

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

12. Applicant's arguments (see Applicant Arguments/Remarks pages 5-9) with respect to claim 19 is not persuasive. Applicant alleges but fails to explain why the graphical user interface of Engstrom is irrelevant. 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.

13. Applicant argues (see Applicant Arguments/Remarks page 7) that neither Cunningham nor Kirmse provide a game ID. Examiner respectfully disagrees. At least Kirmse provides a game ID (Fig. 5). Applicant characterizes but does not argue effectively 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."

14. Applicant argues (see Applicant Arguments/Remarks page 8) that Singhal merely alleges a computing device with a mouse and no location based functionality is provided. Examiner respectfully disagrees. Applicant has not persuaded the Examiner that Sprogis fails to teach grid areas and play of the game relative to cover and uncovered areas for which the Examiner relies upon Sprogis to disclose. The allegation alone that Sprogis 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. Examiner respectfully disagrees. The rejection is based on the combination of references and given Singhal 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.

15. Applicant argues (see Applicant Arguments/Remarks page 9) that the combination of references 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.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. 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.

18. 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..

19. 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.

20. 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 16

Paul A. D'Agostino
Primary Examiner
Art Unit 3716

/Paul A. D'Agostino/
Primary Examiner, Art Unit 3716

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

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	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
L2	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
L3	2	"20040172481"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:07
L4	3	"20020086732"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2015/03/07 21:44

3/ 7/ 2015 10:33:19 PM**C:\ Users\ pdagostino\ Documents\ EAST\ Workspaces\ 11841889.wsp**

Search Notes 	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

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

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

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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
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 25, 2015
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated August 25, 2014. 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 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. (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

~~playing~~ 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. (currently amended) A method comprising:
manually setting a directional reference for a
direction of gameplay for a character of a location-based
game provided ~~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.

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. 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 claims 20 and 23 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.

The Examiner stated that the claims were drawn to an abstract idea. Applicant's claims clearly show structure and function associated with a physical device. Accordingly, applicant's claims are not abstract ideas.

The Examiner directed the applicant's attention to "e.g., playing." Office Action, page 4.

Solely to expedite prosecution, and without prejudice, applicant has 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.

Without prejudice, and solely in order to expedite prosecution, applicant has amended claim 19 to include obtaining, on a location device of said device,

said location for use as said manual origin setting in said location-based game.

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, on a location device of said device, 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 8)

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 9)

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 has 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.

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 - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	21602600
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:	25-FEB-2015
Filing Date:	20-AUG-2007
Time Stamp:	19:28:56
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 700
RAM confirmation Number	5424
Deposit Account	503855
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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		JDM-005C6-Reply.pdf	176326 19c67c298ae8b62340d57dfc47cd1413df25f4d5	yes	10

Multipart Description/PDF files in .zip description				
Document Description		Start	End	
Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
Claims		2	3	
Applicant Arguments/Remarks Made in an Amendment		4	10	

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	31022 72289f0f2130a117c333f746d1556b31b418722e	no	2
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Warnings:

Information:

Total Files Size (in bytes):	207348
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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	02/25/2015		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											
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.												

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

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	08/25/2014	EXAMINER	
JEFFREY D. MULLEN 1310 Riverfront Drive PITTSBURGH, PA 15238			D'AGOSTINO, PAUL ANTHONY	
			ART UNIT	PAPER NUMBER
			3716	
			MAIL DATE	DELIVERY MODE
			08/25/2014	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 2/10/2014.
☐ 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 8/20/2007 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 02/10/2014. Claims 19-20 and 22-24 have been amended. Claims 1-18 have been 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 § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Based upon consideration of all the relevant factors with respect to the claims as a whole, claim(s) 19-20 and 22-24 are rejected under 35 U.S.C. 101 as being directed to ineligible subject matter. Although the claim(s) are drawn to at least one of the four statutory categories of invention (i.e. process, machine, manufacture, or composition), which would normally be considered within an appropriate statutory category, as has been noted in the recent Supreme Court decisions *Bilski v. Kappos*, 130 S. Ct. 3218, 3227 (2010), *Alice Corp. Pty. Ltd. v. CLS Bank International* (Case No. 13-298 (Supr. Ct., June 19, 2014), and the Court of Appeals for the Federal Circuit in *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366 (Fed. Cir. 2011), *Bancorp Services, L. L. C v Sun Life Assur. Co. of Canada (U.S.)*, -- F.3d ---, 2012, (Fed. Circ. 2012), one must look beyond whether the claim falls within a statutory category and determine whether or not the claim is an attempt to patent ineligible subject matter which the courts have

proclaimed judicially excepted, specifically, laws of nature, physical phenomena, and abstract ideas. The Supreme Court noted that said decisions are instructive on how to investigate issues of subject matter eligibility and that the question underlying such an investigation is whether or not the claim is an attempt to claim subject matter which has been judicially excepted.

4. The recently published USPTO interim guidelines (http://www.uspto.gov/patents/announce/interim_alice_guidance.jsp) outline a two part analysis which must be undertaken as it pertains to the concept of abstract ideas.

Part 1 - A determination of whether the claim(s) is/are directed to an abstract idea must be performed. Examples of abstract ideas include:

- o Fundamental economic practices;
- o Certain methods of organizing human activities;
- o An idea of itself; and,
- o Mathematical relationships/formulas.

Part 2 - A determination of whether the claim(s) amounts to significantly more than the abstract idea itself.

a) Non-limiting or non-exclusive examples of limitations which qualify as "significantly more" include:

- o Improvements in another technology or technical field;
- o Improvements in the functioning of the computer itself;
- o Meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment.

b) Non-limiting or non-exclusive examples of limitations which fail to qualify as “significantly more” include:

- o Adding the words “apply it” (or equivalent) with an abstract idea, or mere instructions to implement an abstract idea on a computer;
- o Requiring no more than a generic computer to perform generic computer functions that are well-understood, routine and conventional activities previously known to the industry.

5. In the instant application, the claims when analyzed as a whole, are held to be non-statutory because they are considered to be drawn to an abstract idea (i.e., certain methods of organizing human activities e.g., playing a location-based game) without any limitation(s) which qualify as “significantly more” than the abstract idea itself, but which are merely implemented/applied on a computing device. The Examiner deems that as broadly claimed the idea of playing location games aided by a device that receives input and augments remote play of the game fails to be significantly more than the abstract idea itself of playing a game accompanied by the collection of game information and transmission/reception of additional data. In so doing, computing functions are employed to manage these exchanges but that represent nothing significantly more than the generic use of a computer to perform functions of executing a location game via transmission devices and technologies (e.g., communication networks and graphical user interfaces) that are well-understood, routine, and conventional activities previously known in the gaming industry.

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]);

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 said device, said location for use as said manual origin setting in said location-based game ([0010, 0058]).

However, Cunnningham 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. 7 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 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.

In regard to claim 24, Examiner construes the reset in light of Specification (p. 40) to be an intended use wherein the user is able to re-determine the orientation during the game. According to the combination of Piccionelli and Engstrom, a player is able to

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 with respect to claims 19 -20 and 23 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

14. Applicant argues (see Applicant Arguments/Remarks page 7) that Singhal does not show or suggest a location based game and has amended the claims to include a location device. Examiner respectfully disagrees. Singhal is relied upon for teaching a 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. Such that 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.

15. Applicant alleges but does not adequately explain why the combination of references would not render obvious the claimed invention. To state that a stationary game cannot be combined the location based game of Sprogis is not enough (see

Applicant Arguments/Remarks page 7). In this regard, it is not persuasive the argue the references individually when the rejection is based on the combination of references.

16. Applicant also alleges that Singhal teaches away. Examiner respectfully disagrees. it has not been shown where Singhal discredits, discourages, or disparages the solution claimed by the combination of references. Given the argument is based on the premise of teaching away, it is also not persuasive to allege that the combination of Singhal into Sprogis renders Sprogis inoperable.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure is provided in the Notice of References Cited.

18. 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..

19. 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.

20. 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.

Art Unit: 3716

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

Notice of References Cited	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner Paul A. D'Agostino	Art Unit 3716	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,287,200 B1	09-2001	Sharma, Dipanshu	463/40
*	B	US-2002/0082068 A1	06-2002	Singhal, Tara Chand	463/9
*	C	US-2002/0086732 A1	07-2002	Kirmse et al.	463/42
*	D	US-2002/0128063 A1	09-2002	Kunieda et al.	463/31
*	E	US-6,527,641 B1	03-2003	Sinclair et al.	463/39
*	F	US-2003/0144047 A1	07-2003	Sprogis, Peter	463/9
*	G	US-2003/0171147 A1	09-2003	Sinclair et al.	463/39
*	H	US-2003/0224855 A1	12-2003	Cunningham, Robert	463/41
*	I	US-2004/0058732 A1	03-2004	Piccionelli, Gregory A.	463/042
*	J	US-2004/0248653 A1	12-2004	Barros et al.	463/043
*	K	US-2005/0048987 A1	03-2005	Glass, Andrew C.	455/456.1
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes 	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

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

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

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

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	"20030224855"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 13:51
L2	7743	"463".clas. and location with game and (cell cellphone phone mobile)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 14:25
L3	797	"463".clas. and location with game and (cell cellphone phone mobile) and @ay<="2003"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 14:25
L4	56	"463".clas. and location with game and (cell cellphone phone mobile) and @ay<="2003" and graphical adj user adj interface	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 14:26
L5	24	"463".clas. and location with game and (cell cellphone phone mobile) and @ay<="2003" and graphical adj user adj interface and manual\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 14:26
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L8	0	"463".clas. and gps same game and (cell	US-	OR	ON	2014/08/21

		cellphone phone mobile) and @ay<="2003" and manual with coordinates	PGPUB; USPAT; USOCR; FPRS; EPO; JPO			14:38
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L10	0	"463".clas. and gps and (cell cellphone phone mobile) and @ay<="2003" and manual with coordinates	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 14:38
L11	0	"463".clas. and global adj positioning and (cell cellphone phone mobile) and @ay<="2003" and manual with coordinates	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 14:39
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L13	1	"463".clas. and peer with peer and @ay<="2003" and manual with (coordinates position location)	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 14:40
L14	6	("20020082068" "6287200" "20030144047" "20030224855").PN.	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 14:42
L15	2914	mobile and game and coordinates and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 14:59
L16	545	mobile and game and coordinates and @ay<="2003" and input with location	US- PGPUB; USPAT; USOCR; FPRS; EPO;	OR	ON	2014/08/21 14:59

			JPO			
L17	168	mobile and game and coordinates and @ay<="2003" and input with location same interface	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 15:00
L18	32	"6754594"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 15:45
L19	9	(US-20030224855-\$ or US-20030171147-\$ or US-20020086732-\$ or US-20030144047-\$ or US-20020082068-\$ or US-20050048987-\$ or US-20040248653-\$).did. or (US-6527641-\$ or US-6287200-\$).did.	US-PGPUB; USPAT	OR	ON	2014/08/21 15:54
L20	7	(US-20030224855-\$ or US-20030171147-\$ or US-20020086732-\$ or US-20030144047-\$ or US-20020082068-\$ or US-20050048987-\$ or US-20040248653-\$).did. or (US-6527641-\$ or US-6287200-\$).did. and game with ID	US-PGPUB; USPAT	OR	ON	2014/08/21 15:55
L21	9	(US-20030224855-\$ or US-20030171147-\$ or US-20020086732-\$ or US-20030144047-\$ or US-20020082068-\$ or US-20050048987-\$ or US-20040248653-\$).did. or (US-6527641-\$ or US-6287200-\$).did.	US-PGPUB; USPAT	OR	ON	2014/08/21 15:55
L22	2	L21 and game with "ID"	US-PGPUB; USPAT	OR	ON	2014/08/21 15:55
L23	1	L21 and orientation	US-PGPUB; USPAT	OR	ON	2014/08/21 17:01
L24	4577863	L21 and orientation or direction\$4	US-PGPUB; USPAT	OR	ON	2014/08/21 17:03
L25	5	L21 and (orientation or direction\$4)	US-PGPUB; USPAT	OR	ON	2014/08/21 17:03
L26	0	L21 and (orientation or direction\$4) same calibrat\$4	US-PGPUB; USPAT	OR	ON	2014/08/21 17:08
L27	0	L21 and calibrat\$4	US-PGPUB; USPAT	OR	ON	2014/08/21 17:09
L28	0	L21 and orient\$7 same reference	US-PGPUB; USPAT	OR	ON	2014/08/21 17:11
L29	0	"463".clas. and location with game and (cell cellphone phone mobile) and (orient47)	US-PGPUB; USPAT; USOCR; FPRS;	OR	ON	2014/08/21 17:11

			EPO; JPO			
L30	2823	"463".clas. and location with game and (cell cellphone phone mobile) and (orient\$7)	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 17:12
L31	156	"463".clas. and location with game and (cell cellphone phone mobile) and (orient\$7) with reference	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 17:12
L32	53	"463".clas. and location with game and (cell cellphone phone mobile) and (orient\$7) with reference same game	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 17:12
L33	2	"463".clas. and location with game and (cell cellphone phone mobile) and (orient\$7) with reference same game and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 17:13
L34	59	"463".clas. and location with game and (cell cellphone phone mobile) and (orient\$7 pointing) same direction and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 17:16
L35	6	"463".clas. and location with game and (cell cellphone phone mobile) and (orient\$7 pointing) same (reset) and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:04
L36	4	"463".clas. and location with game and (orient\$7) same (reset) and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:05
L37	12	"463".clas. and location with game and (boundary edge) with (origin reset\$4 recalibr\$5) and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:09
L38	5	"463".clas. and image same (boundary edge) with (origin reset\$4 recalibr\$5) and @ay<="2003"	US- PGPUB; USPAT;	OR	ON	2014/08/21 18:11

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			USOCR; FPRS; EPO; JPO			
L39	104	"463".clas. and image same (background) with (scroll\$5) and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:12
L40	84	"463".clas. and (edge boundary) same (pivot) and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:27
L41	99	"463".clas. and (edge boundary) same (orientation) and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:28
L42	754	"463".clas. and (display) same (rotates) and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:33
L43	90	"463".clas. and (display) same (rotates) same second same player and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:33
L44	87	"463".clas. and (display) same (reset) same second same player and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:35
L45	4	"463".clas. and (display) same (reset) same orientation and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:35
L46	11	"463".clas. and (display) same (scroll\$3) same orientation and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:36
L47	1	"463".clas. and (boundary) same (scroll\$3)	US-	OR	ON	2014/08/21

		same orientation and @ay<="2003"	PGPUB; USPAT; USOCR; FPRS; EPO; JPO			18:38
L48	12	"463".clas. and (display screen) same edge same orientation and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:39
L49	1	"463".clas. and (frogger) and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:41
L50	56	"463".clas. and (orientation) same (camera) same (viewpoint view) and @ay<="2003"	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 18:49
L51	46	50 AND ((A63F13/10 OR A63F2300/6661 OR A63F2300/64 OR A63F2001/001 OR A63F2300/66 OR A63F2300/6684 OR A63F3/00157 OR A63F2300/8017 OR A63F2300/6676 OR A63F13/005 OR A63F2300/1093 OR A63F2300/8076 OR A63F13/12 OR A63F2300/1012 OR A63F2300/1062 OR A63F2300/663 OR A63F2300/6653 OR A63F13/06 OR A63F2300/1037 OR A63F2300/303 OR A63F2300/65 OR A63F2300/8005 OR A63F2300/8035 OR A63F9/305 OR A63F13/00 OR A63F2300/407 OR A63F2300/6045 OR A63F2300/6054 OR A63F2300/643 OR A63F2300/69 OR A63F2003/083 OR A63F2300/1056 OR A63F2300/306 OR A63F2300/308 OR A63F2300/50 OR A63F2300/5546 OR A63F2300/6669 OR A63F2300/8011 OR A63F2300/8029 OR A63F2300/8082 OR A63F2300/8094 OR A63F3/0423 OR A63F3/062 OR A63F3/0645 OR A63F9/24).CPC.)	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2014/08/21 19:22

8/ 21/ 2014 7:23:19 PM

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

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 15238
P.O. Box 1450 February 10, 2014
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 31, 2012. A two-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 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.

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

playing 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 presented) A method comprising:
manually setting a directional reference 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.

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 19-21 under 35 U.S.C. 102(e) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham").

The Examiner rejected claims 23 and 24 under 35 U.S.C. 102(b) as being anticipated by Sharma U.S. Patent No. 6,287,200 (hereinafter "Sharma").

The Examiner rejected claims 22 under 35 U.S.C. 103(a) as being anticipated by Sprogis U.S. Patent Application Publication No. 2003/0144047 (hereinafter "Sprogis") in view of U.S. Publication No. 2002/082068 to Singhal.

Summary of Applicant's Amendments

Applicant has amended claims 19, 20, and 22 without prejudice and solely in order to expedite prosecution.

Applicant has cancelled claim 21 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. § 102(e) in view of Cunningham

The Examiner rejected claims 19-21 under 35 U.S.C. 102(e) as being anticipated by Cunningham.

Claim 19

The Examiner stated that Cunningham's switch "is a constant prompt" (Office Action, page 6).

Cunningham, however, is silent on prompting for manual input to be entered.

Nonetheless, without prejudice and solely in order to expedite prosecution, applicant has amended claim 19 to include prompting on a graphical user interface and manual input entered into the graphical user interface. Cunningham's switch is not a graphical user interface.

Accordingly, applicant respectfully requests that the Examiner's rejection be withdrawn.

Furthermore, applicant's claim 19 includes determining whether a location-based game on a device utilizes a manual origin setting and prompting for manual input to be entered to position the device to a location associated with the manual origin setting.

The Examiner stated that Cunningham discusses:

"The Examiner asserts that by using the manual mode switch and privacy setting, the user controls the origin setting"
(Office Action, page 6)

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.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Claim 20

Applicant has, without prejudice and solely in order to expedite prosecution, amended claim claim 20 to include a game ID associated with a location-based game and at least a second location-based gaming device.

Cunningham does not show or suggest a game ID associated with a location-based game and a location-based gaming device.

There are several ways in which two different devices can operate without a game ID associated with a location-based game and a location-based device. Similarly, applicant's specification teaches different methodologies in which two different devices can operate without a game ID associated with a location-based game and a location-based device.

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.

Claim 22

The Examiner stated that:

"Sprogis ... fails to explicitly teach that areas of said grid are covered and uncovering 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 6)

Singhal, however, does not correct for the deficiency of Sprogis. Singhal does not even show or suggest a location-based game. Singhal merely alleges a "computing device with ... a mouse device" (Singhal, paragraph 36). No location-based functionality is provided. Singhal merely alleges a stationary game.

Without prejudice and solely in order to expedite prosecution applicant has amended claim 22 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.

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 Sharma

The Examiner rejected claims 23 and 24 under 35 U.S.C. 102(b) as being anticipated by Sharma.

Claim 23

Applicant's invention of claim 23 includes manually setting a directional reference 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.

The Examiner stated that Sharma discusses:

"the calculation of the mobile device swing to contact the virtual volleyball manually sets the directional reference for the character movement" (Office Action, page 7)

No swing movement in Sharma can tell direction of the underlying character - let alone manually set a directional reference for character movement.

Sharma merely alleges a "motion sensor" and "calculates the displacement of the virtual volleyball based on the trajectory and velocity of the sensed motion of the mobile device." See *Sharma*, col. 3, lines 45-61. Sharma's motion sensor for "swing" clearly cannot tell the direction of the underlying character - let alone manually set a directional reference for character movement.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, 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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1310 Riverfront Drive
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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				
Utility under 35 USC 111(a) Filing Fees				
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:				
Extension - 2 months with \$0 paid	2252	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				300

Electronic Acknowledgement Receipt	
EFS ID:	18155217
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-FEB-2014
Filing Date:	20-AUG-2007
Time Stamp:	09:10:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 300
RAM confirmation Number	8224
Deposit Account	503855
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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		JDM-005C6-Reply.pdf	175294 796b6e2061a0fa58558522b5294b9dde93b4dd0b	yes	9
Multipart Description/PDF files in .zip description					
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	3	
	Applicant Arguments/Remarks Made in an Amendment		4	9	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30667 f95d9feef1afd12e09397a39318244fb9036b3e2	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			205961		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

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	02/10/2014		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											
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.												

LIE
/YOLANDA CHADWICK/

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 09/10/2013 JEFFREY D. MULLEN 1310 Riverfront Drive PITTSBURGH, PA 15238			EXAMINER KIM, ANDREW	
			ART UNIT 3716	PAPER NUMBER
			MAIL DATE 09/10/2013	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

Notice of Pre-AIA or AIA Status

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

Continued Examination Under 37 CFR 1.114

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 7/31/13 has been entered.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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

2. **Claims 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub.**

No. 2003/0224855 A1 to Cunningham.

Regarding claim 19, Cunningham discloses a method comprising:

providing, on a device, a location-based game (fig. 1, paragraphs [0025, 0027]);

determining, on said device, whether location-based game utilizes a manual origin setting (paragraph [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);

prompting, on said device, for manual input to be entered to position said device to a location associated with said manual origin setting (paragraphs [0010, 0051, 0054], by using the manual mode switch and privacy setting, the user controls the origin setting of the device, By having the switches on the user interface, it is a constant prompt); and

obtaining, on said device, said location for use as said manual origin setting in said location-based game (paragraph [0010, 0058]).

Regarding claim 20, Cunningham discloses a method comprising:

utilizing a game ID on a first-location based gaming device to initialize a multiple-player location-based game (paragraph [0026], number of potential players are virtually unlimited, paragraph [0051], discloses a cell ID which is used in certain games wherein every game inherently has an ID because otherwise multiplayer games could not occur if the different

devices could not ID the same game), wherein said game ID is associated with at least a second location-based gaming device; and

playing said multiple-player location-based game on at least said first and second location-based gaming devices (fig. 4, paragraph [0050]).

Regarding claim 21, Cunningham discloses wherein said game ID is also associated with a location-based game (paragraph [0051], discloses a cell ID which is used in certain games wherein every game inherently has an ID because otherwise multiplayer games could not occur if the different devices could not ID the same game).

3. Claims 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,287,200 B1 to Sharma.

Regarding claim 23, Sharma discloses a method comprising: manually setting a directional reference for a character of a location-based game played on a device based on the direction of said device (col. 3, lines 45-67, the user utilizes the device to move the character and the volleyball); and providing said location-based game on said device with respect to said directional reference (col. 3, lines 45-67).

Regarding claim 24, Sharma discloses 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 (col. 3, lines 45-67).

Claim Rejections - 35 USC § 103

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

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

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

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

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2003/0144047 A1 to Sprogis in view of US Pub. No. 2002/082068 A1 to Singhal.

Regarding claim 22, Sprogis discloses a method comprising:

providing a grid on the display of a device (fig. 4, paragraph [0030]);;

providing a character on said grid (fig. 4, paragraph [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 (paragraph [0033], as the players move, their location positioning receivers transmit their locations back to the game master); and

Sprogris 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.

Response to Arguments

5. Applicant's arguments filed 7/31/13 have been fully considered but they are not persuasive.

6. Regarding claim 19, with respect to the manual origin setting, the Examiner asserts that by using the manual mode switch and privacy setting, the user controls the origin setting of the device and by having the switches on the user interface, it is a constant prompt. Regarding the argument that the privacy switch is allegedly used for a person to not reveal an exact location to a third person, the switch goes both ways and is therefore also used for a person to reveal their original location.

7. Regarding claim 20 with respect to the game ID, the Examiner respectfully asserts that a game ID is indeed inherent in a multiplayer location-based game environment disclosed in Cunningham. Specifically, paragraphs [0014 and 0015] disclose that the methodology for position determination varies according to the mobile-gaming application being used. If a game ID was not inherent, two devices would play two different games attempting to communicate, but unable to communicate, with each other device playing their own respective game rendering the Cunningham inoperable.

8. Regarding claim 23, with respect to the directional reference for a character, the calculation of the mobile device swing to contact the virtual volleyball manually sets the directional reference for the character movement. The swing gives a reference for direction not necessarily the direction of the underlying character. In addition, fig. 5 clearly shows obtaining/utilizing the actual body movement of the player in association with the gaming device.

9. Regarding claim 22, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Sprogis and Singhal are both location-based games wherein some object must be found therefore properly combinable. One of ordinary skill in the art would have found it obvious to take features of one location-based game and incorporate it into another location based game.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KIM whose telephone number is (571)272-1691. The examiner can normally be reached on M-F.

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.

Art Unit: 3716

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.

