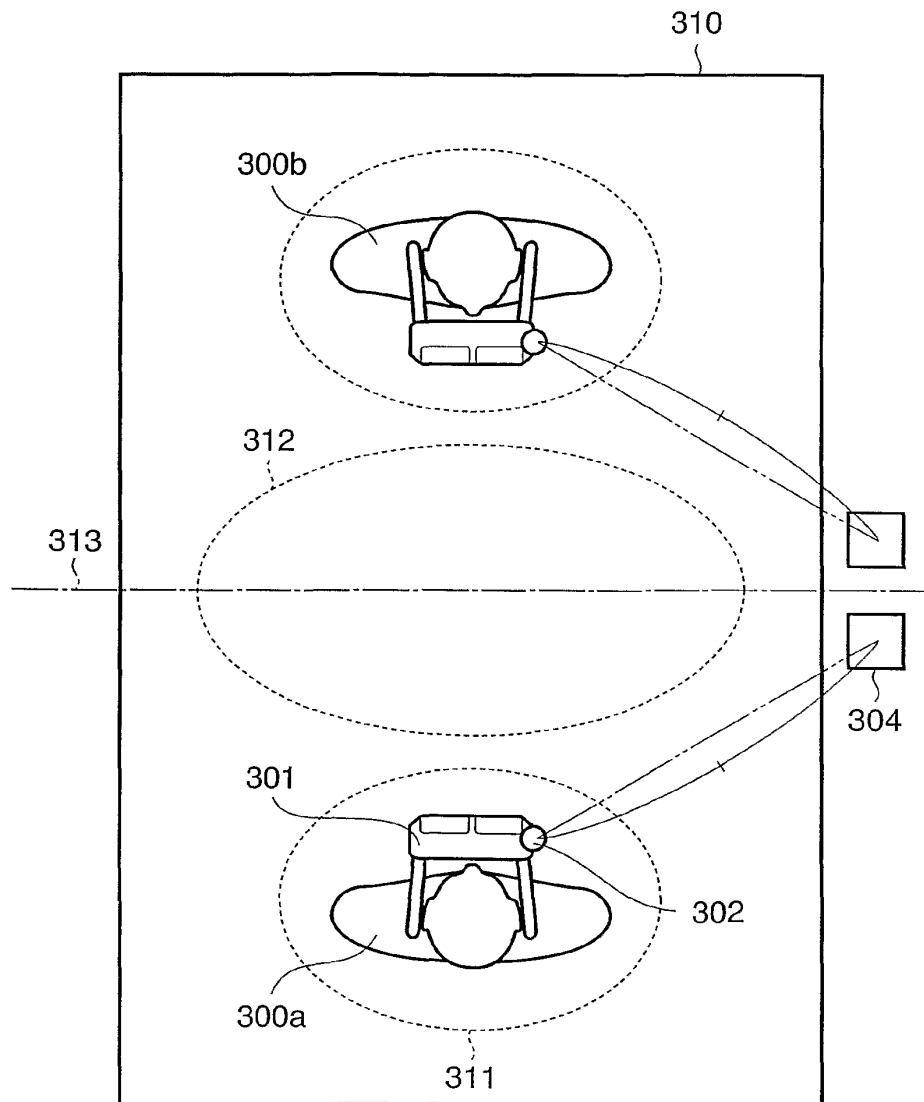
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FIG. 19



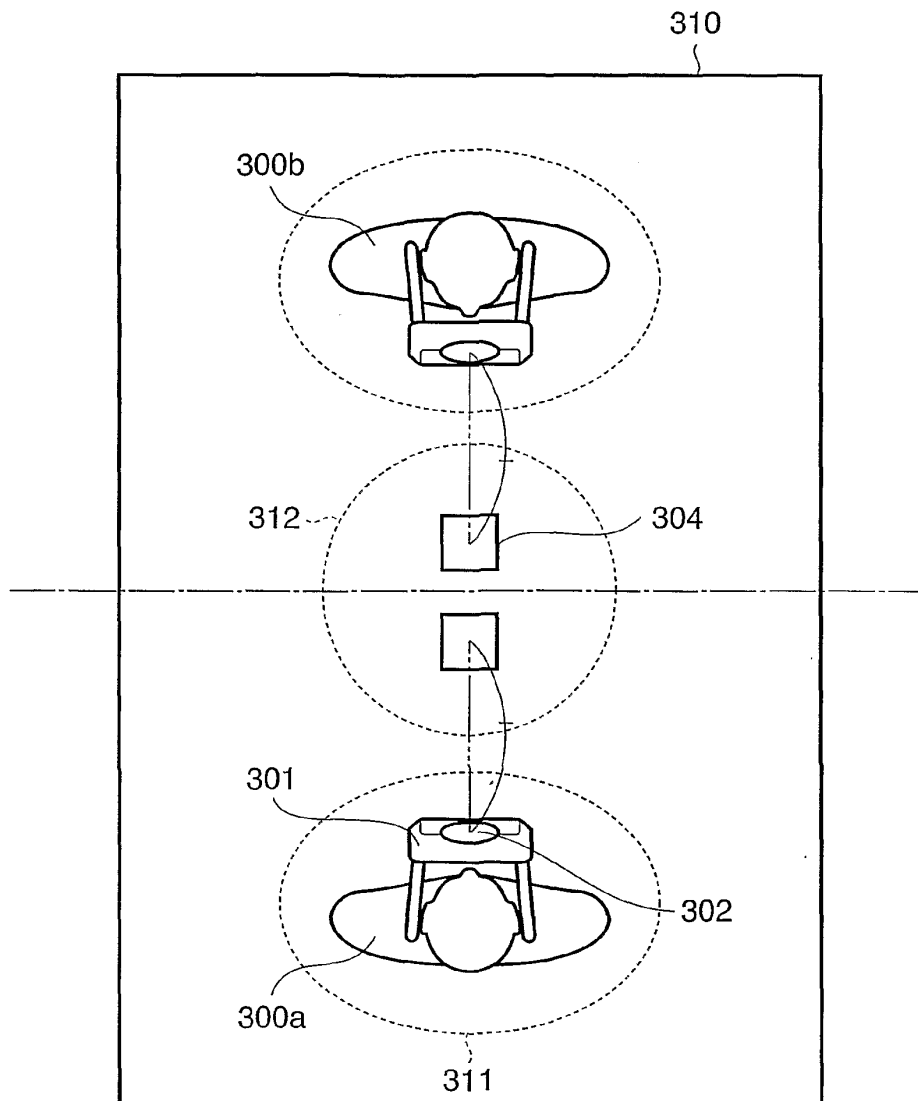
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FIG. 20



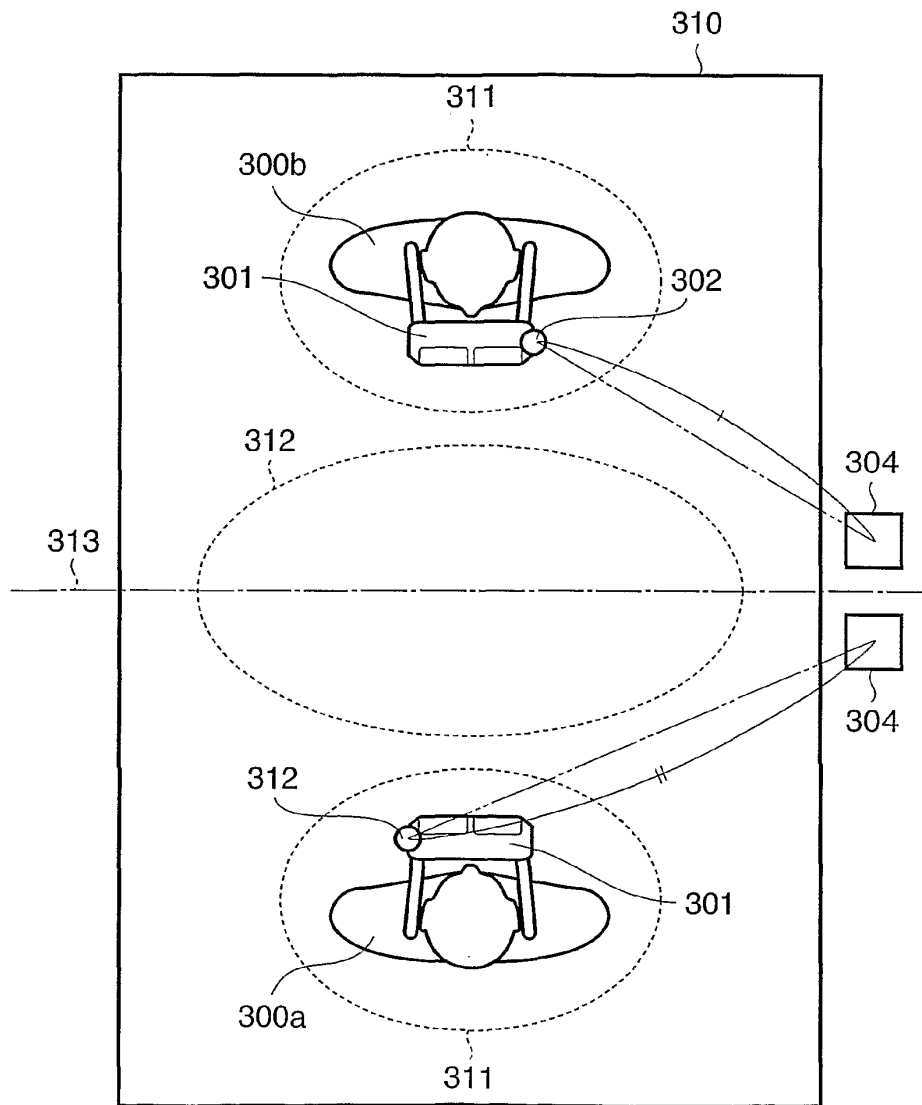
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FIG. 21



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FIG. 22



Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	950	950
Total in USD (\$)				950

Electronic Acknowledgement Receipt	
EFS ID:	37979794
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	10-DEC-2019
Filing Date:	20-AUG-2007
Time Stamp:	10:50:04
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 950
RAM confirmation Number	E2019B0A50502590
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

37 CFR 1.19 (Document supply fees)					
37 CFR 1.20 (Post Issuance fees)					
37 CFR 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-005CON6--RCE.pdf	697802	no	3
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Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	JDM-005C6--PTOSB08A.pdf	226710	no	5
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Total Files Size (in bytes):			27934731		
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Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11841889	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/005 CON6	Art Unit	3716
First Named Inventor	Jeffrey D. Mullen			Examiner Name	Paul D'Agnostino		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____
- ☒ Enclosed
- ☐ Amendment/Reply
- ☒ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

- ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- ☐ Other _____

FEES

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
- ☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

- Patent Practitioner Signature
- ☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

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Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2019-12-10
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

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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.



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

32733 7590 09/10/2019
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER
D'AGOSTINO, PAUL ANTHONY

ART UNIT PAPER NUMBER
3715

DATE MAILED: 09/10/2019

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611

TITLE OF INVENTION: SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON
ENABLED DEVICES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	12/10/2019

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)

32733 7590 09/10/2019
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

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

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being 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.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611

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APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	12/10/2019

EXAMINER	ART UNIT	CLASS-SUBCLASS
D'AGOSTINO, PAUL ANTHONY	3715	463-001000

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

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

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733	7590	09/10/2019	EXAMINER	
JEFFREY D. MULLEN			D'AGOSTINO, PAUL ANTHONY	
2212 Hassinger Lane			ART UNIT	
Glenshaw, PA 15116			PAPER NUMBER	
			3715	
DATE MAILED: 09/10/2019				

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

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

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

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

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

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

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

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.

Notice of Allowability	Application No. 11/841,889	Applicant(s) Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715
		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 RCE 9/2/2019.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3. ☒ The allowed claim(s) is/are 19-20 and 22-24. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

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

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

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

* Certified copies not received: _____.

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

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

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

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

Attachment(s)

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

/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	
--	--

Notice of Pre-AIA or AIA Status

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

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/2/2019 has been entered.

Allowable Subject Matter

3. Claims 19, 20, 22, 23, and 24 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: The prior art relied upon of Kunieda [0043] teaches that the movement of the character afford a change in the direction of the camera but is silent that this is also an update in an origin of the camera to be equivalent to a reset of the position of the camera.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is in the Notice of References Cited.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571) 270-1992.
7. 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>.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. 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.

/PAUL A D'AGOSTINO/
Primary Examiner, Art Unit 3715

Search Notes 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

CPC - Searched*		
Symbol	Date	Examiner
A63F13/10	8/21/2014	PD

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
463	31,40,42	9/6/2013	AK

* 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
EAST Text search of PGPUB, USPAT, USOCR, EPO, JPO, DERWENT. See attached search results.	9/6/2013	AK
update search see history	8/21/2014	PD
see history	3/7/2015	PD

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	see east search history	09/07/2019	pd

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Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

CPC						
Symbol				Type	Version	
A63F	/	13	/	65	F	2014-09-02
A63F	/	13	/	216	I	2014-09-02
A63F	/	13	/	79	I	2014-09-02
A63F	/	13	/	332	I	2014-09-02
A63F	/	13	/	42	I	2014-09-02
A63F	/	2300	/	204	A	2013-01-01
A63F	/	2300	/	205	A	2013-01-01
A63F	/	2300	/	406	A	2013-01-01
A63F	/	2300	/	408	A	2013-01-01
A63F	/	2300	/	5573	A	2013-01-01
A63F	/	2300	/	8082	A	2013-01-01

CPC Combination Sets					
Symbol				Type	Version
/	/	/	/		

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	5	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	07 September 2019	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20190907

Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

INTERNATIONAL CLASSIFICATION		
CLAIMED		
A63F	13	00

NON-CLAIMED		

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

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

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	5	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715	07 September 2019	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20190907

Issue Classification 	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner PAUL A D'AGOSTINO	Art Unit 3715

☒ 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

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 5	
/PAUL A D'AGOSTINO/ Primary Examiner, Art Unit 3715 (Primary Examiner) _____ (Date) 07 September 2019		O.G. Print Claim(s) 1	O.G. Print Figure 1

Bibliographic Data

Application No: 11/841,889

Foreign Priority claimed: ☐ Yes ☒ No

35 USC 119 (a-d) conditions met: ☐ Yes ☐ No

☐ Met After Allowance

Verified and Acknowledged:

Examiner's Signature

Initials

Title:

SYSTEMS AND METHODS FOR LOCATION BASED GAMES
AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED
DEVICES

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
08/20/2007	463	3715	JDM/005 CON6
RULE			

APPLICANTS

INVENTORS

Jeffrey D. Mullen Scarsdale, NY, UNITED STATES

CONTINUING DATA

This application is a CON of 10932536 09/01/2004

10932536 has PRO of 60603481 08/20/2004

10932536 has PRO of 60499810 09/02/2003

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

08/29/2007

**** SMALL ENTITY ****

STATE OR COUNTRY

UNITED STATES

ADDRESS

JEFFREY D. MULLEN

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UNITED STATES

FILING FEE RECEIVED

\$525

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	18	kunieda.in. and virtual and camera	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:22
L2	310	game and (virtual with camera) same boundary	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:26
L3	0	game and (virtual with camera) same boundary same (turns turnaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
L4	0	game and (virtual with camera) same boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
L5	0	game and (virtual with camera) and view with boundary same (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
L6	500	game and (virtual with camera) and view with (turns turnsaround)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:27
L7	0	game and (virtual with camera) and view with (turns turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
L8	0	game and (virtual with camera) and view with (turnsaround) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
L9	12	game and (virtual with camera) and view with (turn) with (reset origin)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
L10	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2005"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:28
L11	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2003"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
L12	0	game and (virtual with camera) and view with (turn) with (reset origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
L13	2	game and (virtual with camera) and view with (reset origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:29
L14	0	game and (virtual with camera) same character same movement same (reset\$4 origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:31
L15	1	game and (virtual with camera) same movement same (reset\$4 origin) and @py<"2002"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/09/07 16:32
S1	85	(location with game) and origin and character same (field grid) and	US-PGPUB; USPAT; USOCR;	OR	ON	2015/03/07 21:06

file:///C:/Users/pdagostino/Documents/e-Red%20Folder/11841889/EASTSearchHistory.11841889_AccessibleVersion.htm[9/7/2019 4:55:04 PM]

		@ay<="2004"	FPRS; EPO; JPO			
S2	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S3	2	"20040172481"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
S4	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:44
S5	85	(location with game) and origin and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:03
S6	478	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/09/24 10:14
S7	10	(location with game) and character same (field grid) and @ay<="2004"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	SAME	ON	2015/09/24 11:02
S8	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:29
S9	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 09:39
S10	1	"20030144047"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2016/06/29 10:27
S11	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2019/03/29 21:58

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L16	1	(location manual origin display virtual indicia manual updating).clm.	US-PGPUB; USPAT	AND	OFF	2019/09/07 16:53
S12	0	(location game origin character grid manual input).clm.	US-PGPUB; USPAT	AND	ON	2019/09/05 13:34

9/ 7/ 2019 4:55:00 PM

C:\Users\pdagostino\Documents\EAST\Workspaces\11841889.wsp

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11841889	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/005 CON6	Art Unit	3716
First Named Inventor	Jeffrey D. Mullen			Examiner Name	Paul D'Agnostino		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

Applicant Signature			
Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2019-09-02
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,889
Confirmation No. : 2611
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATION BASED GAMES AND
EMPLOYMENT OF THE SAME ON
LOCATION ENABLED DEVICES
Group Art Unit : 2629
Examiner : Yuk Chow

Hon. Commissioner for Patents Pittsburgh, PA 15116
P.O. Box 1450 September 2, 2019
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated September 20, 2018. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 4 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-18. (cancelled)

19. (currently amended) A system comprising:

a device for providing a location-based game, wherein said device is operable to determine whether said location-based game utilizes a manual origin setting for the start of the location-based game;

a graphical user interface of said device operable to prompt for manual input to be entered into said graphical user interface to position said device to a location associated with said manual origin setting, wherein said location is obtained on said device for use as said manual origin setting in said location-based game and said location is updated non-manually; and

a display for displaying virtual indicia associated with said location-based game, wherein said updated location impacts said location-based game in reference to said origin setting and changes said visual indicia displayed based on said updated location in reference to said origin setting, and said manual origin setting is operable to be manually updated.

20. (currently amended) A system comprising:

a first-location based gaming device, wherein a game ID is utilized to initialize a multiple-

player location-based game on said location-based gaming device, wherein said first-location based device is operable to determine whether said multiple-player location-based game utilizes a manual origin setting for ~~the start of~~ the location-based game, wherein the manual origin setting is operable to be updated during said location-based game; and

a second location-based gaming device, wherein said game ID is associated with said multiplayer location-based game and at least said ~~a~~ second location-based gaming device, and said multiple-player location-based game is provided on at least said first and second location-based gaming devices.

21. (cancelled).

22. (currently amended) A device comprising:

a display for providing a location-based game, wherein a grid is provided on said display, areas of said grid are covered, a virtual character is provided on said grid, the location of said virtual character on said grid is associated with the location of said device on a physical playfield with respect to a manual origin setting utilized for ~~the start of~~ the location-based game, wherein the manual origin setting is operable to be updated during said location-based game; and

a locating device that provides, at least in part, said location and said covered areas of said grid are uncovered as said device is moved to locations of said physical playfield that are associated with covered areas of said grid.

23. (currently amended) A system comprising:
a device having a display, wherein a graphical user interface is provided on said display to receive a first manual input for setting a origin location setting for a location reference for ~~the start of~~ gameplay and a second manual input for setting a directional reference for a direction of gameplay for a virtual character of a location-based game provided on said device based on the direction of said device and said location-based game is provided on said device with respect to said directional reference and said directional reference is operable to be updated during said gameplay.

24. (previously presented) The system of claim 23, wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 19-24 were pending in the application.

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Engstrom U.S. Patent Application Publication No. 2004/0172481 (hereinafter "Engstrom").

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being unpatentable over Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Kirmse U.S. Patent Application Publication No. 2002/0086732 (hereinafter "Kirmse").

The Examiner rejected claims 22 under 35 U.S.C. 102(e) as being unpatentable over Sprogis U.S. Patent Publication No. 2003/0144047 (hereinafter "Sprogis") in view of Singhal U.S. Patent Application Publication No. 2002/082068 (hereinafter "Singhal") and further in view of Cunningham.

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli U.S. Patent Application No 2004/0058732 (hereinafter "Piccionelli") in view of Engstrom and Cunningham.

The Examiner rejected claims 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

Summary of Applicant's Amendments

Without prejudice, and solely in order to expedite prosecution, applicant has amended claim 19, 20, 22, and 23.

Applicant traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any claim amendment or cancellation, or any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Engstrom

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Engstrom.

Applicant previously stated that claim 19 was patentable for features including a location, a manual origin setting for a location-based game, and a non-manual updated location.

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 19 with features including the manual origin setting is operable to be manually updated.

It should be noted that updating the location, either manually or autonomously, does not update the origin setting. Applicant's claim 19 includes an updated location that is different from an updated manual origin setting. Thus, it is made even more clear the two are not referencing the same structure and can be updated independently of one another.

None of the references show or suggest this feature. In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Kirmse

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Kirmse.

Without prejudice, and solely in order to expedite prosecution, applicant has amended claim 20 to include include a manual origin setting that is operable to be updated during said location-based game.

None of the references, used either alone or in combination, show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 20, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a) for Sprogis/Singhal

The Examiner rejected claims 22 under 35 U.S.C. 103(a) as being anticipated by Sprogis in view of Singhal.

Without prejudice, and solely in order to expedite prosecution, applicant has amended claim 22 to include a manual origin setting that is operable to be updated during said location-based game.

None of the references, used either alone or in combination, show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 22, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
For Piccionelli and Engstrom

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli in view of Engstrom.

Without prejudice, and solely in order to expedite prosecution, applicant has amended claim 23 to include the directional reference is operable to be updated during said gameplay.

None of the references, used either alone or in combination, show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
for Piccionelli, Engstrom, and Kunieda

The Examiner rejected claim 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

As shown above, claim 23 is patentable. Claim 24 depends from patentable claim 23.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 24, and any claims dependent therefrom, be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees required in conjunction with this filing, or credit

any overpayment of the same, to Deposit Account No. 50-3855, Order No. JDM/005 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Mobile: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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 - 2 months with \$0 paid	2252	1	300	300
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	950	950
Total in USD (\$)				1250

Electronic Acknowledgement Receipt	
EFS ID:	37041847
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	02-SEP-2019
Filing Date:	20-AUG-2007
Time Stamp:	22:37:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 1250
RAM confirmation Number	E201992M38309018
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)					
37 CFR 1.20 (Post Issuance fees)					
37 CFR 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-005CON6--RCE.pdf	697801	no	3
			d774ad0dfb7f5629a569c2fa353ad0f901d084a8		
Warnings:					
Information:					
2		JDM-005C6-Reply.pdf	111929	yes	9
			98e114717b2d724411df21466cee451733b6e823		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	4	
	Applicant Arguments/Remarks Made in an Amendment		5	9	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32763	no	2
			4c1605048b9b08b9989c394700767ab3a2c04edb		
Warnings:					
Information:					
Total Files Size (in bytes):			842493		

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/841,889		Filing Date 08/20/2007		☐ 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 \$25 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 = *		x \$ 100 =						
☐ 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	09/02/2019	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(j))	* 5	Minus	** 20	= 0	x \$ 50 =		0		
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 4	= 0	x \$ 230 =		0		
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE		0		
AMENDMENT		(Column 1)	(Column 2)	(Column 3)						
		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(j))	*	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".						/LASHAWN R MORGAN/				
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".										
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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2212 Hassinger Lane				
Glenshaw, PA 15116				
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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.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Response to Amendment

2. Applicant has amended Claim 19 to include a manual origin settling at the start of a game (See Applicant Arguments/Remarks, filed 3/20/2019, p. 5-6). This feature is taught by the art of record as the player initiates game play [0015]. Applicant argues but does not provide evidence towards addressing Examiner's request for specification citations to support allegations that manual location is not manual origin setting. Thus, Applicant's arguments are not compelling and the rejection is maintained.
3. Applicant has amended Claim 20 to include a first device is operable to determine when the game utilizes a manual origin setting for the start of a game. According to the specification (Fig. 2 step 203) the game asks if manual origin setting is required. Cunningham asks if a determination if position fix is required (Fig. 6 610) and of the methodologies available (Fig. 6 625) to include input by the user (Cunningham Claim 12) at the start of the game (Fig. 6). Applicant's arguments (pages 7-8) directed to the game ID has previously been addressed. Thus, the rejection of the claim is maintained.
4. Applicant has amended Claim 22 (pages 8-9) to provide functional language as to the function of the display to provide a location-based game and to recite that the grid is in respect to a manual origin setting for the start of the location based game. For the former, the modification does not change the claim scope and it disclosed by Sprogis. For the latter, Applicant is directed to the teachings of Cunningham (see rejection below). Thus, the rejection of the claim is maintained.

