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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/190,852	06/23/2016	Katherine Marie Mann	101058.000478	3256

136593 7590 02/02/2018
Baker & Hostetler LLP - Amazon
2929 Arch Street
Cira Centre, 12th Floor
Philadelphia, PA 19104-2891

EXAMINER
LIDDLE, JAY TRENT

ART UNIT	PAPER NUMBER
3716	

NOTIFICATION DATE	DELIVERY MODE
02/02/2018	ELECTRONIC

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

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

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

eofficemonitor@bakerlaw.com

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No. 15/190,852	Applicant(s) MANN, KATHERINE MARIE	
	Examiner Jay Trent Liddle	Art Unit 3716	AIA (First Inventor to File) Status Yes

-- 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 _____.

☐ 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) 1-20 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) 1-20 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 06/23/2016 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: _____.

Twitch Interactive, Inc. v. CP Studios LLC
IPR2026-00414
CP Studios Exhibit 2013
Page 2 of 22

DETAILED ACTION

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Claim Rejections - 35 USC § 101

2. 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.

3. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Claims 1-20 are directed to receiving data from a source (receiving an indication the game user is broadcasting...retrieving data identifying a number of user devices to which the game user is broadcasting the game content), analyzing the data (determining the number satisfies a threshold), and then providing an outcome in accordance with the analyzation (based upon the determination providing extended game content to the user). Such claim limitations have been determined by the courts to be an abstract idea (*See Electric Power*). While the particulars of claim have been addressed, the other independent claims are even broader than claim 1 and thus also seek to patent an abstract idea. While the claims include items that are not an abstract idea, e.g. "non-transitory computer readable storage media" these are generic computing parts and do not rise to the level of significantly more than the abstract idea. Further, the dependent claims have been analyzed and do not cure the deficiencies of the independent claim.

Claim Rejections - 35 USC § 102

4. 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 –
>
> (a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.
>
> (a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

5. Claims 17 and 20 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by US Patent Application Publication No. 2003/0100375 to Wakae.

With regard to **claim 17** Wakae discloses one or more non-transitory computer-readable storage media having stored thereon instructions that, upon execution on at least one computing node of a plurality of computing nodes, cause the at least one computing node to perform operations comprising: serving video game content to a plurality of game players ([0077]-[0083] wherein it is noted that at least two players must have been served the content as it discusses in [0083]); receiving an indication one of the plurality of game players has initiated a session via a communication system ([0080]-[0081] the player logs into the system; it is here noted that this limitation is so entirely broad that literally all online games would read on this limitation and the next); and determining based at least upon the indication one of the plurality of game players initiated a session via a communication system, to provide additional video game content to the one of the plurality of game players (fig. 11; [0077]-[0082]).

With regard to **claim 20**, Wakae discloses receiving an indication the session via the communication system has terminated; and determining, based at least upon the indication the session via the communication system has terminated, to cease providing additional video game content to the one of the plurality of game players ([0077]-[0083] wherein once players are no longer logged into the gaming system they have to relog in to gain access again to the extra content, thus reading on the claim).

6. Claims 17 and 19 are rejected under 35 U.S.C. 102(a)(2) as being anticipated by US Patent No. 9,604,132 to Wiklem.

With regard to **claim 17**, Wiklem discloses one or more non-transitory computer-readable storage media having stored thereon instructions that, upon execution on at least one computing node of a plurality of computing nodes, cause the at least one computing node to perform operations comprising: serving video game content to a plurality of game players (col. 13, lines 44-50); receiving and indication one of the plurality of game players has initiated a session via a communication system (col. 13, lines 44-50; col. 15, lines 45-59); and determining, based at least upon the indication one of the plurality of game players has initiated a session via a communication system, to provide additional video game content to the one of the plurality of game players (col. 13, lines 44-50; col. 15, lines 45-59).

With regard to **claim 19**, Wiklem discloses that receiving an indication one of the plurality of game players has initiated a chat session (col. 15, lines 45-59).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found on the Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay Trent Liddle whose telephone number is (571)270-1226. The examiner can normally be reached on Monday - Friday 9:00AM - 5:30PM.