9/9/2013 /A. K./
Examiner, Art Unit 3716

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3716

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L3	9963	(463/9,31,40,42).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/09/06 15:32
S1	8	"841,889".ap.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:34
S2	163	sharma.in. location game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S3	23	sharma.in. location game grid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S4	1	sharma.in. location game volleyball	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S5	35	("5434904" "5738583" "5797085" "6111541").PN. OR ("6287200").URPN.	US-PGPUB; USPAT; USOCR	AND	ON	2010/12/12 22:36
S6	36	mullen.in. grid.clm.	US-PGPUB; USPAT; USOCR	AND	ON	2010/12/12 22:49
S7	41544	(reset same direction\$4) same4 reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:37
S8	997	(reset same directional) same reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:38
S9	21	(reset same directional) same reference (game)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:38
S10	997	(reset same directional) same reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 13:57

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S11	946	(reset with direction\$4) with reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 13:58
S12	68	(reset with directional) with reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 14:49
S13	63	(reset with direction\$4) with reference (gps or (location with based))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 15:46
S14	2	(reset near2 directional near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:22
S15	6	(reset with directional near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:23
S16	144	(reset with direction near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:23
S17	5686	(463/31,40,42).OCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/13 19:31
S18	6433	(463/31,40,42).OCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/09/12 07:02
S19	43	manual with origin with setting	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 17:15
S20	207	location with based with game origin	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 17:18
S21	607	location with based with game prompt	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:09
S22	1076	location with based with game (prompt same location or origin or coordinate)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:10
S23	212	location with based with game (prompt same (location or origin or coordinate))	US-PGPUB; USPAT; USOCR; EPO; JPO;	AND	ON	2012/06/10 18:10

			DERWENT			
S24	2627	((location with based) or gps) with game ((ask or question\$4 or request or text or prompt\$4) same (location or origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:23
S25	1372	((location with based) or gps) with game ((ask or question\$4 or request or text or prompt\$4) same (origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:23
S26	636	((location with based)) with game ((ask or question\$4 or request or text or prompt\$4) same (origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:23
S27	636	((location with based)) with game ((ask or question\$4 or request or text or prompt\$4) same (origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:23
S28	82	((location adj based)) adj game ((ask or question\$4 or request or text or prompt\$4) same (origin or home or location))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:58
S29	24565	grid game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/11 00:22
S30	247	grid cover uncover game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/11 00:22
S31	141	grid cover uncover game character	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/11 00:23
S32	7368	(463/31,40,42).OCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/06/11 01:13
S33	1	cover same uncover same grid "463".clas.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 08:55
S34	154	cover same uncover same grid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 08:56
S35	0	location adj based adj game (fog adj2 war)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:01

S36	130	location adj based adj game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:01
S37	93	location-based adj game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:02
S38	18114	grid game location	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:02
S39	1692	grid game (location-based or location adj based)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:03
S40	512	(location with grid) game (location- based or location adj based)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:03
S41	213	game (location-based or location adj based) (fog or shroud or unexplor\$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:10
S42	105	game (fog or shroud or unexplor\$4 or non adj visible) same grid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 10:18
S43	166	game (fog or shroud or unexplor\$4 or non adj visible) same2 grid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 10:21
S44	4	((("5646629") or ("6023241") or ("5942969") or ("6320495")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/09 10:53
S45	49	(fog or shroud or unexplor\$4 or non adj visible or visib\$4 or haze) same grid treasure	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 10:58
S46	1238	(fog or shroud or unexplor\$4 or non adj visible or visib\$4 or haze) same grid game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 10:58
S47	240	(fog or shroud or unexplor\$4 or non adj visible or visib\$4 or haze) same grid (location with game)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 11:04
S48	8045	(463/9,31,40,42).CCLS.	US-PGPUB; USPAT;	OR	OFF	2012/07/09 14:27

EAST Search History

			USOCR			
S49	8956	(463/9,31,40,42).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/01/24 17:00

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Index of Claims 	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47									
CLAIM		DATE							
Final	Original	12/13/2010	09/12/2011	06/11/2012	01/24/2013	09/06/2013			
	1	-	-	-	-	-			
	2	-	-	-	-	-			
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	16	-	-	-	-	-			
	17	-	-	-	-	-			
	18	-	-	-	-	-			
	19	✓	✓	✓	✓	✓			
	20	✓	✓	✓	✓	✓			
	21	✓	✓	✓	✓	✓			
	22	✓	✓	✓	✓	✓			
	23	✓	✓	✓	✓	✓			
	24	✓	✓	✓	✓	✓			

Search Notes 	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
463	31,40,42	9/6/2013	AK

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text search of PGPUB, USPAT, USOCR, EPO, JPO, DERWENT. See attached search results.	9/6/2013	AK

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

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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	2629
First Named Inventor	Jeffrey D. Mullen			Examiner Name	Yuk Chow		
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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Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2013-07-31
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 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 15232
P.O. Box 1450 July 31, 2013
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 31, 2012. 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 said device, for manual input
to be entered 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.

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 at least a second location-based gaming device; and

playing said multiple-player location-based
game on at least said first and second location-based
gaming devices.

21. (previously presented) The method of claim 20, wherein said game ID is also associated with a location-based game.

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; 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 presented) A method comprising:
manually setting a directional reference 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.

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 19-21 under 35 U.S.C. 102(e) as being anticipated by Cunningham U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham").

The Examiner rejected claims 23 and 24 under 35 U.S.C. 102(b) as being anticipated by Sharma U.S. Patent No. 6,287,200 (hereinafter "Sharma").

The Examiner rejected claims 22 under 35 U.S.C. 103(a) as being anticipated by Sprogis U.S. Patent Application Publication No. 2003/0144047 (hereinafter "Sprogis") in view of U.S. Publication No. 2002/082068 to Singhal.

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. § 102(e) in view of Cunningham

The Examiner rejected claims 19-21 under 35 U.S.C. 102(e) as being anticipated by Cunningham.

Claim 19

Applicant's invention of claim 19 determining whether a location-based game on a device utilizes a manual

origin setting and prompting for manual input to be entered to position said device to a location associated with said manual origin setting.

The Examiner stated that Cunningham discusses:

"The Examiner asserts that by using the manual mode switch and privacy setting, the user controls the origin setting"
(Office Action, page 6)

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, however, is not relevant to the game played on the actual user's device.

Furthermore, Cunningham is silent on prompting for manual input to be entered.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Claim 20

Applicant's invention of claim 20 includes 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 at least a second location-based gaming device and playing said multiple-player location-based game on at least said first and second location-based gaming devices.

The Examiner stated that Cunningham discusses:

"the Examiner respectfully asserts that a game ID is indeed inherent in a multiplayer location-based game environment disclosed by Cunningham ... discloses position determination varies according to the mobile-gaming application being used. If a game ID was not inherent, two devices would play two different games attempting to

communicate, but unable to communicate, with each other device playing their own respective game rendering the Cunningham inoperable"
(Office Action, page 7)

There are several ways in which two different devices can operate without a game ID. For example, a standard communication format can be utilized without a game ID. Cunningham's cell ID is not a game ID. Cunningham's system is silent on a game ID. A game ID is not inherent in a game system.

Furthermore, applicant alleges the Examiner's rejection may be view of Official Notice and invokes his right that the Examiner provide documentary evidence that the feature is known in a reference and that such a reference is combinable with the present references.

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.

Claim 22

The Examiner stated that "Sprogis and Singhal are both location-based games" as the primary reason why the references can be combined. See *Office Action*, page 7. Singhal, however, is not a location based game.

Sprogis and Singhal are precision devices. The Examiner cannot take unrelated elements of unrelated devices and stitch them together to form a new, inoperable device neither shown nor suggested by the individual

devices. In doing so, the Examiner merely eviscerates the spirit of the individual devices. The Examiner cannot combine Sprogis and Singhal as they directly teach away from one another as Singhal does not discuss a location based game.

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 Sharma

The Examiner rejected claims 23 and 24 under 35 U.S.C. 102(b) as being anticipated by Sharma.

Claim 23

Applicant's invention of claim 23 includes manually setting a directional reference 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.

The Examiner stated that Sharma discusses:

"the calculation of the mobile device swing to contact the virtual volleyball manually sets the directional reference for the character movement"
(Office Action, page 7)

Contact with a volleyball does not show or suggest manually setting a directional reference for a character. Albeit the Examiner's description of Sharma functionality is incorrect, if it were correct someone could swing at a volleyball while standing in any

direction. Accordingly, no swing movement can tell the direction of the underlying character.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, 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				
Utility under 35 USC 111(a) Filing Fees				
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:				
Extension - 3 months with \$0 paid	2253	1	700	700

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
RCE - 2nd and Subsequent Request	2820	1	850	850
Total in USD (\$)				1550

Electronic Acknowledgement Receipt	
EFS ID:	16471326
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:	31-JUL-2013
Filing Date:	20-AUG-2007
Time Stamp:	19:30:13
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	6795
Deposit Account	503855
Authorized User	MULLEN, JEFFREY D.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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-05C6--RCE.pdf	697795 f39c302623dcb0909811bc6d5419969ada0a7ac5	no	3
Warnings:					
Information:					
2		JDM-005C6--Reply.pdf	189559 cf596c8c88058b8f63ada5b9ceaa0683066e7047	yes	8
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	3	
	Amendment/Req. Reconsideration-After Non-Final Reject		4	8	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32484 a279c6edd0490e2e34de84b1f03e562338535bbb	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			919838		

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	01/31/2013	EXAMINER	
JEFFREY D. MULLEN 1310 Riverfront Drive PITTSBURGH, PA 15238			KIM, ANDREW	
			ART UNIT	PAPER NUMBER
			3716	
			MAIL DATE	DELIVERY MODE
			01/31/2013	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	11/841,889	MULLEN, JEFFREY D.	
	Examiner	Art Unit	
	ANDREW KIM	3716	

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

Period for Reply

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

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

Status

1) ☒ Responsive to communication(s) filed on 14 January 2013.

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

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 19-24 is/are pending in the application.

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

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 19-24 is/are rejected.

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

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

Application Papers

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

10) ☒ The drawing(s) filed on 20 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

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

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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

2. Claims 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub. No. 2003/0224855 A1 to Cunningham.

Regarding claim 19, Cunningham discloses a method comprising:

providing, on a device, a location-based game (fig. 1, paragraphs [0025, 0027]);

determining, on said device, whether location-based game utilizes a manual origin setting (paragraph [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);

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prompting, on said device, for manual input to be entered to position said device to a location associated with said manual origin setting (paragraphs [0010, 0051, 0054], by using the manual mode switch and privacy setting, the user controls the origin setting of the device, By having the switches on the user interface, it is a constant prompt); and

obtaining, on said device, said location for use as said manual origin setting in said location-based game (paragraph [0010, 0058]).

Regarding claim 20, Cunningham discloses a method comprising:

utilizing a game ID on a first-location based gaming device to initialize a multiple-player location-based game (paragraph [0026], number of potential players are virtually unlimited, paragraph [0051], discloses a cell ID which is used in certain games wherein every game inherently has an ID because otherwise multiplayer games could not occur if the different devices could not ID the same game), wherein said game ID is associated with at least a second location-based gaming device; and

playing said multiple-player location-based game on at least said first and second location-based gaming devices (fig. 4, paragraph [0050]).

Regarding claim 21, Cunningham discloses wherein said game ID is also associated with a location-based game (paragraph [0051], discloses a cell ID which is used in certain games wherein every game inherently has an ID because otherwise multiplayer games could not occur if the different devices could not ID the same game).

3. Claims 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,287,200 B1 to Sharma.

Regarding claim 23, Sharma discloses a method comprising: manually setting a directional reference for a character of a location-based game played on a device based on the direction of said device (col. 3, lines 45-67, the user utilizes the device to move the character and the volleyball); and providing said location-based game on said device with respect to said directional reference (col. 3, lines 45-67).

Regarding claim 24, Sharma discloses 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 (col. 3, lines 45-67).

Claim Rejections - 35 USC § 103

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

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

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

1. Determining the scope and contents of the prior art.

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

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2003/0144047 A1 to Sprogis in view of US Pub. No. 2002/082068 A1 to Singhal.

Regarding claim 22, Sprogis discloses a method comprising:

providing a grid on the display of a device (fig. 4, paragraph [0030]);;

providing a character on said grid (fig. 4, paragraph [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 (paragraph [0033], as the players move, their location positioning receivers transmit their locations back to the game master); and

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

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[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

5. Applicant's arguments filed 1/14/13 have been fully considered but they are not persuasive.
6. Regarding claim 19, with respect to the manual origin setting, the Examiner asserts that by using the manual mode switch and privacy setting, the user controls the origin setting of the device and by having the switches on the user interface, it is a constant prompt.
7. Regarding claim 20 with respect to the game ID, the Examiner respectfully asserts that a game ID is indeed inherent in a multiplayer location-based game environment disclosed in Cunningham. Specifically, paragraphs [0014 and 0015] disclose that the methodology for position determination varies according to the mobile-gaming application being used. If a game

ID was not inherent, two devices would play two different games attempting to communicate, but unable to communicate, with each other device playing their own respective game rendering the Cunningham inoperable.

8. Regarding claim 23, with respect to the directional reference for a character, the calculation of the mobile device swing to contact the virtual volleyball manually sets the directional reference for the character movement.

9. Regarding claim 22, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Sprogis and Singhal are both location-based games wherein some object must be found therefore properly combinable. One of ordinary skill in the art would have found it obvious to take features of one location-based game and incorporate it into another location based game.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KIM whose telephone number is (571)272-1691. The examiner can normally be reached on M-F.

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.

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.

1/29/2013 /A. K./

Application/Control Number: 11/841,889

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Examiner, Art Unit 3716

/Dmitry Suhol/

Supervisory Patent Examiner, Art Unit 3716

Search Notes 	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
463	31,40,42	1/24/2013	AK

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text search of PGPUB, USPAT, USOCR, EPO, JPO, DERWENT. See attached search results.	1/24/2013	AK

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

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L4	8956	(463/9,31,40,42).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/01/24 17:00
S1	8	"841,889".ap.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:34
S2	163	sharma.in. location game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S3	23	sharma.in. location game grid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S4	1	sharma.in. location game volleyball	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S5	35	("5434904" "5738583" "5797085" "6111541").PN. OR ("6287200").URPN.	US-PGPUB; USPAT; USOCR	AND	ON	2010/12/12 22:36
S6	36	mullen.in. grid.clm.	US-PGPUB; USPAT; USOCR	AND	ON	2010/12/12 22:49
S7	41544	(reset same direction\$4) same4 reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:37
S8	997	(reset same directional) same reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:38
S9	21	(reset same directional) same reference (game)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:38
S10	997	(reset same directional) same reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 13:57

EAST Search History

S11	946	(reset with direction\$4) with reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 13:58
S12	68	(reset with directional) with reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 14:49
S13	63	(reset with direction\$4) with reference (gps or (location with based))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 15:46
S14	2	(reset near2 directional near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:22
S15	6	(reset with directional near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:23
S16	144	(reset with direction near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:23
S17	5686	(463/31,40,42).OCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/13 19:31
S18	6433	(463/31,40,42).OCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/09/12 07:02
S19	43	manual with origin with setting	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 17:15
S20	207	location with based with game origin	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 17:18
S21	607	location with based with game prompt	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:09
S22	1076	location with based with game (prompt same location or origin or coordinate)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:10
S23	212	location with based with game (prompt same (location or origin or coordinate))	US-PGPUB; USPAT; USOCR; EPO; JPO;	AND	ON	2012/06/10 18:10

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			DERWENT			
S24	2627	((location with based) or gps) with game ((ask or question\$4 or request or text or prompt\$4) same (location or origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:23
S25	1372	((location with based) or gps) with game ((ask or question\$4 or request or text or prompt\$4) same (origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:23
S26	636	((location with based)) with game ((ask or question\$4 or request or text or prompt\$4) same (origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:23
S27	636	((location with based)) with game ((ask or question\$4 or request or text or prompt\$4) same (origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:23
S28	82	((location adj based)) adj game ((ask or question\$4 or request or text or prompt\$4) same (origin or home or location))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 18:58
S29	24565	grid game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/11 00:22
S30	247	grid cover uncover game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/11 00:22
S31	141	grid cover uncover game character	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/11 00:23
S32	7368	(463/31,40,42).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/06/11 01:13
S33	1	cover same uncover same grid "463".clas.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 08:55
S34	154	cover same uncover same grid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 08:56
S35	0	location adj based adj game (fog adj2 war)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:01

S36	130	location adj based adj game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:01
S37	93	location-based adj game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:02
S38	18114	grid game location	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:02
S39	1692	grid game (location-based or location adj based)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:03
S40	512	(location with grid) game (location- based or location adj based)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:03
S41	213	game (location-based or location adj based) (fog or shroud or unexplor\$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 09:10
S42	105	game (fog or shroud or unexplor\$4 or non adj visible) same grid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 10:18
S43	166	game (fog or shroud or unexplor\$4 or non adj visible) same2 grid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 10:21
S44	4	((("5646629") or ("6023241") or ("5942969") or ("6320495")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/09 10:53
S45	49	(fog or shroud or unexplor\$4 or non adj visible or visib\$4 or haze) same grid treasure	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 10:58
S46	1238	(fog or shroud or unexplor\$4 or non adj visible or visib\$4 or haze) same grid game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 10:58
S47	240	(fog or shroud or unexplor\$4 or non adj visible or visib\$4 or haze) same grid (location with game)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/07/09 11:04
S48	8045	(463/9,31,40,42).CCLS.	US-PGPUB; USPAT;	OR	OFF	2012/07/09 14:27

EAST Search History

				USOCR			
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EAST Search History (Interference)

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1/ 24/ 2013 5:00:50 PM

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<i>Index of Claims</i> 	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47			
CLAIM		DATE							
Final	Original	12/13/2010	09/12/2011	06/11/2012	01/24/2013				
	1	-	-	-	-				
	2	-	-	-	-				
	3	-	-	-	-				
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	15	-	-	-	-				
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	18	-	-	-	-				
	19	✓	✓	✓	✓				
	20	✓	✓	✓	✓				
	21	✓	✓	✓	✓				
	22	✓	✓	✓	✓				
	23	✓	✓	✓	✓				
	24	✓	✓	✓	✓				

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 15232
P.O. Box 1450 January 14, 2013
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated July 13, 2012. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action dated July 13, 2012, 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 said device, for manual input
to be entered 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.

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 at least a second location-based gaming device; and

playing said multiple-player location-based
game on at least said first and second location-based
gaming devices.

21. (previously presented) The method of claim 20, wherein said game ID is also associated with a location-based game.

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; 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 presented) A method comprising:
manually setting a directional reference 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.

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 19-21 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2003/0224855 (hereinafter "Cunningham").

The Examiner rejected claims 23-24 under 35 U.S.C. 102(b) as being anticipated by Sharma U.S. Patent No. 6,287,200 (hereinafter "Sharma").

The Examiner rejected claim 22 under 35 U.S.C. 103(a) as being unpatentable over Sprogis U.S. Patent Application Publication NO. 2003/0144047 (hereinafter "Sprogis") and Singhal U.S. Patent Application Publication No. 2002/082068 (hereinafter "Singhal").

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. § 102(b) in view of Cunningham

The Examiner rejected claims 19-21 under 35 U.S.C. 102(b) as being anticipated by Cunningham.

Claim 19

Applicant's invention of claim 19 determining whether a location-based game on a device utilizes a manual origin setting and prompting for manual input to be entered

to position said device to a location associated with said manual origin setting.

The Examiner stated that Cunningham discusses:

"manual input to be entered to position said device to a location associated with said manual original setting (paragraphs [0010, 0051])"
(Office Action, page 3)

Cunningham, however, does not show or suggest determining whether a game utilizes a manual origin setting and prompting for manual input entered to position a device to a location associated with a manual origin setting.

Cunningham merely discusses in paragraph 51 a manual mode selection switch to indicate a level of service. Cunningham's manual mode selection is not determining and prompting - let alone is not a manual input to be entered to position a device to a location associated with a manual origin setting. Cunningham does not show or suggest an origin setting.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Claim 20

Applicant's invention of claim 20 includes 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 at least a second location-based gaming device and playing said multiple-player location-based game on at least said first and second location-based gaming devices.

The Examiner stated that Cunningham discusses:

"a cell ID which is used in certain games wherein every game inherently has an ID"
(Office Action, page 3)

Cunningham's cell ID is not a game ID.
Cunningham's system is silent on a game ID. A game ID is not inherent in a game system.

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. § 102(b) in view of Sharma

The Examiner rejected claims 23-24 under 35 U.S.C. 102(b) as being anticipated by Sharma.

Claim 23

Applicant's invention of claim 23 includes manually setting a directional reference 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.

The Examiner stated that Sharma discusses:

"the calculation of the mobile device to contact the virtual volleyball utilizes a directional reference"
(Office Action, page 7)

The Examiner's discussion of contacting a virtual is irrelevant. Applicant's invention of claim 23 includes manually setting a directional reference for a character of a location-based game. Sharma does not show or suggest manually setting a directional reference for a character.

Contact with a volleyball does not show or suggest manually setting a directional reference for a character.

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)
in view of Sprogis and Singhal

The Examiner rejected claim 22 under 35 U.S.C. 103(a) as being unpatentable over Sprogis and Singhal.

Claim 22

Applicant's invention of claim 22 includes 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, 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.

The Examiner stated:

"Sprogis ... fails to explicitly teach that areas of said grid are covered and uncovering areas of said grid as said device is moved to locations of said physical playfield that are associated with covered areas of said grid. Sprogis discloses ... a treasure hunt game ... Singhal teaches hide and seek game with a grid wherein areas of said grid are covered ..."
(Office Action, page 4)

Sprogis and Singhal are precision devices that directly teach away from one another. The Examiner cannot pick and choose unrelated elements of unrelated devices and

put them together, in hindsight, to create a new, inoperable device neither shown nor suggested by the individual devices. The Examiner contends that Sprogis discusses a treasure hunt game that does not show covering and uncovering and Singhal discusses a hide and seek game having a completely opposite topology and structure. The Examiner merely eviscerates the spirit of Sprogis when combined with Singhal. Accordingly, neither Sprogis nor Singhal, used either alone or in combination, shows or suggests applicant's invention of claim 22.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 22, and any claims dependent therefrom, be withdrawn.

The Dependent Claims

Claims 21 and 24 depend from one of independent claims 19, 20, 22, and 23. As shown above, claims 19, 20, 22, and 23 are patentable. Accordingly, applicant respectfully submits that the dependent claims are patentable for depending from patentable base claim.

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
1310 Riverfront Drive
Pittsburgh, PA 15238
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				
Utility under 35 USC 111(a) Filing Fees				
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:				
Extension - 3 months with \$0 paid	2253	1	645	645

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				645

Electronic Acknowledgement Receipt	
EFS ID:	14685487
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:	14-JAN-2013
Filing Date:	20-AUG-2007
Time Stamp:	01:28:39
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$645
RAM confirmation Number	8667
Deposit Account	503855
Authorized User	MULLEN, JEFFREY D.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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		JDM-005C6-Reply.pdf	150701 21f8ac89d8ef61fddeb17d0dc4d8de51a8a6463ac	yes	9
Multipart Description/PDF files in .zip description					
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	3	
	Applicant Arguments/Remarks Made in an Amendment		4	9	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30771 c57fb217b2bb7794df41fadff50db09b0d5da5ae7	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			181472		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

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		
APPLICATION AS FILED – PART I											
(Column 1)			(Column 2)			SMALL ENTITY ☒ OR		OTHER THAN SMALL ENTITY			
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	OR		RATE (\$)	FEE (\$)	
☒ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A		N/A	75			N/A		
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A	N/A		N/A				N/A		
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A		N/A				N/A		
TOTAL CLAIMS (37 CFR 1.16(j))		minus 20 =		*	X \$ =		OR		X \$ =		
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*	X \$ =		OR		X \$ =		
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL		75	TOTAL			
APPLICATION AS AMENDED – PART II											
(Column 1)			(Column 2)			(Column 3)		SMALL ENTITY OR		OTHER THAN SMALL ENTITY	
AMENDMENT	01/14/2013	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 6	Minus	** 20	= 0	X \$31 =	0	OR		X \$ =	
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X \$125 =	0	OR		X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))							OR			
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
					TOTAL ADD'L FEE	0	OR		TOTAL ADD'L FEE		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR		X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR		X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))							OR			
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
					TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest 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.

Legal Instrument Examiner:
/FELICIA ALLEN-JENKINS/



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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 07/13/2012 JEFFREY D. MULLEN 731 SOUTH NEGLEY APT. 2 PITTSBURGH, PA 15232			EXAMINER KIM, ANDREW	
			ART UNIT 3716	PAPER NUMBER
			MAIL DATE 07/13/2012	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.	Applicant(s)	
	11/841,889	MULLEN, JEFFREY D.	
	Examiner	Art Unit	
	ANDREW KIM	3716	

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

Period for Reply

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

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

Status

1) ☒ Responsive to communication(s) filed on 15 March 2011.

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

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 19-24 is/are pending in the application.

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

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 19-24 is/are rejected.

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

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

Application Papers

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

10) ☒ The drawing(s) filed on 20 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

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

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) ☐ Notice of Informal Patent Application 6) ☐ Other: _____.
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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 3/15/12 has been entered.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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

2. Claims 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub.

No. 2003/0224855 A1 to Cunningham.

Regarding claim 19, Cunningham discloses a method comprising:

providing, on a device, a location-based game (fig. 1, paragraph [0025, 0027]);

determining, on said device, whether location-based game utilizes a manual origin setting (paragraph [0015] and claims 10-13);

prompting, on said device, for manual input to be entered to position said device to a location associated with said manual origin setting (paragraphs [0010, 0051]); and obtaining, on said device, said location for use as said manual origin setting in said location-based game (paragraph [0010, 0058]).