5. Applicant has amended Claim 23 to include a manual input for setting a origin location for the start of gameplay which is disclosed by Cunningham (See rejection below). Thus the rejection of the claim is maintained.

Claim Rejections - 35 USC § 103

6. 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 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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

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

8. Claim 19 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0224855 to Cunningham (Cunningham) in view of U.S. Patent Pub. No. 2004/0172481 to Engstrom (Engstrom).

Cunningham discloses a device and method, comprising:

providing, on a device, a location-based game (Fig. 1, paragraphs [0025, 0027], Fig. 4);

determining, on said device, whether location-based game utilizes a manual origin setting at the start of a game ([0015], "The position determination may be made...according to predetermined criteria such as the type of mobile-gaming application currently in use, according to the accuracy necessary to the particular state the application is in, or according to any player input that is available." and claims 10-13);

entering, on a user interface of said device, manual input into said user interface to position said device to a location associated with said manual origin setting ([0010, 0051, 0054] by using the manual mode switch ([0053]); and obtaining, on a device ([0055, position determination module 515), said location for use as said manual origin setting in said location-based game ([0010, 0058, and Claim 12]).

Applicant has previously amended Claim 19 to update said location where the update impacts the location based game. Examiner construes this addition as mere updating which if not expressed explicitly in either reference is an inherent feature in location-based games otherwise the game would not advance. Nonetheless, the teaching of an update can be reasonably read from Cunningham where "If no further determination is required, the presumed position is taken as final, until updated with subsequent data." [0060].

However, Cunningham is silent on the particulars of a graphical user interface for prompting on the graphical user interface for the manual input to be entered.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location. The information may be selected from a list of predetermined

favorite locations or expressly entered at the mobile device.” [0063]. Examiner interprets the presentation of a list as evidence of prompting.

“The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that “[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” KSR, 550 U.S. at ___, 82 USPQ2d at 1396. Exemplary rationales that may support a conclusion of obviousness include:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results.

Here, one of skill in the art would recognize that the display of Cunningham would be readily modified by the user interface according to Engstrom to include the location prompting to achieve predictable results as it has been held by the court that the combination of known elements according to known methods yields predictable results.

9. Claim 20 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of U.S. Patent Pub. No. 2002/0086732 to Kirmse et al. (Kirmse).

Cunningham discloses a system and method substantially equivalent to Applicant’s claimed invention (See rejection of Claim 19). In particular, where a first-location based gaming device initializes a location-based game (Fig. 1, paragraphs [0025, 0027]) and wherein the device is operable to determine whether a multiplayer location based game utilizes a manual

origin setting for the start of the game (Cunningham discloses that "A plurality of the available methodologies may be used, each of which will independently make a position determination."

[0015] therefore, Cunningham is operable to utilize a manual origin setting for the start of a game. In particular, Cunningham asks if a determination if position fix is required (Fig. 6 610) and of the methodologies available (Fig. 6 625) to include input by the user (Cunningham Claim 12) at the start of the game (Fig. 6). Ths the rejection of the claim is maintained.

However, Cunningham is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device.

Kirmse teaches of a game and game server (Fig. 1) where game IDs are exchanged to invoke and or join a multi-player game (Fig. 5, Fig. 6 step S102-S103; [0006, 0047]). Kirmse provides this system and method in order to facilitate multi-user activities ([0027]).

It would have been obvious to one skilled in the art at the time of the invention to include the ability to orchestrate by the exchange of game IDs to multiple players as taught by Kirmse into the teachings of Cunningham in order to play a location based game among a plurality of players because the courts have held that use of known technique to improve similar devices (methods, or products) in the same way would be indicia of obviousness.

10. Claim 22 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0144047 to Sprogis (Sprogis) in view of US Pub. No. 2002/082068 to Singhal (Singhal) and U.S. Patent Pub. No. 2003/0224855 to Cunningham (Cunningham).

Sprogis discloses a treasure hunt game (Titl.) wherein

providing a grid on the display of a device for display of a game (Fig. 4, [0030]); and

providing a character on said grid (Fig. 4, [0032], p1, p2, p3), wherein the location of said character on said grid is associated with the location of said device on a physical playfield ([0033], as the players move, their location positioning receivers transmit their locations back to

the game master); wherein a locating device of said device provides said location (location positioning device determined players' positions, Fig. 4 step S3).

Sprogis substantially discloses the claimed invention but fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid. Instead Sprogis discloses a physical playfield (fig. 3 and 4, paragraph [0031]) for a treasure hunt game that includes clues to find a treasure (paragraph [0016]) and that a wide variety of games could be practiced under the general concept that unites location positioning technologies and wireless communication in a gaming format (paragraph [0022]) but does not teach a grid that is covered and may be uncovered.

However in an analogous object finding game reference, Singhal teaches hide and seek game with a grid wherein areas of said grid are covered (Singhal, paragraphs [0053, 0055], obscuring the landscape may include creating a night/day/twilight effect and/or a weather effect such as rain or fog) and uncovering areas of a grid (Singhal, paragraph [0063], when the seek character 25, travels over the night landscape, he creates a seek path, if a clue is encountered in the seek path, a clue Pop-up window is displayed. A search sensor also uncovers part of the grid) to provide an apparatus and method for an electronic version of the hide and seek game with new features that would be useful for entertainment and educational purposes (Singhal, paragraph [0005]) thereby providing a combination of a location-based hide and seek game with a hiding of the landscape feature.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sprogis with Singhal to provide a new game that would be useful for entertainment and educational purposes.

Applicant has amended the claims to recite a manual origin setting used for the start of a location based game. One of skill in the art would turn to manual location setting as taught by Cunningham.

Cunningham discloses a location-based game (Fig. 1, paragraphs [0025, 0027], Fig. 4) and of utilizing several methodologies for location determination including using a manual origin setting at the start of a game determined by manual input by a user ([0015], "The position determination may be made...according to predetermined criteria such as the type of mobile-gaming application currently in use, according to the accuracy necessary to the particular state the application is in, or according to any player input that is available." and claims 10-13. See also [0010, 0051, 0054]

The Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 415-421, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness

(A) Combining prior art elements according to known methods to yield predictable results;

(B) Simple substitution of one known element for another to obtain predictable results;

(C) Use of known technique to improve similar devices (methods, or products) in the same way; and

(D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results.

Here, the courts have held that use of a known technique of providing several including manual methodologies for position determination at the start of a game to enhance similar location based games in the same way is indicia of obviousness.

11. Claim 23 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2004/0058732 to Piccionelli (Piccionelli) in view of Engstrom and U.S. Patent Pub. No. 2003/0224855 to Cunningham (Cunningham).

Piccionelli teaches of a method comprising:

manually setting a directional reference for a direction of game play for a character of a location-based game played on a device based on the direction of said device and providing said location-based game on said device with respect to said directional reference (location based game (Abstr.) where a need exists to interact with players in relation to the locations of the other players [0004]. In doing so, according to Piccionelli , determining a location of a target object to a central location [0006] and in addition to the location, an orientation of the user [0012], i.e., the direction the user is facing ([0012]) such that " The user's location and orientation, together with the location of the target object relative to the user, thus can be used to determine the location of the target object. In particular, based on orientation, Fig. 1 teaches that the viewpoints of player 1 and player 2 are determined (Fig. 1)).

According to Piccionelli, a GPS locator is used to determine orientation. Arguably, the user manually sets the directional reference in the first instance prior to the GPS detection. However, if Applicant disagrees with the Examiner's interpretation of the reference that it is obvious the manually set the orientation as a directional reference prior to GPS detection then Applicant is directed to the teachings of Engstrom.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to

Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location.

It would have been obvious to one skilled in the art at the time of the invention to include the manual entry of orientation as a directional references through a user interface as taught by Engstrom into the teachings of Piccionelli in order to initialize the system in the event the GPS system is down or the signal is too weak to pick up the information automatically.

Additionally, if Applicant disagrees that the combination of Piccionelli and Engstrom set a manual location at the start of gameplay, Applicant is directed to the teachings of Cunningham.

Cunningham discloses a location-based game (Fig. 1, paragraphs [0025, 0027], Fig. 4) and of utilizing several methodologies for location determination including using a manual origin setting at the start of a game determined by manual input by a user ([0015], "The position determination may be made...according to predetermined criteria such as the type of mobile-gaming application currently in use, according to the accuracy necessary to the particular state the application is in, or according to any player input that is available." and claims 10-13. See also [0010, 0051, 0054]

The Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 415-421, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness

(A) Combining prior art elements according to known methods to yield predictable results;

(B) Simple substitution of one known element for another to obtain predictable results;

(C) Use of known technique to improve similar devices (methods, or products) in the same way; and

(D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results.

Here, the courts have held that use of a known technique of providing several including manual methodologies for position determination at the start of a game to enhance similar location based games in the same way is indicia of obviousness.

12. Claim 24 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Piccionelli, Engstrom further in view of U.S. Patent Pub. No. 2002/0128063 to Kunieda et al. (Kunieda).

Piccionelli discloses a system and method substantially equivalent to Applicant's claimed invention. However, Piccionelli is silent wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

According to Applicant, the reset occurs (Specification p. 40) where the end of the playfield where the character resides can be "reset" to be the origin.

Examiner construes a reset in light of the specification and the claim as a whole to be where the game image pivots or servers as an origin for future movement. One example is that taught by Kunieda.

According to Kunieda, the character movement is affected by manipulation of a virtual camera, i.e., where the camera points is the new field of view for the player. In particular, "In the case in which the head object of a character, for example, is caused to face a prescribed orientation in response to the occurrence of prescribed event, this can be achieved similarly to the case described above, by having the movement of the virtual field of view cause the movement of the fixation point of the camera field of view." [0043]. Based on moving the fixation point of the camera, the viewpoint is reset. Or said another way, the new fixation point is the new manually set origin for the image.

It would have been obvious to one skilled in the art at the time of the invention to include allowing the player to move his view (or virtual camera) as he directs his viewpoint as taught by

Kunieda into the teachings of Piccionelli in order to toggle between views as seen by the other players by moving the virtual camera about the target in the playfield.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL ANTHONY D'AGOSTINO whose telephone number is (571)270-1992. The examiner can normally be reached on M-F 9-5 pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 5712724430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. 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

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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.

/PAUL A D'AGOSTINO/
Primary Examiner, Art Unit 3716

REMARKS/ARGUMENTS

Summary of Office Action

Claims 19-24 were pending in the application.

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Engstrom U.S. Patent Application Publication No. 2004/0172481 (hereinafter "Engstrom").

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being unpatentable over Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Kirmse U.S. Patent Application Publication No. 2002/0086732 (hereinafter "Kirmse").

The Examiner rejected claims 22 under 35 U.S.C. 102(e) as being unpatentable over Sprogis U.S. Patent Publication No. 2003/0144047 (hereinafter "Sprogis") in view of Engstrom U.S. Patent Application Publication No. 2002/082068 (hereinafter "Singhal").

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli U.S. Patent Application No 2004/0058732 (hereinafter "Piccionelli") in view of Engstrom.

The Examiner rejected claims 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

Summary of Applicant's Amendments

Without prejudice, and solely in order to expedite prosecution, applicant has amended claim 19-23.

Applicant traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter

lost by any claim amendment or cancellation, or any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Engstrom

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Engstrom.

Applicant's previously amended claim 19 includes a location, a manual origin setting for a location-based game, and a non-manual updated location.

The Examiner states:

"Applicant adds, furthermore a manual location is no a manual origin setting for a location-based game. Examiner invites Applicant to provide citations to the specification that defines or explains why or how a manual location is not a manual origin setting." (Office Action, page 3)

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 19 to include a manual origin setting for the start of a location based game and utilizing updated locations in reference to said original setting.

A manual location is not a manual origin setting for a location-based game. A manual location is merely determining a location manually. An origin setting for a start of a game is reference for location updates.

Accordingly, none of the references, used either alone or in combination show or suggest a manual origin setting and a non-manual updated location.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Kirmse

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Kirmse.

Without prejudice, and solely in order to expedite prosecution, applicant has amended claim 20 to include a first-location based device is operable to determine whether said multiple-player location-based game utilizes a manual origin setting for the start of the location-based game. Claim 20 includes patentable features similar to the patentable features of claim 19. In light of the foregoing, applicant respectfully requests that claim 20 is patentable.

The Examiner stated that Cunningham:

"Examiner only needs and relies on Kirmse to exchange game IDs. Cunningham has all aspects of multi-player games."
(Office Action, page 4)

Kirmsme, however, does not show or suggest a game ID associated with a multiple-player location based game. Kirmsme merely alleges invoking a game with a header that includes information. Accordingly, Cunningham does not show or suggest applicant's claim 20 of a game ID associated with multiple-player location-based game and Kirmsme does not show or suggest applicant's claim 20 of a game ID with a multiple-player location based game.

Similarly, injecting a game ID associated with multiple-player location based game into Kirsme would not be operable as Kirsme provides the exact opposite of a multiple player game by providing a single player game. The two configurations are diametrically opposed.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 20, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a) for Sprogis/Singhal

The Examiner rejected claims 22 under 35 U.S.C. 103(a) as being anticipated by Sprogis in view of Singhal.

Without prejudice, and solely in order to expedite prosecution, applicant has amended claim 22 to include providing a location-based game, the location of said virtual character on said grid is associated with the location of said device on a physical playfield with respect to a manual origin setting utilized for the start of the location-based game. Claim 22 includes patentable features similar to the patentable features of claim 19. In light of the foregoing, applicant respectfully requests that claim 22 is patentable.

Furthermore, no location-based functionality is provided by Singhal. Singhal merely alleges a stationary computer game on a computer. As a result, Singhal is completely irrelevant. Adding location to Singhal would render Singhal inoperable and eviscerate the spirit of Singhal because Singhal discusses a directly opposing way of controlling Singhal. A mouse is used to interact with the computer. If the mouse is taken away, the spirit of

Singhal is eviscerated. Controlling with a mouse directly teaches away from location-based functionality.

Accordingly, it is irrelevant if Sprogis shows location. Sprogis cannot be combined with Singhal because the two devices directly teach away from one another and, if combined, created an inoperable device neither shown nor suggested by the individual devices and doing so would eviscerate the spirit of the individual devices. No motivation to combine - even if permissible - is provided. In fact, one would have to destroy the mouse functionality which is impermissible. If just one of the above combinational obstacles is present, the combination fails. Here, all are present.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 22, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
For Piccionelli and Engstrom

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli in view of Engstrom.

Without prejudice, and solely in order to expedite prosecution, applicant has amended claim 23 to include a device having a display, wherein a graphical user interface is provided on said display to receive a first manual input for setting a origin location setting for a location reference for the start of gameplay and a second manual input for setting a directional reference for a direction of gameplay for a virtual character of a location-based game provided on said device based on the

direction of said device and said location-based game is provided on said device with respect to said directional reference. Claim 23 includes patentable features similar to the patentable features of claim 19. In light of the foregoing, applicant respectfully requests that claim 23 is patentable. None of the references, used either alone or in combination, show or suggest such features.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
for Piccionelli, Engstrom, and Kunieda

The Examiner rejected claim 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

As shown above, claim 23 is patentable. Claim 24 depends from patentable claim 23.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 24, and any claims dependent therefrom, be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees required in conjunction with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855, Order No. JDM/005 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
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Amendments to the Claims:

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

Listing of Claims:

1-18. (cancelled)

19. (currently amended) A system comprising:

a device for providing a location-based game, wherein said device is operable to determine whether said location-based game utilizes a manual origin setting for the start of the location-based game;

a graphical user interface of said device operable to prompt for manual input to be entered into said graphical user interface to position said device to a location associated with said manual origin setting, wherein said location is obtained on said device for use as said manual origin setting in said location-based game and said location is updated non-manually; and

a display for displaying virtual indicia associated with said location-based game, wherein said updated location impacts said location-based game in reference to said origin setting and changes said visual indicia displayed based on said updated location in reference to said origin setting.

20. (currently amended) A system comprising:

a first-location based gaming device, wherein a game ID is utilized to initialize a multiple-player location-based game on said location-based gaming

device, wherein said first-location based device is operable to determine whether said multiple-player location-based game utilizes a manual origin setting for the start of the location-based game; and

a second location-based gaming device, wherein said game ID is associated with ~~a~~ said multiplayer location-based game and at least said ~~a~~ second location-based gaming device, and said multiple-player location-based game is provided on at least said first and second location-based gaming devices.

21. (cancelled).

22. (currently amended) A device comprising:
a display for providing a location-based game,
wherein a grid is provided on said display, areas of said grid are covered, a virtual character is provided on said grid, the location of said virtual character on said grid is associated with the location of said device on a physical playfield with respect to a manual origin setting utilized for the start of the location-based game; and

a locating device that provides, at least in part, said location and said covered areas of said grid are uncovered as said device is moved to locations of said physical playfield that are associated with covered areas of said grid.

23. (currently amended) A system comprising:
a device having a display, wherein a graphical user interface is provided on said display to receive a first manual input for setting a origin location setting for a location reference for the start of gameplay and a

second manual input for setting a directional reference for a direction of gameplay for a virtual character of a location-based game provided on said ~~said a~~ device based on the direction of said device and said location-based game is provided on said device with respect to said directional reference.

24. (previously presented) The system of claim 23, wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,889
Confirmation No. : 2611
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATION BASED GAMES AND
EMPLOYMENT OF THE SAME ON
LOCATION ENABLED DEVICES
Group Art Unit : 2629
Examiner : Yuk Chow

Hon. Commissioner for Patents Pittsburgh, PA 15116
P.O. Box 1450 September 20, 2019
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated September 20, 2018. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 4 of this paper.

Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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 - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	35485660
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	20-MAR-2019
Filing Date:	20-AUG-2007
Time Stamp:	22:02:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$700
RAM confirmation Number	032119INTEFSW00006530503855
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

37 CFR 1.19 (Document supply fees)					
37 CFR 1.20 (Post Issuance fees)					
37 CFR 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-005C6-Reply.pdf	156884	yes	11
			b9de4ba0d80ff99e4b80ea458278829433e951cd		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Applicant Arguments/Remarks Made in an Amendment		5	11	
	Claims		2	4	
	Applicant Arguments/Remarks Made in an Amendment		1	1	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31022	no	2
			67bb03043471819075861ad8a1a7326b322bf84c		
Warnings:					
Information:					
Total Files Size (in bytes):			187906		

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/841,889		Filing Date 08/20/2007		☐ 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 \$25 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*	x \$ 100 =						
☐ 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	03/20/2019	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(j))	* 5	Minus	** 20	= 0	x \$ 50 =		0		
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 4	= 0	x \$ 230 =		0		
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE		0		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(j))	*	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".						/JAMES ELLIOTT/				
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".										
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733 7590 JEFFREY D. MULLEN 2212 Hassinger Lane Glenshaw, PA 15116			EXAMINER D'AGOSTINO, PAUL ANTHONY	
			ART UNIT 3716	PAPER NUMBER
			MAIL DATE 09/20/2018	DELIVERY MODE PAPER

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

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

Office Action Summary	Application No. 11/841,889	Applicant(s) MULLEN, JEFFREY D.	
	Examiner Paul A. D'Agostino	Art Unit 3716	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1) ☒ Responsive to communication(s) filed on RCE 9/6/2018.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

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

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 19,20 and 22-24 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) 19,20 and 22-24 is/are rejected.

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

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

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

Application Papers

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

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

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

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

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

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

4) ☐ Other: _____.

DETAILED ACTION

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

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/6/18 has been entered.

Response to Amendment

3. Applicant argues the impropriety of the last Final Office action (See Applicant Arguments/Remarks, filed 9/6/2017, p. 6). Examiner disagrees that by amending a claim a non-final rejection was warranted. Examiner did not change his basis of rejection and the amended claim could have been presented earlier and rejected on the same prior art basis.

4. Applicant argues that Engstrom and Cunningham fail to disclose or teach a location, manual origin setting, and setting and automated location updating (See Final 8/8/2017, pp. 5-6). Applicant argues that "Examiner has not provided any reference that utilizes two methodologies for location at two different parts – origin settling and

updating. Examiner is not clear on what this allegation is meant to infer but for that the two elements are not in a single reference. Examiner concurs that a combination of references are required to make his prima facie case. Examiner does not see that Applicant has made a case for why the two teachings cannot be combined. Applicant adds, furthermore a manual location is no a manual origin setting for a location based game. Examiner invites Applicant to provide citations to the specification that defines or explains why or how a manual location is not a manual original setting. Examiner is asking for evidence otherwise the argument is not compelling.

5. Examiner disagrees with Applicant's Argument regarding claim 20. Examiner has established that Cunningham concerns every aspect of a multiplayer game but for the use of a game ID. Examiner relies on Kirmse to teach the exchange of game IDs but not in the context of multi-player games (Examiner only needs and relies on Kirmse to exchange game IDs, Cunningham has all aspects of multi-player games). If Applicant reasonably read Examiner words to convey any other kind of reliance the inference was unintentional.

6. Applicant argues that injecting a game ID would be irrelevant and eviscerate the spirit of Cunningham Kirmse but then does provide any facts or application of the facts to the rule. Thus the argument is mere argument and not compelling.

7. With regard to claim 22, Applicant argues (p. 8) that Sprogis cannot be modified by Singhal because Singhal fails to teach the necessary game element. Examiner disagrees. Singhal is relied upon to teach a hide and seek game with the recited grid areas. Examiner has commented previously that the claims breadth concerning

"location device" (Final 8/8/17 p. 9) may be why it is difficult to see the combination of the teachings and why the art is analogous. But for the present, Examiner as one of skill in the art has properly combined the game elements. Applicant alleges that adding to Singhal would render Singhal inoperable and eviscerate the spirit of Singhal. Examiner offers to clarify that Sprogis is the reference being modified not Singhal for which those concerns would be relevant. Applicant also alleges that Sprogis and Singhal teach away from one another and if combined would create an inoperable device (p. 9). Examiner is not persuaded as neither reference discredits or discourages the solution claimed. Further, no analysis have been presented on the issue of how they are inoperable. Conversely, the game features relied upon by Examiner would be seen by one of skill in the art as enhancements in Sprogis to make the game more interesting and challenging.

8. Applicant argues (p. 10) that pae 10 and para 83 as evidence that two location devices can be utilized for direction. Examiner has read all of page 10 but needs help from Applicant as to which specific recitation to focus on which is related to the present claims. The same is true with para 83. The paragraph discusses determining a pitch. This may be a use of two directional devices but how does that citation apply to claim 23? Examiner construes claim 23 to concern location determination not pitch.

9. For the above reasons, the rejection of the claim is maintained.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is in the Notice of References Cited.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m.