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, 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.

/Jay Trent Liddle/
Primary Examiner, Art Unit 3716

Notice of References Cited	Application/Control No. 15/190,852	Applicant(s)/Patent Under Reexamination MANN, KATHERINE MARIE	
	Examiner Jay Trent Liddle	Art Unit 3716	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2003/0100375 A1	05-2003	Wakae, Makoto	A63F13/10	463/43
*	B	US-2014/0274359 A1	09-2014	Helava; Seppo Takashi	A63F13/00	463/29
*	C	US-2015/0072786 A1	03-2015	Perry; David	A63F13/10	463/31
*	D	US-2015/0335999 A1	11-2015	SHIMIZU; Yuji	A63F13/35	463/42
*	E	US-2016/0166939 A9	06-2016	CHUDLEY; MARTYN RICHARD	A63F13/55	463/31
*	F	US-2017/0006322 A1	01-2017	DURY; CHRISTOPHER PAUL	H04N21/254	1/1
*	G	US-9,604,132 B1	03-2017	Wiklem; Brian Joseph	A63F13/12	1/1
*	H	US-9,597,586 B1	03-2017	Wiklem; Brian Joseph	A63F13/12	1/1
*	I	US-9,715,789 B1	07-2017	Kane; Michael	G07F17/3274	1/1
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Katherine Marie Mann	**Confirmation No.: 3256**
Application No.: 15/190,852	**Group Art Unit: 3716**
Filing Date: June 23, 2016	**Examiner: Jay Trent Liddle**
For: Broadcast Dependent Content Delivery	

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

Dear Commissioner:

REPLY PURSUANT TO 37 CFR § 1.111

In response to the Official Action dated February 2, 2018, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

☐ **Amendments to the Specification** begin on page of this paper.

☐ **Amendments to the Abstract** begin on page of this paper.

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

☐ **Amendments to the Drawings** begin on page of this paper and include an attached replacement sheet.

☒ **Remarks** begin on page 7 of this paper.

☒ The Commissioner is hereby authorized to charge any fee deficiency, charge any additional fees, or credit any overpayment of fees, associated with this application in connection with this filing, or any future filing, submitted to the U.S. Patent and Trademark Office during the pendency of this application, to Deposit Account No. 23-3050.

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

Listing of Claims:

1. (Currently Amended) A system comprising:

a plurality of communicatively coupled computing nodes forming a multi-node network; and

one or more non-transitory computer-readable storage media having stored thereon instructions that cause the one or more computing nodes to perform operations comprising:

serving game content to a game client executing on a client device, the game client associated with a first game user;

receiving, from a broadcast streaming server, an indication the first game user is broadcasting the game content from the game client to one or more user devices via [[a]] the broadcast streaming server, wherein the broadcast streaming server maintains data identifying requested streaming sessions, game users that requested the streaming sessions, and numbers of viewers of the streaming sessions;

retrieving, from the broadcast streaming server, data identifying a first number of ~~user devices~~ viewers to which the first game user is broadcasting the game content;

determining the first number of ~~user devices~~ viewers to which the first game user is broadcasting the game content satisfies a threshold;

determining, based at least upon the indication the first game user is broadcasting the game content to one or more user devices and the first number of ~~user devices~~ viewers satisfying the threshold, to provide extended game content to the ~~content~~ first game user; and

providing the extended game content to the game client on the client device.

2-3. (Canceled)

4. (Currently Amended) The system of claim 1, further comprising:

determining the first game user has stopped broadcasting the game content from the game client to one or more user devices; and

ceasing to provide the extended game content to the game client on the client device.

5. (Currently Amended) A method, comprising:

serving, by a content server, content to a client device associated with a first content user;

receiving, by the content server, from a broadcast streaming server, an indication the first content user is broadcasting content received from the content server to one or more viewers via [[a]] the broadcast streaming server, wherein the broadcast streaming server maintains data identifying requested streaming sessions, content users that requested the streaming sessions, and numbers of viewers of the streaming sessions;

determining, by the content server, based at least upon the indication the first content user is broadcasting content to one or more viewers, to provide additional content to the first content user; and

serving, by the content server, the additional content to the client device.