Regarding claim 20, Cunningham discloses a method comprising:

utilizing a game ID on a first-location based gaming device to initialize a multiple-player location-based game (paragraph [0026], number of potential players are virtually unlimited, paragraph [0051], discloses a cell ID which is used in certain games wherein every game inherently has an ID because otherwise multiplayer games could not occur if the different devices could not ID the same game), wherein said game ID is associated with at least a second location-based gaming device; and

playing said multiple-player location-based game on at least said first and second location-based gaming devices (fig. 4, paragraph [0050]).

Regarding claim 21, Cunningham discloses wherein said game ID is also associated with a location-based game (paragraph [0051], discloses a cell ID which is used in certain games

Art Unit: 3716

wherein every game inherently has an ID because otherwise multiplayer games could not occur if the different devices could not ID the same game).

3. Claims 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,287,200 B1 to Sharma.

Regarding claim 23, Sharma discloses a method comprising: manually setting a directional reference for a character of a location-based game played on a device based on the direction of said device (col. 3, lines 45-67, the user utilizes the device to move the character and the volleyball); and providing said location-based game on said device with respect to said directional reference (col. 3, lines 45-67).

Regarding claim 24, Sharma discloses 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 (col. 3, lines 45-67).

Claim Rejections - 35 USC § 103

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

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

Art Unit: 3716

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

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

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2003/0144047 A1 to Sprogis in view of US Pub. No. 2002/082068 A1 to Singhal.

Regarding claim 22, Sprogis discloses a method comprising:

providing a grid on the display of a device (fig. 4, paragraph [0030]);

providing a character on said grid (fig. 4, paragraph [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 (paragraph [0033], as the players move, their location positioning receivers transmit their locations back to the game master); and

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

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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

5. Applicant's arguments filed 3/15/2012 have been fully considered and they are persuasive for claim 22. Applicant's arguments with respect to claims 19-21 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection. Regarding claim 22, refer to the new grounds of rejection in view of Sprogis and Singhal.

6. Regarding claim 23, the calculation of the mobile device to contact the virtual volleyball utilizes a directional reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KIM whose telephone number is (571)272-1691. The examiner can normally be reached on M-F.

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.

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.

7/11/2012 /A. K./
Examiner, Art Unit 3716

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3716

Application/Control Number: 11/841,889
Art Unit: 3716

Page 8

Notice of References Cited	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner ANDREW KIM	Art Unit 3716	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0224855	12-2003	Cunningham, Robert	463/41
*	B	US-2002/0082068	06-2002	Singhal, Tara Chand	463/9
*	C	US-2003/0144047	07-2003	Sprogis, Peter	463/9
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims 	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

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

☐ Claims renumbered in the same order as presented by applicant						☐ CPA		☐ T.D.		☐ R.1.47	
CLAIM		DATE									
Final	Original	12/13/2010	09/12/2011	06/11/2012							
	1	-	-	-							
	2	-	-	-							
	3	-	-	-							
	4	-	-	-							
	5	-	-	-							
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	14	-	-	-							
	15	-	-	-							
	16	-	-	-							
	17	-	-	-							
	18	-	-	-							
	19	✓	✓	✓							
	20	✓	✓	✓							
	21	✓	✓	✓							
	22	✓	✓	✓							
	23	✓	✓	✓							
	24	✓	✓	✓							

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L6	24565	grid game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/11 00:22
L7	247	grid cover uncover game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/11 00:22
L8	141	grid cover uncover game character	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/11 00:23
S1	8	"841,889".ap.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:34
S2	163	sharma.in. location game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S3	23	sharma.in. location game grid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S4	1	sharma.in. location game volleyball	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S5	35	("5434904" "5738583" "5797085" "6111541").PN. OR ("6287200").URPN.	US-PGPUB; USPAT; USOCR	AND	ON	2010/12/12 22:36
S6	36	mullen.in. grid.clm.	US-PGPUB; USPAT; USOCR	AND	ON	2010/12/12 22:49
S7	41544	(reset same direction\$4) same4 reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:37
S8	997	(reset same directional) same reference	US-PGPUB; USPAT; USOCR; EPO;	AND	ON	2010/12/13 12:38

			JPO; DERWENT			
S9	21	(reset same directional) same reference (game)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:38
S10	997	(reset same directional) same reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 13:57
S11	946	(reset with direction\$4) with reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 13:58
S12	68	(reset with directional) with reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 14:49
S13	63	(reset with direction\$4) with reference (gps or (location with based))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 15:46
S14	2	(reset near2 directional near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:22
S15	6	(reset with directional near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:23
S16	144	(reset with direction near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:23
S17	5686	(463/31,40,42).OCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/13 19:31
S18	6433	(463/31,40,42).OCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/09/12 07:02
S19	43	manual with origin with setting	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 17:15
S20	207	location with based with game origin	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10 17:18
S21	607	location with based with game	US-PGPUB;	AND	ON	2012/06/10

EAST Search History

		prompt	USPAT; USOCR; EPO; JPO; DERWENT			18:09
S22	1076	location with based with game (prompt same location or origin or coordinate)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10: 18:10
S23	212	location with based with game (prompt same (location or origin or coordinate))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10: 18:10
S24	2627	((location with based) or gps) with game ((ask or question\$4 or request or text or prompt\$4) same (location or origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10: 18:23
S25	1372	((location with based) or gps) with game ((ask or question\$4 or request or text or prompt\$4) same (origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10: 18:23
S26	636	((location with based)) with game ((ask or question\$4 or request or text or prompt\$4) same (origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10: 18:23
S27	636	((location with based)) with game ((ask or question\$4 or request or text or prompt\$4) same (origin or coordinate or reference))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10: 18:23
S28	82	((location adj based)) adj game ((ask or question\$4 or request or text or prompt\$4) same (origin or home or location))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2012/06/10: 18:58

EAST Search History (Interference)

< This search history is empty >

6/ 11/ 2012 1:13:33 AM**C:\Users\akim1\Documents\EAST\Workspaces\11841889_Mullen_LocationbasedGame.wsp**

Search Notes 	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

SEARCHED			
Class	Subclass	Date	Examiner
463	31,40,42	6/11/2012	AK

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text search of PGPUB, USPAT, USOCR, EPO, JPO, DERWENT. See attached search results.	6/11/2012	AK

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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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	Andrew Kim		

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		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2012-03-15
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.

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 15232
P.O. Box 1450 September 15, 2012
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated December 20, 2010. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action dated December 20, 2010, 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 said device, for manual input
to be entered 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.

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 at least a second location-based gaming device; and

playing said multiple-player location-based
game on at least said first and second location-based
gaming devices.

21. (previously presented) The method of claim 20, wherein said game ID is also associated with a location-based game.

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; 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 presented) A method comprising:
manually setting a directional reference 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.

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 19-24 under 35 U.S.C. 102(b) as being anticipated by Sharma U.S. Patent No. 6,287,200 (hereinafter "Sharma").

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. § 102(b) in view of Sharma

The Examiner rejected claims 19-24 under 35 U.S.C. 102(b) as being anticipated by Sharma.

Claim 19

Applicant's invention of claim 19 determining whether a location-based game on a device utilizes a manual origin setting and prompting for manual input to be entered to position said device to a location associated with said manual origin setting.

Sharma discusses wireless handshaking within radio frequency protocol range.

The Examiner stated that Sharma discusses:

"for a location based gaming ... devices constantly prompt for user location"
(Office Action, page 4)

The Examiner must limit the Examiner's discussion to the cited references. Sharma merely discusses wireless handshaking within radio frequency protocol range.

Sharma does not show or suggest applicant's invention of claim 19 of determining whether a location-based game on a device utilizes a manual origin setting and prompting for manual input to be entered to position said device to a location associated with said manual origin setting. Wireless handshaking is not a manual origin setting.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Claim 20

Applicant's invention of claim 20 includes 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 at least a second location-based gaming device and playing said multiple-player location-based game on at least said first and second location-based gaming devices.

The Examiner stated that Sharma discusses:

"Sharma discloses a game ID which is the device's ID in the game"
(Office Action, page 4)

Examiner's alleged device ID is not a game ID. A device ID is not a game ID. Accordingly, Sharma alleges a participation acknowledgement signal - not applicant's invention of claim 20 of a game ID.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 20, and any claims dependent therefrom, be withdrawn.

Claim 22

Applicant's invention of claim 22 includes 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, 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.

The Examiner stated that Sharma discusses:

"the dots uncover areas which were previously covered as previously discussed"
(Office Action, page 4)

Sharma does not disclose practically any feature of applicant's invention of claim 22. Sharma alleges volleyball. Volleyball does not show or suggest, for example, applicant's invention of claim 22 of uncovering covered areas of a grid as a device is moved to locations of a physical playfield that are associated with covered areas of the grid.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 22, and any claims dependent therefrom, be withdrawn.

Claim 23

Applicant's invention of claim 23 includes manually setting a directional reference 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.

The Examiner stated that Sharma discusses:

“the calculation of the mobile device to contact the virtual volleyball utilizes a directional reference”

(Office Action, page 4)

Sharma does not show or suggest practically any element of applicant's invention of claim 23. Sharma alleges volleyball. Volleyball does not show or suggest applicant's invention of claims 23 of manually setting a directional reference for a character of a location based game based.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, and any claims dependent therefrom, be withdrawn.

The Dependent Claims

The Examiner rejected claims 19-24 under 35 U.S.C. 102(b) as being anticipated by Sharma.

Claims 21 and 24 depend from one of independent claims 19, 20, 22, and 23. As shown above, claims 19, 20, 22, and 23 are patentable. Accordingly, applicant respectfully submits that the dependent claims are patentable for depending from patentable base claim.

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
731 South Negley, Apt. 2
Pittsburgh, PA 15232
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				
Utility under 35 USC 111(a) Filing Fees				
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:				
Extension - 3 months with \$0 paid	2253	1	635	635

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	465	465
Total in USD (\$)				1100

Electronic Acknowledgement Receipt	
EFS ID:	12308742
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:	15-MAR-2012
Filing Date:	20-AUG-2007
Time Stamp:	03:03:32
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 1100
RAM confirmation Number	9170
Deposit Account	503855
Authorized User	MULLEN,JEFFREY D.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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-05C6--RCE.pdf	697274	no	3
			2b5e3dbde976280e0804a0c1edbefb13042135a0		
Warnings:					
Information:					
2		JDM-005C6--Reply.pdf	14894	yes	8
			77eb8e24bbb914817fcc03877a84ea44cec2741b		
	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	8	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32437	no	2
			ab163244e1b5e7ae5db85d2b833b55221363f74c		
Warnings:					
Information:					
Total Files Size (in bytes):			744605		

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	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY ☒ OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
☐ SEARCH FEE (37 CFR 1.16(k), (j), or (m))	N/A	N/A	N/A			N/A				
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	03/15/2012	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 6	Minus	** 20	= 0	X \$30 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X \$125 =	0	OR	X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))							OR		
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		X \$ =		
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		X \$ =		
	☐ Application Size Fee (37 CFR 1.16(s))							OR		
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest 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.

Legal Instrument Examiner:
/DAWN BREWER/



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6	2611
32733 7590 09/15/2011 JEFFREY D. MULLEN 731 SOUTH NEGLEY APT. 2 PITTSBURGH, PA 15232			EXAMINER KIM, ANDREW	
			ART UNIT 3716	PAPER NUMBER
			MAIL DATE 09/15/2011	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 ANDREW KIM	Art Unit 3716	

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

Period for Reply

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

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

Status

1) ☒ Responsive to communication(s) filed on 20 June 2011.

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

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 19-23 is/are pending in the application.

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

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 19-23 is/are rejected.

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

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

Application Papers

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

10) ☒ The drawing(s) filed on 20 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

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

Priority under 35 U.S.C. § 119

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

a) ☐ All b) ☐ Some * c) ☐ None of:

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

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

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

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

Attachment(s)

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

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,287,200 B1 to Sharma.

Regarding claim 19, Sharma discloses a method comprising: providing, on a device, a location-based game (col. 2, lines 24-52); determining, on said device, whether location-based game utilizes a manual origin setting (col. 3, lines 9-44, inherently any wireless handshaking must have an origin, Sharma discloses determining other devices within range of origin); prompting, on said device, for manual input to be entered to position said device to a location associated with said manual origin setting (col. 3, lines 9-44, the player holding the device must manually move the device); and obtaining, on said device, said location for use as said manual origin setting in said location-based game (col. 3, lines 9-44).

Regarding claim 20, Sharma discloses a method comprising: utilizing a game ID on a first-location based gaming device to initialize a multiple-player location-based game (col. 2, lines 24-65, col. 3, lines 1-44, in handshaking protocol it is inherent that each participating device requires an ID to communicate with each other as shown when devices B through E receive data

through the course of handshaking with A to ID the other remaining devices), wherein said game ID is associated with at least a second location-based gaming device (col. 2, lines 24-65); and playing said multiple-player location-based game on at least said first and second location-based gaming devices (col. 2, lines 24-65, col. 3, lines 9-67).

Regarding claim 21, Sharma discloses wherein said game ID is also associated with a location-based game (col. 2, lines 24-65, col. 3, lines 9-44).

Regarding claim 22, Sharma discloses a method comprising: providing a grid on the display of a device, wherein areas of said grid are covered (fig. 3, and 5, col. 3, lines 30-67, the volleyball court); 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 (fig. 3, and 5, col. 3, lines 9-67, the small dots indicating the character cover some of the grid); 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 (fig. 3, and 5, col. 3, lines 30-67, when the small dots move, some of the grid is uncovered, the area under the dots).

Regarding claim 23, Sharma discloses a method comprising: manually setting a directional reference for a character of a location-based game played on a device based on the direction of said device (col. 3, lines 45-67, the user utilizes the device to move the character and the volleyball); and providing said location-based game on said device with respect to said directional reference (col. 3, lines 45-67).

Regarding claim 24, Sharma discloses 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 (col. 3, lines 45-67).

Response to Arguments

3. Applicant's arguments filed 6/20/11 have been fully considered but they are not persuasive. Regarding claim 19, Sharma discloses determining the locations of other user devices and GPS location. For a location based game utilizing GPS and radio frequency protocol, devices constantly prompt for user location. Regarding claim 20, Sharma discloses a game ID which is the device's ID in the game. Regarding claim 22, the dots uncover areas which were previously covered as previously discussed. Regarding claim 23, the calculation of the mobile device to contact the virtual volleyball utilizes a directional reference.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KIM whose telephone number is (571)272-1691. The examiner can normally be reached on M-F.

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.

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.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit
3716

9/13/2011 /A. K./
Examiner, Art Unit 3716

<i>Search Notes</i> 	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

SEARCHED			
Class	Subclass	Date	Examiner
463	31,40,42	9/12/2011	AK

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text search of PGPUB, USPAT, USOCR, EPO, JPO, DERWENT. See attached search results.	9/12/2011	AK

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L4	6433	(463/31,40,42).OCLS	US-PGPUB; USPAT; USOCR	OR	OFF	2011/09/12 07:02
S1	8	"841,889".ap.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:34
S2	163	sharma.in. location game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S3	23	sharma.in. location game grid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S4	1	sharma.in. location game volleyball	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S5	35	("5434904" "5738583" "5797085" "6111541").PN. OR ("6287200").URPN.	US-PGPUB; USPAT; USOCR	AND	ON	2010/12/12 22:36
S6	36	mullen.in. grid.clm.	US-PGPUB; USPAT; USOCR	AND	ON	2010/12/12 22:49
S7	41544	(reset same direction \$4) same4 reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:37
S8	997	(reset same directional) same reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:38
S9	21	(reset same directional) same reference (game)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:38
S10	997	(reset same directional) same reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 13:57

S11	946	(reset with direction \$4) with reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 13:58
S12	68	(reset with directional with reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 14:49
S13	63	(reset with direction \$4) with reference (gps or (location with based))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 15:46
S14	2	(reset near2 directional near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:22
S15	6	(reset with directional near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:23
S16	144	(reset with direction near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:23
S17	5686	(463/31,40,42).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/13 19:31

EAST Search History (Interference)

< This search history is empty >

9/ 12/ 2011 7:02:58 AM
**C:\ Documents and Settings\akim1\ My Documents\ EAST\ Workspaces
 \ 11841889_ Mullen_ LocationbasedGame.wsp**

<i>Index of Claims</i> 	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

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

☐ Claims renumbered in the same order as presented by applicant				☐ CPA				☐ T.D.				☐ R.1.47			
CLAIM		DATE													
Final	Original	12/13/2010	09/12/2011												
	1	-	-												
	2	-	-												
	3	-	-												
	4	-	-												
	5	-	-												
	6	-	-												
	7	-	-												
	8	-	-												
	9	-	-												
	10	-	-												
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	12	-	-												
	13	-	-												
	14	-	-												
	15	-	-												
	16	-	-												
	17	-	-												
	18	-	-												
	19	✓	✓												
	20	✓	✓												
	21	✓	✓												
	22	✓	✓												
	23	✓	✓												
	24	✓	✓												

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 15232
P.O. Box 1450 June 20, 2011
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated December 20, 2010. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action dated December 20, 2010, 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:
~~requesting~~ providing, on a device, a
location-based game ~~for a device;~~
determining, on said device, whether said
location-based game utilizes a manual origin setting;
prompting, on said device, for manual input
to be entered ~~a user~~ to position said device to a location
~~or~~ 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.

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 at least a second location-based gaming device; and
playing said multiple-player location-based
game on at least said first and second location-based
gaming devices.

21. (previously presented) The method of claim 20, wherein said game ID is also associated with a location-based game.

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; 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 presented) A method comprising:
manually setting a directional reference 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.

24. (currently amended) The method of claim 23 22, 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 second instance of claim 22 was renumbered by the Examiner to claim 23 while the previous instance of claim 23 was renumbered to claim 24.

The Examiner rejected claim 19 under 35 U.S.C. 101.

The Examiner rejected claims 19-24 under 35 U.S.C. 102(b) as being anticipated by Sharma U.S. Patent No. 6,287,200 (hereinafter "Sharma").

Summary of Applicant's Amendments

Applicant has amended claims 19 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

Claim 19 was rejected under 35 U.S.C. 101.

Solely in order to expedite prosecution, applicant has amended claim 19 to associate a device with particular features.

In light of the foregoing, applicant hereby respectfully requests that the Examiner's rejection of claim 19 under 35 U.S.C. 101 be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. § 102(b) in view of Sharma

The Examiner rejected claims 19-24 under 35 U.S.C. 102(b) as being anticipated by Sharma.

Claim 19

Applicant's invention of claim 19 determining whether a location-based game on a device utilizes a manual origin setting and prompting for manual input to be entered to position said device to a location associated with said manual origin setting.

Sharma discusses wireless handshaking within radio frequency protocol range.

The Examiner stated that Sharma discusses:

"a manual origin setting (col. 3, lines 9-44) ...
prompting ... (col. 3, lines 9-44)"
(Office Action, page 5)

Sharma, however, merely discusses wireless handshaking within radio frequency protocol range. Accordingly, Sharma does not show or suggest applicant's invention of claim 19 of determining whether a location-based game on a device utilizes a manual origin setting and prompting for manual input to be entered to position said device to a location associated with said manual origin setting.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

Claim 20

Applicant's invention of claim 20 includes 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 at least a second location-based gaming device and playing said multiple-player location-based game on at least said first and second location-based gaming devices.

Sharma alleges wireless handshaking within radio frequency protocol range and participation acknowledgement signals. Handshaking signals are allegedly sent from one requesting device and one or more requested devices.

Accordingly, Sharma alleges a participation acknowledgement signal - not applicant's invention of claim 20 of a game ID.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 20, and any claims dependent therefrom, be withdrawn.

Claim 22

Applicant's invention of claim 22 includes 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, 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.

Sharma does not disclose practically any feature of applicant's invention of claim 22. Sharma alleges volleyball. Volleyball does not show or suggest, for example, applicant's invention of claim 22 of uncovering covered areas of a grid as a device is moved to locations

of a physical playfield that are associated with covered areas of the grid.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 22, and any claims dependent therefrom, be withdrawn.

Claim 23

Applicant's invention of claim 23 includes manually setting a directional reference 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.

Sharma does not show or suggest practically any element of applicant's invention of claim 23. Sharma alleges volleyball. Volleyball does not show or suggest applicant's invention of claims 23 of manually setting a directional reference for a character of a location based game based.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 23, and any claims dependent therefrom, be withdrawn.

The Dependent Claims

The Examiner rejected claims 19-24 under 35 U.S.C. 102(b) as being anticipated by Sharma.

Claims 21 and 24 depend from one of independent claims 19, 20, 22, and 23. As shown above, claims 19, 20, 22, and 23 are patentable. Accordingly, applicant respectfully submits that the dependent claims are patentable for depending from patentable base claim.

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
731 South Negley, Apt. 2
Pittsburgh, PA 15232
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				
Utility under 35 USC 111(a) Filing Fees				
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:				
Extension - 3 months with \$0 paid	2253	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				555

Electronic Acknowledgement Receipt	
EFS ID:	10344902
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-JUN-2011
Filing Date:	20-AUG-2007
Time Stamp:	17:44:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 555
RAM confirmation Number	4756
Deposit Account	503855
Authorized User	MULLEN,JEFFREY D.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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		JDM-005C6--Reply.pdf	15421 808277927f09f88b5baea262844c852a6433a9ea	yes	8
Multipart Description/PDF files in .zip description					
Document Description		Start	End		
Amendment/Req. Reconsideration-After Non-Final Reject		1	1		
Claims		2	3		
Applicant Arguments/Remarks Made in an Amendment		4	8		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30600 1619ae4458eb0c873686e355d6d782f516c8b1ab	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			46021		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

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		
APPLICATION AS FILED – PART I											
(Column 1)			(Column 2)			SMALL ENTITY ☒ OR		OTHER THAN SMALL ENTITY			
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	OR		RATE (\$)	FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A		N/A				N/A		
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A	N/A		N/A				N/A		
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A		N/A				N/A		
TOTAL CLAIMS (37 CFR 1.16(j))		minus 20 =		*	X \$ =		OR		X \$ =		
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*	X \$ =		OR		X \$ =		
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
* If the difference in column 1 is less than zero, enter "0" in column 2.											
APPLICATION AS AMENDED – PART II											
(Column 1)			(Column 2)			(Column 3)		SMALL ENTITY OR		OTHER THAN SMALL ENTITY	
AMENDMENT	06/20/2011	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 6	Minus	** 20	= 0	X \$26 =	0	OR		X \$ =	
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X \$110 =	0	OR		X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))										
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'L FEE	0	OR		TOTAL ADD'L FEE	
(Column 1)			(Column 2)			(Column 3)		SMALL ENTITY OR		OTHER THAN SMALL ENTITY	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR		X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR		X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))										
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											

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

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

Legal Instrument Examiner:
/DIANE JOHNSON/



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 12/20/2010 JEFFREY D. MULLEN 731 SOUTH NEGLEY APT. 2 PITTSBURGH, PA 15232			EXAMINER KIM, ANDREW	
			ART UNIT 3716	PAPER NUMBER
			MAIL DATE 12/20/2010	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.	Applicant(s)	
	11/841,889	MULLEN, JEFFREY D.	
	Examiner	Art Unit	
	ANDREW KIM	3716	

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

Period for Reply

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

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

Status

1) ☒ Responsive to communication(s) filed on 20 August 2007.

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

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 19-23 is/are pending in the application.

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

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 19-23 is/are rejected.

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

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

Application Papers

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

10) ☒ The drawing(s) filed on 20 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

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

Priority under 35 U.S.C. § 119

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

a) ☐ All b) ☐ Some * c) ☐ None of:

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

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

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

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 22 been renumbered 23.

Misnumbered claim 23 been renumbered 24.

2. The second Claim 22 is objected to because of the following informalities: there are two claims labeled 22. The claims have been renumbered for purposes of examination. The second claim 22 has been renumbered claim 23. The previous claim 23 has been renumbered claim 24.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Based upon consideration of all the relevant factors with respect to the claim as a whole, Claim(s) 19 is held to claim an abstract idea, and [is/are] rejected as ineligible subject matter under 35 U.S.C. 101.

The rationale for this finding is explained below, which is a result of careful consideration of the listed factors when analyzing the claim(s) as a whole to evaluate whether a method claim is directed to an abstract idea. These factors are not intended to be exclusive or exhaustive.

I. Factors weighing toward eligibility are:

a) Recitation of a machine or transformation: In particular, machine or transformation meaningfully limits the execution of the steps, a machine implements the claimed steps, the article being transformed is particular, an object or substance, the article undergoes a change in state or thing (objectively different function or use);

b) Practically applying a law of nature to meaningfully limit the execution of the steps; or

c) The claim is more than a mere statement of a concept: It describes a particular solution of the problem to be solved; implements a concept in a tangible way, performance of steps are observable and verifiable.

II. Factors weighing against eligibility are:

a) No recitation or insufficient recitation of a machine or transformation:

+ Insufficient involvement of the machine or transformation, merely nominally, insignificantly, or intangibly related to the performance of the steps, (e.g., data gathering, or merely recites a field in which the method is intended to be applied).

+ Machine is generically recited such that it covers any machine capable of performing the claimed step(s) or merely an object on which the method operates.