12. 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>.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. 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

Application/Control Number: 11/841,889

Page 6

Art Unit: 3716

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul A. D'Agostino
Primary Examiner
Art Unit 3716

/Paul A. D'Agostino/
Primary Examiner, Art Unit 3716

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 11/841,889		Filing Date 08/20/2007		☐ 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(j))		minus 20 =		*		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)			(Column 2)			(Column 3)			
AMENDMENT	09/06/2018		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(j))		* 5	Minus	** 20	= 0	X \$50 =		0
	Independent (37 CFR 1.16(h))		* 4	Minus	***4	= 0	X \$230 =		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(j))		*	Minus	**	=	X \$ =		
	Independent (37 CFR 1.16(h))		*	Minus	***	=	X \$ =		
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
	TOTAL ADD'L FEE								
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

LIE
DAWN BREWER

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

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

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11841889	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/005 CON6	Art Unit	3716
First Named Inventor	Jeffrey D. Mullen			Examiner Name	Paul D'Agnostino		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Applicant Signature			
Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2018-09-06
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,889
Confirmation No. : 2611
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATION BASED GAMES AND
EMPLOYMENT OF THE SAME ON
LOCATION ENABLED DEVICES
Group Art Unit : 2629
Examiner : Yuk Chow

Hon. Commissioner for Patents Pittsburgh, PA 15116
P.O. Box 1450 September 6, 2018
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated April 6, 2018. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 4 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-18. (cancelled)

19. (previously presented) A system comprising:
a device for providing a location-based game, wherein said device is operable to determine whether said location-based game utilizes a manual origin setting;
a graphical user interface of said device operable to prompt for manual input to be entered into said graphical user interface to position said device to a location associated with said manual origin setting, wherein said location is obtained on said device for use as said manual origin setting in said location-based game and said location is updated non-manually; and
a display for displaying virtual indicia associated with said location-based game, wherein said updated location impacts said location-based game and changes said visual indicia displayed based on said updated location.

20. (previously presented) A system comprising:
a first-location based gaming device, wherein a game ID is utilized to initialize a multiple-player location-based game on said location-based gaming device; and

a second location-based gaming device, wherein said game ID is associated with ~~a~~ said multiplayer location-based game and at least said ~~a~~ second location-based gaming device, and said multiple-player location-based game is provided on at least said first and second location-based gaming devices.

21. (cancelled).

22. (previously presented) A device comprising: a display, a grid is provided on said display, areas of said grid are covered, a virtual character is provided on said grid, the location of said virtual character on said grid is associated with the location of said device on a physical playfield; and

a locating device that provides, at least in part, said location and said covered areas of said grid are uncovered as said device is moved to locations of said physical playfield that are associated with covered areas of said grid.

23. (currently amended) A system comprising: a device having a display, wherein a graphical user interface is provided on said display to receive ~~manually~~ manual input for setting a directional reference for a direction of gameplay for a virtual character of a location-based game provided on said ~~a~~ device based on the direction of said device and said location-based game is provided on said device with respect to said directional reference.

24. (previously presented) The system of claim 23, wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 19-24 were pending in the application.

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Engstrom U.S. Patent Application Publication No. 2004/0172481 (hereinafter "Engstrom").

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being unpatentable over Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Kirmse U.S. Patent Application Publication No. 2002/0086732 (hereinafter "Kirmse").

The Examiner rejected claims 22 under 35 U.S.C. 102(e) as being unpatentable over Sprogis U.S. Patent Publication No. 2003/0144047 (hereinafter "Sprogis") in view of Engstrom U.S. Patent Application Publication No. 2002/082068 (hereinafter "Singhal").

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli U.S. Patent Application No 2004/0058732 (hereinafter "Piccionelli") in view of Engstrom.

The Examiner rejected claims 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

Summary of Applicant's Amendments

Applicant traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any claim amendment or cancellation, or any subject

matter included in the present application, in one or more continuation or divisional applications.

Final Action After Final Office Action

Applicant has amended claim 23 without prejudice and solely in order to expedite prosecution.

Applicant amended an independent claim after the previous final rejection. The Examiner, however, issued a final rejection instead of a non-final rejection. Applicant appreciates the Examiner's reconsideration of a final rejection after a response to a final amending an independent claim. Regardless, applicant contends that a final rejection after a final rejection is improper - especially in light of material arguments.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Engstrom

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Engstrom.

Applicant's previously amended claim 19 includes a location, a manual origin setting for a location-based game, and a non-manual updated location.

Cunningham merely alleges updating with subsequent data.

Engstrom merely alleges a manual location.

The Examiner has not provided any reference that utilizes two methodologies for location particularly at two different parts - origin setting and updating. Furthermore, a manual location is not a manual origin setting for a location-based game.

Accordingly, none of the references, used either alone or in combination show or suggest a manual origin setting and a non-manual updated location.

The combination is also silent on the features of claim 19 and the graphical user interface.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Kirmse

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Kirmse.

The Examiner stated that Cunningham:

"is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device."
(Office Action, page 7)

The Examiner stated that Kirmse includes:

"a game and game server (Fig. 1) where game IDs are exchanged."
(Office Action, page 7)

Kirmse, however, does not show or suggest a game ID associated with a multiple-player location based game. Kirmse merely alleges invoking a game with a header that includes information.

The Examiner appears to agree with this position:

"game IDs associated with a multiplayer game however that improperly attributes more than what the Examiner is relying on Kirmse to teach"
(Office Action, page 3)

Accordingly, the Examiner appears to agree that (1) Cunningham does not show or suggest applicant's claim 20 of a game ID associated with multiple-player location-based game and (2) Kirsme does not show or suggest applicant's claim 20 of a game ID with a multiple-player location based game.

Injecting a game ID associated with multiple-player location based game into Cunningham would be irrelevant to, and eviscerate the spirit of, Cunningham. Similarly, injecting a game ID associated with multiple-player location based game into Kirsme would be irrelevant to, and eviscerate the spirit of, Kirsme.

Accordingly, the combined references could not show or suggest applicant's feature of claim 20 - let alone a motivation exist to combine Kirsme and Cunningham.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 20, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a) for Sprogis/Singhal

The Examiner rejected claims 22 under 35 U.S.C. 103(a) as being anticipated by Sprogis in view of Singhal.

The Examiner stated that:

"Sprogis ... fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid."
(Office Action, page 8)

The Examiner stated that applicant may have misdirected an argument. See *Office Action*, page 3. Applicant contends the argument was logical.

The above citation on Sprogis's is an excerpt from the Examiner in an Office Action stating that Sprogis fails to discuss the above element.

Accordingly, applicant's position is that should Singhal also fail to discuss that same element, the rejection would need to be withdrawn.

Singhal does not correct the deficiency of Sprogis. Singhal merely alleges a "computing device with ... a mouse device" (Singhal, paragraph 36).

No location-based functionality is provided by Singhal. Singhal merely alleges a stationary computer game on a computer. As a result, Singhal is completely irrelevant.

Put another way, adding location to Singhal would render Singhal inoperable and eviscerate the spirit of Singhal because Singhal discusses a directly opposing way of controlling Singhal. A mouse is used to interact with the computer. If the mouse is taken away, the spirit of Singhal is eviscerated. Controlling with a mouse directly teaches away from location-based functionality.

Accordingly, it is irrelevant if Sprogis shows location. Sprogis cannot be combined with Singhal because the two devices directly teach away from one another and, if combined, created an inoperable device neither shown nor suggested by the individual devices and doing so would eviscerate the spirit of the individual devices. No motivation to combine - even if permissible - is provided. In fact, one would have to destroy the mouse functionality which is impermissible. If just one of the above

combinational obstacles is present, the combination fails. Here, all are present.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 22, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
For Piccionelli and Engstrom

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli in view of Engstrom.

The Examiner states that applicant's argument is a bare allegation. The Examiner also makes a statement that any GPS shows a directional device. *See Office Action*, page 3.

However, applicant's specification on page 10, for example, teaches that two location devices can be utilized to provide a direction in a particular situation. Applicant's specification, paragraph 83, teaches for location devices for direction. Applicant has many teachings on how to provide a directional device in particular situations. Nothing herein shall limit the scope of applicant's claims. Applicant's claims are to be afforded the broadest possible meaning.

However, claim 23 is not limited to a directional device.

Claim 23 includes manually setting a directional reference for a direction of gameplay for a character.

Any direction in a reference the Examiner alleges is irrelevant because any direction in a reference is not a directional reference many set for the direction of

gameplay for a character. Furthermore, any inclusion of the word "direction" in a reference does not show or suggest applicant's invention of claim 23 of a location-based game is provided on said device with respect to a directional reference that is manually set for the direction of gameplay of a character.

A directional reference is shown throughout applicant's specification. For example, applicant turns the Examiner's attention to paragraph 88 where a directional reference is set for the game frogger for the direction of gameplay. Nothing herein shall limit the scope of applicant's claims. Applicant's claims are to be afforded the broadest possible meaning.

Accordingly, neither of the references, used either alone or in combination, show or suggest applicant's features of claim 23.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
for Piccionelli, Engstrom, and Kunieda

The Examiner rejected claim 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

As shown above, claim 23 is patentable. Claim 24 depends from patentable claim 23.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 24, and any claims dependent therefrom, be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees required in conjunction with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855, Order No. JDM/005 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
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Glenshaw, PA 15116
Mobile: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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 - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	950	950
Total in USD (\$)				1650

Electronic Acknowledgement Receipt	
EFS ID:	33649599
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	06-SEP-2018
Filing Date:	20-AUG-2007
Time Stamp:	17:27:42
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$1650
RAM confirmation Number	090718INTEFSW00004473503855
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)					
37 CFR 1.20 (Post Issuance fees)					
37 CFR 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-005CON6--RCE.pdf	697795	no	3
			5aa79f7b22f1610139a6e6c2d4e2656069e90974		
Warnings:					
Information:					
2		JDM-005C6-Reply.pdf	182522	yes	12
			c9c8c5d4096aa1d337986da2c7b89320595227e4		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	4	
	Applicant Arguments/Remarks Made in an Amendment		5	12	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32813	no	2
			9b71808ac699f5746d925687dc35bbe3a8e4a1a9		
Warnings:					
Information:					
Total Files Size (in bytes):			913130		

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733 7590 JEFFREY D. MULLEN 2212 Hassinger Lane Glenshaw, PA 15116			EXAMINER D'AGOSTINO, PAUL ANTHONY	
			ART UNIT 3716	PAPER NUMBER
			MAIL DATE 03/06/2018	DELIVERY MODE PAPER

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

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

Office Action Summary	Application No. 11/841,889	Applicant(s) MULLEN, JEFFREY D.	
	Examiner Paul A. D'Agostino	Art Unit 3716	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1) ☒ Responsive to communication(s) filed on 2/8/2018.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

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

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 19, 20 and 22-24 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) 19, 20, 22-24 is/are rejected.

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

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

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

Application Papers

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

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

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

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

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

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

4) ☐ Other: _____.

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/8/2018 has been entered.

Response to Arguments

2. Applicant argues (See Applicant Arguments/Remarks, filed 2/8/2018, p. 5-10) and amends Claim 19 to recite non-manual updating of the location. According to Applicant's specification, an origin may be periodically or manually updated [0110] and automatic updates may be provided to a wireless telephone user [0123] and automatic updates [0123] as part of typical wireless telephone service. So while an origin may be set automatically [0043] updates appear to be performed manually or automatically as part of wireless telephone operations. Similarly, Applicant has not presented any rebuttal to the cited portions of Cunningham's teaching of updated locations and continues to argue the references individually (Final 6). Thus, the claims as amended are not persuasive.

3. Applicant argues that Claim 20 has been amended but it has not been amended (See Applicant Arguments/Remarks, p. 7). Applicant's argument is premised on Kirsme

having game IDs associated with a multiplayer game however that improperly attributes more than what Examiner is relying on Kirsme to teach. The association with multiplayer games resides in Cunningham. Kirsme provides that the header information helps to form a handshake and that process modifies the process in Cunningham. Applicant then applies the same false attribution that Cunnig does not have an ID associated with a multiplayer game contrary to the Examiner's scope of reliance on Cunningham having already articulated that Cunningham lacks the particulars of the ID component to the process provided by Kirsme. For the forgoing reasons, Applicant's arguments are not persuasive.

4. Applicant misidentifies portions of Sprogis and Singhal in order to premise his argument. For example, the contention that Examiner is relying on location-based functionality in Singhal is false ((See Applicant Arguments/Remarks, filed 3/3/2017, p. 8). Examiner explained his claim construction and reliance on Sprogis for the locating device and reliance on Singhal for the particulars of covered areas as in a hide and seek game. Similar to the misdirection of arguments in the above paragraph, Applicant's arguments here are not persuasive.

5. Applicant makes a bare allegation that a direction is not a directional reference (p. 9). Yet, Examiner's review of the specification failed to find a definition of directional reference. Examiner was able to locate in [0107] additional locating devices or directional devices but then finds that these are merely gps devices [0107]. Thus, without more, Examiner's contention that the prior art utilizes gps devices as a directional reference is still valid (See Final 12).

6. Applicant does not provide separate grounds arguments for claim 24 and relies on those made for claim 23 (P. 9) and as such this arguments fails for those reasons previously provided by Examiner.

Claim Rejections - 35 USC § 103

7. 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 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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

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

obviousness or nonobviousness.

9. Claim 19 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0224855 to Cunningham (Cunningham) in view of U.S. Patent Pub. No. 2004/0172481 to Engstrom (Engstrom).

Cunningham discloses a device and method, comprising:

providing, on a device, a location-based game (Fig. 1, paragraphs [0025, 0027], Fig. 4);

determining, on said device, whether location-based game utilizes a manual origin setting ([0015], "The position determination may be made...according to predetermined criteria such as the type of mobile-gaming application currently in use, according to the accuracy necessary to the particular state the application is in, or according to any player input that is available." and claims 10-13);

entering, on a user interface of said device, manual input into said user interface to position said device to a location associated with said manual origin setting ([0010, 0051, 0054] by using the manual mode switch ([0053]); and

obtaining, on a device ([0055, position determination module 515), said location for use as said manual origin setting in said location-based game ([0010, 0058])).

Applicant has amended Claim 19 to update said location where the update impacts the location based game. Examiner construes this addition as mere updating which if not expressed explicitly in either reference is an inherent feature in location-based games otherwise the game would not advance. Nonetheless, the teaching of an update can be reasonably interpreted from Cunningham where "If no further determination is required, the presumed position is taken as final, until updated with subsequent data." [0060].

However, Cunningham is silent on the particulars of a graphical user interface for prompting on the graphical user interface for the manual input to be entered.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location. The information may be selected from a list of predetermined favorite locations or expressly entered at the mobile device." [0063]. Examiner interprets the presentation of a list as evidence of prompting.

"The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396.

Exemplary rationales that may support a conclusion of obviousness include:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;

(C) Use of known technique to improve similar devices (methods, or products) in the same way;

(D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results.

Here, one of skill in the art would recognize that the display of Cunningham would be readily modified by the user interface according to Engstrom to include the location prompting to achieve predictable results as it has been held by the court that the combination of known elements according to known methods yields predictable results.

10. Claim 20 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of U.S. Patent Pub. No. 2002/0086732 to Kirmse et al. (Kirmse).

Cunningham discloses a system and method substantially equivalent to Applicant's claimed invention. In particular, where a first-location based gaming device initializes a location-based game (Fig. 1, paragraphs [0025, 0027]).

However, Cunningham is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device.

Kirmse teaches of a game and game server (Fig. 1) where game IDs are exchanged to invoke and or join a multi-player game (Fig. 5, Fig. 6 step S102-S103; [0006, 0047]). Kirmse provides this system and method in order to facilitate multi-user activities ([0027]).

It would have been obvious to one skilled in the art at the time of the invention to include the ability to orchestrate by the exchange of game IDs to multiple players as taught by Kirmse into the teachings of Cunningham in order to play a location based game among a plurality of players because the courts have held that use of known technique to improve similar devices (methods, or products) in the same way would be indicia of obviousness.

11. Claim 22 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0144047 to Sprogis (Sprogis) in view of US Pub. No. 2002/082068 to Singhal (Singhal).

Sprogis discloses a treasure hunt game (Titl.) wherein
providing a grid on the display of a device (Fig. 4, [0030]); and
providing a character on said grid (Fig. 4, [0032], p1, p2, p3), wherein the location of said character on said grid is associated with the location of said device on a physical playfield ([0033], as the players move, their location positioning receivers transmit their locations back to the game master); wherein a locating device of said device provides said location (location positioning device determined players' positions, Fig. 4 step S3).

Sprogis substantially discloses the claimed invention but fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid. Instead Sprogis discloses a physical playfield (fig. 3 and 4,

paragraph [0031]) for a treasure hunt game that includes clues to find a treasure (paragraph [0016]) and that a wide variety of games could be practiced under the general concept that unites location positioning technologies and wireless communication in a gaming format (paragraph [0022]) but does not teach a grid that is covered and may be uncovered.

However in an analogous object finding game reference, Singhal teaches hide and seek game with a grid wherein areas of said grid are covered (Singhal, paragraphs [0053, 0055], obscuring the landscape may include creating a night/day/twilight effect and/or a weather effect such as rain or fog) and uncovering areas of a grid (Singhal, paragraph [0063], when the seek character 25, travels over the night landscape, he creates a seek path, if a clue is encountered in the seek path, a clue Pop-up window is displayed. A search sensor also uncovers part of the grid) to provide an apparatus and method for an electronic version of the hide and seek game with new features that would be useful for entertainment and educational purposes (Singhal, paragraph [0005]) thereby providing a combination of a location-based hide and seek game with a hiding of the landscape feature.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sprogis with Singhal to provide a new game that would be useful for entertainment and educational purposes.

12. Claim 23 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2004/0058732 to Piccionelli (Piccionelli) in view of Engstrom.

Piccionelli teaches of a method comprising:

manually setting a directional reference for a direction of game play for a character of a location-based game played on a device based on the direction of said device and providing said location-based game on said device with respect to said directional reference (location based game Abstr. where a need exists to interact with players in relation to the locations of the other players [0004]. In doing so, according to Piccionelli , determining a location of a target object to a central location [0006] and in addition to the location, an orientation of the user [0012], i.e., the direction the user is facing ([0012]) such that " The user's location and orientation, together with the location of the target object relative to the user, thus can be used to determine the location of the target object. In particular, based on orientation, Fig. 1 teaches that the viewpoints of player 1 and player 2 are determined (Fig. 1)).

According to Piccionelli, a GPS locator is used to determine orientation.

Arguably, the user manually sets the directional reference in the first instance prior to the GPS detection. However, if Applicant disagrees with the Examiner's interpretation of the reference that it is obvious the manually set the orientation as a directional reference prior to GPS detection then Applicant is directed to the teachings of Engstrom.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a

user interface of a location for a user. The user may enter any information desired to specify his or her location.

It would have been obvious to one skilled in the art at the time of the invention to include the manual entry of orientation as a directional references through a user interface as taught by Engstrom into the teachings of Piccionelli in order to initialize the system in the event the GPS system is down or the signal is too weak to pick up the information automatically.

13. Claim 24 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Piccionelli, Engstrom further in view of U.S. Patent Pub. No. 2002/0128063 to Kunieda et al. (Kunieda).

Piccionelli discloses a system and method substantially equivalent to Applicant's claimed invention. However, Piccionelli is silent wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

According to Applicant, the reset occurs (Specification p. 40) where the end of the playfield where the character resides can be "reset" to be the origin.

Examiner construes a reset in light of the specification and the claim as a whole to be where the game image pivots or servers as an origin for future movement. One example is that taught by Kunieda.

According to Kunieda, the character movement is affected by manipulation of a virtual camera, i.e., where the camera points is the new field of view for the player. In

particular, "In the case in which the head object of a character, for example, is caused to face a prescribed orientation in response to the occurrence of prescribed event, this can be achieved similarly to the case described above, by having the movement of the virtual field of view cause the movement of the fixation point of the camera field of view." [0043]. Based on moving the fixation point of the camera, the viewpoint is reset. Or said another way, the new fixation point is the new manually set origin for the image.

It would have been obvious to one skilled in the art at the time of the invention to include allowing the player to move his view (or virtual camera) as he directs his viewpoint as taught by Kunieda into the teachings of Piccionelli in order to toggle between views as seen by the other players by moving the virtual camera about the target in the playfield.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. 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.

Paul A. D'Agostino
Primary Examiner
Art Unit 3716

/Paul A. D'Agostino/
Primary Examiner, Art Unit 3716

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11841889	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/005 CON6	Art Unit	3716
First Named Inventor	Jeffrey D. Mullen			Examiner Name	Paul D'Agnostino		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

Applicant Signature			
Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2017-02-08
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,889
Confirmation No. : 2611
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATION BASED GAMES AND
EMPLOYMENT OF THE SAME ON
LOCATION ENABLED DEVICES
Group Art Unit : 2629
Examiner : Yuk Chow

Hon. Commissioner for Patents Pittsburgh, PA 15116
P.O. Box 1450 February 8, 2018
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated August 8, 2017. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 4 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-18. (cancelled)

19. (currently amended) A system comprising:

a device for providing a location-based game, wherein said device is operable to determine whether said location-based game utilizes a manual origin setting;

a graphical user interface of said device operable to prompt for manual input to be entered into said graphical user interface to position said device to a location associated with said manual origin setting, wherein said location is obtained on said device for use as said manual origin setting in said location-based game and said location is updated non-manually; and

a display for displaying virtual indicia associated with said location-based game, wherein said updated location impacts said location-based game and changes said visual indicia displayed based on said updated location.

20. (previously presented) A system comprising:

a first-location based gaming device, wherein a game ID is utilized to initialize a multiple-player location-based game on said location-based gaming device; and

a second location-based gaming device, wherein said game ID is associated with ~~a~~ said multiplayer location-based game and at least said ~~a~~ second location-based gaming device, and said multiple-player location-based game is provided on at least said first and second location-based gaming devices.

21. (cancelled).

22. (previously presented) A device comprising: a display, a grid is provided on said display, areas of said grid are covered, a virtual character is provided on said grid, the location of said virtual character on said grid is associated with the location of said device on a physical playfield; and

a locating device that provides, at least in part, said location and said covered areas of said grid are uncovered as said device is moved to locations of said physical playfield that are associated with covered areas of said grid.

23. (previously presented) A system comprising: a device having a display, wherein a graphical user interface is provided on said display to receive manually ~~ly~~ input for setting a directional reference for a direction of gameplay for a virtual character of a location-based game provided on said ~~a~~ device based on the direction of said device and said location-based game is provided on said device with respect to said directional reference.

24. (previously presented) The system of claim 23, wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 19-24 were pending in the application.

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Engstrom U.S. Patent Application Publication No. 2004/0172481 (hereinafter "Engstrom").

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being unpatentable over Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Kirmse U.S. Patent Application Publication No. 2002/0086732 (hereinafter "Kirmse").

The Examiner rejected claims 22 under 35 U.S.C. 102(e) as being unpatentable over Sprogis U.S. Patent Publication No. 2003/0144047 (hereinafter "Sprogis") in view of Engstrom U.S. Patent Application Publication No. 2002/082068 (hereinafter "Singhal").

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli U.S. Patent Application No 2004/0058732 (hereinafter "Piccionelli") in view of Engstrom.

The Examiner rejected claims 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

Summary of Applicant's Amendments

Applicant has amended claim 19 without prejudice and solely in order to expedite prosecution.

Applicant traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter

lost by any claim amendment or cancellation, or any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Engstrom

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Engstrom.

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 19 to include a location that is updated non-manually.

The Examiner's stated that Engstrom includes:

"Manual location module 702"
(Office Action, page 5)

Engstrom's manual module 702, however, merely alleges providing manual location.