6. (Original) The method of claim 5, wherein:

serving content to the client device comprises serving game content.

7. (Currently Amended) The method of claim 6, wherein:

determining to provide additional content to the first content user comprises determining to provide additional game content to the first content user; and

serving the additional content to the ~~content~~ client device comprises serving the additional game content.

8. (Original) The method of claim 7, wherein additional game content comprises one or more of the following: an additional game character; an additional game scenario; an additional game feature; or an additional game function.

9. (Currently Amended) The method of claim 5, further comprising:

receiving data identifying a first number of viewers to whom content is being broadcast by the first content user via the broadcast streaming server.

10. (Currently Amended) The method of claim 9, wherein receiving data identifying a first number of viewers to whom content is being broadcast by the first content user comprises receiving data identifying a first number of viewers from the broadcast streaming server.

11. (Currently Amended) The method of claim 10,

wherein determining to provide additional content to the first content user comprises determining, based at least upon the indication the first content user is broadcasting content to one or more viewers and the first number of viewers to whom content is being broadcast by the first content user, to provide additional content to the first content user.

12. (Currently Amended) The method of claim 11,

wherein determining based at least upon the first number of viewers to whom content is being broadcast by the first content user to provide additional content to the first content user comprises determining the first number of viewers to whom content is being broadcast exceeds a threshold.

13. (Currently Amended) The method of claim 5,

wherein receiving an indication the first content user is broadcasting content from the content server to one or more viewers comprises receiving the indication from the broadcast streaming server.

14. (Currently Amended) The method of claim 5, further comprising:

receiving, by the content server, data identifying the first content user is engaged in a chat session with at least one of the one or more viewers;

wherein determining to provide additional content to the first content user comprises determining, based at least upon the data identifying the first content user is engaged in a chat session and the indication the first content user is broadcasting content to one or more viewers, to provide additional content to the first content user.

15. (Currently Amended) The method of claim 11, further comprising:

receiving, by the content server, data identifying the first content user is engaged in a chat session with at least one of the one or more viewers; and

receiving, by the content server, data identifying a number of chat participants engaged in the chat session;

wherein determining to provide additional content to the first content user comprises determining, based at least upon the data identifying the first content user is engaged in a chat session, the number of chat participants, the indication the first content user is broadcasting content to one or more viewers, and the number of viewers to whom content is being broadcast by the first content user, to provide additional content to the first content user.

16. (Currently Amended) The method of claim 5, further comprising:

receiving, by the content server, an indication the first content user is no longer broadcasting content received from the content server to one or more viewers via the broadcast streaming server; and

determining, by the content server, based at least upon the indication the first content user is no longer broadcasting content received from the content server to one or more viewers via the broadcast streaming server, to discontinue serving the additional content to the client device.

17-20. (Canceled)

21. (New) One or more computer-readable storage media having stored therein instructions that, upon execution by one or more computing devices, cause the one or more computing devices to perform operations comprising:

serving, by a content server, content to a client device associated with a first content user;

receiving, by the content server, from a broadcast streaming server, an indication the first content user is broadcasting content received from the content server to one or more viewers via the broadcast streaming server, wherein the broadcast streaming server maintains data identifying requested streaming sessions, content users that requested the streaming sessions, and numbers of viewers of the streaming sessions;

determining, by the content server, based at least upon the indication the first content user is broadcasting content to one or more viewers, to provide additional content to the first content user; and

serving, by the content server, the additional content to the client device.

22. (New) The one or more computer-readable storage media of claim 21, wherein:

serving content to the client device comprises serving game content.

23. (New) The one or more computer-readable storage media of claim 21, wherein:

determining to provide additional content to the first content user comprises determining to provide additional game content to the first content user; and

serving the additional content to the client device comprises serving the additional game content.