+ Transformation involves only a change in position or location of the article.

b) Improperly applying a law of nature that would monopolize a natural force or patent a scientific fact (e.g., by claiming every mode of producing an effect of that law of nature); or applied in a merely subjective determination or merely nominally, insignificantly, or tangentially related to the performance of the steps; or

c) The claim is a mere statement of a general concept: Use of the concept, as expressed in the method, would effectively grant a monopoly over the concept; or both known and unknown uses of the concept are covered, and can be performed through any existing or future-devised machinery, or even without any apparatus; or states only a problem to be solved; or general concept is disembodied; or mechanism by which the step(s) are implemented is subjective or imperceptible.

+ Examples of general concepts: Basic economic practices or theories, basic legal theories, mathematical concepts, mental activity, interpersonal relations or relationships, teaching concepts, human behavior, and instructing how business should be conducted.

Claim(s) 19 is illegible subject matter because the claimed limitations requesting, determining, prompting and obtaining include no recitation or insufficient recitation of a machine or transformation, or not directed to a proper application of a law of nature, or just a mere statement of a general concept.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,287,200 B1 to Sharma.

Regarding claim 19, Sharma discloses a method comprising: requesting a location-based game for a device (col. 2, lines 24-52); determining whether location-based game utilizes a manual origin setting (col. 3, lines 9-44); prompting a user to position said device to a location or said manual origin setting (col. 3, lines 9-44); and obtaining said location for use as said manual origin setting in said location-based game (col. 3, lines 9-44).

Regarding claim 20, Sharma discloses a method comprising: utilizing a game ID on a first-location based gaming device to initialize a multiple-player location-based game (col. 2, lines 24-65), wherein said game ID is associated with at least a second location-based gaming device (col. 2, lines 24-65); and playing said multiple-player location-based game on at least said first and second location-based gaming devices (col. 2, lines 24-65, col. 3, lines 9-44).

Regarding claim 21, Sharma discloses wherein said game ID is also associated with a location-based game (col. 2, lines 24-65, col. 3, lines 9-44).

Regarding claim 22, Sharma discloses a method comprising: providing a grid on the display of a device, wherein areas of said grid are covered (fig. 3, and 5, col. 3, lines 30-67); 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 (fig. 3, and 5, col. 3, lines 9-67); 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 (fig. 3, and 5, col. 3, lines 30-67).

Regarding claim 23, Sharma discloses a method comprising: manually setting a directional reference for a character of a location-based game played on a device based on the direction of said device (col. 3, lines 45-67); and providing said location-based game on said device with respect to said directional reference (col. 3, lines 45-67).

Regarding claim 24, Sharma discloses 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 (col. 3, lines 45-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KIM whose telephone number is (571)272-1691. The examiner can normally be reached on M-F.

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.

Art Unit: 3716

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.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit
3716

12/17/2010 /A. K./
Examiner, Art Unit 3716

Notice of References Cited	Application/Control No. 11/841,889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner ANDREW KIM	Art Unit 3716	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,287,200	09-2001	Sharma, Dipanshu	463/40
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

<i>Index of Claims</i> *1184188 9*	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

☐ Claims renumbered in the same order as presented by applicant				☐ CPA				☐ T.D.				☐ R.1.47			
CLAIM		DATE													
Final	Original	12/13/2010													
	1	-													
	2	-													
	3	-													
	4	-													
	5	-													
	6	-													
	7	-													
	8	-													
	9	-													
	10	-													
	11	-													
	12	-													
	13	-													
	14	-													
	15	-													
	16	-													
	17	-													
	18	-													
	19	✓													
	20	✓													
	21	✓													
	22	✓													
	23	✓													
	24	✓													

Search Notes *1184188 9*	Application/Control No. 11841889	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner ANDREW KIM	Art Unit 3716

SEARCHED			
Class	Subclass	Date	Examiner
463	31,40,42	12/13/2010	AK

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text search of PGPUB, USPAT, USOCR, EPO, JPO, DERWENT. See attached search results.	12/13/2010	AK

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	8	"841,889".ap.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:34
S2	163	sharma.in. location game	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S3	23	sharma.in. location game grid	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S4	1	sharma.in. location game volleyball	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/12 22:35
S5	35	("5434904" "5738583" "5797085" "6111541").PN. OR ("6287200"). URPN.	US-PGPUB; USPAT; USOCR	AND	ON	2010/12/12 22:36
S6	36	mullen.in. grid. clm.	US-PGPUB; USPAT; USOCR	AND	ON	2010/12/12 22:49
S7	41544	(reset same direction\$4) same4 reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:37
S8	997	(reset same directional) same reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:38
S9	21	(reset same directional) same reference (game)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 12:38
S10	997	(reset same directional) same reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 13:57

S11	946	(reset with direction\$4) with reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 13:58
S12	68	(reset with directional) with reference	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 14:49
S13	63	(reset with direction\$4) with reference (gps or (location with based))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 15:46
S14	2	(reset near2 directional near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:22
S15	6	(reset with directional near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:23
S16	144	(reset with direction near2 reference)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/12/13 18:23

12/13/2010 7:31:58 PM

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 \11841889_Mullen_LocationbasedGame.wsp



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BIB DATA SHEET

CONFIRMATION NO. 2611

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
11/841,889	08/20/2007	463	3716	JDM/005 CON6		
APPLICANTS Jeffrey D. Mullen, Scarsdale, NY; ** CONTINUING DATA ***** This application is a CON of 10/932,536 09/01/2004 which claims benefit of 60/499,810 09/02/2003 and claims benefit of 60/603,481 08/20/2004 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED *** SMALL ENTITY ** 08/29/2007						
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and /ANDREW KIM/ Acknowledged Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY NY	SHEETS DRAWINGS 14	TOTAL CLAIMS 6	INDEPENDENT CLAIMS 4
ADDRESS JEFFREY D. MULLEN 731 SOUTH NEGLEY APT. 2 PITTSBURGH, PA 15232 UNITED STATES						
TITLE SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATON ENABLED DEVICES						
FILING FEE RECEIVED 525	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		



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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/841,889	08/20/2007	Jeffrey D. Mullen	JDM/005 CON6

CONFIRMATION NO. 2611

32733
JEFFREY D. MULLEN
731 SOUTH NEGLEY
APT. 2
PITTSBURGH, PA15232

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

Publication No. US-2007-0281765-A1

Publication Date: 12/06/2007

NOTICE OF PUBLICATION OF APPLICATION

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

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

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Pre-Grant Publication Division, 703-605-4283



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/841,889	08/20/2007	2629	525	JDM/005 CON6	6	4

CONFIRMATION NO. 2611

32733
JEFFREY D. MULLEN
731 SOUTH NEGLEY
APT. 2
PITTSBURGH, PA15232

FILING RECEIPT

Date Mailed: 08/29/2007

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

Applicant(s)

Jeffrey D. Mullen, Scarsdale, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/932,536 09/01/2004
which claims benefit of 60/499,810 09/02/2003
and claims benefit of 60/603,481 08/20/2004

Foreign Applications

If Required, Foreign Filing License Granted: 08/29/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US11/841,889

Projected Publication Date: 12/06/2007

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF

Preliminary Class

345

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : Not Yet Assigned
Confirmation No. : Not Yet Assigned
Filed : Herewith
For : SYSTEMS AND METHODS FOR
LOCATION BASED GAMES AND
EMPLOYMENT OF THE SAME ON
LOCATION ENABLED DEVICES
Group Art Unit : Not Yet Assigned
Examiner : Not Yet Assigned

Mail Stop: Amendment

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

Pittsburgh, PA 15232
August 20, 2007

PRELIMINARY AMENDMENT

Sir:

Before examination of the application, please
amend the application as follows:

Amendments to the Specification are reflected
on page 2.

Amendments to the Claims are reflected in the
listing of claims, which begins on page 3 of this paper.

Remarks/Arguments begin on page 6 of this
paper.

Amendments to the Specification:

Please replace paragraph 1, located on page 1 of the specification, with the following paragraph showing amendments.

--This application is a continuation of U.S. Patent Application No. 10/932,536, filed on September 1, 2004, which claims the benefit of U.S. Provisional Patent Application No. 60/499,810, filed on September 2, 2003 which is incorporated by reference herein in its entirety.--

Please replace paragraph 2, located on page 1 of the specification, with the following paragraph showing amendments.

--[[This application]] U.S. Patent Application No. 10/932,536 also claims the benefit of U.S. Provisional Patent Application No. 60/603,481 [[--/--,--]] filed on [[August,]] August 20, 2004 titled "Wireless Devices With Flexible Monitors and Keyboards" (Docket No. JDM/007) which is hereby incorporated by reference herein in its entirety.--

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. (new) A method comprising:
requesting a location-based game for a device;
determining whether location-based game
utilizes a manual origin setting;
prompting a user to position said device to a
location or said manual origin setting; and
obtaining said location for use as said manual
origin setting in said location-based game.

20. (new) 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 at
least a second location-based gaming device; and
playing said multiple-player location-based
game on at least said first and second location-based
gaming devices.

21. (new) The method of claim 20, wherein
said game ID is also associated with a location-based
game.

22. (new) 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; 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.

22. (new) A method comprising:

manually setting a directional reference 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.

23. (new) The method of claim 22, 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

Summary of Applicant's Amendments

Applicant has cancelled claims 1-18 without prejudice. Applicant reserves the right to claim any subject matter lost in the cancellation of claims 1-18, or any subject matter included in the present application, in any number of continuation or divisional applications.

Applicant has added claims 19-23 in order to more particularly point out and distinctly claim the subject matter that applicant regards as the invention.

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.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
731 South Negley, Apt. 2
Pittsburgh, PA 15232
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCAITON ENABLED DEVICES		
First Named Inventor/Applicant Name:		Jeffrey David Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/005 CON6		
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	75	75
Utility Search Fee	2111	1	250	250
Utility Examination Fee	2311	1	100	100
Pages:				
Claims:				
Independent claims in excess of 3	2201	1	100	100
Miscellaneous-Filing:				
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				525

Electronic Acknowledgement Receipt	
EFS ID:	2103834
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 LOCAITON ENABLED DEVICES
First Named Inventor/Applicant Name:	Jeffrey David Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/005 CON6
Receipt Date:	20-AUG-2007
Filing Date:	
Time Stamp:	22:50:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 525
RAM confirmation Number	4065
Deposit Account	503855
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-005-USPTOScan.pdf	2789064 0be34b34625826ce1100667321810288cbf1436b	yes	74
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2	Application Data Sheet	JDM-005CON6-ADS.pdf	124024 8f3c362eeffb1219be20f597db1670d117d955923	no	5
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3		JDM-005CON6-Prelim.pdf	51130 b9a0c362d365ce19f434294067564675a5631c53	yes	5
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4	Fee Worksheet (PTO-06)	fee-info.pdf	8528 2e5cf8e0e3d978a8043885a8b5bb4aa81d195664	no	2

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

Cross-Reference to Related Application

5 **[0001]** This application claims the benefit of U.S.
Provisional Patent Application No. 60/499,810 filed on
September 2, 2003 which is hereby incorporated by
reference herein in its entirety.

10 **[0002]** This application claims the benefit of U.S.
Provisional Patent Application No. --/---,--- filed on
August, 20, 2004 titled "Wireless Devices With Flexible
Monitors and Keyboards" (Docket No. JDM/007) which is
hereby incorporated by reference herein in its
entirety.

Background of the Invention

15 **[0003]** This invention relates to video games and
video game systems.

20 **[0004]** Virtual reality games have been developed
where a user places a helmet on his/her head and is
immersed into an alternate reality via a display
located in the helmet. This user is then allowed to
move through an alternate reality by means of a
joystick. The user is displayed the alternate reality

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from a first person perspective. A user is limited in actual physical movement by means of a very small (e.g., 48 inches) enclosed virtual reality platform. Such traditional virtual reality systems are deficient because of the need for additional, unneeded manual actions to be made to move a joystick in order to move the user through the alternate reality. It is therefore desirable to provide a game system with improved user controls.

10 **[0005]** Traditional virtual reality systems are also unsafe because a user cannot visually see his/her physical environment. Guard rails are typically provided such that a user cannot stray from the virtual reality platform. Yet, a user may become distorted in the alternate reality and lose a sense of direction as to where such rails are located. Thus, a user may dangerously contact such guard rails or foreign objects introduced onto a virtual reality platform. It is therefore desirable to provide safer game systems.

20 **[0006]** Traditionally heavy computer hardware, multiple platforms, large interconnection wires, and numerous manual control devices are required to immerse more than one user in the same alternate reality. Such virtual reality systems typically cost in the tens of thousands, to hundreds of thousands, of dollars. It is therefore desirable provide an economical video game system with improved functionality. It is also desirable to provide software that can realize improved gaming systems in traditional devices such as wireless telephones.

30 **[0007]** Zingy.com offers wireless telephone ringers for sale and download. Zingy.com allows a user to enter in a wireless telephone number and a

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corresponding wireless telephone model a website. The user, however, must set up a user profile through a user identification process that includes sending a text message containing a confirmation code to the wireless telephone number. A user must enter in this confirmation code on the website to confirm that the user is in possession of the wireless telephone. Desired ringers must be paid for, and downloaded, one at a time. After a particular ringer has been purchased, that user is sent, via a text message, a Wireless Access Protocol (WAP) address. Such an address must be manually extracted from the text message, or entered directly into a browser, in order to be directed to the location of the desired ringer. The user's wireless telephone will then ask the user if the material is OK to download. Only one ringer may be downloaded to a wireless device at a time. It is therefore desirable to provide improved data interchange capabilities for a wireless device.

20 **[0008]** Sprint offers a VISION PCS service in which the internet location of a Global Content Descriptor file (.GCD file) must be sent, via text messaging, to a Sprint VISION PCS wireless telephone in order to download a file (e.g., a ringer) from a website (e.g., Zingy.com). This .GCD file contains a variety of data fields that tell the wireless telephone, the size of the file, the title of the file, the creator of the file, the file type, and file's internet storage location. Traditional wireless telephones contain programs that use the information of the .GCD file. For example, if the size of the file, as described by the .GCD file, is too large then the wireless telephone will prompt the user that the file is too large to

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download. Such systems are deficient because two files must be transferred in order to manually obtain a download of a single file. It is therefore desirable to provide a wireless telephone that does not need to
5 download a .GCD file, or a similar file, in order to download content.

Summary of the Invention

[0009] The present invention provides an actual,
10 reality-based video game in which a user's physical (actual) location on a playfield, reflects a virtual game character's virtual location in a video game environment. In this manner, an actual-reality (hereinafter "actuality") video game system may be
15 provided. Generally, an actuality game is a location-based game where a user's location on a physical playfield corresponds to a video game character's location on a virtual video game playfield. Multiple types of other location-based games are also provided.
20 **[0010]** Multiple type of displays are provided that realize a variety of different types of location-based games. For example, a gaming system is provided in which a user's actual environment is completely visible to a user. In this manner, a game system that provides
25 a visible physical playfield may be provided. A display (e.g., a monitor) may be provided to display the video game to a user. A location device may be included in the video game system such that the actual location of the video game system may be obtained and
30 utilized, for example, to control the location of a virtual video game character on a virtual playfield. In this manner, the user is provided as choice wether

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or not to view either the physical playing field or the game system display while operating the game.

[0011] As per another example, a game system is provided with a transparent display such that virtual
5 indicial may be presented on portions of the display. Such virtual indicia may be configured to block, manipulate, or overlay a portion of a user's actual, physical environment. In this manner, a game system that provides a semi-visible physical playfield may be
10 provided. Such displays may be, for example, flexible, transparent, and head-mounted display. Alternatively, such virtual indicia may be displayed directly on the retina through the use of light emitting elements. One advantage of a semi-visible environment game system is
15 that the system allows a user to travel safely at fast speeds through a physical environment. The is because the user may be able to see all of, or part of, his/her physical environment.

[0012] In such a game system that provides a semi-
20 visible environment, a user may go to a soccer field, mount a semi-visible environment gaming system display over his/her field-of-view, download a "goalie" video game, and practice blocking penalty kicks that are shown through the display. Expanding this example, as
25 a virtual ball is virtually kicked on the head-set, the user may change locations to try and block the ball. In this manner, the gaming system may use the user's location to render the next frame of images display on the user's display. Thus, if a user moves one foot to
30 the left towards the ball, the video game system may render the ball to be one foot closer to the user in the next frame.

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[0013] Yet another game system is provided in which the video game display completely immerses a user into a virtual reality so that a user cannot see his/her physical environment. . In this manner, a game system
5 that provides a non-visible physical playfield may be provided. Location information may be utilized, for example, to determine a virtual character's location (e.g., a particular first-person perspective) in the virtual realm.

10 [0014] At any time during gameplay, a user's location may be used as a reference by the video game or another user's video game. For example, a child in his/her backyard in the U.S. may play a game of virtual PACMAN with his/her father that is located in a park in
15 Japan. At the beginning of such a multiplayer game, information about the starting location of each user may be utilized as a points of reference for the game. Accordingly, the game system may transmit the child's location with respect to the child's starting location
20 to his/her father's game system. The father's game system may then utilize this information to determine where the child would be if the two user's were playing on the same physical playfield. Accordingly, the father and child may play the same actuality game
25 together even though the father and the child are on opposite sides of the world.

[0015] A visor may be provided that includes a transparent display such that virtual objects can be overlaid/placed onto the user's actual, physical
30 environment. If the game is a reincarnation of the classic game of PACMAN, maze walls may be provided to a transparent display. Thus, a user may see the actual environment that the user is running through (e.g., the

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actual, physical playfield) and also see the maze walls that he/she has to follow (e.g., the virtual playfield).

[0016] Any device with a locating device and a display may be programmed to be at least a visible environment game system. For example, a wireless telephone with a Global Positioning System (GPS) system may be utilized as a visible environment game system that plays, for example, actuality games. As introduced above, one actuality game may be a reincarnation of the classic game of PACMAN. Such a game may include a multiplayer mode where multiple players may simultaneously play the game. Control of, for example, PACMAN may be provided by changing the location of the wireless telephone. A different player could use a different game system (e.g., a different wireless telephone) to control a ghost in the same game. Such a different user may be located on a remote playfield (e.g., in a park in Japan). Thus, a user may look down at a display screen, see his/her character, and run around his/her physical environment in order to similiary run his/her virtual character through a virtual maze. Communication devices may be included in such multiplayer game systems such that individual gaming systems may communicate location information to each other or a remote storage device. Such a remote storage device (e.g., a remote database) may be periodically updated with each user's location information and periodically accessed by each user's device to obtain, for example, the other user's location. Accordingly, the ability of a wireless telephone to transmit/receive data may be utilized to realize multiplayer actuality games or other location-

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based games. Alternatively, the devices may establish a direct communications link with each other.

[0017] Additional locating devices, or directional devices, may be placed on a user to obtain additional transparent controls (e.g., controls where a user does not have to perform an unnatural action). For example, a GPS device (or any type of locating device) may be placed on a user's hand. A hand-word locating device may be used to obtain the location of a user's hand in a three-dimensional field. Therefore, the height, latitude, and longitude of the user's hand may control the height and position of a virtual game character's hand (or other movement).

[0018] As per another example, a locating device may be provided on a head-mounted display that determines how the head-mounted display moves with respect to a reference point. In this manner, the video game may be provided with signals representative of the direction that the user's head is pointed towards. A directional electronic compass is also provided through the configuration of two location devices (e.g., two GPS devices). If, for example, one location device is placed in one location of a portable gaming system (e.g., the front of a visor) and a second location device placed in a second location of the portable gaming system (e.g., the back of a visor) then the direction the visor is pointing may be determined by determining the location of these two location devices.

[0019] Additional locating and/or directional devices may be provided on other actual objects (e.g., a sword, gun, baseball bat) such that the location of these objects may also be utilized to provide input to the location-based video game. For example, multiple

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locating devices may be provided in a baseball bat such that a user may play an actuality game of baseball.

[0020] Simplistic examples of a location-based game system are provided (e.g., a dedicated non-communicating one-player game system). Such systems may be constructed and marketed for considerably less than conventional hardware (e.g., less than the cost of a wireless telephone).

[0021] Additional manual controls may be provided to increase the functionality of a game system of the present invention. Such manual controls may be, for example, buttons and/or joysticks.

[0022] A data interchange may also be provided. Users may upload content from a wireless telephone and allow different users (e.g., selected users) to download content to their different wireless devices (e.g., a wireless Personal Electronic Device). Interactive games are provided to wireless telephones by, for example, including a database that can store a player's progress in the game.

[0023] An automatic content update, or an automatic content download, may be provided to a wireless telephone user. Such an update may be the result of a paid subscription for such periodic updates. A wireless telephone is provided that includes the ability to have non-service provider automatic updates without the consent of the wireless telephone's user every time data is downloaded. A wireless telephone is also provided that is operable to download a file directly without a .GCD, or similar, file.

[0024] Conversion components are also provided that may provide a location-based game functionality to a non-located enabled device. For example, a peripheral

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with a game, a locating device, and a wireless transmitter/receiver, may be provided that may interface with a particular non-location enabled device. Such a peripheral may be operable to interface
5 with PCMCIA slots or USB ports. In this manner, a laptop user may purchase a conversion component so that the laptop is operable to play a particular location-based game or take on the attributed of a location-based gaming system.

10 **[0025]** A stationary game system is provided that interacts with an actual-location based video game system of the present invention. In this manner, a user of a stationary gaming system (e.g., a home Personal Computer) may play a game against the user of
15 an actuality gaming system. Using PACMAN as an example, the stationary user may control a ghost with a joystick while the location-based user controls PACMAN with his/her physical location on a physical playfield. A handicap may be given to the stationary user such
20 that the actual-location based user is provided with an advantage (e.g., the handicap's player may move slower).

Brief Description of the Drawings

25 **[0026]** The above and other features of the present invention, its nature and various advantages will be more apparent upon consideration of the following detailed description, taken in conjunction with the accompanying drawings, in which like reference
30 characters refer to like parts throughout, and in which:

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[0027] FIG. 1 is an illustration of one embodiment of a gaming system topology constructed in accordance with the principles of the present invention;

5 [0028] FIG. 2 is a flow chart for a variety of functionalities that may be included in a gaming system constructed in accordance with the principles of the present invention;

[0029] FIG. 3 is an illustration of a wireless telephone for use as a gaming system constructed in accordance with the principles of the present invention;

[0030] FIGS. 4-5 are illustrations of user interfaces, and accompanying functionality, constructed in accordance with principles of the present invention;

15 [0031] FIG. 6 is an illustration of one embodiment of a gaming system constructed in accordance with the principles of the present invention;

[0032] FIG. 7 is an illustration of one embodiment of a gaming system constructed in accordance with the principles of the present invention;

20 [0033] FIG. 8 is an illustration of a game system architecture constructed in accordance with the principles of the present invention;

[0034] FIG. 9 are illustrations of multiple game system configurations constructed in accordance with the principles of the present invention;

[0035] FIG. 10 is an illustration of a gaming system constructed in accordance with the principles of the present invention;

30 [0036] FIG. 11 are illustrations of gaming system peripherals constructed in accordance with the principles of the present invention;

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[0037] FIG. 12 is an illustration of a gaming system network constructed in accordance with the principles of the present invention;

[0038] FIG. 13 is an illustration of a gaming system constructed in accordance with the principles of the present invention; and

[0039] FIG. 14 is an illustration of a flow chart of a multiplayer game that shares location information constructed in accordance with the principles of the present invention.

Detailed Description of the Drawings

[0040] U.S. Patent Application No. 10/400,296 filed on March 25, 2003 titled "Systems and Methods for Locating Wireless Telephones and Security Measures for the Same" (Docket No. JDM/002) is hereby incorporated by reference herein in its entirety.

[0041] U.S. Patent Application No. 10/797,801 filed on March 9, 2004 titled "Systems and Methods for Providing Remote Incoming Call Notification for Wireless Telephones" (Docket No. JDM/004) is hereby incorporated by reference herein in its entirety.

[0042] FIG. 1 shows gaming system 100 in which locating device 131 receives location signals from satellites 111-113. Persons skilled in the art will appreciate that satellites 111-113 may be transmitters placed around a physical playfield (e.g., may be placed around/suspend above the perimeter of a physical playfield). Wireless telephone 130 may house locating device 131 and may provide a location-based game on display 140.

[0043] To initiate a location-based game, a user may be prompted to set an origin for the game through a

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Graphical User Interface (GUI). Alternatively, an origin may be set automatically. Furthermore, a GUI may be provided that prompts a user on how much free physical space is needed on all sides of the origin for
5 gameplay. Such a functionality may allow a user to locate a proper spot on an actual, physical playfield before gameplay begins or to allow a video game to establish a reference location. The dimensions of the physical playfield may be operable to be changed by a
10 user. For example, a user may be provided with a number of physical playfield dimensions to choose from as shown in GUI 411.

[0044] In multiplayer embodiments, for example, a user may determine playfield dimensions and an opponent
15 may be, for example, requested to confirm that user's selected dimensions (or display that user's selected dimensions). Alternatively, each user may select different dimensions for their local, physical playfield and control signals may be appropriately
20 scaled as will be discussed below. Default dimensions for the physical playfield may be utilized by a video game and displayed to a user. Such dimensions may be changed during operation of the video game (e.g., a game may be PAUSED, taken to a different physical,
25 playfield, and the physical playfield dimensions may be changed before the game is RESTARTED).