Applicant's claim 19 includes a location, a manual origin setting for a location-based game, and a non-manual updated location.

At best, Engstrom alleges a manual location.

None of the references, used either alone or in combination, show or suggest the features of claim 19. In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Kirmse

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Kirmse.

Applicant has amended the claim solely in order to expedite prosecution and without prejudice. In light of the foregoing, applicant respectfully requests the Examiner's rejections be withdrawn.

The Examiner stated that Cunningham:

"is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device."
(Office Action, page 7)

The Examiner stated that Kirmse includes:

"a game and game server (Fig. 1) where game IDs are exchanged."
(Office Action, page 7)

Kirmse, however, does not show or suggest a game ID associated with a multiple-player location based game. Kirmse merely alleges invoking a game with a header that includes information. A header with information is not a game ID associated with a multiple-player location based game.

Cunningham also does not show or suggest applicant's claim 20 of a game ID associated with multiple-player location-based game. Cunningham merely alleges two structures that allegedly automatically detect each other and start a handshake. See Cunningham, paragraph 42.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 20, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a) for Sprogis/Singhal

The Examiner rejected claims 22 under 35 U.S.C. 103(a) as being anticipated by Sprogis in view of Singhal.

The Examiner stated that:

"Sprogis ... fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid."
(Office Action, page 8)

Singhal merely alleges a "computing device with ... a mouse device" (Singhal, paragraph 36). No location-based functionality is provided by Singhal. Singhal merely alleges a stationary computer game on a computer. Albeit applicant respectfully submits that Sprogis does not provide the features of claim 22, Singhal is silent on location-based functionality and the Examiner relies on Singhal for certain functionality. Singhal does not provide anything other than a stationary computer game. A mouse is used to interact with the game. No location functionality is provided.

Applicant's claim 22 was previously amended to include a locating device of the device that provides, at least in part, the location. A stationary computer game is not a game that includes a locating device of the device that provides, at least in part, the location.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 22, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
For Piccionelli and Engstrom

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli in view of Engstrom.

Applicant previously amended claim 23 without prejudice and solely in order to expedite prosecution to include manually setting a directional reference for a direction of gameplay for a character.

The Examiner alleges that a GPS shows direction. See Office Action, page 5. A direction is not a directional reference - let alone a location-based game is provided on said device with respect to said directional reference

Accordingly, neither of the references, used either alone or in combination, show or suggest applicant's features of claim 23.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
for Piccionelli, Engstrom, and Kunieda

The Examiner rejected claim 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

As shown above, claim 23 is patentable. Claim 24 depends from patentable claim 23.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 24, and any claims dependent therefrom, be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees required in conjunction with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855, Order No. JDM/005 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
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Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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 - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	950	950
Total in USD (\$)				1650

Electronic Acknowledgement Receipt	
EFS ID:	31744011
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
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Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	08-FEB-2018
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Application Type:	Utility under 35 USC 111(a)

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<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)					
37 CFR 1.20 (Post Issuance fees)					
37 CFR 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-005CON6--RCE.pdf	697796	no	3
			49e18378e80846b230c646224fb62c725c85df0e		
Warnings:					
Information:					
2		JDM-005C6-Reply.pdf	176758	yes	10
			069844e3663061d8ec54317f2f11b9bbb829c005		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	4	
	Applicant Arguments/Remarks Made in an Amendment		5	10	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32812	no	2
			2bb7b929978658c8c31c4af832ad093d9d751c99		
Warnings:					
Information:					
Total Files Size (in bytes):			907366		

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

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

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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.

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/841,889		Filing Date 08/20/2007		☐ 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(j))		minus 20 =		*		X \$		=	
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$		=	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	02/08/2018	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(j))	* 5	Minus	** 20	= 0	X \$50 =		0	
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X \$230 =		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(j))	*	Minus	**	=	X \$			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

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DEANNA RORIE

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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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/841,889		Filing Date 08/20/2007		☐ 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(j))		minus 20 =		*		X \$		=	
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$		=	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	02/08/2018	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(j))	* 5	Minus	** 20	=	X \$		=	
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	=	X \$		=	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
(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(j))	*	Minus	**	=	X \$		=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$		=	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733	7590	08/08/2017	EXAMINER	
JEFFREY D. MULLEN 2212 Hassinger Lane Glenshaw, PA 15116			D'AGOSTINO, PAUL ANTHONY	
			ART UNIT	PAPER NUMBER
			3716	
			MAIL DATE	DELIVERY MODE
			08/08/2017	PAPER

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

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

Office Action Summary	Application No. 11/841,889	Applicant(s) MULLEN, JEFFREY D.	
	Examiner Paul A. D'Agostino	Art Unit 3716	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1) ☒ Responsive to communication(s) filed on 7/13/2017.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

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

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 19, 20 and 22-24 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) 19, 20, 22, 23, 24 is/are rejected.

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

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

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

Application Papers

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

4) ☐ Other: _____.

DETAILED ACTION

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

Response to Arguments

2. Applicant argues (See Applicant Arguments/Remarks, filed 7/13/2017, p. 6-9) that the claims are not like the provided case law to reject under 101. Examiner agrees. The rejection based on 35 U.S.C. §101 is withdrawn.

Claim Rejections - 35 USC § 103

3. 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 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 19 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0224855 to Cunningham (Cunningham) in view of U.S. Patent Pub. No. 2004/0172481 to Engstrom (Engstrom).

Cunningham discloses a device and method, comprising:

providing, on a device, a location-based game (Fig. 1, paragraphs [0025, 0027], Fig. 4);

determining, on said device, whether location-based game utilizes a manual origin setting ([0015], "The position determination may be made...according to predetermined criteria such as the type of mobile-gaming application currently in use, according to the accuracy necessary to the particular state the application is in, or according to any player input that is available." and claims 10-13);

entering, on a user interface of said device, manual input into said user interface to position said device to a location associated with said manual origin setting ([0010, 0051, 0054] by using the manual mode switch ([0053]); and

obtaining, on a device ([0055, position determination module 515), said location for use as said manual origin setting in said location-based game ([0010, 0058]).

Applicant has amended Claim 19 to update said location where the update impacts the location based game. Examiner construes this addition as mere

updating which if not expressed explicitly in either reference is an inherent feature in location-based games otherwise the game would not advance. Nonetheless, the teaching of an update can be reasonably interpreted from Cunningham where "If no further determination is required, the presumed position is taken as final, until updated with subsequent data." [0060].

However, Cunningham is silent on the particulars of a graphical user interface for prompting on the graphical user interface for the manual input to be entered.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location. The information may be selected from a list of predetermined favorite locations or expressly entered at the mobile device." [0063]. Examiner interprets the presentation of a list as evidence of prompting.

"The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR, 550 U.S. at ___, 82 USPQ2d at 1396. Exemplary rationales that may support a conclusion of obviousness include:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results.

Here, one of skill in the art would recognize that the display of Cunningham would be readily modified by the user interface according to Engstrom to include the location prompting to achieve predictable results as it has been held by the court that the combination of known elements according to known methods yields predictable results.

Response to Arguments

6. Applicant argues (See Applicant Arguments/Remarks, filed 7/13/2017, p. 9) that Engstrom “alleges” providing manual location. Examiner disagrees. Engstrom has a “Manual location module 702”. This is more than an allegation. “The user may enter any information desired to specify his or her location. The information may be selected from a list of predetermined favorite locations or expressly entered at the mobile device.” [0063]. Applicant then contends that the manual location is not an updated. Applicant doesn’t say why but just makes the allegation. Allegation alone is not

persuasive. Conversely, Examiner has stated that the combination of references updates as it is a location-based game for the purpose of advancing the game. The gps, for example, modifies the display screen based on each new gps data location information received. Examiner has previously provided with no Applicant rebuttal, Cunningham to teach updated locations where "If no further determination is required, the presumed position is taken as final, until updated with subsequent data. [0060]. Applicant further alleges that this manual input is not origin setting. Examiner disagrees. Origin setting is an intended use or label. The function by Engstrom to manual enter a location sets a location whether it is now called an origin is a difference without a distinction. Lastly, Applicant appears to argue that the teachings of Engstrom are not done as in a location based game context. Examiner is not persuaded in an attack of the references individually when the rejection is based on the combination of references. To this end, Applicant merely alleges "None of the references alone or in combination" show the claimed feature. This is insufficient because it does not say why one of skill in the art would not see how the modifications suggested by Engstrom are improperly used to modify Cunningham.

7. Claim 20 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of U.S. Patent Pub. No. 2002/0086732 to Kirmse et al. (Kirmse).

Cunningham discloses a system and method substantially equivalent to Applicant's claimed invention. In particular, where a first-location based gaming device initializes a location-based game (Fig. 1, paragraphs [0025, 0027]).

However, Cunningham is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device.

Kirmse teaches of a game and game server (Fig. 1) where game IDs are exchanged to invoke and or join a multi-player game (Fig. 5, Fig. 6 step S102-S103; [0006, 0047]). Kirmse provides this system and method in order to facilitate multi-user activities ([0027]).

It would have been obvious to one skilled in the art at the time of the invention to include the ability to orchestrate by the exchange of game IDs to multiple players as taught by Kirmse into the teachings of Cunningham in order to play a location based game among a plurality of players because the courts have held that use of known technique to improve similar devices (methods, or products) in the same way would be indicia of obviousness.

Response to Arguments

8. Applicant argues (See Applicant Arguments/Remarks, filed 7/13/2017, p. 11) that Kirmse does not provide a game ID. Applicant contends without discussion that the header in Kirmse is not a game ID and not one associated with a multi-player game. Examiner disagrees. Examiner explains game IDs are exchanged to invoke or join a game according to Kirmse to address the former argument. Examiner is not persuaded in arguments against the references individually for the use in a multi-player game when the rejection is based on the combination of references to the latter allegation.

9. Claim 22 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0144047 to Sprogis (Sprogis) in view of US Pub. No. 2002/082068 to Singhal (Singhal).

Sprogis discloses a treasure hunt game (Titl.) wherein providing a grid on the display of a device (Fig. 4, [0030]); and providing a character on said grid (Fig. 4, [0032], p1, p2, p3), wherein the location of said character on said grid is associated with the location of said device on a physical playfield ([0033], as the players move, their location positioning receivers transmit their locations back to the game master); wherein a locating device of said device provides said location (location positioning device determined players' positions, Fig. 4 step S3).

Sprogis substantially discloses the claimed invention but fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid. Instead Sprogis discloses a physical playfield (fig. 3 and 4, paragraph [0031]) for a treasure hunt game that includes clues to find a treasure (paragraph [0016]) and that a wide variety of games could be practiced under the general concept that unites location positioning technologies and wireless communication in a gaming format (paragraph [0022]) but does not teach a grid that is covered and may be uncovered.

However in an analogous object finding game reference, Singhal teaches hide and seek game with a grid wherein areas of said grid are covered (Singhal, paragraphs [0053, 0055], obscuring the landscape may include creating a night/day/twilight effect and/or a weather effect such as rain or fog) and uncovering areas of a grid (Singhal, paragraph [0063], when the seek character 25, travels over the night landscape, he creates a seek path, if a clue is encountered in the seek path, a clue Pop-up window is displayed. A search sensor also uncovers part of the grid) to provide an apparatus and method for an electronic version of the hide and seek game with new features that would be useful for entertainment and educational purposes (Singhal, paragraph [0005]) thereby providing a combination of a location-based hide and seek game with a hiding of the landscape feature.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sprogis with Singhal to provide a new game that would be useful for entertainment and educational purposes.

Response to Arguments

10. Applicant argues (See Applicant Arguments/Remarks, filed 7/13/2017, p. 13) that Sprogis is merely a computer device with a mouse and not a location based game. Sprogis is silent on having location-based functionality. Examiner disagrees the claims recite any location-based functionality. Examiner deems the "location device" broadly such as using a mouse. Examiner appreciates what Applicant was intending to recite

but the claim language is simply presented in highly generalized language permitting a much broader construction that he may have anticipated.

15. Claim 23 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2004/0058732 to Piccionelli (Piccionelli) in view of Engstrom.

Piccionelli teaches of a method comprising:

manually setting a directional reference for a direction of game play for a character of a location-based game played on a device based on the direction of said device and providing said location-based game on said device with respect to said directional reference (location based game Abstr. where a need exists to interact with players in relation to the locations of the other players [0004]. In doing so, according to Piccionelli , determining a location of a target object to a central location [0006] and in addition to the location, an orientation of the user [0012], i.e., the direction the user is facing ([0012]) such that " The user's location and orientation, together with the location of the target object relative to the user, thus can be used to determine the location of the target object. In particular, based on orientation, Fig. 1 teaches that the viewpoints of player 1 and player 2 are determined (Fig. 1)).

According to Piccionelli, a GPS locator is used to determine orientation.

Arguably, the user manually sets the directional reference in the first instance prior to the GPS detection. However, if Applicant disagrees with the Examiner's interpretation of the reference that it is obvious the manually set the orientation as a directional reference prior to GPS detection then Applicant is directed to the teachings of Engstrom.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location.

It would have been obvious to one skilled in the art at the time of the invention to include the manual entry of orientation as a directional references through a user interface as taught by Engstrom into the teachings of Piccionelli in order to initialize the system in the event the GPS system is down or the signal is too weak to pick up the information automatically.

Response to Arguments

16. Applicant argues (See Applicant Arguments/Remarks, filed 7/13/2017, p. 14) that a gps direction is not a gps reference. Examiner disagrees. The gps data in the combination of references has a purpose to orient all other displayed information and direct the user. Thus, the gps data is a directional reference.

17. Claim 24 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Piccionelli, Engstrom further in view of U.S. Patent Pub. No. 2002/0128063 to Kunieda et al. (Kunieda).

Piccionelli discloses a system and method substantially equivalent to Applicant's claimed invention. However, Piccionelli is silent wherein said directional reference is

reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

According to Applicant, the reset occurs (Specification p. 40) where the end of the playfield where the character resides can be "reset" to be the origin.

Examiner construes a reset in light of the specification and the claim as a whole to be where the game image pivots or serves as an origin for future movement. One example is that taught by Kunieda.

According to Kunieda, the character movement is affected by manipulation of a virtual camera, i.e., where the camera points is the new field of view for the player. In particular, "In the case in which the head object of a character, for example, is caused to face a prescribed orientation in response to the occurrence of prescribed event, this can be achieved similarly to the case described above, by having the movement of the virtual field of view cause the movement of the fixation point of the camera field of view." [0043]. Based on moving the fixation point of the camera, the viewpoint is reset. Or said another way, the new fixation point is the new manually set origin for the image.

It would have been obvious to one skilled in the art at the time of the invention to include allowing the player to move his view (or virtual camera) as he directs his viewpoint as taught by Kunieda into the teachings of Piccionelli in order to toggle between views as seen by the other players by moving the virtual camera about the target in the playfield.

Response to Arguments

18. Applicant does not provide separate grounds arguments for claim 24 and relies on those made for claim 23 (See Applicant Arguments/Remarks, filed 7/13/2017, p. 14) and as such this arguments fails for those reasons previously provided by Examiner.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. 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.

Paul A. D'Agostino
Primary Examiner
Art Unit 3716

/Paul A. D'Agostino/
Primary Examiner, Art Unit 3716

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,889
Confirmation No. : 2611
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATION BASED GAMES AND
EMPLOYMENT OF THE SAME ON
LOCATION ENABLED DEVICES
Group Art Unit : 2629
Examiner : Yuk Chow

Hon. Commissioner for Patents Pittsburgh, PA 15116
P.O. Box 1450 July 13, 2017
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 13, 2017. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 4 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-18. (cancelled)

19. (currently amended) A system method comprising:

~~providing, on a device for providing device,~~
a location-based game, game; wherein ~~determining, on said~~
~~device,~~ device is operable to determine whether said
location-based game utilizes a manual origin setting;

~~prompting, on a graphical user interface of~~
said device device, operable to prompt for manual input to
be entered into said graphical user interface to position
said device to a location associated with said manual
origin setting, setting; and wherein ~~obtaining, on said~~
~~device,~~ said location is obtained on said device for use as
said manual origin setting in said location-based game
~~game;~~ and ~~updating~~ said location is updated; and

a display for displaying virtual indicia
associated with said location-based game, location, wherein
said updated location impacts said location-based game and
changes said visual indicia displayed based on said updated
location.

20. (currently amended) A system method comprising:

~~utilizing a game ID on~~ a first-location based gaming device, wherein a game ID is utilized to initialize a multiple-player location-based game ~~game, on said location-based gaming device; and~~
a second location-based gaming device, wherein said game ID is associated with ~~a~~ said multiplayer location-based game and at least said ~~a~~ second location-based gaming device, and device; and providing said multiple-player location-based game is provided on at least said first and second location-based gaming devices.

21. (cancelled).

22. (currently amended) A ~~method~~ device comprising:

~~providing a grid on the display of a device, a display,~~ a grid is provided on said display, wherein areas of said grid are covered, covered; providing a virtual character is provided on said grid, ~~wherein~~ the location of said virtual character on said grid is associated with the location of said device on a physical playfield; and playfield, wherein

a locating device that provides, at least in part, said location location; and said uncovering covered areas of said grid are uncovered as said device is moved to locations of said physical playfield that are associated with covered areas of said grid.

23. (currently amended) A ~~method~~ system comprising:

a device having a display, wherein a graphical user interface is provided on said display to receive

manually ~~input for~~ input for setting a directional reference for a direction of gameplay for a virtual character of a location-based game provided on said ~~a~~ device based on the direction of said ~~device, and device~~ device and ~~providing~~ said location-based game is provided on said device with respect to said directional reference.

24. (currently amended) The system ~~method~~ of claim 23, wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 19-24 were pending in the application.

The Examiner rejected claims 19-20 and 22-24 under 35 U.S.C. 101.

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Engstrom U.S. Patent Application Publication No. 2004/0172481 (hereinafter "Engstrom").

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being unpatentable over Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Kirmse U.S. Patent Application Publication No. 2002/0086732 (hereinafter "Kirmse").

The Examiner rejected claims 22 under 35 U.S.C. 102(e) as being unpatentable over Sprogis U.S. Patent Publication No. 2003/0144047 (hereinafter "Sprogis") in view of Engstrom U.S. Patent Application Publication No. 2002/082068 (hereinafter "Singhal").

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli U.S. Patent Application No 2004/0058732 (hereinafter "Piccionelli") in view of Engstrom.

The Examiner rejected claims 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

Summary of Applicant's Amendments

Applicant has amended claim 19, 20, 22, 23, and 24 without prejudice and solely in order to expedite prosecution.

Applicant traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any claim amendment or cancellation, or any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the
Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 19-20 and 22-24 under 35 U.S.C. 101.

Applicant has amended the claims without prejudice and solely in order to expedite prosecution. Applicant contends, as amended, are patentable in view of USC 101. The claims have clear structural features and transformational elements.

In light of the foregoing, applicant respectfully requests that the Examiner's rejections be withdraw.

Furthermore, the Examiner stated that the claims were drawn to an judicial exception of an abstract idea.

The Examiner stated the "judicial exception for Claim 22 is the same as that of Claim 19" (Office Action, page 3).

The Examiner relies upon the Examiner's judicial exception, but then appears to state that the abstraction is due to a location based game.

Applicant and Examiner have instructions from the USPTO stating that positioning is not a judicially created example. First, however, the USPTO advises an abstract idea is:

"such as an idea that could be done by a human analog (*i.e.*, by hand or by merely thinking."
(USPTO July 2015 Update: Subject Matter Eligibility, page 7)

Applicant's location based structures cannot be done by a human analog and no argument can be made as such. Accordingly, for this reason alone, the present application is patentable.

The USPTO advises:

"if the elements and functions are beyond those recognized ... by the courts as being well-understood, routine or conventional, then the elements or functions will in most cases amount to significantly more..." (USPTO July 2015 Update: Subject Matter Eligibility, page 7)

The Examiner has not provided a court example with location based structures that are similar to applicants. Accordingly, for this reason alone, the present application is patentable.

The USPTO advises that positioning is not an exception:

"The importance of considering the additional elements in combination was emphasized in examiner training (see Section V below), and in numerous examples. For instance, Examples ... 4 (AI-4: global positioning systems) ... illustrate how generic computer components that individually perform merely generic computer functions (*e.g.*, a CPU that performs mathematical calculations or a clock that produces time data) are able in combination to perform functions that are not generic computer functions and that amount to significantly more." (USPTO July 2015 Update: Subject Matter Eligibility, page 7)

Accordingly, the USPTO itself states that positioning structures are more than just an abstract idea. Accordingly, for this reason alone, the present application is patentable. Applicant believes that the "facts" of which the Examiner has provided this rejection without showing the elements in a precedent case not meet the standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that a comparison example exists in case law. None have been provided because none exist.

The USPTO advises an abstract idea is:

"Because the courts have declined to define abstract ideas, other than by example, the 2014 IEG instructs examiners to refer to the body of case law precedent in order to identify abstract ideas by way of comparison..." (USPTO July 2015 Update: Subject Matter Eligibility, page 3)

Accordingly, the USPTO states that the Examiner is to rely on case law precedent to find comparison examples. None have been provided. Case law on this exception is very limited. Applicant believes that the "facts" of which the Examiner has provided this rejection without showing the elements in a precedent case not meet the standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that a comparison example exists in case law.

Applicant has provided USPTO guidance that positioning is not a judicial exception and has shown that no examples contradicting this have been provided in case law are provided.

The judicial exception rejection is very limited in scope based on case law and applies to very limited circumstances. Only one a few, limited occasions has it

been utilized and the case law is limited to exactly the circumstances of those cases.

Applicant contends that there is no judicial exception of an abstract idea for a location-based game.

Accordingly, the Examiner has not provided a permissible judicially exception group in the Examiner's argument and provided explanation for how a location-based game fits into that permissible group.

Applicant's claims clearly show differential structure and differential function associated with that differential structure. Accordingly, applicant's claims are not abstract ideas.

The Examiner refers merely to pre-selecting numbers in Bingo.

The Examiner's reference does not show a location-based game or even the Examiner's alleged setting origins. The Examiner is merely limited to the activities in the Examiner's reference and cannot extend the activities beyond the reference. Accordingly, applicant respectfully requests that the rejection under 35 U.S.C. 101 be withdrawn.

In light of the foregoing, applicant respectfully requests that the Examiners rejection be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Engstrom

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Engstrom.

Applicant has amended the claim solely in order to expedite prosecution and without prejudice. In light of

the foregoing, applicant respectfully requests the Examiner's rejections be withdrawn.

The Examiner stated that Cunningham:

"is silent on the particulars of a graphical user interface for prompting on the graphical user interface for the manual input to be entered."
(Office Action page 8)

Applicant appreciates the Examiner's acknowledgement that Cunningham is deficient and that applicant's claim 19 is patentable in view of 35 U.S.C. 102. Similarly, applicant appreciates the Examiner's acknowledgement that in the Examiner's known scope of art, no single reference shows or suggests in any, way, shape, or form - applicant's invention of claim 19.

The Examiner's inclusion of Engstrom does not change this fact. For the Examiner's 35 U.S.C. 103 rejection, the Examiner stated that Engstrom includes:

"Manual location module 702 enables manual entry..."
(Office Action, page 8)

Engstrom's manual module 702, however, merely alleges providing manual location. Applicant's claim 19 includes a location and an updated location. At best, Engstrom alleges a manual location. However, applicant's claim 19 does not just include a location or an updated location. Applicant's claim 19 includes a manual origin setting for a location-based game. Engstrom's at best allegation of a location is not an origin setting. A manual location is not a manual origin setting for a location-based game. None of the references, used either alone or in combination, show or suggest such a feature.