24. (New) The one or more computer-readable storage media of claim 21, wherein additional game content comprises one or more of the following: an additional game character; an additional game scenario; an additional game feature; or an additional game function.

REMARKS

Claims 1-20 are rejected under 35 U.S.C. § 101 allegedly because the claimed invention is directed to non-statutory subject matter. Claims 17 and 20 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by US Patent Application Publication No. 2003/0100375 to Wakae. Claims 17 and 19 are rejected under 35 U.S.C. 102(a)(2) as being anticipated by US Patent No. 9.604.132 to Wiklem.

Telephone Interview

Applicants appreciate the time and courtesy of Examiner Jay Trent Liddle during the telephone interview with the undersigned and Attorney Kenneth R. Eiferman (Registration No. 51,647) on March 14, 2018 to discuss the Section 101 rejections in relation to the following proposed amendments to claim 1:

1. A system comprising:
a plurality of communicatively coupled computing nodes forming a multi-node network; and
one or more non-transitory computer-readable storage media having stored thereon instructions that cause the one or more computing nodes to perform operations comprising:
serving game content to a game client executing on a client device, the game client associated with a game user;
receiving an indication the game user is broadcasting the game content from the game client to one or more user devices via a broadcast streaming server, <u>wherein the game client sends a request to the broadcast streaming server to initiate the broadcasting, and wherein the indication is received from the broadcast streaming server</u>;
retrieving data identifying a number of user devices to which the game user is broadcasting the game content;
determining the number of user devices to which the game user is broadcasting the game content satisfies a threshold;
determining, based at least upon the indication the game user is broadcasting the game content to one or more user devices and the number of user devices satisfying the threshold, to provide extended game content to the content user; and
providing the extended game content to the game client on the client device.

No formal agreements on patentability were reached were reached.

Claim Rejections under 35 U.S.C. § 101

Claims 1-20 are rejected under 35 U.S.C. § 101 allegedly because the claimed invention is directed to non-statutory subject matter because the claims as a whole, considering all claim elements both individually and in combination, are alleged to not amount to significantly more than an abstract idea.

Applicants respectfully traverse the rejections. Attention is directed to the November 2, 2016 Memorandum from the Deputy Commissioner for Patent Examination Policy to the Patent Examination Corps regarding recent subject matter eligibility decisions ("Memorandum") including *McRO, Inc. dba Planet Blue v. Bandai Namco Games America Inc., 120 USPQ2d 1091 (Fed. Cir. 2016)* ("McRO"). As noted in the Memorandum, an indication that a claim is directed to an improvement in computer-related technology may include:

> a particular solution to a problem or a particular way to achieve a desired outcome defined by the claimed invention, as opposed to merely claiming the idea of a solution or outcome *(e.g., McRO's* claims defined a specific way, namely use of particular rules to set morph weights and transitions through phonemes, to solve the problem of producing accurate and realistic lip synchronization and facial expressions in animated characters, and thus were not directed to an abstract idea). In contrast, *Electric Power Group's* claimed method was directed to an abstract idea because it merely presented the results of collecting and analyzing information, without even identifying a particular tool for the presentation (Memorandum, pg. 3).

In the instant application, it is respectfully submitted that a particular way to achieve a desired outcome is defined by the claimed invention, as opposed to merely claiming the idea of a solution or outcome. For example, claim 1 recites, "receiving, from a broadcast streaming server, an indication the first game user is broadcasting the game content from the game client to one or more user devices via the broadcast streaming server, wherein the broadcast streaming server maintains data identifying requested streaming sessions, game users that requested the streaming sessions, and numbers of viewers of the streaming sessions; retrieving, from the broadcast streaming server, data identifying a first number of viewers to which the first game user is broadcasting the game content." Thus, claim 1 does not merely recite an outcome (e.g.,