[0045] Persons skilled in the art will appreciate that location-based video games may be initially configured in a variety of ways by a user. For
30 example, a user may be provided with a GUI that includes a number of choices as to the shape of an physical playfield (e.g., a circle, square, or rectangle). As per another example, GUI 412 may be

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provided in which a user may go to a physical playfield boundary that the user desires and establish that location as a location boundary for a game. Dimensions information may be utilized by a video game system to
5 determine how to scale location-based inputs. For example, if a user is playing an actual game of PACMAN then a user movement in a 10 ft. x 10 ft. physical playfield may result in PACMAN moving faster than that same user movement in a 100 ft. x 100 ft.
10 foot physical playfield. Accordingly, a video game system may scale location inputs such that a person playing on a 10 ft. x 10 ft. playfield may play in the same virtual playfield (although multiple displays may display the virtual playfield) as a user playing on a
15 100 ft. x 100 ft. playfield. A program may scale user inputs based on, for example, the dimensions (e.g., size) of both user's playfield or scale to a user defined or default playfield. Control signals may be transmitted to other game systems such that scaling is
20 taken into account. For example, transmitted control signals may represent the direction and magnitude that a current player's location is away from that user's origin. Dimension information for a user's physical playfield may also be transmitted to other user's game
25 system. Using any one of a number of scaling methods, a user's movement North of his/her physical playfield origin by 10% may cause an opponent to view, on the opponent's display, movement of the user's video game character to a location 10% North of the opponent's
30 origin.

[0046] Persons skilled in the art will appreciate that a variety of locating devices may be utilized. For example, a Global Positioning System (GPS) may be

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utilized. Alternatively, a Local Positioning System (hereafter "LPS") may be utilized. Additionally, the difference in two locations provided by a locating device (e.g., the magnitude and direction of a location to an origin) may be utilized to move a character in a video game playfield (or provide other control signals to the video game system). Similarly, devices that measure movement (e.g., an accelerometer) may be utilized as a locating device. Accordingly, acceleration information may be translated into location information and this location information may be utilized as a control signal (e.g., for changing the location of a video game character).

[0047] Person skilled in the art will also appreciate that any type of device may be configured into a gaming system of the present invention. In addition to wireless telephones (e.g., cellular or PCS wireless telephones), laptops, Personal Digital Assistants (e.g., PDAs), Blackberries, Personal Electronic Device (PED), iPODs, or any other portable electronic device may be utilized.

[0048] Multiple portable gaming systems may be operable to directly communicate with each other (e.g., Cellular, PCS, WiFi, radio, satellite, or infrared communications) in order to achieve a variety of functionality. For example, portable gaming systems may communicate location information directly with one another in order to increase the speed in transferring location information. Alternatively, one or more remote storage devices (e.g., a database or memory) may be provided that stores location information for one or more users. Portable gaming devices may routinely retrieve other user's location information from such a

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remote storage device. Portable gaming devices may also routinely write location information for a particular user to such a remote storage device either periodically, continually, or as soon as a new location
5 reading has been completed.

[0049] To decrease the weight of a portable gaming device, a base station (e.g., base station 170) may be provided that includes components that may otherwise be included in a portable gaming system. For example, a
10 satellite communications device may weigh more than a WiFi device. In this manner, a WiFi transmitter/receiver may be included in the portable gaming device to relay the portable devices location information to the base station. The base station may
15 then use, for example, the satellite communications transmitter/receiver to update location information on a remote storage device. Alternatively, the base station may include, for example, the remote storage device for one or more portable devices.

[0050] Base stations (e.g., base station 170) may also include a majority of the processing circuitry for a gaming system. For example, a portable gaming device
20 may be provided with a display, a locating device, and a transmitter/receiver. This portable gaming device may periodically transmit location information to a base station. The base station may use this information as an input to a video game being played, render a new frame for the portable display, and forward this newly rendered frame (that takes into
25 account the impact of the new location-based control signal) to the portable gaming device. Multiple portable devices may utilize one base station. Similarly, one portable device may utilize multiple

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base stations. Base stations may also communicate information between each other.

[0051] FIG. 2 shows flow chart 200 that includes a variety of different functionalities that may be included in a location-based gaming system. Persons skilled in the art will appreciate that any number of steps may be added to, or removed from, flow chart 200. Generally, flow chart 200 may be utilized in a location-based game where the location of a user on a defined physical playfield, or that user's latitude/longitude information in the world, is utilized as a control signal to a location-based game. In one embodiment, such control signals may, for example, replace a traditional joystick such that a user's physical location is utilized as the main control device for a game (e.g., control a character's location in a video game's virtual playfield).

[0052] Step 201 occurs when a request for a location-based game is received. This may be simply a user turning ON a location-based gaming system (e.g., turning ON a dedicated PACMAN location-based system) or a user selecting a location-based game from a list of location-based games. If a list of games is provided such games may be stored locally (e.g., on the gaming system). Alternatively, the list may be stored remotely, or locally, and a selected game may be downloaded from a remote location (e.g., wirelessly from a remote database). A cost may be associated with such location-based games and a user may be required to agree to purchase the game or rent the game for a period of time. Such game downloads may be free of charge. A subscription (e.g., an yearly or monthly billed subscription) may be purchased by the user such

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that all location based games are free to download while the subscription lasts (e.g., has not expired). Alternatively, an amount of time for gameplay may be purchased (e.g., 10 hours).

5 **[0053]** Step 201 may alternatively commence when a user starts a game on a location-based gaming system. Step 201 may also commence when a user agrees to join a game (e.g., a different user requests that the user plays a multiplayer location-based game).

10 **[0054]** Step 203 determines if the game needs an origin setting. Persons skilled in the art will appreciate that many embodiments of a location-based gaming system may operate without the need to set an origin. For example, the longitude and latitude of the
15 location of a user in the world may be utilized as a control signal. For example, if the location-based game is a single-player game of PACMAN then the game may utilize multiple instances of the user's location to determine the change in location and translate this
20 change in location into a control signal to move PACMAN through a virtual video-game playfield such as a maze. As per another example, an origin-functionality may not be utilized, although it may be utilized in some embodiments, in a location-based game where the actual
25 location of a user in the world is a control signal. For example, one location based game may provide control signals depending upon the city that the user is located in (e.g., New York City may cause one control signal to be provided while Washing D.C. may
30 provide a different control signal to be provided). If a game does utilize an origin setting then, for example, step 217 may occur.

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[0055] As stated above the game may autonomously set an origin for the game. As such step 209 may be initiated from step 201. In this manner, step 203 may not be included in a gaming system. Generally, step

5 203 is included to emphasize the varieties of gaming systems that may be provided.

[0056] If a game, or gaming system, needs a manual origin setting then, for example, step 205 may occur. Step 205 may prompt a user to position the device at a

10 desired origin. Step 207 may then wait for a user to submit the origin (e.g., for a user to select a physical location as the start of a game). Persons skilled in the art will appreciate that even if an origin is not utilized by a video game, or video game

15 system, that a user may still be provided with a display screen that allows a user to find a clear area before gameplay. In this manner, a "when you find an open area, and are ready to begin gameplay, press OK" display screen may be provided for a game, or game

20 system, that does not utilize an origin as a reference location. Persons skilled in the art will also appreciate that in some embodiments, a user may select a perimeter by, for example, going to locations on the perimeters (e.g., the corners of a rectangle) and

25 recording these perimeter locations. The video game, or video game system may utilize such perimeter locations to derive an origin. An origin-based game may, or may not utilize, perimeter locations. Additionally, setting a perimeter may encompass a

30 variety of embodiments. For example, a location reading outside of a perimeter may still be utilized as a control signal (e.g., to deduct a particular number of points from a user's score). Alternatively, only

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location readings inside (and possibly even on) the perimeter may be utilized by a particular gaming system embodiment.

5 **[0057]** Step 207 may reiterated until a user selects a location as the origin for gameplay. Once a user selects a location for the origin of gameplay the device may record (e.g., in local memory or in remote memory such as a remote database) the location of the selected origin (e.g., by obtaining the location from a
10 locating device) and use this location as a reference location during gameplay. Multiple features may be provided as the result of including, for example, one or more reference/origin values. As shown above, one such feature may be a multiplayer feature where the
15 players may be located on different physical playfields.

[0058] Step 209 may be initiated, for example, after an origin is selected in step 207 or autonomously after step 203, or step 201, occurs. Step 209 may then take
20 a reading of one or more locations for a user's locating device to determine a reference location (e.g., an origin). Step 209 may obtain location information for a period of time (e.g., 1 minute) and average the location information together to obtain a
25 reference location. During this time a display screen may be displayed to the user along the lines of "stay perfectly still while we calibrate the game with your current location." Persons skilled in the art will appreciate that additional configuration steps may be
30 provided. For example, a user may be asked to take a step forward and a step back, and shown the speed of the movement of a video game character based on that movement so the user may determine if the game-speed is

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acceptable (and if not, change the perimeter of the game or the scaling of user movement to character movement). In this manner, step 209 may also begin tracking the user's location continually, or
5 periodically.

[0059] At any time, a user may be prompted if a multiplayer game is desired. For example, a user may be prompted if a multiplayer game is desired in step 213. Step 211 may be included in flow chart 200 to
10 located nearby players that can play the game. For example, a communications device may send out a signal to determine if any other similar, or compatible, devices are on the physical playfield (or a surrounding area). Alternatively, a player exchange may be
15 provided in which the communications device sends a signal to the exchange noting that the user desires to play a particular game in a multiplayer mode. If another player desires to play the game on the exchange then, for example, the two player's gaming systems may
20 autonomously be configured with information about each others origin so that a multiple-player game may be initiated. Persons skilled in the art will appreciate that the origin of a users device does not need to be transmitted to the other users in a multiplayer game.
25 Instead, control signals may be translated into control signals that a different user's device may utilize. For example, instead of transmitting an origin, a device may transmit a signal that represents a particular distance and direction (e.g., 5 feet North
30 or 10% North of the physical playfield). Generally, such multiplayer control signals may assume that each user started at an origin and that each user's device recorded such an origin. As can be seen, multiple

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methods may be utilized to SYNC the location-aspect of multiple location-based gaming devices.

[0060] Various other multiplayer configurations may also be provided. For example, a user may enter in the
5 phone number of a wireless telephone and request if the user of that wireless telephone wants to play a multiplayer game wants to be played. Accordingly, the requested wireless telephone may be anywhere (e.g., halfway across the world) and still be requested to
10 commence play on the same virtual, video-game playfield (e.g., by uploading data to a remote server or communicating directly with the wireless telephone). Step 215 may be utilized to initialize any communications link needed between the gaming devices
15 (e.g., communications to a common remote memory device such as a database). Step 217 may be utilized to begin gameplay of a location-based video game.

[0061] FIG. 3 shows wireless telephone 300 constructed in accordance with the principles of the
20 present invention. Wireless telephone 300 preferably includes speaker 330, antenna 310, display screen 320, control keys 360, alpha-numeric keys 350, and microphone 340. Wireless telephone 300 also preferably may include, for example, a communications transmitter
25 (not shown), communications receiver (not shown), memory (not shown), positioning device such as a GPS or LPS (not shown), and a microprocessor (not shown). Control keys 360 may include any number of joystick, control buttons, or other user interfaces (e.g., speech
30 recognition controls). Such control keys 360 may be utilized to provide, for example, additional control signals to a location-based game or gaming system (e.g., a control may be utilized as a FIRE or ACTION

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button). Controls may also be included in wireless telephone 300 that are directed to location-based games and, in some instances, are used exclusively for location-based games. For example, ACTUALITY button 5 165 may be included on wireless telephone 300 that, when pressed, provides a location-based game, a list of location-based game, or a location-based game service. The use of ACTUALITY button 165 may alternatively, automatically log a user into a location-based game 10 network that may provide not only location based games but additional information such as, for example how many users are requesting opponents for a particular game.

[0062] Persons skilled in the art will appreciate 15 that a gaming device dedicated to a single game (e.g., FROGGER) may be easily incorporated into a device the size of, for example, a traditional Tamagochi device. Such dedicated devices may be sold relatively cheaply (e.g., \$40). A gaming device may also accept 20 cartridges of different games so as to reduce the need of purchasing a new location device with the purchase of a game. As discussed above, games can also be wirelessly downloaded to a portable gaming device or a traditional commercial device if that commercial device 25 includes, for example, a locating device.

[0063] FIG. 4 shows display screens 425, 450, and 475 that may be provided to a gaming device.

[0064] Display screen 425 displays a list of location-based games that a user can choose from. 30 Display screen 425 may display information other than just the title of each game. For example, display screen 425 may also display the dimensions of the physical playfield that is needed to play the game (or

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the preferred or default dimensions). Display screen 425 may also display information related to if a different user has requested an opponent to play the game (or the number of different user's waiting for an opponent). Any game list be scrollable, or partitioned into multiple display screens, such that a large number of games may be included on the list.

[0065] The games on such a list may be stored locally (e.g., in onboard memory) or remotely (e.g., on a remote database). Additional information that may be displayed on display screen 425 may include whether or not a user has purchased such a game, the amount of time left in a rental period for a game, the size of the game (e.g., 1MB), and information about the gaming device (e.g., 100 MBs of memory available). Any other type of information may be included on any display screen described herein.

[0066] Display screen 450 is one example of the information that may be presented when a location-based game is chosen. Display screen 450 may also contain a static (e.g., transparent) origin functionality such that when a user acknowledges reading the instructions, the system will autonomously record an origin location. As stated above, an origin does not have to be set for a location-based game to be played where movement on a physical playfield correlates to a video game character's movement on a virtual video game playfield.

[0067] Display screen 475 is one example of a multiplayer initialization screen and accompanying functionality. More particularly, display screen 475 may include additional information such as how to, for example, initiate a multiplayer game. In one multiplayer embodiment, the gaming device may generate

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a gaming code unique to that device. Such a code may, for example, include information about the location device and the game being requested. For example, ID#PAC52312, as illustrated, may include PAC to
5 correspond to a particular game (e.g., PACMAN) and 52312 to correspond to the ID of a particular device (e.g., a telephone number) or a particular user that is logged into a device (e.g., user 52312). As in another multiplayer embodiment, a gaming device may include a
10 communications receiver/transmitter to locate if one or more other devices are within range. Such a multiplayer signal may be signaled upon request of a particular multiplayer game. For example, display screen 465 may be initiated if "PACMAN (MULTIPLAYER)"
15 is chosen from a list of games.

[0068] FIG. 5 shows display screens 525, 550, and 575.

[0069] Display screen 525 is a screen that allows a user to chose from a variety of characters for
20 gameplay. In this manner, display screen 525 may be utilized in a multiplayer game such that each player may chose a different character or in a single player game. These characters may have different modes of operation (e.g., different goals, gaming constraints,
25 and characteristics). For example, in PACMAN the goal of PACMAN is to eat pellets and run away, at times, from four ghosts. The ghosts, however, have a goal of killing PACMAN. Each ghost may, however, have different speeds (e.g., different characteristics).
30 Player characteristics may include for example character speed, weapons, fighting styles, ability to do particular actions, or any other characteristic.

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[0070] Display screen 550 may provide the user with a rule-set for the player that is chosen from display screen 525. A location-based game where a user's actual physical location on a physical playfield
5 correlates to a video game character's location on a virtual video game playfield may require that the operational rules of current game be changed. Using PACMAN as an example, in the classic PACMAN, PACMAN is not operable to stray close to maze walls. In an
10 actuality PACMAN game, however, a player may stray close to maze walls and even come into contact with maze walls. Hitting a maze wall may be similar to a user contacting, or passing through, a perimeter of the video game playfield. In this manner, functionality is
15 provided for this scenario. For example, a user may be deducted a particular number of points if that user contacts a maze wall, a game's perimeter/boundary, or an object that a video game character cannot pass through and/or cannot use. For the purposes of this
20 application, such objects will be referred to as impenetrable objects. One alternative to reducing points is to stun the character for a period of time (e.g., not allowing the video game character to move for a period of time), reduce the number of lives of
25 that character (e.g., reduce the number of character lives left by 1), or end the game (e.g., display "GAME OVER" to the user).

[0071] As per another example, the gaming system may be configured to stop the movement of a video game
30 character when a user travels through the location on a physical playfield that correlates to an impenetrable object on a virtual playfield. Thus if a user travels to through a wall, PACMAN may be left behind on the

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side of the wall that the user penetrated. The game may be configured such that the user may regain control of the video game character by returning to, or near, the location where the video game character was left behind.

5 **[0072]** Display screen 575 includes one embodiment of a screen shot from a location-based game, particularly an actuality game PACMAN game. Virtual character 576 is first displayed to a user at the virtual character's origin. As a player moves around a physical playfield, the player's actual location may be translated into a virtual location for virtual character 576. As mentioned above, one of the many ways in determining virtual character movement may be by determining the difference and direction between the user's current location and his/her origin location. Such information may be stored, retrieved, and/or processed as a vector. Thus, as a user runs through a playground, character 26 may through the virtual environment of display screen 20 575. If vectors are used as control signals, these vectors may be communicated to other players such that a multiplayer game is realized. Such vector sharing may be desirable in order to keep the actual location of a user private from opponent users. A user may, however, give an opponent permission (e.g., access to) his/her location such that, for example, the opponent can travel to the same physical playfield as the user.

[0073] Character 577 may be a second character controlled either by a program or by a second player. Character 577 may have a different origin on display screen 575. In this manner, a user may be physically directed to an origin after the first player sets his/her origin so that they are both properly aligned

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on the physical playfield. At any time, a display screen, or a portion of a display screen, may include an outline of a playfield and the user's location on that playfield. If a player has to go to a particular area of the playfield (e.g., to a particular origin position such as area 580) then this display screen may aid a user in setting up a game. Once a player is on the origin, or in an origin area, then the player may be requested to begin gameplay or gameplay may autonomously begin.

[0074] Virtual interactive objects 585 may be provided in an actuality, or location-based game. Such virtual interactive objects may be activated when, for example, a virtual character's location on a virtual playfield nears, contacts, and/or resides in the virtual location of the virtual interactive object on the virtual playfield. Activating an object may cause, for example, the rules of the game to change (e.g., PACMAN can eat a ghost) or the characteristics of a player to change (e.g., the player obtains a particular weapon) for a period of time or until the game, or game-level, ends. In some embodiments, virtual objects may be PICKED UP by a virtual game character (e.g., by a user physically pressing an ACTION button on a controller such as an instruction glove or control buttons on a gaming device). Accordingly, a virtual object may then be PUT DOWN by a virtual game character.

[0075] Alternatively, both user's can have any actual origin (this allows for gameplay between two remote users). As described above, multiple embodiments may be provided that configure each user's gaming system, or the control signals provided to each

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user's gaming system, such that two remote users may play on the same virtual playfield. When playing of the same virtual playfield, the information sent to a user's gaming device of an opponents location may be
5 utilized to generate a virtual character for that opponent on the user's gaming device. In this manner, a user may play an actuality game, or any location-based game, against his/her opponents.

[0076] FIG. 6. shows environment 600 that includes gaming devices 620 and 630. Remote hardware 610 (e.g.,
10 a base station and/or remote processing circuitry) may also included to assist with single player or multiplayer gameplay.

[0077] Remote hardware 610 may be, for example, a
15 remote memory (e.g., a remote database) that wirelessly communicates with one, or both, of devices 620 and 630. Remote hardware 610 may be positioned around the playfield and, for example. emit a local location signal. Devices 620 and 630 may then determine a
20 location based on one or more signals from remote hardware 610. Additional remote hardware 610 may be utilized so that devices 620 and 630 can more accurately obtain their physical positions. For example, three instances of remote hardware 610 may be
25 provided around the playfield such that devices 620 and 630 and utilize the time it takes for these signals (e.g., the difference in time it took to transmit/receive each signal) to triangulate the location of devices 610 and/or 620.

30 **[0078]** Remote hardware 610 may include the functionality of a gaming base station such that the location of each of devices 620 and 630, or control signals indicative of the location of the devices on a

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playfield, is stored/retrieved by devices 620 and/or devices 630 on one or more instances of remote hardware 630. Persons skilled in the art will appreciate that remote hardware 610 is not necessary. Instead, devices 5 620 and 630 may communicate with each other and determine their relation to one another. This may be cost-efficient for simple multiplayer games such as, for example, the classic game of pong where the location devices represent paddles on the virtual video 10 game playfield. In this manner, a "perimeterless" game of pong may be played such that a user may move 1,000 feet to the left to block an incoming pong-ball from passing while, the whole time, the other user moves 1,000 feet to follow the opponent player. Such a 15 perimeterless game, or any location-based game, may provide great a large amount of exercise to a user.

[0079] Device 620 may include one or more displays 621. Such displays may be, for example, visible or semi-visible environment displays such that a user can 20 see the environment around him/her. Images can then be selectively displayed on displays 621 and 622 such that a user can be displayed gaming indicia (e.g., virtual game characters, virtual interactive objects, and virtual impenetrable objects). Virtual game character 25 622 may be provided to device 620 to represent the character that the user of device 620 is controlling. In this manner, the location of a user on an physical playfield may not correlate exactly to the position of the virtual game character on the virtual game 30 playfield. Instead, a "lagging" perspective may be provide such that the character controlled by a user appears at a distance in front of the user (e.g., 5 feet). In this manner, a user may be able to gain

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additional information about the video game (e.g., if another virtual character is chasing him/her). A control may be provided to switch the perspectives of the video game. For example, a control button may be
5 provided to change such a "lagging" perspective to a first-person perspective.

[0080] Furthermore, because the location of device 630 is known, device 620 (or remote hardware 610) may provide an image of the virtual character of device as
10 virtual character 623. Accordingly, virtual character 623 may be generated at the position where device 630 is located on the virtual playfield to represent the user of device 630. In this manner, if the user of device 630 picked PACMAN than virtual character 621 may
15 be PACMAN. For displays that can provide images that completely block-out the environment in front of the user then he/she may not see the user of device 630 (if both users are playing on the same physical playfield) but the virtual character of the opponent. Generation
20 of a user's virtual character, at the virtual character's location on a virtual playfield, on another user's display allows, for example, two users to play the same game on remote physical playfields.

[0081] Any instance of display 621 may be non-
25 visible environment display such that a user is not able to see his/her world - only the virtual playfield. One benefit with a visible or a semi-visible environment device is that a user may move very quickly without the worry of tripping over the physical
30 playfield (e.g., tripping over a rock). As a result, a user may be operable to use a visible, or semi-visible, environment device in more areas (e.g., a rocky field)

than a non-visible environment configuration that is limited to a smooth surface (e.g., a basketball court).

[0082] Display 631 of device 630 shows a visor-type embodiment that does not overlay virtual characters over the positions of physical players on the same physical playfield. Display 631 of device 630 may display other virtual environment indicia 633 (e.g., interactive objects, impenetrable objects, and other virtual characters). Persons skilled in the art will appreciate that virtual environment indicia 633 may include software-controlled gaming characters (e.g., video game characters with artificial intelligence).

[0083] Circuitry 624 and 632 may include, for example, communications devices, processing circuitry, memory, speakers, additional locating devices, and locating receivers/transmitters. Additional locating data may be utilized. For example, the direction that a visor, or a gaming device with a game display, is pointing in may be determined by any number of location devices. For example, four location devices may be provided to determine not only the direction that visor 632 is pointing but also the pitch at which visor 632 is pointed in. Such information may be utilized to determine the user's perspective of the physical environment such that a corresponding perspective may be generated and subsequently displayed to the user. For example, four LPS devices may be provided. Two at the front of the visor at two different heights and two at the back of the visor at two different heights. If a user points his/her head down then the two LPS devices on both sides may record a difference in location and such a difference may be translated into a the pitch of the helmet. The direction that the visor

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is pointing in may be determined by the position of, for example, the average location of the front LPS devices and the average location of the rear LPS devices. Any methods of determining the pitch and/or direction that a device is pointing in may be utilized.

[0084] Persons skilled in the art will appreciate that a base station may be provided that determines images to be displayed to a user and transmits these images to a user at a rate (e.g., 32 frames per second). As a result, the weight of visor 630 may be decreased.

[0085] Turning now to FIG. 7, a compact and inexpensive actuality gaming system is provided as gaming system 700. Gaming system 700 of FIG. 7 may include no physical input devices other than optional ON/OFF switch 710. Alternatively, however, any number of buttons 720 may be provided (e.g., one or more FIRE WEAPON or ACTION buttons). If not additional input controls are provided then, for example, the size of display screen 702 may be maximized. Gaming system 700 may include chain 704 and clip 703 and may be small enough to fit inside a user's pocket. A user may interact with game character 725 through his/her physical location. This location may be determined by any number, or types, of locating devices 701 (e.g., a GPS receiver or an accelerometer). Such a system may set an origin reference autonomously when the game is turned ON or right before the game starts. For example, a game may display that the game will start in a period of time (e.g., 3 seconds). Right before the game starts, an origin position may be read from locating device 701 and stored in a portion of memory that corresponds to an origin). Accordingly, the game

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may call a particularly, pre-defined portion of memory anytime that the origin is needed for gameplay.