Regarding the Examiner's allegation that the Examiner is not persuaded by applicant's inoperability argument, it is the Examiner that has the obligation of providing a motivation to combine. An absence of inoperability is not a motivation to combine. However, the argument is moot in light of the fact that Engstrom's manual location module 702 merely alleges, at best, what its name infers - a manual location - not a manual origin setting - let alone a manual origin setting for a location based game.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Kirmse

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Kirmse.

Applicant has amended the claim solely in order to expedite prosecution and without prejudice. In light of the foregoing, applicant respectfully requests the Examiner's rejections be withdrawn.

The Examiner stated that Cunningham:

"is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device."
(Office Action, page 12)

Applicant appreciates the Examiner's acknowledgement that Cunningham is deficient and that applicant's claim 19 is patentable in view of 35 U.S.C. 102. Similarly, applicant appreciates the

Examiner's acknowledgement that in the Examiner's known scope of art, no single reference shows or suggests in any, way, shape, or form - applicant's invention of claim 20.

The Examiner's inclusion of Kirmse does not change this fact. For the Examiner's 35 U.S.C. 103 rejection, the Examiner stated that Kirmse includes:

"a game and game server (Fig. 1) where game IDs are exchanged."
(Office Action, page 12)

The Examiner stated that "Kirmse provide a game ID" (Office Action, page 16). Kirsme, however, does not show or suggest a game ID associated with a multiple-player location based game. Kirsme merely alleges invoking a game with a header that includes information. A header with information is not a game ID associated with a multiple-player location based game.

Cunningham also does not show or suggest applicant's claim 20 of a game ID associated with multiple-player location-based game. Cunningham merely alleges two structures that allegedly automatically detect each other and start a handshake. See Cunningham, paragraph 42.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 20, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a) for Sprogis/Singhal

The Examiner rejected claims 22 under 35 U.S.C. 103(a) as being anticipated by Sprogis in view of Singhal.

Applicant has amended the claim solely in order to expedite prosecution and without prejudice. In light of

the foregoing, applicant respectfully requests the Examiner's rejections be withdrawn.

The Examiner stated that:

"Sprogis ... fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid."
(Office Action, page 14)

Singhal merely alleges a "computing device with ... a mouse device" (Singhal, paragraph 36). No location-based functionality is provided by Singhal. Singhal merely alleges a stationary computer game on a computer. Albeit applicant respectfully submits that Sprogis does not provide the features of claim 22, Singhal is silent on location-based functionality and the Examiner relies on Singhal for certain functionality. Singhal does not provide anything other than a stationary computer game. A mouse is used to interact with the game. No location functionality is provided.

Applicant's claim 22 was previously amended to include a locating device of the device that provides, at least in part, the location. A stationary computer game is not a game that includes a locating device of the device that provides, at least in part, the location.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 22, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
For Piccionelli and Engstrom

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli in view of Engstrom.

Applicant has amended the claim solely in order to expedite prosecution and without prejudice. In light of the foregoing, applicant respectfully requests the Examiner's rejections be withdrawn.

Applicant previously amended claim 23 without prejudice and solely in order to expedite prosecution to include manually setting a directional reference for a direction of gameplay for a character.

The Examiner alleges that a GPS shows direction. See Office Action, page 5. A direction is not a directional reference - let alone a location-based game is provided on said device with respect to said directional reference

Accordingly, neither of the references, used either alone or in combination, show or suggest applicant's features of claim 23.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
for Piccionelli, Engstrom, and Kunieda

The Examiner rejected claim 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

As shown above, claim 23 is patentable. Claim 24 depends from patentable claim 23.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 24, and any claims dependent therefrom, be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees required in conjunction with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855, Order No. JDM/005 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
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2212 Hassinger Lane
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Mobile: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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 - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	29777427
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	13-JUL-2017
Filing Date:	20-AUG-2007
Time Stamp:	16:27:15
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		JDM-005C6-Reply.pdf	188761	yes	15
			e0c233a1c1f587f132ea34d798e381a1992f4f42		

Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Amendment/Req. Reconsideration-After Non-Final Reject			1	1	
Claims			2	4	
Applicant Arguments/Remarks Made in an Amendment			5	15	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31021	no	2
			a3937c086d66879b52fad563596a5659eb2a135a		
Warnings:					
Information:					
Total Files Size (in bytes):			219782		
<p>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.</p> <p><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.</p> <p><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.</p> <p><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.</p>					

Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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 - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	29780589
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	13-JUL-2017
Filing Date:	20-AUG-2007
Time Stamp:	19:59:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 700
RAM confirmation Number	071417INTEFSW20002100
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)
 37 CFR 1.20 (Post Issuance fees)
 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Fee Worksheet (SB06)	fee-info.pdf	31022	no	2
			36836220bac95b7ea923ed1aec2d306e16bc10d7		

Warnings:

Information:

Total Files Size (in bytes):	31022
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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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733	7590	01/13/2017		
JEFFREY D. MULLEN 2212 Hassinger Lane Glenshaw, PA 15116			EXAMINER D'AGOSTINO, PAUL ANTHONY	
			ART UNIT 3716	PAPER NUMBER
			MAIL DATE 01/13/2017	DELIVERY MODE PAPER

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

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

Office Action Summary	Application No. 11/841,889	Applicant(s) MULLEN, JEFFREY D.	
	Examiner Paul A. D'Agostino	Art Unit 3716	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1) ☒ Responsive to communication(s) filed on 1/5/17.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

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

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 19,20 and 22-24 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) 19-20, 22-24 is/are rejected.

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

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

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

Application Papers

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

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

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

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

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

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

4) ☐ Other: _____.

DETAILED ACTION

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

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/5/17 has been entered.

Response to Arguments/Amendments

3. Examiner has received updated guidance regarding rejections under 35 U.S.C. §101 and maintains the rejection of the claims. Examiner addresses in the rejection prior points raised by Applicant if still applicable (Applicant Arguments, filed 1/5/17 pp. 4-8), otherwise, prior arguments are moot.

4. Applicant argues that the order of the references does not influence whether the references can be combined. Examiner has no interest in debating that point. What is important to know is what teachings the Examiner relying upon from the modifying

reference. In the case of Claim 19, applicant argues (Applicant Arguments, p.8) that the modifying reference, Enstrom, does not include obtaining the location in the location based game. However, this teaching is in Cunningham. Enstrom is relied upon to provide particulars of a graphical user interface for prompting on the graphical user interface for the manual input in Cunningham to be entered. Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location. The information may be selected from a list of predetermined favorite locations or expressly entered at the mobile device." [0063].

Relatedly (p. 9), Applicant argues that Enstrom applies to only aggregating data of several users and alleges the combination teaches away and renders any combination inoperable. Examiner disagrees. The allegation is not true. Further, the relevance of aggregation is not apparent from the claim. Lastly, Engstrom does not prohibit, disparage, or discredit one of skill in the art from using his interface teaching in any way. Lastly, there is argument but no evidence that Cunningham is in any way left inoperable by improving Cunningham's invention to receive manually entered input. The balance of Applicant's comments appear to be directed towards modifying Enstrom and as such fall in light of the clarifications provided by Examiner. Applicant calls out Cunningham's privacy switch (p. 9) on Examiner's page 15 but no mention of that can

be found there. If Applicant could verify the citation Examiner will provide a full response.

5. Applicant recycles his arguments (p. 9-12) with respect to Kirmse and Sprogis which have been addressed in prior Office Actions.

6. Applicant asserts (Applicant Arguments, p. 12) that Piccionelli does not include manually setting a directional reference. However, Applicant has not persuasively said why Piccionelli's GPS orientation is not used as data to manually set a directional reference. A review of Applicant's specification discloses that GPS devices may be used for reference purposes (pages 8 and 14).

7. Applicant argues Claim 24 but relies on previous arguments. For this reason the argument for Claim 24 is not persuasive.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 19-20, 22, and 23-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Claim(s) 19-20, 22, and 22-24 are abstract as they are directed to a method of playing a location-based game as recited in the claim. This is similar *Dealertrack v. Hiber* (674 F.3d 1315, 101 U.S.P.Q.2d 1325 (Fed. Cir. 2012))(automated credit application system) where the court

found the idea expressed in the claim abstract. In Dealertrack, the invention relates to an automated process for car dealer car loans where credit application data from dealers is gathered via a computer interface and processed to meet requirements of respective banks to produce a completed application for the bank and remitting a loan approval answer back to the dealer. The court found that processing data through a clearinghouse without any recitation of how the computers used significantly aid the method. Here, the claims method in the technological field of gaming merely describes the inputs required to determine if location is a manual defined, prompting the user via an interface to start game play at the location chose, obtaining the location and updating the location as the game progresses. Examiner deems that the role of the interface and device claimed are directed towards merely conventional uses of an automation or computing device performing routine and conventional roles of gathering data from a user and thereby failing to provide anything significantly more transformative than the abstract idea of playing a location game itself.

The claims also fail to provide anything significantly more. The device has an interface to receive data and show that it has obtained the manual location determined. Nothing about the device itself adds anything more but automation. A location is designated and the device is brought to the designated location. When the location changes so does the input provided to the device. Reviewing the claims as an ordered set of limitations does not change this result. Neither does a review of the dependent claims which merely further define the type of data exchanged in conventional gaming (Claim 20), aspects of the interface to describe a conventional map location and use

(Claim 22), compass or direction references relative to what would be printed on a conventional map (Claim 23) or abstract rules of the game for changes in directions claimed as a direction reset, and additional data gathering to provide a reset (Claim 24). Each of these claims fail to include additional elements that are sufficient to amount to significantly more than the judicial exception.

Claim Rejections - 35 USC § 103

10. 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 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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

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

12. Claim 19 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0224855 to Cunningham (Cunningham) in view of U.S. Patent Pub. No. 2004/0172481 to Engstrom (Engstrom).

Cunningham discloses a device and method, comprising:

providing, on a device, a location-based game (Fig. 1, paragraphs [0025, 0027], Fig. 4);

determining, on said device, whether location-based game utilizes a manual origin setting ([0015], "The position determination may be made...according to predetermined criteria such as the type of mobile-gaming application currently in use, according to the accuracy necessary to the particular state the application is in, or according to any player input that is available." and claims 10-13);

entering, on a user interface of said device, manual input into said user interface to position said device to a location associated with said manual origin setting ([0010, 0051, 0054] by using the manual mode switch ([0053]); and

obtaining, on a device ([0055, position determination module 515), said location for use as said manual origin setting in said location-based game ([0010, 0058]).

Applicant has amended Claim 19 to update said location where the update impacts the location based game. Examiner construes this addition as mere updating which if not expressed explicitly in either reference is an inherent feature in location-based games otherwise the game would not advance.

Nonetheless, the teaching of an update can be reasonably interpreted from Cunningham where "If no further determination is required, the presumed position is taken as final, until updated with subsequent data." [0060].

However, Cunningham is silent on the particulars of a graphical user interface for prompting on the graphical user interface for the manual input to be entered.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location. The information may be selected from a list of predetermined favorite locations or expressly entered at the mobile device." [0063]. Examiner interprets the presentation of a list as evidence of prompting.

"The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR, 550 U.S. at ___, 82 USPQ2d at 1396.

Exemplary rationales that may support a conclusion of obviousness include:

(A) Combining prior art elements according to known methods to yield predictable results;

(B) Simple substitution of one known element for another to obtain predictable results;

(C) Use of known technique to improve similar devices (methods, or products) in the same way;

(D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results.

Here, one of skill in the art would recognize that the display of Cunningham would be readily modified by the user interface according to Engstrom to include the location prompting to achieve predictable results as it has been held by the court that the combination of known elements according to known methods yields predictable results.

13. Claim 20 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of U.S. Patent Pub. No. 2002/0086732 to Kirmse et al. (Kirmse).

Cunningham discloses a system and method substantially equivalent to Applicant's claimed invention. In particular, where a first-location based gaming device initializes a location-based game (Fig. 1, paragraphs [0025, 0027]).

However, Cunningham is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device.

Kirmse teaches of a game and game server (Fig. 1) where game IDs are exchanged to invoke and or join a multi-player game (Fig. 5, Fig. 6 step S102-S103;

[0006, 0047]). Kirmse provides this system and method in order to facilitate multi-user activities ([0027]).

It would have been obvious to one skilled in the art at the time of the invention to include the ability to orchestrate by the exchange of game IDs to multiple players as taught by Kirmse into the teachings of Cunningham in order to play a location based game among a plurality of players because the courts have held that use of known technique to improve similar devices (methods, or products) in the same way would be indicia of obviousness.

14. Claim 22 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0144047 to Sprogis (Sprogis) in view of US Pub. No. 2002/082068 to Singhal (Singhal).

Sprogis discloses a treasure hunt game (Titl.) wherein
providing a grid on the display of a device (Fig. 4, [0030]); and
providing a character on said grid (Fig. 4, [0032], p1, p2, p3), wherein the location of said character on said grid is associated with the location of said device on a physical playfield ([0033], as the players move, their location positioning receivers transmit their locations back to the game master); wherein a locating device of said device provides said location (location positioning device determined players' positions, Fig. 4 step S3).

Sprogis substantially discloses the claimed invention but fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered

areas of said grid. Instead Sprogris discloses a physical playfield (fig. 3 and 4, paragraph [0031]) for a treasure hunt game that includes clues to find a treasure (paragraph [0016]) and that a wide variety of games could be practiced under the general concept that unites location positioning technologies and wireless communication in a gaming format (paragraph [0022]) but does not teach a grid that is covered and may be uncovered.

However in an analogous object finding game reference, Singhal teaches hide and seek game with a grid wherein areas of said grid are covered (Singhal, paragraphs [0053, 0055], obscuring the landscape may include creating a night/day/twilight effect and/or a weather effect such as rain or fog) and uncovering areas of a grid (Singhal, paragraph [0063], when the seek character 25, travels over the night landscape, he creates a seek path, if a clue is encountered in the seek path, a clue Pop-up window is displayed. A search sensor also uncovers part of the grid) to provide an apparatus and method for an electronic version of the hide and seek game with new features that would be useful for entertainment and educational purposes (Singhal, paragraph [0005]) thereby providing a combination of a location-based hide and seek game with a hiding of the landscape feature.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sprogris with Singhal to provide a new game that would be useful for entertainment and educational purposes.

15. Claim 23 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2004/0058732 to Piccionelli (Piccionelli) in view of Engstrom.

Piccionelli teaches of a method comprising:

manually setting a directional reference for a direction of game play for a character of a location-based game played on a device based on the direction of said device and providing said location-based game on said device with respect to said directional reference (location based game Abstr. where a need exists to interact with players in relation to the locations of the other players [0004]. In doing so, according to Piccionelli , determining a location of a target object to a central location [0006] and in addition to the location, an orientation of the user [0012], i.e., the direction the user is facing ([0012]) such that " The user's location and orientation, together with the location of the target object relative to the user, thus can be used to determine the location of the target object. In particular, based on orientation, Fig. 1 teaches that the viewpoints of player 1 and player 2 are determined (Fig. 1)).

According to Piccionelli, a GPS locator is used to determine orientation.

Arguably, the user manually sets the directional reference in the first instance prior to the GPS detection. However, if Applicant disagrees with the Examiner's interpretation of the reference that it is obvious the manually set the orientation as a directional reference prior to GPS detection then Applicant is directed to the teachings of Engstrom.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7).

According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location.

It would have been obvious to one skilled in the art at the time of the invention to include the manual entry of orientation as a directional references through a user interface as taught by Engstrom into the teachings of Piccionelli in order to initialize the system in the event the GPS system is down or the signal is too weak to pick up the information automatically.

16. Claim 24 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Piccionelli, Engstrom further in view of U.S. Patent Pub. No. 2002/0128063 to Kunieda et al. (Kunieda).

Piccionelli discloses a system and method substantially equivalent to Applicant's claimed invention. However, Piccionelli is silent wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

According to Applicant, the reset occurs (Specification p. 40) where the end of the playfield where the character resides can be "reset" to be the origin.

Examiner construes a reset in light of the specification and the claim as a whole to be where the game image pivots or servers as an origin for future movement. One example is that taught by Kunieda.

According to Kunieda, the character movement is affected by manipulation of a virtual camera, i.e., where the camera points is the new field of view for the player. In

particular, "In the case in which the head object of a character, for example, is caused to face a prescribed orientation in response to the occurrence of prescribed event, this can be achieved similarly to the case described above, by having the movement of the virtual field of view cause the movement of the fixation point of the camera field of view." [0043]. Based on moving the fixation point of the camera, the viewpoint is reset. Or said another way, the new fixation point is the new manually set origin for the image.

It would have been obvious to one skilled in the art at the time of the invention to include allowing the player to move his view (or virtual camera) as he directs his viewpoint as taught by Kunieda into the teachings of Piccionelli in order to toggle between views as seen by the other players by moving the virtual camera about the target in the playfield.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. 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.

Art Unit: 3716

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.

Paul A. D'Agostino
Primary Examiner
Art Unit 3716

/Paul A. D'Agostino/
Primary Examiner, Art Unit 3716

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11841889	Filing Date	2007-09-20	Docket Number (if applicable)	JDM/005CON6	Art Unit	2611
First Named Inventor	Jeffrey D. Mullen			Examiner Name	Paul Anthony D'Agostino		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

Applicant Signature			
Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2017-01-05
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,889
Confirmation No. : 2611
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATION BASED GAMES AND
EMPLOYMENT OF THE SAME ON
LOCATION ENABLED DEVICES
Group Art Unit : 2629
Examiner : Yuk Chow

Hon. Commissioner for Patents Pittsburgh, PA 15116
P.O. Box 1450 January 5, 2017
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated July 5, 2016. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 4 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-18. (cancelled)

19. (previously presented) A method comprising:
providing, on a device, a location-based
game;

determining, on said device, whether said
location-based game utilizes a manual origin setting;

prompting, on a graphical user interface of
said device, for manual input to be entered into said
graphical user interface to position said device to a
location associated with said manual origin setting; ~~and~~

obtaining, on said device, said location for
use as said manual origin setting in said location-based
game; and

updating said location, wherein said updated
location impacts said location-based game.

20. (previously presented) A method comprising:
utilizing a game ID on a first-location
based gaming device to initialize a multiple-player
location-based game, wherein said game ID is associated
with a location-based game and at least a second location-
based gaming device; and

providing said multiple-player location-based game on at least said first and second location-based gaming devices.

21. (cancelled).

22. (previously presented) A method comprising:
providing a grid on the display of a device,
wherein areas of said grid are covered;

providing a character on said grid, wherein the
location of said character on said grid is associated with
the location of said device on a physical playfield,
wherein a locating device provides, at least in part, said
location; and

uncovering covered areas of said grid as said
device is moved to locations of said physical playfield
that are associated with covered areas of said grid.

23. (previously provided) A method comprising:
manually setting a directional reference for a
direction of gameplay for a character of a location-based
game provided on a device based on the direction of said
device; and

providing said location-based game on said device
with respect to said directional reference.

24. (previously presented) The method of claim
23, wherein said directional reference is reset during play
of said location-based game and said location-based game is
provided after reset with respect to said reset directional
reference.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 19-24 were pending in the application.

The Examiner rejected claims 19-20 and 22-24 under 35 U.S.C. 101.

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Engstrom U.S. Patent Application Publication No. 2004/0172481 (hereinafter "Engstrom").

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being unpatentable over Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Kirmse U.S. Patent Application Publication No. 2002/0086732 (hereinafter "Kirmse").

The Examiner rejected claims 22 under 35 U.S.C. 102(e) as being unpatentable over Sprogis U.S. Patent Publication No. 2003/0144047 (hereinafter "Sprogis") in view of Engstrom U.S. Patent Application Publication No. 2002/082068 (hereinafter "Singhal").

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli U.S. Patent Application No 2004/0058732 (hereinafter "Piccionelli") in view of Engstrom.

The Examiner rejected claims 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

Summary of Applicant's Amendments

Applicant traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter

lost by any claim amendment or cancellation, or any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the
Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 19-20 and 22-24 under 35 U.S.C. 101.

The Examiner stated that the claims were drawn to an judicial exception of an abstract idea.

The Examiner stated the "judicial exception for Claim 22 is the same as that of Claim 19" (Office Action, page 3).

The Examiner relies upon the Examiner's judicial exception, but then appears to state that the abstraction is due to a location based game.

Applicant and Examiner have instructions from the USPTO stating that positioning is not a judicially created example. First, however, the USPTO advises an abstract idea is:

"such as an idea that could be done by a human analog (*i.e.*, by hand or by merely thinking."
(USPTO July 2015 Update: Subject Matter Eligibility, page 7)

Applicant's location based structures cannot be done by a human analog and no argument can be made as such. Accordingly, for this reason alone, the present application is patentable.

The USPTO advises:

"if the elements and functions are beyond those recognized ... by the courts as being well-

understood, routine or conventional, then the elements or functions will in most cases amount to significantly more..." (USPTO July 2015 Update: Subject Matter Eligibility, page 7)

The Examiner has not provided a court example with location based structures that are similar to applicants. Accordingly, for this reason alone, the present application is patentable.

The USPTO advises that positioning is not an exception:

"The importance of considering the additional elements in combination was emphasized in examiner training (see Section V below), and in numerous examples. For instance, Examples ... 4 (AI-4: global positioning systems) ... illustrate how generic computer components that individually perform merely generic computer functions (e.g., a CPU that performs mathematical calculations or a clock that produces time data) are able in combination to perform functions that are not generic computer functions and that amount to significantly more." (USPTO July 2015 Update: Subject Matter Eligibility, page 7)

Accordingly, the USPTO itself states that positioning structures are more than just an abstract idea. Accordingly, for this reason alone, the present application is patentable. Applicant believes that the "facts" of which the Examiner has provided this rejection without showing the elements in a precedent case not meet the standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that a comparison example exists in case law. None have been provided because none exist.

The USPTO advises an abstract idea is:

"Because the courts have declined to define abstract ideas, other than by example, the 2014 IEG instructs examiners to refer to the body of case law precedent in order to identify abstract ideas by way of comparison..." (USPTO July 2015 Update: Subject Matter Eligibility, page 3)

Accordingly, the USPTO states that the Examiner is to rely on case law precedent to find comparison examples. None have been provided. Case law on this exception is very limited. Applicant believes that the "facts" of which the Examiner has provided this rejection without showing the elements in a precedent case not meet the standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that a comparison example exists in case law.

Applicant has provided USPTO guidance that positioning is not a judicial exception and has shown that no examples contradicting this have been provided in case law are provided.

The judicial exception rejection is very limited in scope based on case law and applies to very limited circumstances. Only one a few, limited occasions has it been utilized and the case law is limited to exactly the circumstances of those cases.

Applicant contends that there is no judicial exception of an abstract idea for a location-based game.

Accordingly, the Examiner has not provided a permissible judicially exception group in the Examiner's argument and provided explanation for how a location-based game fits into that permissible group.

Applicant's claims clearly show differential structure and differential function associated with that

differential structure. Accordingly, applicant's claims are not abstract ideas.

The Examiner refers merely to pre-selecting numbers in Bingo.

The Examiner's reference does not show a location-based game or even the Examiner's alleged setting origins. The Examiner is merely limited to the activities in the Examiner's reference and cannot extend the activities beyond the reference. Accordingly, applicant respectfully requests that the rejection under 35 U.S.C. 101 be withdrawn.

In light of the foregoing, applicant respectfully requests that the Examiners rejection be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Engstrom

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Engstrom.

The Examiner alleged that applicant's rejection uses the reference in the reverse order (Office Action, page 5). Applicant contends that order is not relevant as two references either are combinable or they are non-combinable. Applicant alleges the mere order of the references do not change the elements being combined.

The Examiner stated that Cunningham:

"is silent on the particulars of a graphical user interface for prompting on the graphical user interface for the manual input to be entered."
(Office Action page 11)

The Examiner stated that Engstrom includes:

"Manual location module 702 enables manual entry..."
(Office Action, page 11)

Engstrom's manual module 702, however, also does not include applicant's claim 19 of obtaining the location for use as said manual origin setting in the location-based game. In fact, Engstrom alleges aggregating the presence of several users. Such feature directly teaches away from applicant's feature and would render any combination inoperable.

A reference cannot eviscerate the spirit of the other reference's device. If it does, the combination is impermissible. Here, it is clear that Engstrom would eviscerate the Cunningham device.

The Examiner cannot state that Cunningham is missing "a graphical user interface for prompting on the graphical user interface for the manual input to be entered" and then rely on Cunningham for providing the manual input. The manual input is provided in claim 19 as prompted manual input on the graphical user interface. Accordingly, Cunningham is silent on all elements of that feature.

Furthermore, Cunningham's privacy switch, however, is merely allegedly used for a person to not reveal an exact location to a third person. Accordingly, Cunningham's privacy switch is not relevant to the game played on the actual user's device. Engstrom is similarly not relevant.

The Examiner stated that this switch is "optional" (Office Action, page 15). Optionality, if supported by Engstrom, however, does not provide the Examiner with support for modifying Engstrom to include a

feature opposed to the features of Engstrom. In fact, the Examiner must provide support for the combination and the discussion of features (options or otherwise) merely provide support of an impermissible combination and raises the burden of support needed.

Accordingly, neither Engstrom nor Cunningham can be combined to create a device neither shown nor suggested by the two devices.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Kirmse

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Kirmse.

The Examiner stated that Cunningham:

"is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device."
(Office Action, page 12)

The Examiner stated that Kirsme alleges:

"a game and game server (Fig. 1) where game IDs are exchanged."
(Office Action, page 12)

Cunningham, however, does not show or suggest applicant's claim 20 of a game ID associated with multiple-player location-based game. Cunningham merely alleges two structures that allegedly automatically detect each other and start a handshake. See Cunningham, paragraph 42.

The Examiner stated that "Kirmse provide a game ID" (Office Action, page 16). Kirsme, however, does not show or suggest a game ID associated with a multiple-player location based game. Kirsme merely alleges invoking a game with a header that includes information. A header with information is not a game ID associated with a multiple-player location based game.

The Examiner cannot combine unrelated precision devices, in hindsight, to create an inoperable device neither shown nor suggested by the individual devices. In light of the foregoing, neither Kirsme nor Cunningham, used either alone or in combination, show or suggest claim 20 of a game ID associated with a multiple-player location-based game.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 20, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a) for Sprogis/Singhal

The Examiner rejected claims 22 under 35 U.S.C. 103(a) as being anticipated by Sprogis in view of Singhal.

The Examiner stated that:

"Sprogis ... fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid."
(Office Action, page 14)

Singhal merely alleges a "computing device with ... a mouse device" (Singhal, paragraph 36). No location-based functionality is provided by Singhal. Singhal merely

alleges a stationary computer game on a computer. Albeit applicant respectfully submits that Sprogis does not provide the features of claim 22, Singhal is silent on location-based functionality and the Examiner relies on Singhal for certain functionality. Singhal does not provide anything other than a stationary computer game. A mouse is used to interact with the game. No location functionality is provided.

Applicant's claim 22 was previously amended to include a locating device of the device that provides, at least in part, the location.

Singhal's stationary game is inoperable to be combined with Sprogis. Singhal teaches directly away from, and would render inoperable, Sprogis. A stationary computer game is not a game that includes a locating device of the device that provides, at least in part, the location.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 22, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
For Piccionelli and Engstrom

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli in view of Engstrom.

Applicant previously amended claim 23 without prejudice and solely in order to expedite prosecution to include manually setting a directional reference for a direction of gameplay for a character.

The Examiner stated that "applicant does not argue why the rationale and citations provided fail ..." (Office Action, page 18).

Piccionelli does not show or suggest applicant's claim 23 that includes manually setting a directional reference. Piccionelli only alleges a orientation from a GPS. See *Piccionelli*, paragraph 12.

Engstrom, which does not even show or suggest a location-based game, does not correct for this deficiency. Engstrom does not include manually setting a directional reference. The Examiner states that Engstrom provides elements so a "user may enter any information desired to specific his or her location." (Office Action, page 19). The Examiner's allegation, even if true, does nto provide manually setting a directional reference. A directional reference is not a location.

Accordingly, neither of the references, used either alone or in combination, show or suggest applicant's features of claim 23.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
for Piccionelli, Engstrom, and Kunieda

The Examiner rejected claim 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

As shown above, claim 23 is patentable. Claim 24 depends from patentable claim 23.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 24, and any claims dependent therefrom, be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees required in conjunction with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855, Order No. JDM/005 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
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Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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 - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	850	850
Total in USD (\$)				1550

Electronic Acknowledgement Receipt	
EFS ID:	27987227
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	05-JAN-2017
Filing Date:	20-AUG-2007
Time Stamp:	22:16:57
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 1550
RAM confirmation Number	010617INTEFSW22180000
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)					
37 CFR 1.20 (Post Issuance fees)					
37 CFR 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-005C6--RCE.pdf	697805	no	3
			0aeb3f29a9f30e31b5fffc5e2bd0de65b451e82c		
Warnings:					
Information:					
2		JDM-005C6-Reply.pdf	187525	yes	14
			5350efa83729f43d3f760d8a78752945f0ac70ee		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	3	
	Applicant Arguments/Remarks Made in an Amendment		4	14	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32695	no	2
			9a8b9d331be7fd4e63805009941fdbfa7667fba7		
Warnings:					
Information:					
Total Files Size (in bytes):			918025		

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 11/841,889		Filing Date 08/20/2007		☐ 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(j))	minus 20 =	*			X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*			X \$	=			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL				
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	01/05/2017	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(j))	* 5	Minus	** 20	= 0	X \$40 =		0	
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X \$210 =		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(j))	*	Minus	**	=	X \$		=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$		=	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733 7590 JEFFREY D. MULLEN 2212 Hassinger Lane Glenshaw, PA 15116			EXAMINER D'AGOSTINO, PAUL ANTHONY	
			ART UNIT 3716	PAPER NUMBER
			MAIL DATE 07/05/2016	DELIVERY MODE PAPER

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

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

Office Action Summary	Application No. 11/841,889	Applicant(s) MULLEN, JEFFREY D.	
	Examiner Paul A. D'Agostino	Art Unit 3716	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1) ☒ Responsive to communication(s) filed on 3/29/16.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.

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

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

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 19,20 and 22-24 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 19-20, 22-24 is/are rejected.

8) ☐ Claim(s) ____ is/are objected to.

9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

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

Application Papers

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

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

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

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

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

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.

4) ☐ Other: ____.

DETAILED ACTION

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

Response to Arguments/Amendments

2. Applicant has amended claim 22, thus the objection is withdrawn.
3. Applicant's arguments (See Applicant's Arguments/Remarks pages 5-6) with regard to Claim 19 are not persuasive. Applicant argues that because Planet Bingo does not show "a location-based game" and that the Examiner is limited to the activities in Planet Bingo, the Examiner's rejection is invalid. Examiner disagrees. For the specific limitation addressed by the Examiner which he likened to an activity in Planet Bingo, Applicant has not explained why the comparison is faulty. Applicant also argues that Claim 19 cannot be performed manually but fails to provide any specifics. As an aside, the test is not whether something can be performed manually. Examiner makes reference to activities such as determining an origin, prompting for manual input, etc., in the claim as having a human analog and thereby demonstrating that the device employed is divorced from adding significant meaningful limitations to transform the abstract idea. Applicant argues that having to resort to multiple references of prior art is evidence that the idea is not abstract. Examiner disagrees as the prior art references are not relied upon in the Examiner's 101 basis for rejection.
4. Applicant argues (See Applicant's Arguments/Remarks pages 6-7) with regard to Claim 20 but there appears to be a typographical error as Claim 20 does not apply to

the arguments presented. The arguments presented are identical to those presented for Claim 19. Thus, Examiner deems that no arguments are presented with regard to Claim 20 and those of Claim 19 have been addressed above.

5. Applicant argues (See Applicant's Arguments/Remarks page 7) and the Examiner disagrees that the Examiner has not provided a judicially exception group. The judicial exception for Claim 22 is the same as that of Claim 19. The idea is an abstract idea of organizing human activity in providing a location based game much like the game provided in Planet Bingo. Applicant repeats but does not explain allegations or refute the Examiner's explanation of how the steps cannot be carried out manually and repeats the statement that use of multiple references is indicative of Examiner error. Examiner relies upon his responses provided above in his response to Claim 19.

6. Applicant argues (See Applicant's Arguments/Remarks page 7) that numerous features such as providing the game on a device are indicative that the steps of the claim cannot be performed manually and that the steps cannot be performed by a human. Examiner disagrees. Examiner construes the claim to infer the direction of play on a device. In *In re Webb*, the "device" was a gaming table top with markings such that given the direction of how the cards were dealt indicates the direction of play. Examiner is not denying that the claim does not recite a device but merely is not allowing the analysis under 101 to be misdirected. Examiner contends that the device is not integral to the abstract idea of playing a location based game when there is a human analog to "manually set a direction" and "provide the location based game" consistent with the direction of play. These are part of the rules of the game and with

regard to the claim represent mere data gathering steps so information can be processed by a computing means. Applicant repeats arguments for a judicial exception which have been previously addressed.

7. Applicant argues (See Applicant's Arguments/Remarks pages 9-10) in what appears to be opposite of what the Examiner has provided as the basis for rejection. The basis of rejection is that the device of Cunningham is modified by a teaching from Engstrom not the other way around. Therefore, Applicant's allegations of elements missing from Engstrom are misdirected. Also Applicant's allegations of teaching away are misdirected as well as the contention that the combination of references would eviscerate Engstrom. Applicant has amended Claim 19 to update said location where the update impacts the location based game. Examiner construes this addition as mere updating which if not expressed explicitly in either reference is an inherent feature in location-based games otherwise the game would not advance. Nonetheless, the teaching of an update can be reasonably interpreted from Cunningham where "If no further determination is required, the presumed position is taken as final, until updated with subsequent data." [0060].

8. Applicant's art-based arguments are similar to those already addressed by Examiner See Non-Final Rejection Arguments 9/29/2015 pages 14-19). Nonetheless, some amplification is offered here in addition to Examiner's prior remarks.

9. Applicant alleges (See Applicant's Arguments/Remarks pages 10-11) that Kirmse does not suggest a game ID associated with a multiplayer game. Applicant also alleges improper hindsight reasoning. Examiner disagrees. According to Applicant's

Specification such as on page 25, a description of a game ID of PACXXXX is explained to indicate the PACMAN game and the device number. Similarly, according to Kirmse Fig. 5 there is a message header containing a GameID describing a game of chase and race 2000 and a device number to conduct the game. In combination with Cunningham in which two devices establish a communication, the message information of Cunningham is modified to include the game to be played and the identifying information of the other device forming a multiplayer game. There is no improper hindsight reasoning because Examiner has provided a rational underpinning that it is indicia of obviousness when known techniques are used to improve similar device in the same way.

10. Applicant argues (See Applicant's Arguments/Remarks pages 11) that Sprogis does not provide any location-based game functionality. Examiner disagrees and has presented Sprogis Fig. 3, 4 and 0031, 0016, 0022 using location based positioning technologies and wireless communication.

11. Applicant argues (See Applicant's Arguments/Remarks page 13) that according to the claim manually setting a directional reference is not the same as manually setting a location. Examiner disagrees. Entry of the data according to Engstrom establishes a direction which can be used as a reference. Examiner requests Applicant's help to provide specific citations to his disclosure because a definition of directional reference could not be located. This may help clarify the issue of what data constitutes a directional reference. Claim 24 is similarly rejected as no new arguments have been presented but relies upon those made for Claim 23 from which it depends.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 19-20, 22, and 23-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Claim(s) 19-20, 22, and 22-24 are abstract as they are directed to the organization of human activity as in play of a location-based game.

a. The abstract ideas are understood as follows:

i. With respect to claim 19, there is provided the activity with actions to mentally pick an origin and manually enter this information when prompted by a device into the device. This device has the intended use of being part of a location-based game. In Planet Bingo (Planet Bingo, LLC v. VKGS, LLC, 576 Fed. Appx. 1005 (Fe. Cir. 2-14), the storing of preselected numbers for use in a Bingo game was found by the court to be abstract. Preselecting numbers and setting origins are human activities.

ii. With respect to claim 20, a game ID is used on a device to start a multiplayer game between first and second devices. The same parallel can be drawn with Planet Bingo, preselecting numbers and identifying the game to be played are human activities.

iii.. With respect to Claim 22, a character uncovers areas on a grid of a device associated with where the device is on a physical playfield. Like using a road map, as the car traverses the landscape the map is unfurled and with pencil the location of the car is jotted down. In this respect, the claim is organized human activity.

iv. With respect to Claim 23, a direction reference is manually provided for a character on a device in a location based game. Like *In re Webb* (No. 2014-1652, ___ Fed. Appx. ___ (Fed. Cir. Jul. 1, 2015) a court found abstract a game on a table conducted according to a direction of play. Similar to *Webb*, manually setting the direction as input to a device is organized human activity. Claim 24 that depends from Claim 23 explains a direction reset – an operation that can be done manually or purely mentally as input to a device.

b. Next, each claim does not include additional elements that are sufficient to amount to significantly more than the judicial exception.

i. Claim 19 recites “providing” a location-based game, “determining ” whether a manual setting is used, “prompting” via an interface for the manual input, and “obtaining” the location. These steps appear to be nothing more than providing a game where input is solicited and retrieved for use on a device to set a position for the device. These are routine and ordinary operations of human as well as typical computing devices recited at a high level of generality such that nothing imposes significant limitations on the abstract idea as the game can be played using pen and paper or using a conventional computing device.

ii. Claim 20, similar to claim 19, identifies the game which is shared among multiple players. This activity is recited as a device “utilizing a game ID” where the game is “associated with” a game. Mentally picking a game to be played (e.g., scavenger hunt, treasure hunt, hide and seek, capture the flag) can be determined manually or selected from a general computing device. Once picked the game is “provided” by the device. Nothing about the claim imposes significant limitations on the abstract idea.

iii. Claim 22 recites that a method “provides a grid” with “covered areas”, “providing” a character on the grid, where the character location is “associated with” the location of the device, and “uncovering covered areas” as the device is moved to locations on a physical playfield associated with the covered areas. Here, the covered and uncovered grid areas which are exposed based on the location of the device are part of the abstract rules of the game and as such cannot impose anything significantly more. Nonetheless, a grid can be drawn by hand of a physical location with areas that can be uncovered when playmates tracked and recorded on the paper, approach each area. What remains is an unspecified electrical or mechanical device which mimics this human or highly generalized computing activity.

iv. Claims 23 and 24, recite “manually setting a directional reference” and “providing” the game with respect to the directional reference. The recited steps are data gathering and the retrieval of the data for use by a device. Further, Claim 24 recites the directional reference is “reset” – an operation that can be

performed manually as by repeating the step of Claim 23 to enter in the initial directional reference. Claim 24 repeats the data gathering and use steps of Claim 23 and as such is also not significant.

c. For the above reasons, but in light of the USPTOs July guidance and case law examples, Claims 19-20 and 22-24 are rejected. Appropriate attention is required.

Claim Rejections - 35 USC § 103

14. 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 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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

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

16. Claim 19 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0224855 to Cunningham (Cunningham) in view of U.S. Patent Pub. No. 2004/0172481 to Engstrom (Engstrom).

Cunningham discloses a device and method, comprising:

providing, on a device, a location-based game (Fig. 1, paragraphs [0025, 0027], Fig. 4);

determining, on said device, whether location-based game utilizes a manual origin setting ([0015], "The position determination may be made...according to predetermined criteria such as the type of mobile-gaming application currently in use, according to the accuracy necessary to the particular state the application is in, or according to any player input that is available." and claims 10-13);

entering, on a user interface of said device, manual input into said user interface to position said device to a location associated with said manual origin setting ([0010, 0051, 0054] by using the manual mode switch ([0053]); and

obtaining, on a device ([0055, position determination module 515), said location for use as said manual origin setting in said location-based game ([0010, 0058]).

Applicant has amended Claim 19 to update said location where the update impacts the location based game. Examiner construes this addition as mere updating which if not expressed explicitly in either reference is an inherent feature in location-based games otherwise the game would not advance.

Nonetheless, the teaching of an update can be reasonably interpreted from Cunningham where "If no further determination is required, the presumed position is taken as final, until updated with subsequent data." [0060].

However, Cunningham is silent on the particulars of a graphical user interface for prompting on the graphical user interface for the manual input to be entered.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location. The information may be selected from a list of predetermined favorite locations or expressly entered at the mobile device." [0063]. Examiner interprets the presentation of a list as evidence of prompting.

"The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements;

instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.'" KSR, 550 U.S. at ___, 82 USPQ2d at 1396. Exemplary rationales that may support a conclusion of obviousness include:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results.

Here, one of skill in the art would recognize that the display of Cunningham would be readily modified by the user interface according to Engstrom to include the location prompting to achieve predictable results as it has been held by the court that the combination of known elements according to known methods yields predictable results.

17. Claim 20 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of U.S. Patent Pub. No. 2002/0086732 to Kirmse et al. (Kirmse).

Cunningham discloses a system and method substantially equivalent to Applicant's claimed invention. In particular, where a first-location based gaming device initializes a location-based game (Fig. 1, paragraphs [0025, 0027]).

However, Cunningham is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device.

Kirmse teaches of a game and game server (Fig. 1) where game IDs are exchanged to invoke and or join a multi-player game (Fig. 5, Fig. 6 step S102-S103; [0006, 0047]). Kirmse provides this system and method in order to facilitate multi-user activities ([0027]).

It would have been obvious to one skilled in the art at the time of the invention to include the ability to orchestrate by the exchange of game IDs to multiple players as taught by Kirmse into the teachings of Cunningham in order to play a location based game among a plurality of players because the courts have held that use of known technique to improve similar devices (methods, or products) in the same way would be indicia of obviousness.

18. Claim 22 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0144047 to Sprogis (Sprogis) in view of US Pub. No. 2002/082068 to Singhal (Singhal).

Sprogis discloses a treasure hunt game (Titl.) wherein
providing a grid on the display of a device (Fig. 4, [0030]); and
providing a character on said grid (Fig. 4, [0032], p1, p2, p3), wherein the location of said character on said grid is associated with the location of said device on a physical playfield ([0033], as the players move, their location positioning receivers transmit their locations back to the game master); wherein a locating device of said device provides said location (location positioning device determined players' positions, Fig. 4 step S3).

Sprogis substantially discloses the claimed invention but fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid. Instead Sprogis discloses a physical playfield (fig. 3 and 4, paragraph [0031]) for a treasure hunt game that includes clues to find a treasure (paragraph [0016]) and that a wide variety of games could be practiced under the general concept that unites location positioning technologies and wireless communication in a gaming format (paragraph [0022]) but does not teach a grid that is covered and may be uncovered.

However in an analogous object finding game reference, Singhal teaches hide and seek game with a grid wherein areas of said grid are covered (Singhal, paragraphs [0053, 0055], obscuring the landscape may include creating a night/day/twilight effect and/or a weather effect such as rain or fog) and uncovering areas of a grid (Singhal, paragraph [0063], when the seek character 25, travels over the night landscape, he creates a seek path, if a clue is encountered in the seek path, a clue Pop-up window is displayed. A search sensor also uncovers part of the grid) to provide an apparatus and method for an electronic version of the hide and seek game with new features that would be useful for entertainment and educational purposes (Singhal, paragraph [0005]) thereby providing a combination of a location-based hide and seek game with a hiding of the landscape feature.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sprogis with Singhal to provide a new game that would be useful for entertainment and educational purposes.

19. Claim 23 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2004/0058732 to Piccionelli (Piccionelli) in view of Engstrom.

Piccionelli teaches of a method comprising:

manually setting a directional reference for a direction of game play for a character of a location-based game played on a device based on the direction of said device and providing said location-based game on said device with respect to said directional reference (location based game Abstr. where a need exists to interact with players in relation to the locations of the other players [0004]. In doing so, according to Piccionelli , determining a location of a target object to a central location [0006] and in addition to the location, an orientation of the user [0012], i.e., the direction the user is facing ([0012]) such that " The user's location and orientation, together with the location of the target object relative to the user, thus can be used to determine the location of the target object. In particular, based on orientation, Fig. 1 teaches that the viewpoints of player 1 and player 2 are determined (Fig. 1)).

According to Piccionelli, a GPS locator is used to determine orientation.

Arguably, the user manually sets the directional reference in the first instance prior to the GPS detection. However, if Applicant disagrees with the Examiner's interpretation of the reference that it is obvious the manually set the orientation as a directional

reference prior to GPS detection then Applicant is directed to the teachings of Engstrom.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location.

It would have been obvious to one skilled in the art at the time of the invention to include the manual entry of orientation as a directional references through a user interface as taught by Engstrom into the teachings of Piccionelli in order to initialize the system in the event the GPS system is down or the signal is too weak to pick up the information automatically.

20. Claim 24 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Piccionelli, Engstrom further in view of U.S. Patent Pub. No. 2002/0128063 to Kunieda et al. (Kunieda).

Piccionelli discloses a system and method substantially equivalent to Applicant's claimed invention. However, Piccionelli is silent wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

According to Applicant, the reset occurs (Specification p. 40) where the end of the playfield where the character resides can be "reset" to be the origin.

Examiner construes a reset in light of the specification and the claim as a whole to be where the game image pivots or servers as an origin for future movement. One example is that taught by Kunieda.

According to Kunieda, the character movement is affected by manipulation of a virtual camera, i.e., where the camera points is the new field of view for the player. In particular, "In the case in which the head object of a character, for example, is caused to face a prescribed orientation in response to the occurrence of prescribed event, this can be achieved similarly to the case described above, by having the movement of the virtual field of view cause the movement of the fixation point of the camera field of view." [0043]. Based on moving the fixation point of the camera, the viewpoint is reset. Or said another way, the new fixation point is the new manually set origin for the image.

It would have been obvious to one skilled in the art at the time of the invention to include allowing the player to move his view (or virtual camera) as he directs his viewpoint as taught by Kunieda into the teachings of Piccionelli in order to toggle between views as seen by the other players by moving the virtual camera about the target in the playfield.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. 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.

Application/Control Number: 11/841,889
Art Unit: 3716

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/Paul A. D'Agostino/
Acting SPE of Art Unit 3716

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,889
Confirmation No. : 2611
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATION BASED GAMES AND
EMPLOYMENT OF THE SAME ON
LOCATION ENABLED DEVICES
Group Art Unit : 2629
Examiner : Yuk Chow

Hon. Commissioner for Patents Pittsburgh, PA 15116
P.O. Box 1450 March 29, 2016
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated September 29, 2015. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 4 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-18. (cancelled)

19. (currently) A method comprising:

providing, on a device, a location-based game;

determining, on said device, whether said location-based game utilizes a manual origin setting;

prompting, on a graphical user interface of said device, for manual input to be entered into said graphical user interface to position said device to a location associated with said manual origin setting; ~~and~~

obtaining, on said device, said location for use as said manual origin setting in said location-based game; and

updating said location, wherein said updated location impacts said location-based game.

20. (currently amended) A method comprising:

utilizing a game ID on a first-location based gaming device to initialize a multiple-player location-based game, wherein said game ID is associated with a location-based game and at least a second location-based gaming device; and

providing said multiple-player location-based game on at least said first and second location-based gaming devices.

21. (cancelled).

22. (currently amended) A method comprising:
providing a grid on the display of a device,
wherein areas of said grid are covered;
providing a character on said grid, wherein the
location of said character on said grid is associated with
the location of said device on a physical playfield,
wherein a locating device ~~of said device~~ provides, at least
in part, said location; and
uncovering covered areas of said grid as said
device is moved to locations of said physical playfield
that are associated with covered areas of said grid.