[0086] As illustrated, the game of FROGGER is provided on display 702. In such an example, a user
5 may turn ON his/her FROGGER Actuality game and the user's origin may be stored. For embodiments where the origin is stored, the user's location with respect to that position may, for example, be utilized to move FROGGER along a virtual playfield. For embodiments
10 where the origin is not stored, the user's movement may, for example, be utilized to move FROGGER (e.g., an accelerometer may be used. Alternatively, a user's change in location may be utilized. Therefore, if a user's location (e.g., GPS location) changes by five
15 feet than FROGGER's location change by 10 pixels.

[0087] Multiple types of impenetrable (or interactive) objects may be provided in a single game. For example, in FROGGER cars may be impenetrable objects that cause FROGGER to die (e.g., lose a life).
20 Alternatively, the perimeter of the playfield may be an invisible impenetrable object such that when a user leaves a portion of the actual playfield that corresponds to a location of the virtual playfield outside of the perimeter, FROGGER is left behind at the
25 perimeter. FROGGER can then be picked back up again by the user having his/her location correlate to FROGGER's location on the playfield. An additional icon may be provided when such a user goes out of bounds that shows the user where out of bounds the user is located. Such
30 an additional icon may be beneficial to allow a user to more easily find the left-behind game character's position.

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[0088] At the end of each level, for example, a new origin may be autonomously set, the user may be requested to return to the original origin (which may be shown on display 702 along with the user's current position), and/or the user may be prompted to select a new origin. In FROGGER, for example, the origin may be near the boundary of the virtual playfield.

Accordingly, the user may be prompted to select a direction for gameplay. Such a direction may be determined by the device prompting the user to point the device in a particular direction (where the direction the device is pointed in may be displayed to the user) and recording this direction. The origin and/or the direction the user is pointing in may be utilized to calibrate system 700. Such directional information may also be utilized to calibrate an opponents gaming system, or signals sent to an opponents gaming system representative of a user's location on a virtual playfield.

[0089] Persons skilled in the art will appreciate that a gaming systems may take a long period of time (e.g., 30 seconds) to determine a user's location. This may be the result of, for example, a slow processor or a locating device that takes an amount of time to gather a location. A number of games may take advantage of this delay and to provide a unique actuality gaming experience. For example, suppose that a locating device takes 30 seconds to obtain location information. Display 702 may be a grid and a random box in the grid may highlight a particular period of time (e.g., 2 minutes). A count-down timer may be provided to display this, or a different period of time. For example, the count-down timer may display 2

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minutes (time period minus time to determine a location). During the 90 seconds that the timer counts down, the user may be required to run to the next highlighted box. At the end of 90 seconds the user may
5 be prompted to stop and take a 30 second break to catch his/her breath. During this time, a new location may be gathered and a new box on the grid highlighted. Such an example exhibits the functionality that even a simplistic device may provide. In this embodiment, an
10 exercise device may be provided that increases a user's stamina by requesting that the user provide short bursts of movement. The selection of the next grid to be highlighted may result from an algorithm implemented to maximize the amount of calories that a particular
15 user (e.g., a user having a particular weight) burns.

[0090] FIG. 8 shows a number of components that may be included into gaming system 800. Persons skilled in the art will appreciate that components of gaming system 800 may also be utilized in, for example, a
20 gaming base station. Gaming system 800 may include one or more power sources 820, output devices 825, memory devices 830, connection terminals 835, location devices 845, manual input controls 850, wireless transmitters/receivers 855, additional communication
25 transmitters/receivers 860, and additional components 840.

[0091] FIG. 9 shows a few of the many types of location-based gaming systems operable to be constructed in accordance with the principles of the
30 present invention. Particularly, FIG. 9 shows gaming systems 910, 930, and 960.

[0092] System 910 includes gaming system 911. Gaming system 911 may operate as follows. Step 921

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waits until the system is turned ON. When the system is turned ON, a location-based game is initiated (e.g., step 922). The game continues playing until the game is over (determined by step 923). After the game is over, the results (e.g., a score, "GAME OVER," or "GAME WON" may displayed) be displayed in step 924.

5 [0093] System 930 includes gaming system 931 that is operable to be separated into two game systems. When the two game systems are connected together, a single game-system may be provided so that, for example, a larger display screen may be viewed by a user. When a two-player game is selected, the two gaming systems may be separated and information may be transmitted between the two gaming systems (e.g., location information or other opponent control signals).

10 [0094] Persons skilled in the art will appreciate that game cartridges may be utilized so that a system is operable to play any number of games. System 932 may, for example, include a single cartridge port, but may contain two separate memories (one for each of the two individual systems). Alternatively, the system may include one memory device in the system that does not include the game cartridge such that that system (or both systems) may have the entire game, or a portion of the game, written to memory. In this manner, one cartridge may be utilized to supply a game to both systems. In one embodiment, one system may run the game off the cartridge while the other system may run the game off a stored copy of the game that was written to memory on the other system before the two systems were separated. Each system may include, for example, their own power supplies and processors.

[0095] System 931 may operate as follows. When the system is turned ON at step 941, step 942 may initiate to receive location information (and other additional information) from an opponent and transmit location
5 information (and other additional information) to an opponent. When the same location that is transmitted is received at step 943, step 944 may initiate and display the results of the game. Such a game may provide, for example, a global "tag your it" location-
10 based game. The precision of the location may be chosen to change the way such a game is played. For example, the location may represent an area code. Therefore a "tag" occurs only when both players are in the same area code. The less amount of time it takes
15 for a user to make a "tag" may associate to a higher score for that "tag."

[0096] System 960 includes two commercial devices 961 and 962 programmed to play a location-based game. System 960 may operate as follows. While a game is ON,
20 location information is periodically transmitted and received by commercial devices 961 and 962. The games on commercial devices 961 and 962 may then be updated according to the received information. Game, or level, results may be displayed in step 974. Identical
25 results, or customized results, may be displayed to both devices 961 or 962.

[0097] Persons skilled in the art will appreciate that received information is not limited to an opponents location information. For example, if an
30 opponent performs an action (e.g, shoots a gun) that action may be transmitted, in some for, to the user's device such that the display of the user's device shows that action being performed by the opponent. In such a

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manner, a user's device may manipulate gameplay depending on, for example, an opponent's location and an opponent's actions.

5 **[0098]** FIG. 10 shows one embodiment of location-based game 1000. Location based game 1000 may include housing 1001, display 1030, controls 1020 (e.g., a keyboard), and handles 1040.

10 **[0099]** A grid may be included, among other things, on display 1030 that is associated to different location areas that a user may travel in. Character 1091 may be included to represent the grid location on the virtual playfield that the user's actual location on a physical playfield corresponds too. One game functionality may hide unexplored areas of the grid
15 (e.g., grid area 1092). Once the virtual character reaches such a grid area, however, grid 1092 may be uncovered to show what the grid contains (if anything). Past "findings" may be displayed. For example, clue 1093 may be uncovered and permanently displayed (or
20 displayed until a game event occurs).

25 **[0100]** In one game embodiment, a user may have a fixed time to find a treasure on a playfield. Each block that the user uncovers (e.g., travels to), may require the user to win a mini-game. Such a mini-game
30 may include, for example, defeating an enemy. In such an embodiment controls 1020 may be utilized to fight the enemy and display screen 1030 may, for the duration of the fight, replace the grid, or a portion of the grid, with a display screen showing an up-close
perspective of the user's character and the enemy. The user may be given a time period to complete each mini-game. Other mini-games may be, for example, puzzles or other types of games. Such games may be location-based

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games in which movement of system 1000 moves the character in the mini-game. Some of the defeated enemies may not be removed from the game so that a return to the grid coordinate where the defeated enemy resides may result in a new fight with the enemy. Enemies (or other characters) may be inserted into grid coordinates at any time by the game and may move between such grid coordinates. In this manner, a location-based version of the classic game of Zelda maybe realized. Since such a game may be larger than an actual playfield (e.g., a soccer field), an origin may be manually reset at any time where the origin may be representative of a mid-game starting position. For example, if a user reaches the end of his/her physical playfield at the position of the grid that character 1091 resides then the user may reset that location to the origin, turn around, and set that direction and the reference direction. Before this occurred, if the user walked backward, that user may have moved into a grid position down-from the location of character 1091. Now, the user may walk in that same direction, but may move forward into the grid location above character 1091.

[0101] FIG. 11 shows system 1100 in which non-location based game enabled device 1110 is enable to play location-based games with any one of peripherals 1121, 1122, and 1123. Peripheral may include a location system (e.g., a GPS device) and a unique ID that may be utilized for multiplayer use. Alternatively, just a locating device (e.g., a GPS device or an accelerometer) may be provided on peripheral 1121 and software may be utilized in device 1110 to provide an ID for that device (if needed to

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play a particular multiplayer game). Alternatively, peripheral 1122 may be utilized. Peripheral 1122 may include a location system and one or more particular location based games. Alternatively still, peripheral
5 1123 may be provided and may include one or more locating systems, one or more particular location-based games (e.g., actuality games), and a ID (or an ID for each game). Persons skilled in the art will appreciate that like the peripherals of system 1100, a game
10 cartridge may also include a locating device (e.g., an accelerometer or GPS device) and/or an ID for multiplayer use.

[0102] FIG. 12 shows stationary device 1210 and network topology 1250. As mentioned above, stationary
15 devices may also be utilized to control a virtual game character in a location-based game (e.g., an actuality game). As in one PACMAN embodiment, a stationary personal computer may be utilized to play a ghost on a virtual playfield against a person whose physical
20 position on an physical playfield controls PACMAN on that same virtual playfield. The functionality that this, and other embodiments, of the present invention may provide may provide numerous benefits. For example, a father who is a soldier overseas fighting a
25 war may go to a computer and play with his child who is at home playing an actuality game in a school playground. Such a father could also put on, for example, a visor-enabled actuality system or hold a portable visible environment gaming system (e.g.,
30 system 700 of FIG. 7) and go outside of a barracks and physically play a game with, and interact with, his child. As discussed above, such functionality may be obtained without sending a signal representative of

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either user's location (e.g., the distance and direction from a pre-defined origin may be transmitted, not the location itself).

5 **[0103]** Topology 1250 shows a gaming network. Such a gaming network may include any type of communications 1251 (e.g., wire-based or wireless communications). Any number of portable devices 1260 may be connected to the network. Portable devices 1260 may utilize the internet to provide information (e.g., portable devices 10 1260 may submit information through the internet or publish information to a webpage accessible by other components of topology 1250). Similarly, stationary devices 1270 may be included in and may transmit/receive information via the internet or other 15 methods (e.g., wireless through a wireless telephone). One or more remote facilities 1280, or third-party content providers, may be coupled to any component of network topology 1250. Such facilities, or third-party content providers, may, for example, store gameplay 20 information (e.g., a players location information or action information). Such facilities, or third-party content providers, may, for example, provide games for portable devices 1260 and stationary devices 1270 to download.

25 **[0104]** Turning now to FIG. 13, system 1300 is shown that includes user 1301 using gaming device 1360 and controller 1350. Gaming device 1360 and controller 1350 may communicate to each other, and other devices, either wirelessly or through a wire-based connection. 30 Controller 1351 and Gaming device 1390 may include any components included in, for example, system 800 of FIG. 8.

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[0105] For example, controller 1351 may include manual controls 1352 and anonymous controls 1353. Manual controls 1352 may take the form of manual buttons, such as a trigger. As such, controller 1351
5 may take the form of a gun. Autonomous controls 1353 may include a directional device that determines the direction that the gun is pointed in and/or the pitch that the gun is pointed in. Autonomous controls 1352 may also include any number of locating devices such
10 that the location of controller 1351 may be determined. Accordingly, the location of controller 1351 may be determined on a pre-defined, or user-defined, playfield or in the world. Controller 1351 may take any shape. For example, controller 1351 may take the shape of a
15 steering wheel, baseball bat, golf-club, sword, glove, or any other shape a user can interact with.

[0106] Physical interactive objects may also be included with any of the components of controller 1351 that multiple users may physically interact with. Such
20 physical interactive objects may include, for example, a soccer ball, baseball, football. A user's sword may also be an interactive object because an opponents sword may physically interact with that user's sword. Such interaction may provide additional controls
25 signals to a game. For example, the swords may have touch sensors to determine when they are in contact with one another (or if something is in contact with the sword).

[0107] Gaming device 1390 may include a display in
30 which, for example, the virtual playfield and virtual objects (e.g., virtual characters, impenetrable objects, and interactive objects) may be displayed. Gaming device 1390 may also include any number of

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location devices 1362. In this manner, a user may walk through a virtual playfield by using gaming device 1360 and interact with the environment using controller 1351. Accordingly, gaming device 1360 may be, for example, a visor-based device.

[0108] Persons skilled in the art will appreciate that manual buttons may be provided as manual controls on a gaming device or a controller. For example, a SPEED BOOST button may be provided that may propel a user a particular distance forward through a virtual playfield. Alternatively, such a SPEED BOOST button may change the scaling of the player's physical movement to the virtual character's movement such that the speed of the virtual character is increased. Such a SPEED BOOST may last for a period of time or as long as the SPEED BOOST button is pressed. If the SPEED BOOST is used to display a user's location then a new origin may, for example, be determined such that a user's movement on the physical playfield does not cause the virtual character to return to the location on the virtual playfield that virtual character was before the SPEED BOOST was initiated. In this manner, an origin may periodically, or manually, be updated. Generally, an origin is a location reference that the gaming system utilizes to map a virtual playfield to a physical playfield.

[0109] Generally, a game is goal-oriented in nature. The goal may be, for example, to kill a particular character, solve a puzzle, reach a particular destination, or perform a particular action. Generally, such goals are not able to be obtained on a particular physical playfield, but, for example, with

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video game control signals provided by a user's interaction with that physical playfield.

[0110] Looking at FIG. 14, flow chart 1400 is provided that illustrates one embodiment of a multiplayer game where location information may be scaled and shared to multiple users. Flow chart 1440 may start at step 1401 and continue to step 1405 where a first location (e.g., an origin location) is determined.

[0111] Such a location may be determined by retrieving a location reading from a location device or accessing a portion of memory dedicated to storing the most recently determined location by a location device. In this manner a location device may be provided that writes to this dedicated portion of memory every time a new location is determined. Such a dedicated memory may include space to store more than just one location (or information representative of one location). For example, a dedicated memory may store any number of locations (e.g., the last 100 locations). When writing a new location to memory, that location information may overwrite the oldest location stored in such memory. Alternatively, an different user's origin may be obtained in step 1405 by receiving location information from a different user.

[0112] After step 1405 occurs, step 1410 may occur. In step 1410 the next, or a current, location may be utilized (e.g., by a processor). Alternatively, this origin location (and/or information about a user's playfield perimeter) may be transmitted to a different user after step 1405 occurs. Persons skilled in the art will appreciate that numerous steps may be included at any portion of flow chart 1400. For example, once

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an original location is obtained, a virtual game character may be displayed on a virtual playfield at the origin of that virtual playfield (e.g., PACMAN or FROGGER's origin position).

5 **[0113]** Step 1420 may occur after step 1410. As shown above in multiple embodiments multiple ways of scaling a location control input may be utilized. Scaling a location control input may similarly be utilized in many ways. For example, scaling an input
10 may cause a virtual game character to move at a different speed while a particular scaling is being used. Alternatively, multiple devices may have control information that is scaled so that each user may play the same game from remote locations (e.g., "location-
15 synching" two devices) yet even location synching here is optional. For example, no "location-synching" may be included in a game system where no origin is needed at the start of the game, a playfield does not have a perimeter, and only the distance/magnitude moved
20 between two locations is used as a control signal).

[0114] As shown, step 1420 may determine the magnitude between the origin location and the current location in step 1421. Additionally, step 1420 may determine the direction, or angle, between the origin
25 location and the current location in step 1422. Such angle and magnitude information may be stored, for example, as a vector. To determine the angle of the new location, for example, an angle reference vector may be generated based on the origin location and
30 utilized to determine angle offset of new locations based on this angle reference vector. Persons skilled in the art will appreciate that a location reading may take many forms. In some embodiments, a location

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reading may be a latitude and longitude (either on the world or on a local playfield). In other embodiments, a location reading may be a a direction and/or magnitude change or a movement vector. In even other
5 embodiments, a location reading may be a rate of acceleration.

[0115] To illustrate yet another scaling embodiment, suppose step 1420 determines a direction and magnitude change. If in a multiplayer mode (e.g., step 1430)
10 then this information may be transmitted to an opponents gaming system in step 1435. The opponent's gaming system may have past transmitted location information and may utilize the current transmitted information to determine where the user's virtual
15 character has moved to on the virtual playfield. If the user and the opponent are on physical playfields of different sizes, then the control information may have to be scaled. Such scaling may occur before the information is transmitted such that the opponents
20 system may not have to have knowledge of the user's physical playfield. The transmitted information may be scaled (e.g., in step 1422) to a default playfield size (e.g., the system scales to a 100 ft x 100 ft default playfield size). Similarly, the opponents device may
25 scale its own location information to this third, default playfield size (e.g., the system scales to a 100 ft x 100 ft default playfield size). Suppose the user of process 1400 is on a 10 ft. x 10 ft. defined physical playfield. Step 1400 may, for example,
30 multiple each magnitude by 10 such that a location that is on the 10 ft. physical perimeter is associated to the default 100 ft. perimeter. Such 100 ft. information may then be transmitted to an opponent and

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used directly by that opponents system without the need to scale. Suppose the opponent's physical playfield is 200 ft. x 200 ft. Then the opponent's location data may be scaled, for example, by 0.5 and transmitted to
5 the user of process 1400 such that process 1400 does not have to scale incoming data (instead process 1400 may assume data is already scaled). Alternatively, process 1400 may scale incoming data (and may be provided information as to how the incoming data should
10 be scaled). Alternatively, location information may be transmitted and utilized as a percentage to the perimeter and the angle from the origin (such that the perimeter information may not be transmitted). Alternatively, location information may be scaled to,
15 for example, a particular user's playfield (and such information may be shared by the devices). In this manner, two physical playfields may be normalized onto one virtual playfield (even though each system may technically have its own generated virtual playfield).
20 **[0116]** Step 1400 may process the impact of location information on the video game. Particularly, one or more locations may be translated into control signals to the video game and the outcome of such control signals may be determined and utilized to display an
25 updated game to a user. Step 1445 may display a new frame or a sequence of frames to a display to update a game. For example, if an opponent's game system takes an amount of time for location information to be obtained (e.g., 5 seconds), step 1445 may display a
30 sequence of frames, over a period of time, such that the opponent's virtual character's location does not appear to dramatically skip between locations. As per another example, if a particular user performs a

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particular action, a pre-stored animation may play. Such an animation may be displayed as a sequence of frames in step 1445.

[0117] Step 1450 may determine if the games over.

5 In this manner, step 1450 may occur after step 1440. If the game is not over, step 1410 may be repeated. Else, step 1455 may be initiated such that a game ending program is executed (e.g., the game is restarted) or a GAME OVER screen is displayed. After
10 step 1445, the process may end at step 1499.

[0118] Systems and methods for delivering content to a wireless telephone are also provided. For example, data interchange between wireless telephones and the internet, or an intranet, using a minimal number of
15 steps for at least first time users is provided.

[0119] Confirmation that a user is in possession of a wireless telephone may be provided, for example, by having the user respond to a text message from the wireless telephone. Multiple types of content may be
20 downloaded to a user either by themselves or in groups with a single download or email. Multiple links may be included, for example, in a text message to a wireless telephone such that multiple types of content may be downloaded with a single message.

25 **[0120]** If the content (e.g., the location-based game) is free-of-charge then a payment confirmation step may be removed from a download process. Types of content may include, for example, phone numbers, applications, location-based games, ringers, and
30 pictures.

[0121] A data interchange is provided. Users may upload content from a wireless telephone and allow different people, or a select set of people (e.g.,

people that the user has given permission to), to download content to the downloading user's wireless devices (e.g., a wireless Personal Electronic Device). For example, phone numbers may be uploaded and stored
5 on a webpage for a particular user. Thus, a user has a backup of his or her wireless telephone numbers that can then be downloaded to a different wireless telephone. As per another example, the location of a user may be uploaded to a remote server and accessed by
10 people that the user has given permission to.

[0122] Interactive games are provided to wireless telephones by, for example, including a database that can store the game's progress. As in one embodiment, to provide a simple wireless chess game, a user may
15 upload his "next" move onto a remote database. In this manner, a second user may then download this "next" move from the remote database either himself, automatically, or the user may be prompted to do so. In this manner, a user's location may be uploaded to a
20 user database and downloaded to a subsequent user database.

[0123] An automatic update may be provided to a wireless telephone user. In this manner, a user may sign up for a particular service (e.g., daily
25 wallpaper) and, every morning, that user may be provided a different background (e.g., a January 15th Calendar page exhibiting a comic personality) every day or period of time. This feature may be extended to games such that, every morning, a new game level, or a
30 new game, is sent to a user.

[0124] A wireless telephone is provided that is operable to have non-service provider automatic updates without the consent of the wireless telephones user

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every time data is downloaded. For example, a program may be provided to the wireless telephone that allows a user to accept and begin downloading any type of content from a particular entity. This program
5 utilizes the "content provider" descriptor to determine if the content is allowable for download. Thus, a user only has to approve content from the "content provider" once and then all subsequent downloads from that content provider are automatically approved by the
10 program. In order to protect from people falsifying the "content provider field," a wireless telephone may be configured to send a "file receipt message" to a source location (e.g., a wireless telephone may be configured to receive a "source location" description
15 field). If the acknowledgement does not match a shipment by the source location then the wireless telephone may be notified of a falsified transmission and the downloaded material deleted. A service provider (e.g., Sprint PCS) may keep a list of all
20 content origins and may serve as an intermediary to confirm that the file was sent by the third-party content provider acknowledged in the "source location" field.

[0125] A wireless telephone is also provided that is
25 operable to download a file directly without a .GCD, or similar, file. This wireless telephone preferably contains a large amount of memory (e.g., 128MB or 1GB) such that the download of a file of an unrecognizable file type does not result in a user having to delete
30 already downloaded content in order to make room for the new file. The wireless telephone can be configured to provide a message to a user if the downloaded file is of an unrecognizable type. The wireless telephone

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can also connect to a remote database to obtain a list of file types and associated programs and, if a program is associated to a file type, automatically download the program to run the previously unrecognized file type.

5 [0126] Person skilled in the art will appreciate that when playing in a multiplayer mode, or playing a location-based game, other functions of a device may be utilized. For example, a user may be provided the
10 ability to talk to an opponent through that user's gaming system while that user is playing a multiplayer actuality game against the opponent. Such a capability may be provided, for example, by forming a wireless communications message by interspersing frames of data
15 with frames of audio.

[0127] From the foregoing description, persons skilled in the art will recognize that this invention generally relates to providing a control signal to a game that is representative of the physical location of
20 a person in an actual environment and for improving data sharing and exchange in wireless devices such as wireless telephones. Persons skilled in the art will appreciate that the various configurations described herein may be combined without departing from the
25 present invention. It will also be recognized that the invention may take many forms other than those disclosed in this specification. Accordingly, it is emphasized that the invention is not limited to the disclosed assemblies and methods, but is intended to
30 include variations to and modifications therefrom which are within the spirit of the following claims.

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What is Claimed is:

1. A system comprising:
a display;
a locating device operable to determine
the physical location of said locating device on a
5 physical playfield; and
a processor coupled to said display and
said locating device, wherein said processor is
operable to provide a video game comprising a virtual
character with a virtual location on a virtual
10 playfield, wherein said virtual location on said
virtual playfield corresponds to said physical location
on said physical playfield.
2. The system of claim 1, wherein said
locating device is a global positioning system
receiver.
3. The system of claim 1, wherein said
physical playfield comprises a default perimeter.
4. The system of claim 1, wherein said
physical playfield comprises a perimeter selected by
user-inputs.
5. The system of claim 1, wherein said
locating device is a local positioning system receiver.
6. The system of claim 1, further
comprising:
a memory coupled to said processor,
wherein said video game is stored in said memory.
7. The system of claim 6, wherein location
information based on said physical location, and

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obtained from said locating device, is stored in said memory.

8. The system of claim 7, wherein said location information comprises a set of coordinates.

9. The system of claim 7, wherein said location information comprises a vector having a magnitude component and a directional component.

10. The system of claim 1, further comprising:

a transmitter, wherein said processor determines an origin location at a point in time in
5 said video game and transmits origin information based on said origin location.

11. The system of claim 1, further comprising:

a directional device, wherein said directional device is operable to determine the
5 physical direction of said directional device on said physical playfield.

12. The system of claim 11, wherein said virtual character is operable to point in a virtual direction on said virtual playfield and said virtual direction on said virtual playfield corresponds to said
5 physical direction on said physical playfield.

13. The system of claim 1, further comprising:

manual controls for controlling non-located based aspects of said virtual character.

14. The system of claim 1, further comprising:

5 a receiver for obtaining remote origin information based on a remote origin location, wherein said processor configures the operation of said video game based on said remote origin information.

15. The system of claim 1, further comprising:

5 a remote memory, wherein physical location information is operable to be stored in said remote memory when said physical location is determined and said physical location information is based on said determined physical location.