23. (previously provided) A method comprising:
manually setting a directional reference for a
direction of gameplay for a character of a location-based
game provided on a device based on the direction of said
device; and
providing said location-based game on said device
with respect to said directional reference.

24. (previously presented) The method of claim
23, wherein said directional reference is reset during play
of said location-based game and said location-based game is
provided after reset with respect to said reset directional
reference.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 19-24 were pending in the application.

The Examiner objected to claim 22.

The Examiner rejected claims 19-20 and 22-24 under 35 U.S.C. 101.

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Engstrom U.S. Patent Application Publication No. 2004/0172481 (hereinafter "Engstrom").

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being unpatentable over Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Kirmse U.S. Patent Application Publication No. 2002/0086732 (hereinafter "Kirmse").

The Examiner rejected claims 22 under 35 U.S.C. 102(e) as being unpatentable over Sprogis U.S. Patent Publication No. 2003/0144047 (hereinafter "Sprogis") in view of Engstrom U.S. Patent Application Publication No. 2002/082068 (hereinafter "Singhal").

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli U.S. Patent Application No 2004/0058732 (hereinafter "Piccionelli") in view of Engstrom.

The Examiner rejected claims 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

Summary of Applicant's Amendments

Applicant has amended claims 19 and 22 without prejudice and solely in order to expedite prosecution.

Applicant traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any claim amendment or cancellation, or any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the Objection of Claim 22

The Examiner objected to claim 22.

Solely in order to expedite prosecution and without prejudice, applicant has amended claim 22.

In light of the foregoing, applicant respectfully requests that the Examiner's claim objection be withdrawn.

Applicant's Response to the Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 19-20 and 22-24 under 35 U.S.C. 101.

The Examiner stated that the claims were drawn to an judicial exception of an abstract idea.

Applicant contends that there is no judicial exception of an abstract idea for a location-based game.

Accordingly, the Examiner has not provided a permissible judicially exception group in the Examiner's argument and provided explanation for how a location-based game fits into that permissible group.

Applicant's claims clearly show differential structure and differential function associated with that

differential structure. Accordingly, applicant's claims are not abstract ideas.

The Examiner stated with respect to claim 19, "the storing of preselected numbers for use in a Bingo game was found by the court to be Abstract. Preselecting numbers and setting origins are human activities" (Office Action, page 13). The Examiner refers merely to pre-selecting numbers in Bingo. The Examiner's reference does not show a location-based game or even the Examiner's alleged setting origins. The Examiner is merely limited to the activities in the Examiner's reference. Accordingly, applicant respectfully requests that the rejection of claim 19 under 35 U.S.C. 101 be withdrawn. Furthermore, the Examiner infers that a claim of applicant's can be done manually. The elements of claim 19 cannot be done by a human and, as such, are not an abstract idea. In fact, the Examiner requires multiple references just to provide an alleged technical combination. Additionally, applicant has amended claim 19 without prejudice and solely in order to expedite prosecution to include updating the location, wherein the updated location impacts the location-based game. Such a feature is not the Examiner's bingo pre-selected numbers.

The Examiner stated with respect to claim 20, "the storing of preselected numbers for use in a Bingo game was found by the court to be Abstract. Preselecting numbers and setting origins are human activities" (Office Action, page 13). The Examiner refers merely to pre-selecting numbers in Bingo. The Examiner's reference does not show a location-based game or even the Examiner's alleged setting origins. The Examiner is merely limited to the activities in the Examiner's reference. Accordingly,

applicant respectfully requests that the rejection of claim 20 under 35 U.S.C. 101 be withdrawn. Furthermore, the Examiner infers that a claim of applicant's can be done manually. The elements of claim 19 cannot be done by a human and, as such, are not an abstract idea. In fact, the Examiner requires multiple references just to provide an alleged technical combination.

The Examiner stated with respect to claim 22, "the claim is organized human activity" (Office Action, page 13). The Examiner does not provide a permissible judicially exception group in the Examiner's argument. The Examiner is merely limited to the activities in the Examiner's reference. Accordingly, applicant respectfully requests that the rejection of claim 21 under 35 U.S.C. 101 be withdrawn. Furthermore, the Examiner infers that a claim of applicant's can be done manually. The elements of claim 19 cannot be done by a human and, as such, are not an abstract idea. In fact, the Examiner requires multiple references just to provide an alleged technical combination.

The Examiner stated with respect to claim 23, "an operation that can be done manually or purely mentally as input to the device" (Office Action, page 14). Applicant's claim 23 includes numerous features that cannot be done by a human being such as, for example, providing said location-based game on said device with respect to said directional reference. Additionally, the feature is included of a direction of gameplay for a character of a location-based game provided on a device based on the direction of said device. This feature is cannot be done by a human. The Examiner does not provide a permissible judicially exception group in the Examiner's argument. The Examiner is

merely limited to the activities in the Examiner's reference. Accordingly, applicant respectfully requests that the rejection of claim 21 under 35 U.S.C. 101 be withdrawn. In fact, the Examiner requires multiple references just to provide an alleged technical combination.

In light of the foregoing, applicant respectfully requests that the Examiners rejection be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Engstrom

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Engstrom.

The Examiner stated that Cunningham:

"is silent on the particulars of a graphical user interface for prompting on the graphical user interface for the manual input to be entered."
(Office Action page 7)

The Examiner stated that Engstrom includes:

"Manual location module 702 enables manual entry..."
(Office Action, page 7)

Engstrom's manual module 702, however, also does not include applicant's claim 19 of obtaining the location for use as said manual origin setting in the location-based game. In fact, Engstrom alleges aggregating the presence of several users. Such feature directly teaches away from applicant's feature and would render any combination inoperable. The Examiner stated that "Examiner relies on Cunningham" (Office Action, page 15). Cunningham, however, cannot eviscerate the spirit of the Engstrom device. If it

does, the combination is impermissible. Here, it is clear that Cunningham would eversate the Engstrom device. However, the Examiner cannot state that Cunningham is missing "a graphical user interface for prompting on the graphical user interface for the manual input to be entered" and then rely on Cunningham for providing the manual input. The manual input is provided in claim 19 as prompted manual input on the graphical user interface. Accordingly, Cunningham is silent on all elements of that feature.

Additionally, Engstrom, used either alone or in combination, does not show or suggest applicant's claim 19 that has been amended without prejudice and solely in order to expedite prosecution to include updating the location, wherein the updated location impacts said location-based game.

Furthermore, Cunningham's privacy switch, however, is merely allegedly used for a person to not reveal an exact location to a third person. Accordingly, Cunningham's privacy switch is not relevant to the game played on the actual user's device. Engstrom is similarly not relevant. The Examiner stated that this switch is "optional" (Office Action, page 15). Optionality, if supported by Engstrom, however, does not provide the Examiner with support for modifying Engstrom to include a feature opposed to the features of Engstrom. In fact, the Examiner must provide support for the combination and the discussion of features (options or otherwise) merely provide support of an impermissible combination and raises the burden of support needed.

Accordingly, neither Engstrom nor Cunningham can be combined to create a device neither shown nor suggested by the two devices.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Kirmse

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Kirmse.

The Examiner stated that Cunningham:

"is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device."
(Office Action, page 9)

The Examiner stated that Kirsme alleges:

"a game and game server (Fig. 1) where game IDs are exchanged."
(Office Action, page 9)

Cunningham, however, does not show or suggest applicant's claim 20 of a game ID associated with multiple-player location-based game. Cunningham merely alleges two structures that allegedly automatically detect each other and start a handshake. See Cunningham, paragraph 42.

The Examiner stated that "Kirmse provide a game ID" (Office Action, page 16). Kirsme, however, does not show or suggest a game ID associated with a multiple-player location based game. Kirsme merely alleges invoking a game with a header that includes information. A header with

information is not a game ID associated with a multiple-player location based game.

The Examiner cannot combine unrelated precision devices, in hindsight, to create an inoperable device neither shown nor suggested by the individual devices. In light of the foregoing, neither Kirsme nor Cunningham, used either alone or in combination, show or suggest claim 20 of a game ID associated with a multiple-player location-based game.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 20, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a) for Sprogis/Singhal

The Examiner rejected claims 22 under 35 U.S.C. 103(a) as being anticipated by Sprogis in view of Singhal.

The Examiner stated that:

"Sprogis ... fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid."
(Office Action, page 10)

"Sprogis ... with the exception of a covering and uncovering features provided by Singhal" (Office Action, page 16)

Singhal merely alleges a "computing device with ... a mouse device" (Singhal, paragraph 36). No location-based functionality is provided by Singhal. Singhal merely alleges a stationary computer game on a computer. The Examiner states alleges that "Sprogis provides the recited location-based functionality" (Office Action, page 16).

Albeit applicant respectfully submits that Sprogis does not provide the features of claim 22, Singhal is silent on location-based functionality and the Examiner relies on Singhal for certain functionality. Singhal does not provide anything other than a stationary computer game. A mouse is used to interact with the game. No location functionality is provided.

Applicant's claim 22 was previously amended to include a locating device of the device that provides, at least in part, the location.

Singhal's stationary game is inoperable to be combined with Sprogis. Singhal teaches directly away from, and would render inoperable, Sprogis. A stationary computer game is not a game that includes a locating device of the device that provides, at least in part, the location.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 22, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
For Piccionelli and Engstrom

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli in view of Engstrom.

Applicant previously amended claim 23 without prejudice and solely in order to expedite prosecution to include manually setting a directional reference for a direction of gameplay for a character.

The Examiner stated that "applicant does not argue why the rationale and citations provided fail ..." (Office Action, page 18).

Piccionelli does not show or suggest applicant's claim 23 that includes manually setting a directional reference. Piccionelli only alleges a orientation from a GPS. See *Piccionelli*, paragraph 12.

Engstrom, which does not even show or suggest a location-based game, does not correct for this deficiency. Engstrom does not include manually setting a directional reference. The Examiner states that Engstrom provides elements so a "user may enter any information desired to specific his or her location." (Office Action, page 19). The Examiner's allegation, even if true, does nto provide manually setting a directional reference. A directional reference is not a location.

Accordingly, neither of the references, used either alone or in combination, show or suggest applicant's features of claim 23.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
for Piccionelli, Engstrom, and Kunieda

The Examiner rejected claim 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

As shown above, claim 23 is patentable. Claim 24 depends from patentable claim 23.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 24, and any claims dependent therefrom, be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees required in conjunction with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855, Order No. JDM/005 CON6.

Respectfully Submitted,

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Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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 - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	25326530
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	29-MAR-2016
Filing Date:	20-AUG-2007
Time Stamp:	09:39:11
Application Type:	Utility under 35 USC 111(a)

Payment information:

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Payment Type	Credit Card
Payment was successfully received in RAM	\$ 700
RAM confirmation Number	7450
Deposit Account	503855
Authorized User	MULLEN, JEFFREY D.
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

Charge any Additional Fees required under 37 CFR 1.19 (Document supply fees)

Charge any Additional Fees required under 37 CFR 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-005C6-Reply.pdf	186822 712d82c253b96351dd769222343b6833a5dbd783	yes	14

Multipart Description/PDF files in .zip description				
Document Description		Start	End	
Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
Claims		2	4	
Applicant Arguments/Remarks Made in an Amendment		5	14	

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	31021 8f532b6747426f2475c440c1cbf20afe2398351f	no	2
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Warnings:

Information:

Total Files Size (in bytes):	217843
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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 11/841,889		Filing Date 08/20/2007		☐ 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(j))		minus 20 =		*		X \$		=	
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$		=	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	03/29/2016	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(j))	* 5	Minus	** 20	= 0	x \$40 =		0	
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	x \$210 =		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(j))	*	Minus	**	=	X \$		=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$		=	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

LIE
/VENESSA JONES/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733 7590 JEFFREY D. MULLEN 2212 Hassinger Lane Glenshaw, PA 15116			EXAMINER D'AGOSTINO, PAUL ANTHONY	
			ART UNIT 3716	PAPER NUMBER
			MAIL DATE 09/29/2015	DELIVERY MODE PAPER

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

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

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/11/15 has been entered.

Response to Amendments

2. Applicant has amended Claim 19, thus the rejection under 35 U.S.C. §112 is withdrawn.

Claim Objections

3. Change Claim 22 Line 7 “a locating device of said device provides” to – a locating device provides.” Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 19-20, 22, and 23-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Claim(s) 19-20, 22, and 22-24 are abstract as they are directed to the organization of human activity as in play of a location-based game.

a. The abstract ideas are understood as follows:

i. With respect to claim 19, there is provided the activity with actions to mentally pick an origin and manually enter this information when prompted by a device into the device. This device has the intended use of being part of a location-based game. In *Planet Bingo* (*Planet Bingo, LLC v. VKGS, LLC*, 576 Fed. Appx. 1005 (Fe. Cir. 2-14)), the storing of preselected numbers for use in a Bingo game was found by the court to be abstract. Preselecting numbers and setting origins are human activities.

ii. With respect to claim 20, a game ID is used on a device to start a multiplayer game between first and second devices. The same parallel can be drawn with *Planet Bingo*, preselecting numbers and identifying the game to be played are human activities.

iii.. With respect to Claim 22, a character uncovers areas on a grid of a device associated with where the device is on a physical playfield. Like using a road map, as the car traverses the landscape the map is unfurled and with pencil the location of the car is jotted down. In this respect, the claim is organized human activity.

iv. With respect to Claim 23, a direction reference is manually provided for a character on a device in a location based game. Like *In re Webb* (No. 2014-1652, ___ Fed. Appx. ___ (Fed. Cir. Jul. 1, 2015)) a court found abstract a game on a table conducted according to a direction of play. Similar to *Webb*, manually setting the direction as input to a device is organized human activity. Claim 24 that depends from Claim 23 explains a direction reset – an operation that can be done manually or purely mentally as input to a device.

b. Next, each claim does not include additional elements that are sufficient to amount to significantly more than the judicial exception.

i. Claim 19 recites “providing” a location-based game, “determining ” whether a manual setting is used, “prompting” via an interface for the manual input, and “obtaining” the location. These steps appear to be nothing more than providing a game where input is solicited and retrieved for use on a device to set a position for the device. These are routine and ordinary operations of human as well as typical computing devices recited at a high level of generality such that nothing imposes significant limitations on the abstract idea as the game can be played using pen and paper or using a conventional computing device.

ii. Claim 20, similar to claim 19, identifies the game which is shared among multiple players. This activity is recited as a device “utilizing a game ID” where the game is “associated with” a game. Mentally picking a game to be played (e.g., scavenger hunt, treasure hunt, hide and seek, capture the flag) can be determined manually or selected from a general computing device. Once

picked the game is "provided" by the device. Nothing about the claim imposes significant limitations on the abstract idea.

iii. Claim 22 recites that a method "provides a grid" with "covered areas", "providing" a character on the grid, where the character location is "associated with" the location of the device, and "uncovering covered areas" as the device is moved to locations on a physical playfield associated with the covered areas. Here, the covered and uncovered grid areas which are exposed based on the location of the device are part of the abstract rules of the game and as such cannot impose anything significantly more. Nonetheless, a grid can be drawn by hand of a physical location with areas that can be uncovered when playmates tracked and recorded on the paper, approach each area. What remains is an unspecified electrical or mechanical device which mimics this human or highly generalized computing activity.

iv. Claims 23 and 24, recite "manually setting a directional reference" and "providing" the game with respect to the directional reference. The recited steps are data gathering and the retrieval of the data for use by a device. Further, Claim 24 recites the directional reference is "reset" – an operation that can be performed manually as by repeating the step of Claim 23 to enter in the initial directional reference. Claim 24 repeats the data gathering and use steps of Claim 23 and as such is also not significant.

c. For the above reasons, but in light of the USPTO's July guidance and case law examples, Claims 19-20 and 22-24 are rejected. Appropriate attention is required.

Claim Rejections - 35 USC § 103

6. 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 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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

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

obviousness or nonobviousness.

8. Claim 19 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0224855 to Cunningham (Cunningham) in view of U.S. Patent Pub. No. 2004/0172481 to Engstrom (Engstrom).

Cunningham discloses a device and method, comprising:

providing, on a device, a location-based game (Fig. 1, paragraphs [0025, 0027], Fig. 4);

determining, on said device, whether location-based game utilizes a manual origin setting ([0015], "The position determination may be made...according to predetermined criteria such as the type of mobile-gaming application currently in use, according to the accuracy necessary to the particular state the application is in, or according to any player input that is available." and claims 10-13);

entering, on a user interface of said device, manual input into said user interface to position said device to a location associated with said manual origin setting ([0010, 0051, 0054] by using the manual mode switch ([0053]); and

obtaining, on a device ([0055, position determination module 515), said location for use as said manual origin setting in said location-based game ([0010, 0058])).

However, Cunningham is silent on the particulars of a graphical user interface for prompting on the graphical user interface for the manual input to be entered.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location. The information may

be selected from a list of predetermined favorite locations or expressly entered at the mobile device.” [0063]. Examiner interprets the presentation of a list as evidence of prompting.

“The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that “[R]ejections on obviousness cannot be sustained by mere conclusory statements;

instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” KSR, 550 U.S. at ___, 82 USPQ2d at 1396. Exemplary rationales that may support a conclusion of obviousness include:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results.

Here, one of skill in the art would recognize that the display of Cunningham would be readily modified by the user interface according to Engstrom to include the location prompting to achieve predictable results as it has been held by the court that

the combination of known elements according to known methods yields predictable results.

9. Claim 20 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of U.S. Patent Pub. No. 2002/0086732 to Kirmse et al. (Kirmse).

Cunningham discloses a system and method substantially equivalent to Applicant's claimed invention. In particular, where a first-location based gaming device initializes a location-based game (Fig. 1, paragraphs [0025, 0027]).

However, Cunningham is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device.

Kirmse teaches of a game and game server (Fig. 1) where game IDs are exchanged to invoke and or join a multi-player game (Fig. 5, Fig. 6 step S102-S103; [0006, 0047]). Kirmse provides this system and method in order to facilitate multi-user activities ([0027]).

It would have been obvious to one skilled in the art at the time of the invention to include the ability to orchestrate by the exchange of game IDs to multiple players as taught by Kirmse into the teachings of Cunningham in order to play a location based game among a plurality of players because the courts have held that use of known technique to improve similar devices (methods, or products) in the same way would be indicia of obviousness.

10. Claim 22 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0144047 to Sprogis (Sprogis) in view of US Pub. No. 2002/082068 to Singhal (Singhal).

Sprogis discloses a treasure hunt game (Titl.) wherein providing a grid on the display of a device (Fig. 4, [0030]); and providing a character on said grid (Fig. 4, [0032], p1, p2, p3), wherein the location of said character on said grid is associated with the location of said device on a physical playfield ([0033], as the players move, their location positioning receivers transmit their locations back to the game master); wherein a locating device of said device provides said location (location positioning device determined players' positions, Fig. 4 step S3).

Sprogis substantially discloses the claimed invention but fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid. Instead Sprogis discloses a physical playfield (fig. 3 and 4, paragraph [0031]) for a treasure hunt game that includes clues to find a treasure (paragraph [0016]) and that a wide variety of games could be practiced under the general concept that unites location positioning technologies and wireless communication in a gaming format (paragraph [0022]) but does not teach a grid that is covered and may be uncovered.

However in an analogous object finding game reference, Singhal teaches hide and seek game with a grid wherein areas of said grid are covered (Singhal, paragraphs [0053, 0055], obscuring the landscape may include creating a night/day/twilight effect and/or a weather effect such as rain or fog) and uncovering areas of a grid (Singhal, paragraph [0063], when the seek character 25, travels over the night landscape, he creates a seek path, if a clue is encountered in the seek path, a clue Pop-up window is displayed. A search sensor also uncovers part of the grid) to provide an apparatus and method for an electronic version of the hide and seek game with new features that would be useful for entertainment and educational purposes (Singhal, paragraph [0005]) thereby providing a combination of a location-based hide and seek game with a hiding of the landscape feature.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sprogis with Singhal to provide a new game that would be useful for entertainment and educational purposes.

11. Claim 23 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2004/0058732 to Piccionelli (Piccionelli) in view of Engstrom.

Piccionelli teaches of a method comprising:

manually setting a directional reference for a direction of game play for a character of a location-based game played on a device based on the direction of said device and providing said location-based game on said device with respect to said directional reference (location based game Abstr. where a need exists to interact with

players in relation to the locations of the other players [0004]. In doing so, according to Piccionelli, determining a location of a target object to a central location [0006] and in addition to the location, an orientation of the user [0012], i.e., the direction the user is facing ([0012]) such that " The user's location and orientation, together with the location of the target object relative to the user, thus can be used to determine the location of the target object. In particular, based on orientation, Fig. 1 teaches that the viewpoints of player 1 and player 2 are determined (Fig. 1)).

According to Piccionelli, a GPS locator is used to determine orientation. Arguably, the user manually sets the directional reference in the first instance prior to the GPS detection. However, if Applicant disagrees with the Examiner's interpretation of the reference that it is obvious the manually set the orientation as a directional reference prior to GPS detection then Applicant is directed to the teachings of Engstrom.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location.

It would have been obvious to one skilled in the art at the time of the invention to include the manual entry of orientation as a directional references through a user interface as taught by Engstrom into the teachings of Piccionelli in order to initialize the

system in the event the GPS system is down or the signal is too weak to pick up the information automatically.

12. Claim 24 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Piccionelli, Engstrom further in view of U.S. Patent Pub. No. 2002/0128063 to Kunieda et al. (Kunieda).

Piccionelli discloses a system and method substantially equivalent to Applicant's claimed invention. However, Piccionelli is silent wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

According to Applicant, the reset occurs (Specification p. 40) where the end of the playfield where the character resides can be "reset" to be the origin.

Examiner construes a reset in light of the specification and the claim as a whole to be where the game image pivots or servers as an origin for future movement. One example is that taught by Kunieda.

According to Kunieda, the character movement is affected by manipulation of a virtual camera, i.e., where the camera points is the new field of view for the player. In particular, "In the case in which the head object of a character, for example, is caused to face a prescribed orientation in response to the occurrence of prescribed event, this can be achieved similarly to the case described above, by having the movement of the virtual field of view cause the movement of the fixation point of the camera field of view." [0043]. Based on moving the fixation point of the camera, the viewpoint is reset. Or said another way, the new fixation point is the new manually set origin for the image.

It would have been obvious to one skilled in the art at the time of the invention to include allowing the player to move his view (or virtual camera) as he directs his viewpoint as taught by Kunieda into the teachings of Piccionelli in order to toggle between views as seen by the other players by moving the virtual camera about the target in the playfield.

Response to Arguments

13. Applicant's arguments (see Applicant Arguments/Remarks pages 5-6) with respect to the rejection of the claims under 35 U.S.C. §101. Examiner respectfully disagrees and has addressed Applicant's concerns as part of the rejection of the claims.

14. Applicant argues (see Applicant Arguments/Remarks pages 6-8) that Enstrom's manual module does not include from claim 19 "obtaining said location for use as said manual origin setting in said location based game." Examiner respectfully disagrees. Examiner relies upon Cunningham for those teachings. Specifically, where "obtaining, on a location device of the device ([0055, position determination module 515), said location for use as said manual origin setting in said location-based game ([0010, 0058]).

15. Applicant argues (see Applicant Arguments/Remarks page 6) that the references teach away and with particular mention of Cunningham's privacy switch. Examiner respectfully disagrees and has previously addressed this issue (Final Rejection 3/11/2015 pages 12-13) where "Further, Applicant alleges that both Cunningham and Engstrom teach away. Specifically, that Cunningham's privacy switch is not relevant and teaches away because it is used when a person does not want his position to a

third person. Examiner respectfully disagrees. Examiner does not rely on Cunningham's privacy switch and moreover, according to Cunningham, this switch is optional ([0052]). A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed", *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). Simply that there are differences between two references is insufficient to establish that such references "teach away" from any combination thereof. *In re Beattie*, 974 F.2d 1309, 1312-13, 24 USPQ2d 1040, 1042 (Fed. Cir. 1992). Further, the courts will not, however, "read into a reference a teaching away from a process where no such language exists." *DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1364 (Fed. Cir. 2006). Here, neither disclosure criticizes, discredits, or otherwise discourages the solution claimed to incorporate the interface of Engstrom into the invention of Cunningham.