16. The system of claim 1, wherein said locating device is housed in a wireless telephone.

17. A method for controlling a character in a location-based video game comprising:

5 determining a first physical location of a locating device on a physical playfield;
mapping a video game environment around said first physical location; and
placing said character in said video game environment based on said first physical location.

18. A method for providing a remote multiplayer location-based video game:

5 obtaining a first physical location of a first locating device on a first physical playfield;
obtaining a second physical location of a second locating device on a second physical

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playfield, wherein said first physical playfield is
remote from said second physical playfield; and

operating a video game such that first
10 locating information from said first locating device
represents a first virtual character on a virtual
playfield and second locating information from said
second locating device represents a second virtual
character on said virtual playfield.

15

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

Abstract of the Disclosure

A location-based game system is provided.

5 Such a system may take the form of any device (e.g., a
wireless telephone) that includes a locating device
(e.g., a GPS system).

One such location-based game may operate such
that the actual, physical location of a user on a
10 physical playfield corresponds to the location of a
virtual character on a virtual playfield. Such
location based games are referred to herein as
actuality games.

In one multiplayer actuality embodiment, two
15 game devices may communicate location, and other,
information to a remote database such that the two
user's may interact on different physical playfields,
but play on the same virtual playfield.

A number of wireless communications
20 protocols, self-configuration, and auto-download
software applications are also provided to optimize
integration with, for example, a wireless telephone.

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SMALL ENTITY
JDM/005

DECLARATION

I, Jeffrey D. Mullen, declare that I am a citizen of the United States of America, respectively residing at and having post office addresses at 1 Mercer Court, Scarsdale, New York 10583; and

that I verily believe myself to be the original and first inventor of the invention or discovery in:

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

which is described and claimed in the attached specification, and for which a patent is sought;

that I have reviewed and do understand the content of said specification, including the claims, and acknowledge my duty to disclose to the United States Patent and Trademark Office information known by myself to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

that I do not know and do not believe that this invention or discovery was ever known or used in the United States of America before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application; or in public use or on sale in the United States of America more than one year prior to this application; that this invention or discovery has not been patented or made the subject of an inventor's certificate issued before the date of this application in

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any country foreign to the United States of America on an application filed by myself or my legal representatives or assigns more than twelve months prior to this application; and that no application for patent or inventor's certificate on this invention or discovery has been filed in any country foreign to the United States of America by myself or my legal representatives or assigns;

I hereby claim the benefit under Title 35, United States Code § 119(e) to the United States provisional applications listed below.

<u>60/499,810</u> (Application Serial No.)	<u>September 2, 2003</u> (Filing Date)
<u>60/---,----</u> (Application Serial No.) (Docket No. JDM/007 titled "Wireless Devices With Flexible Monitors and Keyboards")	<u>August 20, 2004</u> (Filing Date)

and I request that communications be sent to:

Jeffrey D. Mullen
1 Mercer Court
Scarsdale, New York 10583

and that telephone calls be directed to:

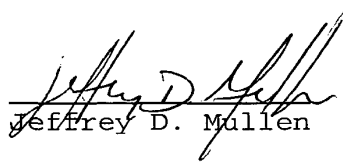
Jeffrey D. Mullen
(914) 837-7741

Wherefore, I pray that Letters Patent be granted to myself for the invention or discovery described and claimed in the attached specification and claims, and I hereby subscribe my name to the foregoing specification, claims, and declaration.

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

09/01/2004
Date


Jeffrey D. Mullen

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100

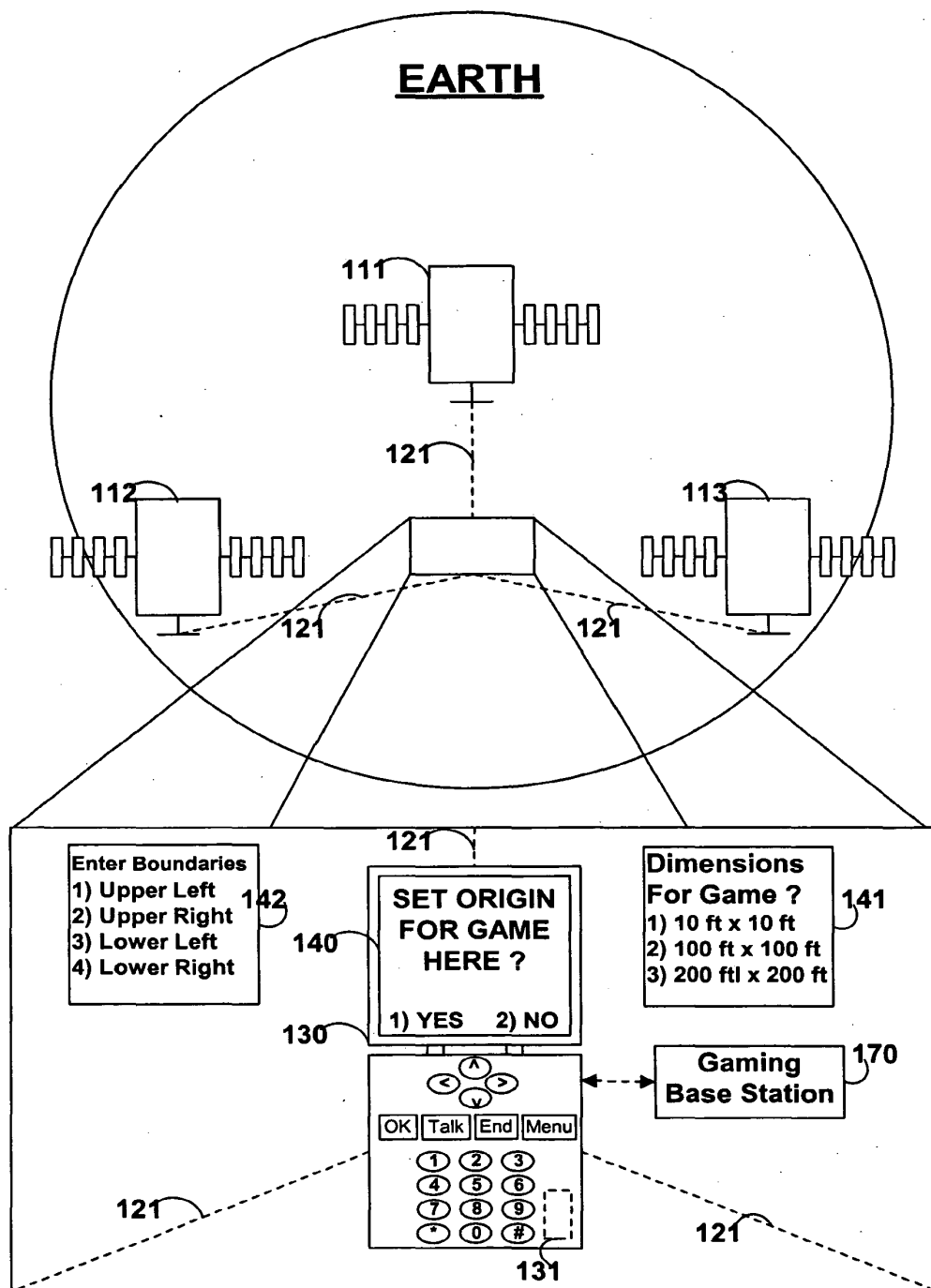


FIG. 1

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200

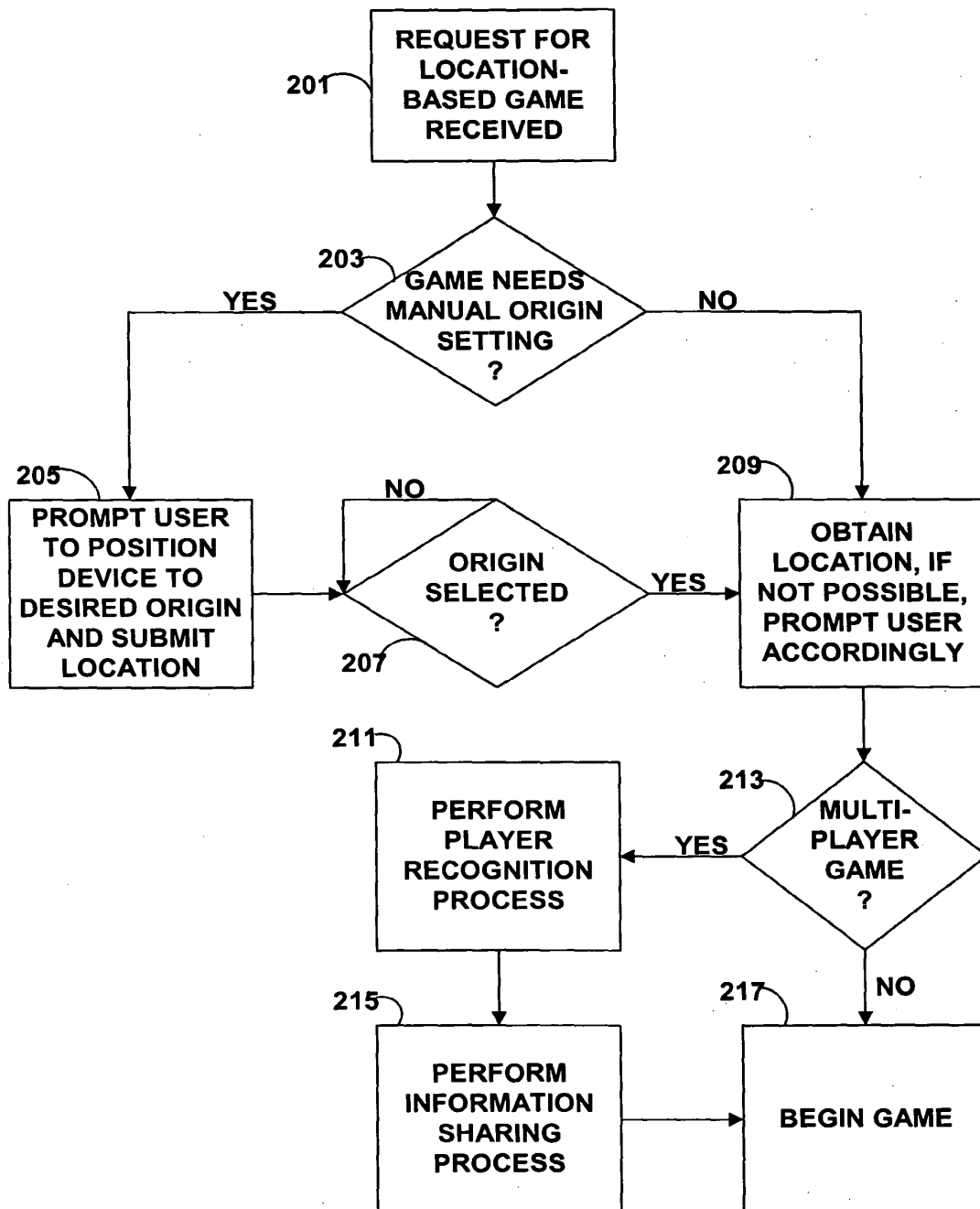


FIG. 2

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300

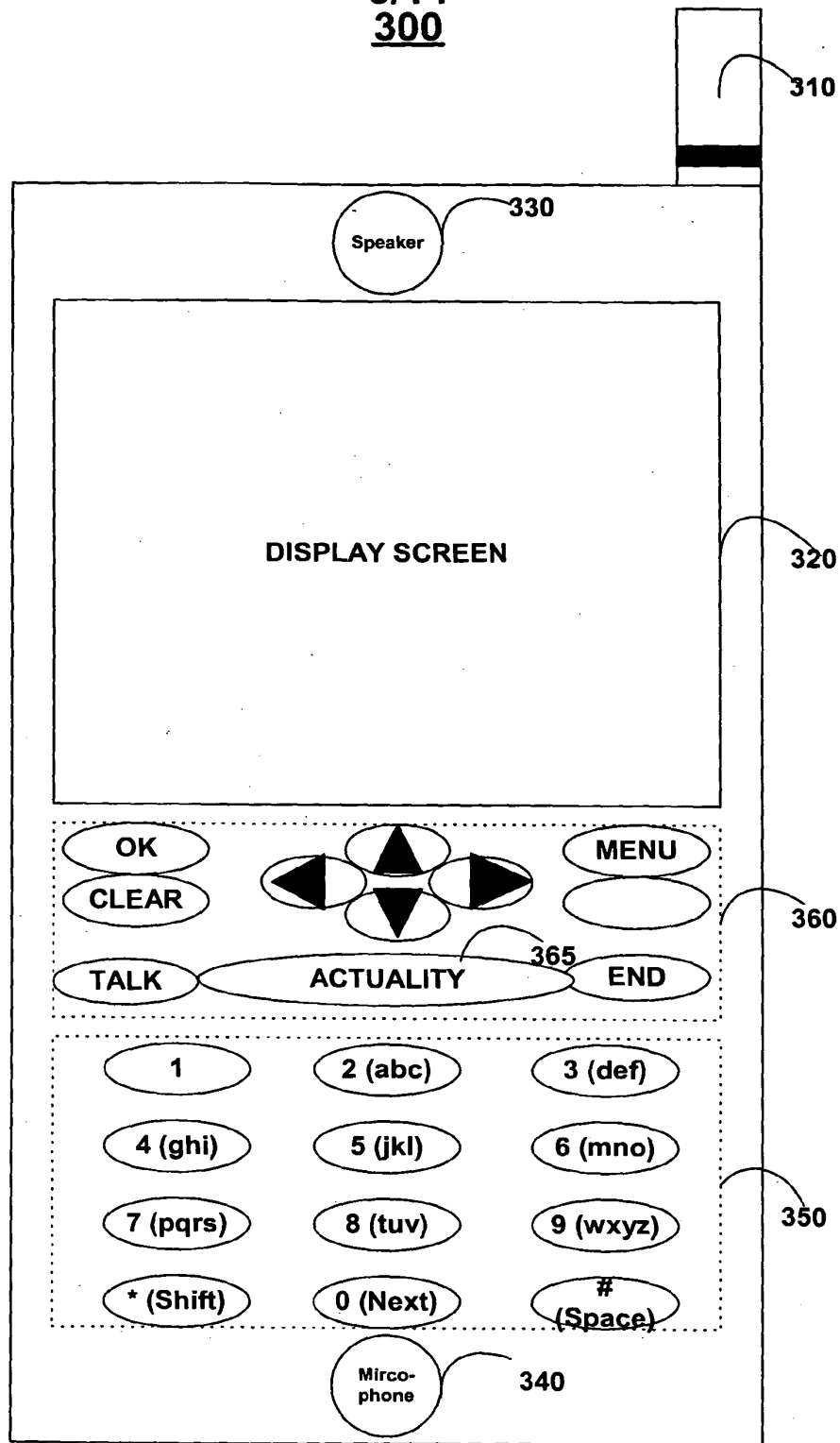


FIG. 3

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425

PICK LOCATION BASED GAME

- 1) PACMAN
- 2) Frogger
- 3) Track
- 4) SPACE INVADERS
- 5) BUBBLES
- 6) TREASURE HUNTERS
- 7) ZELDA
- 8) PONG
- 9) Football

450

YOU PICKED PACMAN!

PACMAN is a location-based game, pressing OK will mark your current location as pacman's origin in the maze. Press OK to begin. You will need an open area of 200 feet x 200 feet to play the game.

475

PACMAN IS A MULTI-PLAYER GAME

If you want to play with a remote player press 1 and enter in player device ID or send this game ID, ID#PAC52312, to player.

If a local player wants to join, have player place device within 1 feet of this device.

FIG. 4

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525

MULTIPLAYER FOUND

One additional device has been found. Chose your character from the list of available characters.

- 1) PACMAN
- 2) Ghost

550

Rules for Actuality PACMAN

Actuality PACMAN lets you play as PACMAN. Since you have selected Pacman, your mission is to literally run through the maze, your device will represent pacman's location, and gobble pellets while you flee ghosts (3 computer controlled, 1 player controlled). When powered up, you can consume ghosts, you cannot go through walls. Hitting a wall will recalibrate or position (or in certain modes simply cost you 100 points).