16. Applicant argues (see Applicant Arguments/Remarks page 8) that neither Cunningham nor Kirmse provide a game ID. Examiner respectfully disagrees and has previously addressed this argument (See Final Rejection 3/11/2015 page 13). Kirmse provides a game ID (Fig. 5). Applicant characterizes this as "information" but does not argue why the game ID employed by Kirmse is not a game ID used to initialize game

play between the players in the game of Cunningham in view of Kirmse. Applicant also alleges improper hindsight has been used to combine the references. Examiner respectfully disagrees. Examiner has provided the following rational underpinning to combine the teachings: "It would have been obvious to one skilled in the art at the time of the invention to include the ability to orchestrate by the exchange of game IDs to multiple players as taught by Kirmse into the teachings of Cunningham in order to play a location based game among a plurality of players because the courts have held that use of known technique to improve similar devices (methods, or products) in the same way would be indicia of obviousness."

17. Applicant argues (see Applicant Arguments/Remarks page 8) that Singhai merely alleges a computing device with a mouse and no location based functionality is provided. Examiner respectfully disagrees and has previously addressed this argument (See Final Rejection page 14). Applicant contends that Singhai is a stationary game with no location based functionality. Applicant alleges that Examiner contends that Singhai has location-based functionality. This is a misreading of the rejection presented by the Examiner. Sprogis provides the recited location-based functionality with the exception of a covering and uncovering feature provided by Singhal. Specifically, Sprogris discloses a physical playfield (fig. 3 and 4, paragraph [0031]) for a treasure hunt game that includes clues to find a treasure (paragraph [0016]) and that a wide variety of games could be practiced under the general concept that unites location positioning technologies and wireless communication in a gaming format (paragraph [0022]) but does not teach a grid that is covered and may be uncovered.

Singhai, on the other hand, is an analogous object finding game reference, Singhal teaches hide and seek game with a grid wherein areas of said grid are covered (Singhal, paragraphs [0053, 0055], obscuring the landscape may include creating a night/day/twilight effect and/or a weather effect such as rain or fog) and uncovering areas of a grid (Singhal, paragraph [0063], when the seek character 25, travels over the night landscape, he creates a seek path, if a clue is encountered in the seek path, a clue Pop-up window is displayed. A search sensor also uncovers part of the grid) to provide an apparatus and method for an electronic version of the hide and seek game with new features that would be useful for entertainment and educational purposes (Singhal, paragraph [0005]) thereby providing a combination of a location-based hide and seek game with a hiding of the landscape feature. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sprogis with Singhal to provide a new game that would be useful for entertainment and educational purposes.

Applicant has not persuaded the Examiner that Singhai fails to teach grid areas and play of the game relative to covering and uncovered areas for which the Examiner relies upon Singhai to disclose. The allegation alone that Singhai is a stationary computer with a mouse is not persuasive. Further, Applicant alleges that the combination is inoperable presumably by arguing that the bodily incorporation of one into the other renders the combination inoperable and further that the reference teaches away. Examiner respectfully disagrees. The rejection is based on the combination of

references and given that Sprogris does not criticize, discredit, or discourage the solution claimed, one of skill in the art using routine creativity and common sense would arrive at a location based game with the features taught or suggested by the combination of references.

18. Applicant argues (see Applicant Arguments/Remarks page 9) that the combination of Piccionelli and Engstrom fails to include manually setting a directional reference. Examiner respectfully disagrees. Applicant makes the allegation but does not argue why the rationale and citations provided fail to teach or suggest the claim limitation. Specifically, "According to Piccionelli, a GPS locator is used to determine orientation. Arguably, the user manually sets the directional reference in the first instance prior to the GPS detection. However, if Applicant disagrees with the Examiner's interpretation of the reference that it is obvious the manually set the orientation as a directional reference prior to GPS detection then Applicant is directed to the teachings of Engstrom.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location.

Consequently, Examiner disagrees with Applicant statements "Piccionelli only alleges a[n] orientation from a GPS" and "Engstrom, which does not even show or suggest a location-based game, does not correct for this deficiency."

19. Applicant argues the combination of Piccionelli, Engstrom and Kunieda (see Applicant Arguments/Remarks page 10) relying solely on previously presented arguments which have been addressed by Examiner.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. 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.

Application/Control Number: 11/841,889
Art Unit: 3716

Page 20

Paul A. D'Agostino
Primary Examiner
Art Unit 3716

/Paul A. D'Agostino/
Acting SPE of Art Unit 3716

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11841889	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/005 CON6	Art Unit	3716
First Named Inventor	Jeffrey D. Mullen			Examiner Name	Paul D'Agnostino		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☐ Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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

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Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2015-09-11
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature			Add

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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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 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.
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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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,889
Confirmation No. : 2611
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATION BASED GAMES AND
EMPLOYMENT OF THE SAME ON
LOCATION ENABLED DEVICES
Group Art Unit : 2629
Examiner : Yuk Chow

Hon. Commissioner for Patents Pittsburgh, PA 15116
P.O. Box 1450 September 11, 2015
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated March 11, 2015. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 4 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-18. (cancelled)

19. (currently amended) A method comprising:
providing, on a device, a location-based
game;

determining, on said device, whether said
location-based game utilizes a manual origin setting;

prompting, on a graphical user interface of
said device, for manual input to be entered into said
graphical user interface to position said device to a
location associated with said manual origin setting; and

obtaining, on ~~a location device of~~ said
device, said location for use as said manual origin setting
in said location-based game.

20. (previously provided) A method comprising:
utilizing a game ID on a first-location
based gaming device to initialize a multiple-player
location-based game, wherein said game ID is associated
with a location-based game and at least a second location-
based gaming device; and

providing said multiple-player location-
based game on at least said first and second location-based
gaming devices.

21. (cancelled).

22. (previously presented) A method comprising:
providing a grid on the display of a device,
wherein areas of said grid are covered;

providing a character on said grid, wherein the
location of said character on said grid is associated with
the location of said device on a physical playfield,
wherein a locating device of said device provides, at least
in part, said location; and

uncovering covered areas of said grid as said
device is moved to locations of said physical playfield
that are associated with covered areas of said grid.

23. (previously provided) A method comprising:
manually setting a directional reference for a
direction of gameplay for a character of a location-based
game provided on a device based on the direction of said
device; and

providing said location-based game on said device
with respect to said directional reference.

24. (previously presented) The method of claim
23, wherein said directional reference is reset during play
of said location-based game and said location-based game is
provided after reset with respect to said reset directional
reference.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 19-24 were pending in the application.

The Examiner rejected claims 19 under 35 U.S.C. 112.

The Examiner rejected claims 19-20 and 22-24 under 35 U.S.C. 101.

The Examiner rejected claims 19 under 35 U.S.C. 102(e) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Engstrom U.S. Patent Application Publication No. 2004/0172481 (hereinafter "Engstrom").

The Examiner rejected claims 20 under 35 U.S.C. 102(e) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Kirmse U.S. Patent Application Publication No. 2002/0086732 (hereinafter "Kirmse").

The Examiner rejected claims 22 under 35 U.S.C. 102(e) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0144047 (hereinafter "Sprogis") in view of Engstrom U.S. Patent Application Publication No. 2002/082068 (hereinafter "Singhal").

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli U.S. Patent Application No 2004/0058732 (hereinafter "Piccionelli") in view of Engstrom.

The Examiner rejected claims 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

Summary of Applicant's Amendments

Applicant has amended claim 19 without prejudice and solely in order to expedite prosecution.

Applicant traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any claim amendment or cancellation, or any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the
Rejections Under 35 U.S.C. § 112

The Examiner rejected claim 19 under 35 U.S.C. 112.

Applicant disagrees with the Examiner. However, Applicant has amended claim 19 without prejudice and solely in order to expedite prosecution.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 19-20 and 22-24 under 35 U.S.C. 101.

The Examiner stated that the claims were drawn to an judicial exception of an abstract idea.

Applicant contends that there is no judicial exception of an abstract idea for a location-based game.

Accordingly, the Examiner has not provided a permissible judicially exception group in the Examiner's argument and provided explanation for how a location-based game fits into that permissible group.

Applicant's claims clearly show differential structure and differential function associated with that

differential structure. Accordingly, applicant's claims are not abstract ideas.

Solely to expedite prosecution, and without prejudice, applicant has previously amended claims 20 to include providing and claim 23 to included provided.

In light of the foregoing, applicant respectfully requests that the Examiners rejection be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Engstrom

The Examiner rejected claims 19 under 35 U.S.C. 103(a) as being anticipated by Cunningham in view of Engstrom.

The Examiner stated that Cunningham:

"is silent on the particulars of a graphical user interface for prompting on the graphical user interface for the manual input to be entered."
(Office Action page 6)

The Examiner stated that Engstrom includes:

"Manual location module 702 enables manual entry..."
(Office Action, page 6)

Engstrom is irrelevant. Engstrom's manual module 702 does not include applicant's claim 19 of obtaining said location for use as said manual origin setting in said location-based game.

Furthermore, Engstrom and Cunningham teach away from one another.

Cunningham's privacy switch, however, is merely allegedly used for a person to not reveal an exact location to a third person. Accordingly, Cunningham's privacy

switch is not relevant to the game played on the actual user's device.

Engstrom is similarly not relevant.

Accordingly, neither Engstrom nor Cunningham can be combined to create a device neither shown nor suggested by the two devices.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
in view of Cunningham and Kirmse

The Examiner rejected claims 20 under 35 U.S.C. 103(a) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham") in view of Kirmse U.S. Patent Application Publication No. 2002/0086732 (hereinafter "Kirmse").

The Examiner stated that Cunningham:

"is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device."
(Office Action, page 7)

The Examiner stated that Kirsme alleges:

"a game and game server (Fig. 1) where game IDs are exchanged."
(Office Action, page 6)

Cunningham does not show or suggest applicant's claim 20 of a game ID associated with multiple-player location-based game.

Similarly, Kirsme does not show or suggest a game ID associated with a multiple-player location based game

Cunningham merely alleges two structures that allegedly automatically detect each other and start a handshake. See Cunningham, paragraph 42.

Kirsme merely alleges invoking a game with a header that includes information.

The Examiner cannot combine unrelated precision devices, in hindsight, to create an inoperable device neither shown nor suggested by the individual devices. In light of the foregoing, neither Kirsme nor Cunningham, used either alone or in combination, show or suggest claim 20 of a game ID associated with a multiple-player location-based game.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 20, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a) for Sprogis/Singhal

The Examiner rejected claims 22 under 35 U.S.C. 103(a) as being anticipated by Sprogis in view of Singhal.

The Examiner stated that:

"Sprogis ... fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid."
(Office Action, page 8)

Singhal, however, does not correct for the deficiency of Sprogis.

Singhal merely alleges a "computing device with ... a mouse device" (Singhal, paragraph 36). No location-

based functionality is provided. Singhal merely alleges a stationary computer game on a computer.

The Examiner alleged that Singhal teaches location-based functionality. See Office Action, page 13. Singhal does not provide anything other than a stationary computer game. A mouse is used to interact with the game. No location functionality is provided.

Applicant's claim 22 was previously amended to include a locating device of the device that provides, at least in part, the location.

Singhal's stationary game is inoperable to be combined with Sprogis. Singhal teaches directly away from, and would render inoperable, Sprogis. A stationary computer game is not a game that includes a locating device of the device that provides, at least in part, the location.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 22, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
For Piccionelli and Engstrom

The Examiner rejected claims 23 under 35 U.S.C. 103(a) as being anticipated by Piccionelli in view of Engstrom.

Applicant previously amended claim 23 without prejudice and solely in order to expedite prosecution to include manually setting a directional reference for a direction of gameplay for a character.

Neither Piccionelli nor Engstrom, used either alone or in combination, show or suggest such a feature.

Piccionelli does not show or suggest applicant's claim 23 that includes manually setting a directional reference. Piccionelli only alleges a orientation from a GPS. See *Piccionelli*, paragraph 12. Engstrom, which does not even show or suggest a location-based game, does not correct for this deficiency.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 103(a)
for Piccionelli, Engstrom, and Kunieda

The Examiner rejected claim 24 under 35 U.S.C. 103(b) as being unpatentable over Piccionelli, Engstrom and further in view of Kunieda.

As shown above, claim 23 is patentable. Claim 24 depends from patentable claim 23.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 24, and any claims dependent therefrom, be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees required in conjunction with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855, Order No. JDM/005 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/
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Electronic Patent Application Fee Transmittal				
Application Number:		11841889		
Filing Date:		20-Aug-2007		
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small 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 - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
RCE- 2nd and Subsequent Request	2820	1	850	850
Total in USD (\$)				1550

Electronic Acknowledgement Receipt	
EFS ID:	23465400
Application Number:	11841889
International Application Number:	
Confirmation Number:	2611
Title of Invention:	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	11-SEP-2015
Filing Date:	20-AUG-2007
Time Stamp:	12:43:40
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 1550
RAM confirmation Number	10240
Deposit Account	503855
Authorized User	MULLEN, JEFFREY D.
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p>	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-005CON6--RCE.pdf	697801 ef12f75e8537e6ce4c4246fa4ba0c6071233b5df	no	3
Warnings:					
Information:					
2		JDM-005C6-Reply.pdf	179151 554599d2541518ebd0182d9682e3abfb3294f260	yes	11
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	3	
	Applicant Arguments/Remarks Made in an Amendment		4	11	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32753 23e9cc3418be48aecd34591d799bb9d7d49ffa6f	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			909705		

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 11/841,889		Filing Date 08/20/2007		☐ To be Mailed		
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO										
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)							
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)		FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A		N/A					
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A	N/A		N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A		N/A					
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =	*		X \$ =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*		X \$ =					
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL					
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			(Column 3)				
AMENDMENT	09/11/2015	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 5	Minus	** 20	= 0	x \$40 =		0		
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	x \$210 =		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 \$ =				
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =				
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
	TOTAL ADD'L FEE									
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

LIE
/BURNELL L. ROSS/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733 7590 03/11/2015 JEFFREY D. MULLEN 2212 Hassinger Lane Glenshaw, PA 15116			EXAMINER D'AGOSTINO, PAUL ANTHONY	
			ART UNIT 3716	PAPER NUMBER
			MAIL DATE 03/11/2015	DELIVERY MODE PAPER

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

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

Office Action Summary	Application No. 11/841,889	Applicant(s) MULLEN, JEFFREY D.	
	Examiner Paul A. D'Agostino	Art Unit 3716	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1) ☒ Responsive to communication(s) filed on 2/25/15.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.

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

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

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 19,20 and 22-24 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 19-20 and 22-24 is/are rejected.

8) ☐ Claim(s) ____ is/are objected to.

9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

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

Application Papers

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

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

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

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

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

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.

4) ☐ Other: ____.

DETAILED ACTION

This responds to Applicant's Remarks/Amendments filed 02/25/2015. Claims 19-20 have been amended. Claims 1-18 stand cancelled. Claims 19-20 and 22-24 are now pending in the Application. The present application is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 19 is rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention. Support cannot be located for "obtaining, on a location device of

said device". To advance prosecution, Examiner construes the limitation to be "obtaining, on the device,". Appropriate attention is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 19-20 and 23-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Claim(s) 19-20 and 22-24 are directed to a location based game. The claim(s) does/do not include additional elements that are sufficient to amount to significantly more than the judicial exception. In particular, Claim 19 recites a location based game specified at a high level of generality and for prompting a user to manually input a location via a graphical user interface. But for the abstract idea of play of a location based game, the claim merely contains data gathering. In reference to Claim 20, the location based game is a multiplayer game between a second computing device and utilizing player IDs. But for the trappings of user IDs, nothing about the claim besides scaling adds meaningful limitations to the claim to transform the abstract idea into a patent-eligible inventive concept. In reference to Claim 22, the game is played on a playing field with the location of the player identified which is mere data processing. In reference to Claims 23 and 24, the game merely sets a direction or orientation for the game and resetting the direction. For

the above location based game of Claims 19-20 and 22-24, the game can be played manually to establish locations, playing locations (grids), directions, resets and uncovering hidden areas such as in the game of hide and seek. While Applicant argues that the method steps are associated with a physical device (see Applicant Arguments/Remarks page 5) the physical device which collects, processes and displays data fails to add significantly more to the abstract idea to transform it into a patent-eligible inventive concept. What there is are the abstract rules of a game implemented on a computing device. Appropriate attention is required.

Claim Rejections - 35 USC § 103

5. 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 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 19 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0224855 to Cunningham (Cunningham) in view of U.S. Patent Pub. No. 2004/0172481 to Engstrom (Engstrom).

Cunningham discloses a device and method, comprising:

providing, on a device, a location-based game (Fig. 1, paragraphs [0025, 0027], Fig. 4);

determining, on said device, whether location-based game utilizes a manual origin setting ([0015], "The position determination may be made...according to predetermined criteria such as the type of mobile-gaming application currently in use, according to the accuracy necessary to the particular state the application is in, or according to any player input that is available." and claims 10-13);

entering, on a user interface of said device, manual input into said user interface to position said device to a location associated with said manual origin setting ([0010, 0051, 0054] by using the manual mode switch ([0053]); and

obtaining, on a location device of the device ([0055, position determination module 515), said location for use as said manual origin setting in said location-based game ([0010, 0058]).

However, Cunningham is silent on the particulars of a graphical user interface for prompting on the graphical user interface for the manual input to be entered.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location. The information may be selected from a list of predetermined favorite locations or expressly entered at the mobile device." [0063]. Examiner interprets the presentation of a list as evidence of prompting.

"The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements;

instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR, 550 U.S. at ___, 82 USPQ2d at 1396. Exemplary rationales that may support a conclusion of obviousness include:

(A) Combining prior art elements according to known methods to yield predictable results;

(B) Simple substitution of one known element for another to obtain predictable results;

(C) Use of known technique to improve similar devices (methods, or products) in the same way;

(D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results.

Here, one of skill in the art would recognize that the display of Cunningham would be readily modified by the user interface according to Engstrom to include the location prompting to achieve predictable results as it has been held by the court that the combination of known elements according to known methods yields predictable results.

8. Claim 20 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of U.S. Patent Pub. No. 2002/0086732 to Kirmse et al. (Kirmse).

Cunningham discloses a system and method substantially equivalent to Applicant's claimed invention. In particular, where a first-location based gaming device initializes a location-based game (Fig. 1, paragraphs [0025, 0027]).

However, Cunningham is silent wherein the player is able to initiate a multi-player game and to initialize with a game ID to link to a second location-based device.

Kirmse teaches of a game and game server (Fig. 1) where game IDs are exchanged to invoke and or join a multi-player game (Fig. 5, Fig. 6 step S102-S103; [0006, 0047]). Kirmse provides this system and method in order to facilitate multi-user activities ([0027]).

It would have been obvious to one skilled in the art at the time of the invention to include the ability to orchestrate by the exchange of game IDs to multiple players as taught by Kirmse into the teachings of Cunningham in order to play a location based game among a plurality of players because the courts have held that use of known technique to improve similar devices (methods, or products) in the same way would be indicia of obviousness.

9. Claim 22 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0144047 to Sprogis (Sprogis) in view of US Pub. No. 2002/082068 to Singhal (Singhal).

Sprogis discloses a treasure hunt game (Titl.) wherein
providing a grid on the display of a device (Fig. 4, [0030]); and
providing a character on said grid (Fig. 4, [0032], p1, p2, p3), wherein the location of said character on said grid is associated with the location of said device on a physical playfield ([0033], as the players move, their location positioning receivers transmit their locations back to the game master); wherein a locating device of said device provides said location (location positioning device determined players' positions, Fig. 4 step S3).

Sprogis substantially discloses the claimed invention but fails to explicitly teach that areas of said grid are covered and uncovering covered areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid. Instead Sprogis discloses a physical playfield (fig. 3 and 4, paragraph [0031]) for a treasure hunt game that includes clues to find a treasure

(paragraph [0016]) and that a wide variety of games could be practiced under the general concept that unites location positioning technologies and wireless communication in a gaming format (paragraph [0022]) but does not teach a grid that is covered and may be uncovered.

However in an analogous object finding game reference, Singhal teaches hide and seek game with a grid wherein areas of said grid are covered (Singhal, paragraphs [0053, 0055], obscuring the landscape may include creating a night/day/twilight effect and/or a weather effect such as rain or fog) and uncovering areas of a grid (Singhal, paragraph [0063], when the seek character 25, travels over the night landscape, he creates a seek path, if a clue is encountered in the seek path, a clue Pop-up window is displayed. A search sensor also uncovers part of the grid) to provide an apparatus and method for an electronic version of the hide and seek game with new features that would be useful for entertainment and educational purposes (Singhal, paragraph [0005]) thereby providing a combination of a location-based hide and seek game with a hiding of the landscape feature.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sprogis with Singhal to provide a new game that would be useful for entertainment and educational purposes.

10. Claim 23 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2004/0058732 to Piccionelli (Piccionelli) in view of Engstrom.

Piccionelli teaches of a method comprising:

manually setting a directional reference for a direction of game play for a character of a location-based game played on a device based on the direction of said device and providing said location-based game on said device with respect to said directional reference (location based game Abstr. where a need exists to interact with players in relation to the locations of the other players [0004]. In doing so, according to Piccionelli , determining a location of a target object to a central location [0006] and in addition to the location, an orientation of the user [0012], i.e., the direction the user is facing ([0012]) such that " The user's location and orientation, together with the location of the target object relative to the user, thus can be used to determine the location of the target object. In particular, based on orientation, Fig. 1 teaches that the viewpoints of player 1 and player 2 are determined (Fig. 1)).

According to Piccionelli, a GPS locator is used to determine orientation. Arguably, the user manually sets the directional reference in the first instance prior to the GPS detection. However, if Applicant disagrees with the Examiner's interpretation of the reference that it is obvious the manually set the orientation as a directional reference prior to GPS detection then Applicant is directed to the teachings of Engstrom.

Engstrom teaches of aggregating presence information (Titl.) wherein a mobile device (Fig. 4) determines client presence via manual location module 702 (Fig. 7). According to Engstrom, "Manual location module 702 enables manual entry through a user interface of a location for a user. The user may enter any information desired to specify his or her location.

It would have been obvious to one skilled in the art at the time of the invention to include the manual entry of orientation as a directional references through a user interface as taught by Engstrom into the teachings of Piccionelli in order to initialize the system in the event the GPS system is down or the signal is too weak to pick up the information automatically.

11. Claim 24 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Piccionelli, Engstrom further in view of U.S. Patent Pub. No. 2002/0128063 to Kunieda et al. (Kunieda).

Piccionelli discloses a system and method substantially equivalent to Applicant's claimed invention. However, Piccionelli is silent wherein said directional reference is reset during play of said location-based game and said location-based game is provided after reset with respect to said reset directional reference.

According to Applicant, the reset occurs (Specification p. 40) where the end of the playfield where the character resides can be "reset" to be the origin.

Examiner construes a reset in light of the specification and the claim as a whole to be where the game image pivots or servers as an origin for future movement. One example is that taught by Kunieda.

According to Kunieda, the character movement is affected by manipulation of a virtual camera, i.e., where the camera points is the new field of view for the player. In particular, "In the case in which the head object of a character, for example, is caused to face a prescribed orientation in response to the occurrence of prescribed event, this can be achieved similarly to the case described above, by having the movement of the