575

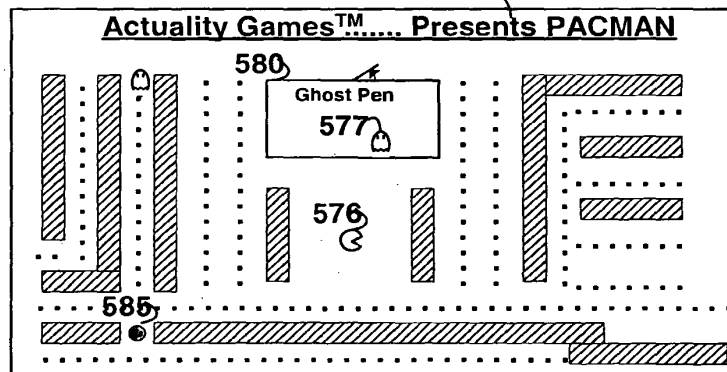


FIG. 5

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600

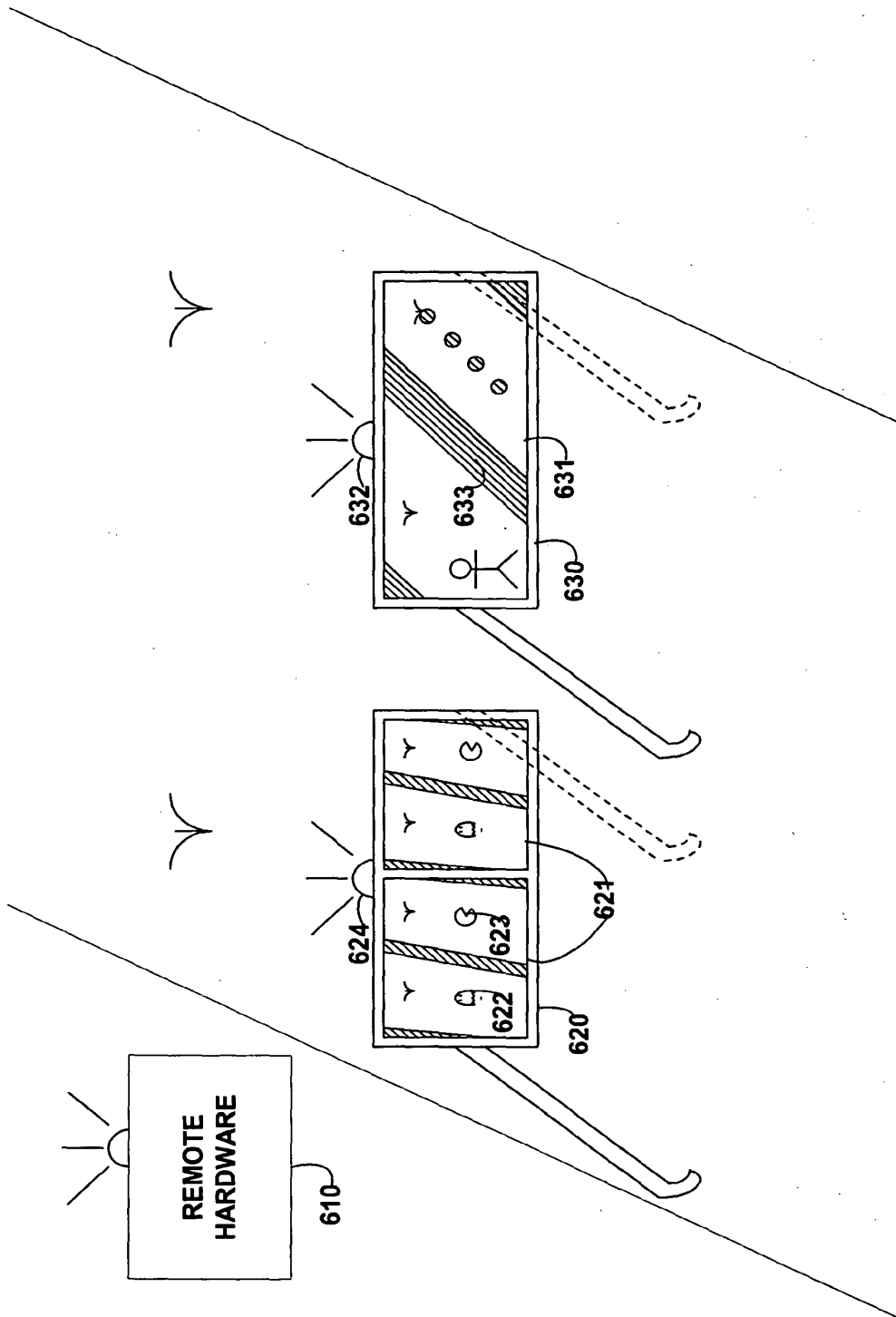


FIG. 6

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700

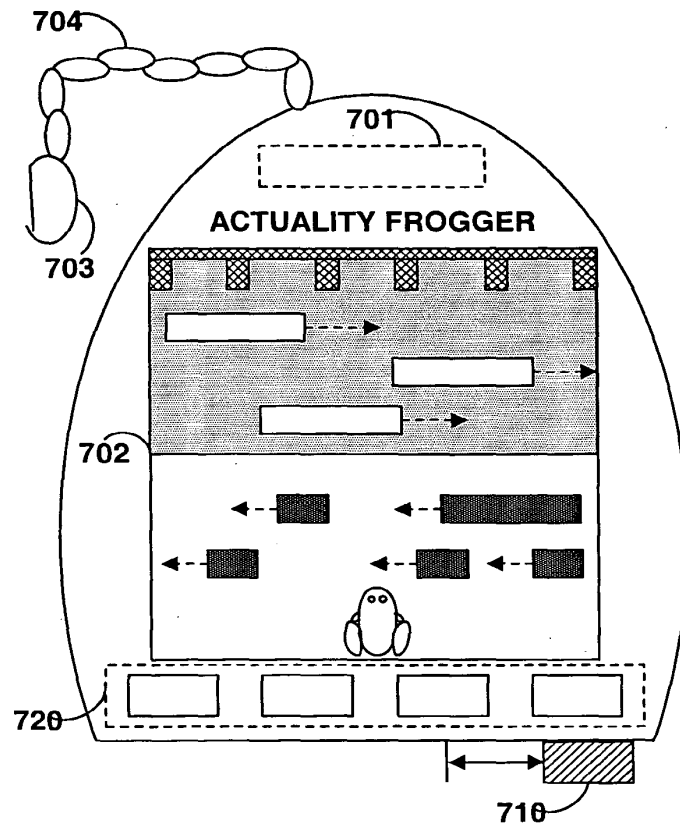


FIG. 7

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8/14
800

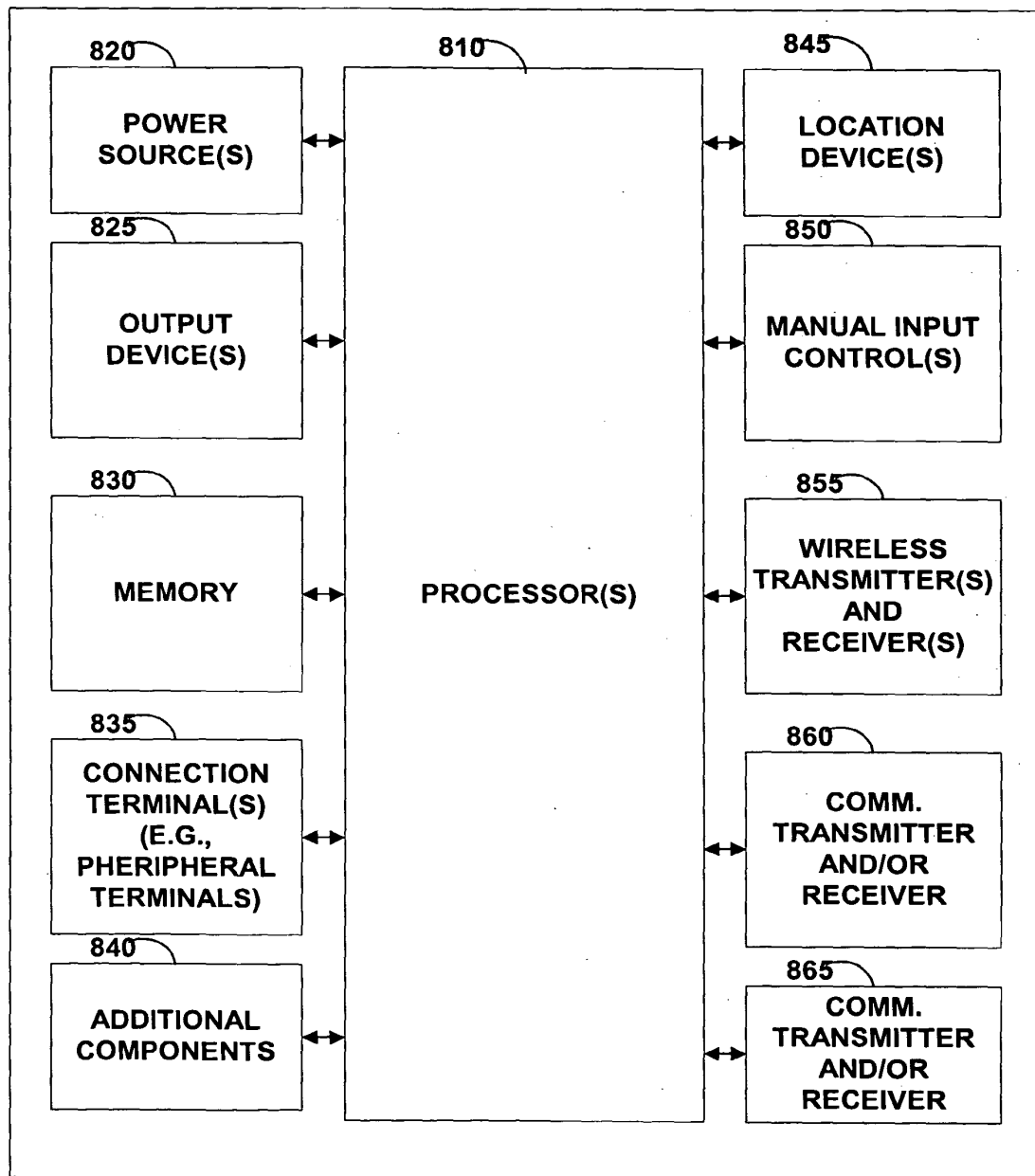


FIG. 8

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900

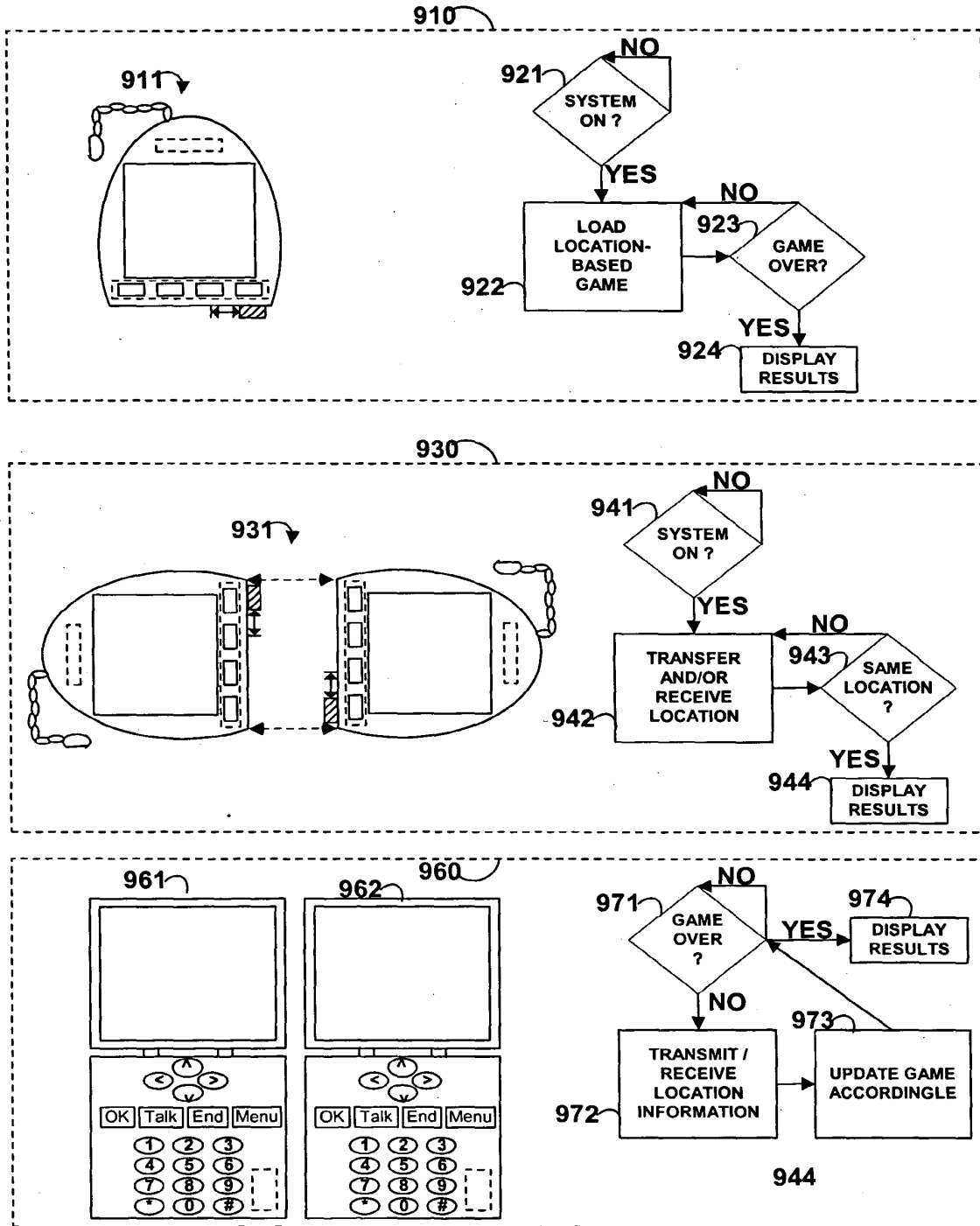


FIG. 9

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10/14
1000

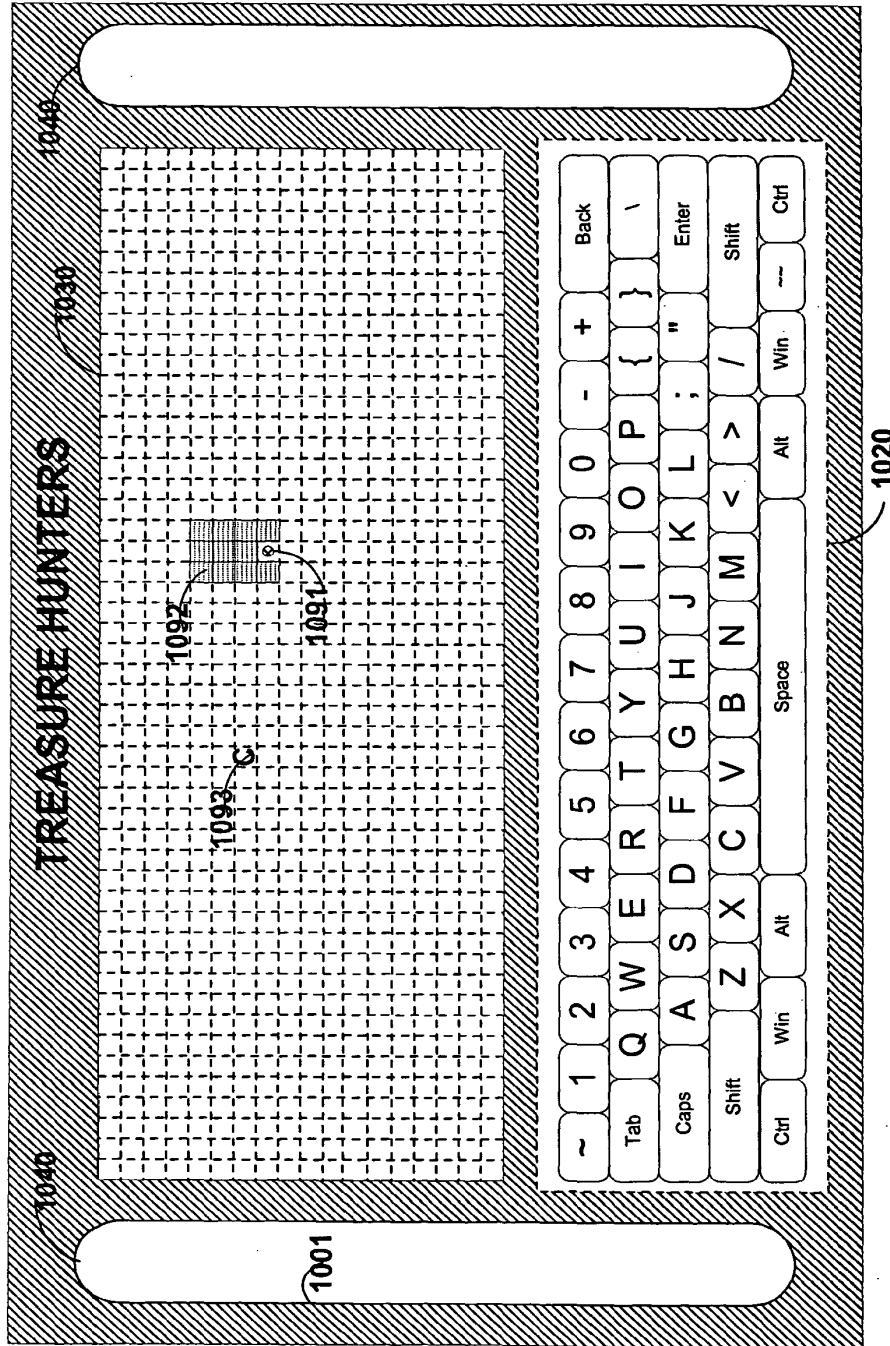


FIG. 10

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1100

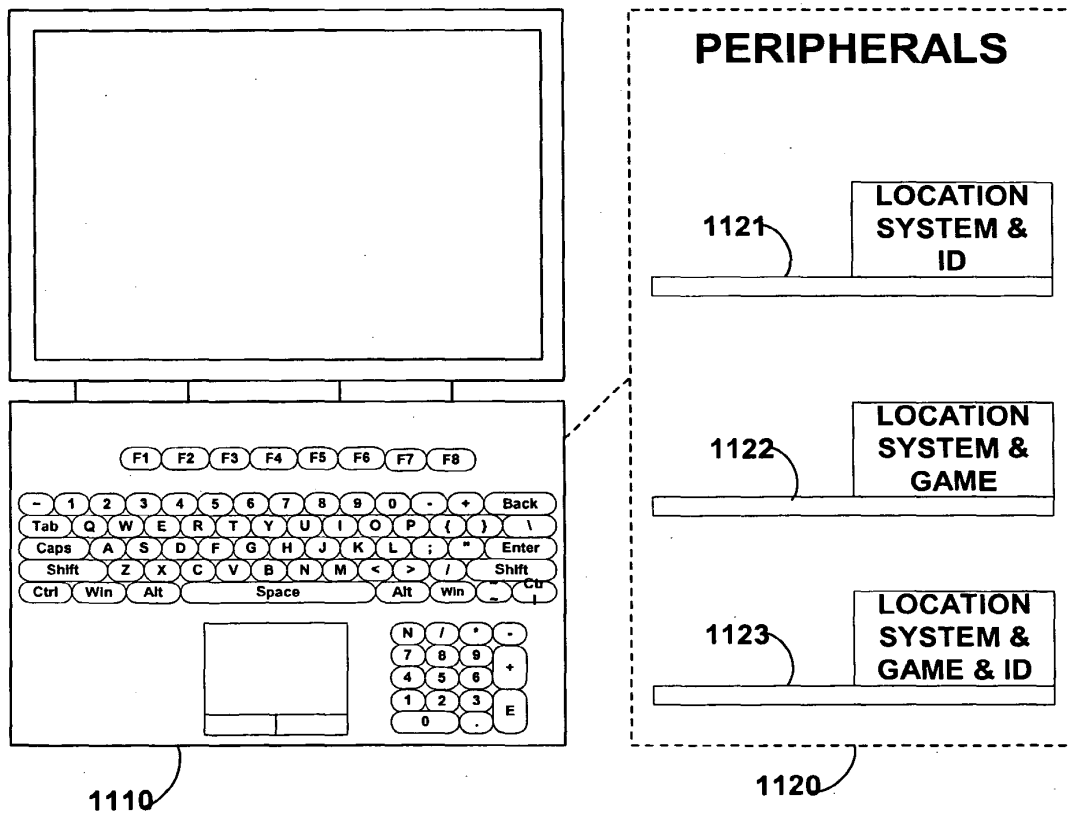


FIG. 11

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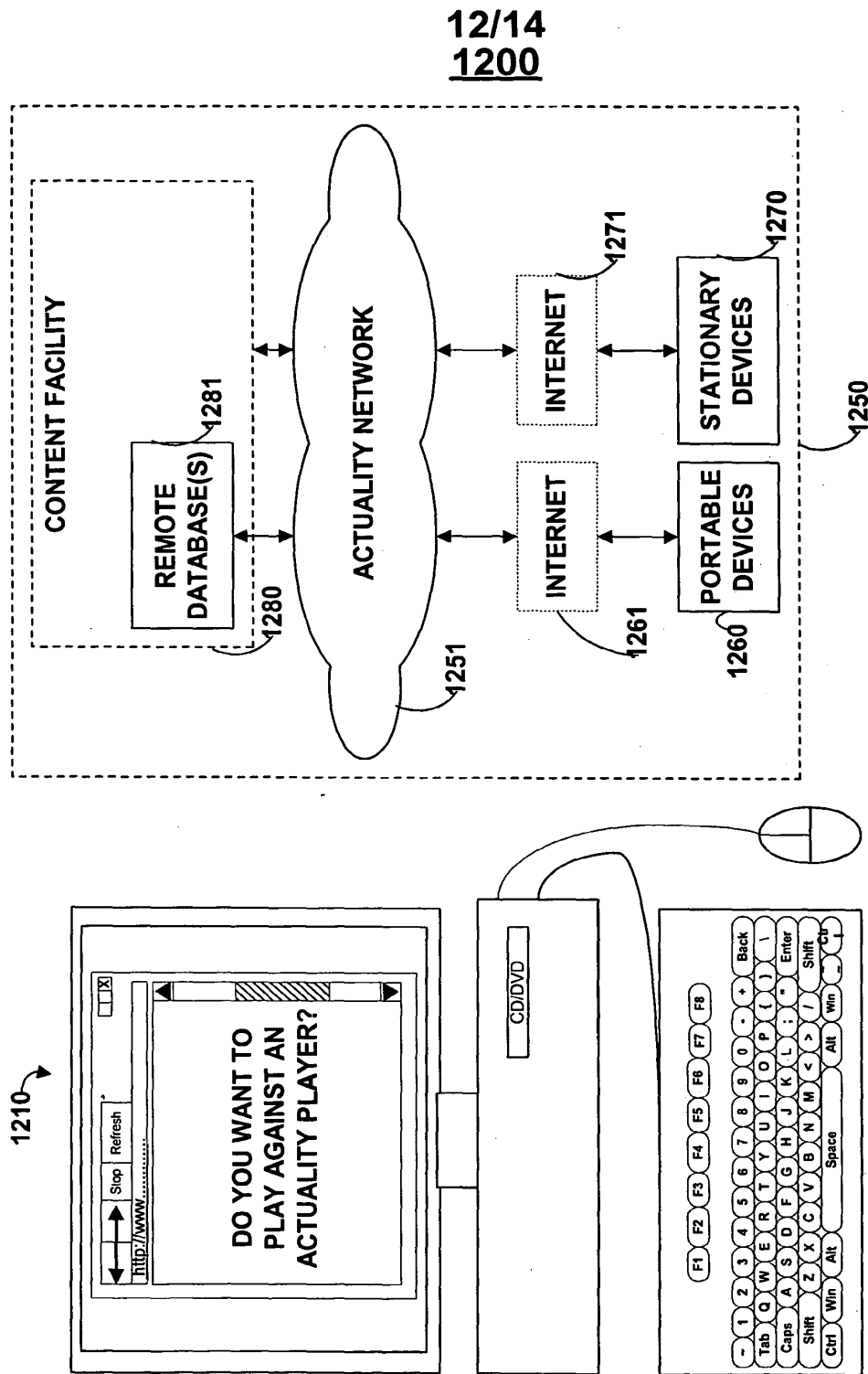


FIG. 12

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1300

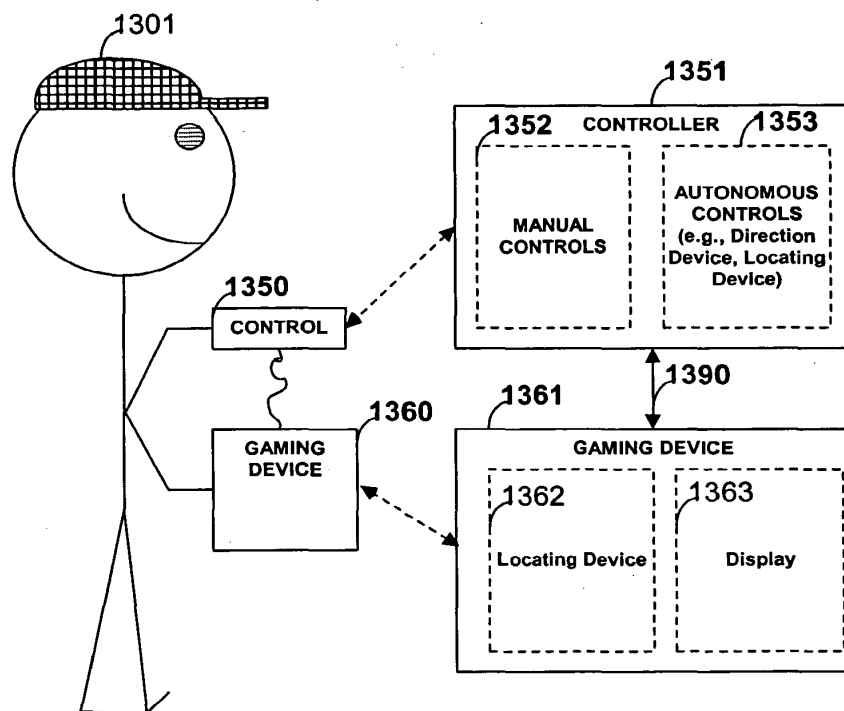


FIG. 13

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1400

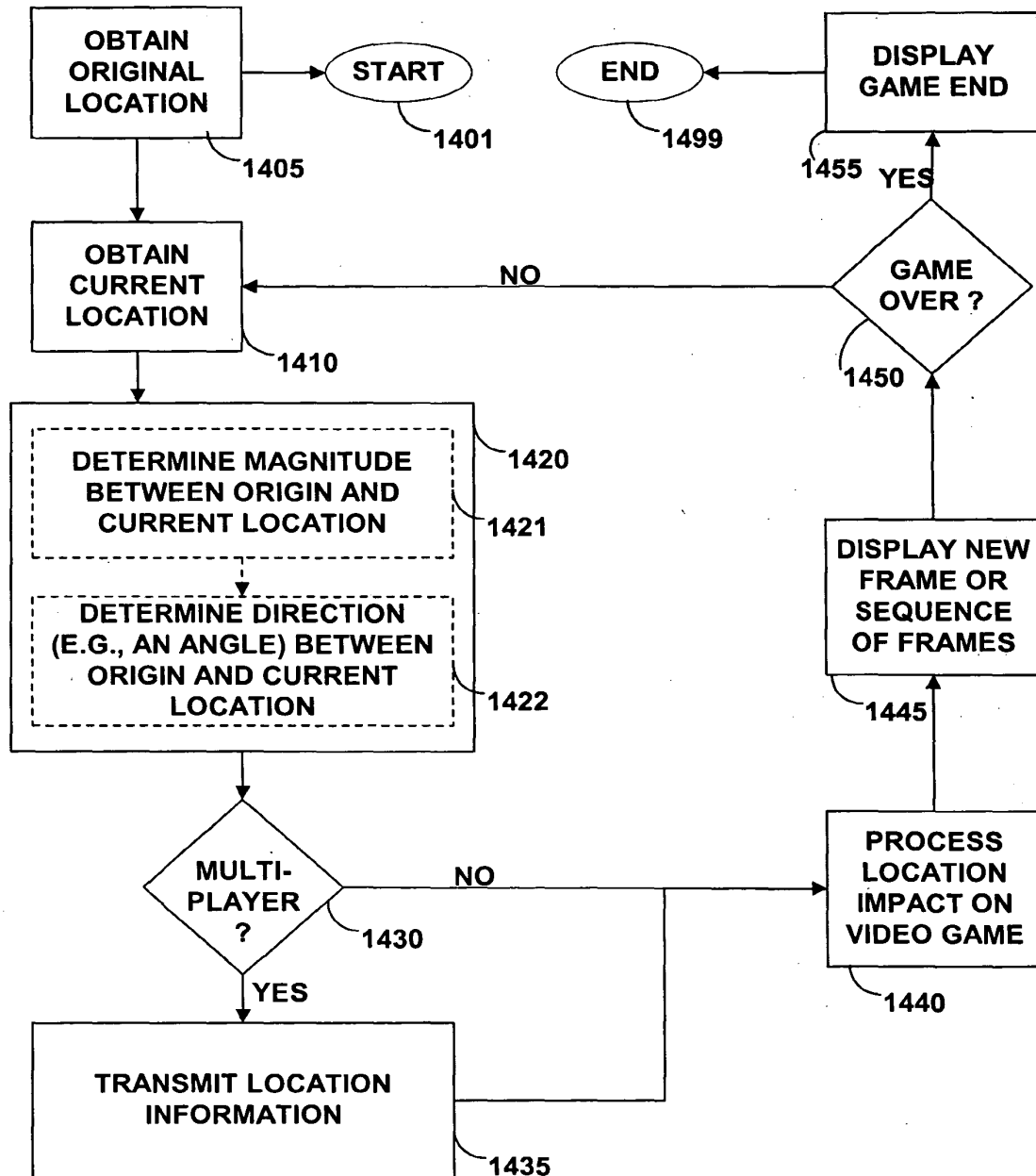


FIG. 14

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/005 CON6
		Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATION ENABLED DEVICES		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

- ☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1				
Applicant Authority ☒ Inventor		☐ Legal Representative under 35 U.S.C. 117		☐ Party of Interest under 35 U.S.C. 118
If applicant is not an inventor, indicate the authority to file for the patent on behalf of the inventor, the inventor is:				
Prefix	Given Name	Middle Name	Family Name	Suffix
	Jeffrey	David	Mullen	
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service				
City	Pittsburgh	State/Province	PA	Country of Residence ⁱ USA
Citizenship under 37 CFR 1.41 (b) ⁱ		USA		
Mailing Address of Applicant:				
Address 1		731 South Negley, Apt. 2		
Address 2				
City	Pittsburgh	State/Province	PA	
Postal Code	15232	Country ⁱ	USA	
If the representative for the inventor is an Organization check here. ☐				
Prefix	Given Name	Middle Name	Family Name	Suffix
Residence Information of the Inventor's Representative:				
Residence Information (Select One) ☐ US Residency ☐ Non US Residency ☐ Active US Military Service				
City		State/Province		Country of Residence
Citizenship under 37 CFR 1.41 (b) ⁱ				
Mailing Address of the Inventor's Representative:				
Address 1				
Address 2				
City		State/Province		
Postal Code		Country ⁱ		

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/005 CON6
		Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATION ENABLED DEVICES		

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
☐ An Address is being provided for the correspondence information of this application.	
Customer Number	32733
Email Address	Jmullen54@aol.com

Application Information:

Title of the Invention	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATION ENABLED DEVICES		
Attorney Docket Number	JDM/005 CON6	Small Entity Status Claimed ☒	
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)		Suggested Figure for Publication (if any)	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/005 CON6
		Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATION ENABLED DEVICES		

Publication Information:	
☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ US Representative (37 CFR 11.9)
Customer Number	32733		

Domestic Priority Information:

This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status			
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
This application	Continuation of	10/932,536	2004-09-01
10/932,536	Non Provisional of	60/499,810	2003-09-02
10/932,536	Non Provisional of	60/603,481	2004-08-20
Additional Domestic Priority Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
Application Number	Country i	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☒ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/005 CON6
		Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATION BASED GAMES AND EMPLOYMENT OF THE SAME ON LOCATION ENABLED DEVICES		

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.				
Assignee 1				
If the Assignee is an Organization check here. ☐				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information:				
Address 1				
Address 2				
City		State/Province		
Country i		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Assignee Data may be generated within this form by selecting the Add button.				

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature	/Jeffrey D. Mullen/		Date (YYYY-MM-DD)	2007-08-20	
First Name	Jeffrey	Last Name	Mullen	Registration Number	52,056

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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

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

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

8/20/07

PTO/SB/06 (12-04)

Approved for use through 7/31/2006. OMB 0651-0032

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

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

PATENT APPLICATION FEE DETERMINATION RECORD						11/841,889	
Substitute for Form PTO-875							
APPLICATION AS FILED – PART I							
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))					75		
SEARCH FEE (37 CFR 1.16(k), (l), or (m))					250		
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))					100		
TOTAL CLAIMS (37 CFR 1.16(j))	6	minus 20 =		X 25=		X 50=	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4	minus 3 =		X 100=	100	X 200=	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				N/A		N/A	
				TOTAL	525	TOTAL	
* If the difference in column 1 is less than zero, enter "0" in column 2.							
APPLICATION AS AMENDED – PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)	OTHER THAN SMALL ENTITY
	Total (37 CFR 1.16(i))	*	Minus	**	=	X	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X	=
	Application Size Fee (37 CFR 1.16(s))					N/A	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					TOTAL	ADDITIONAL FEE
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)	OTHER THAN SMALL ENTITY
	Total (37 CFR 1.16(i))	*	Minus	**	=	X	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X	=
	Application Size Fee (37 CFR 1.16(s))					N/A	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					TOTAL	ADDITIONAL FEE
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.							

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

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