providing the extended game content to the game client on the client device). Rather, claim 1 recites a particular way to achieve the desired outcome. In particular, claim 1 recites that both 1) an indication the first game user is broadcasting the game content from the game client to one or more user devices and 2) data identifying a first number of viewers to which the first game user is broadcasting the game content - are received/retrieved from the broadcast streaming server. Moreover, claim 1 recites that the broadcast streaming server maintains data identifying requested streaming sessions, game users that requested the streaming sessions, and numbers of viewers of the streaming sessions. It is submitted that at least these features provide a particular way to allow a determination to provide extended game content to the game user. Specifically, one of ordinary skill in the art would immediately understand that maintaining of the recited information by the broadcast streaming server is advantageous at least because the broadcast streaming server is the component responsible for actually streaming/transmitting the video. Thus, the broadcast streaming server is able to determine, for example, that the video is actually being transmitted to viewers, when transmission starts and stops, when viewers join and exit the transmission, and the like. Other potential approaches may be unable to provide these and other technical benefits. For example, the game client and game server may be unaware of when viewers join and exit the streaming transmission. Additionally, without consulting the component that actually transmits the video (i.e., the streaming server), gamers could attempt to maliciously exploit the system, such as by alleging that they are streaming game content when they actually aren't and/or inflating the number of viewers to whom the content is being broadcast. For at least these reasons, it is submitted that the claims are directed to an improvement in computer-related technology and are not, therefore, directed to an abstract idea.

Additionally, even if claims 1-20 were somehow interpreted to include an abstract idea, it is submitted that additional claim elements amount to significantly more than the judicial exception itself. In particular, as stated in the Office's 2014 Interim Guidance on Patent Subject Matter Eligibility ("Guidance"), limitations that may be enough to qualify as "significantly more" when recited in a claim with a judicial exception include "adding a specific limitation other than what is well-understood, routine and conventional in the field, or adding unconventional steps that confine the claim to a particular useful application (Guidance, p. 22)."

As an example, claim 1 recites, "determining, based at least upon the indication the first game user is broadcasting the game content to one or more user devices and the first number of viewers satisfying the threshold, to provide extended game content to the first game user." It is submitted that at least the above recited features add a specific limitation other than what is well-understood, routine and conventional in the field and are unconventional features that clearly confine the claims to the particular useful application of video game/content operation. For these and other reasons, it is submitted that claims 1-20 include additional claim elements that amount to significantly more than the judicial exception itself.

Accordingly, it is requested that the rejection of claims 1-20 under 35 U.S.C. § 101 be withdrawn.

Claim Rejections under 35 U.S.C. § 102

Claims 17 and 20 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by US Patent Application Publication No. 2003/0100375 to Wakae. Claims 17 and 19 are rejected under 35 U.S.C. 102(a)(2) as being anticipated by US Patent No. 9.604.132 to Wiklem. Claims 17, 19 and 20 are hereby canceled, thereby rendering their rejections moot. Accordingly, it is requested that the rejection of claims 1-20 under 35 U.S.C. § 102 be withdrawn.

Conclusion

Applicants therefore assert that each objection and rejection to the claims has been overcome, and a notice of allowance is earnestly solicited. The Examiner is hereby authorized to contact the undersigned at the telephone number appearing below if such would advance the prosecution of this application.

Date: May 2, 2018

/Kenneth R. Eiferman/
Kenneth R. Eiferman
Registration No. 51647

Baker & Hostetler LLP
2929 Arch Street
Cira Centre, 12th Floor
Philadelphia, Pennsylvania 19104-2891
Telephone: 215.568.3100
Facsimile: 215.568.3439

Electronic Acknowledgement Receipt	
EFS ID:	32509479
Application Number:	15190852
International Application Number:	
Confirmation Number:	3256
Title of Invention:	BROADCAST DEPENDENT CONTENT DELIVERY
First Named Inventor/Applicant Name:	Katherine Marie Mann
Customer Number:	136593
Filer:	Kenneth R. Eiferman/Joanne Gallagher
Filer Authorized By:	Kenneth R. Eiferman
Attorney Docket Number:	101058.000478
Receipt Date:	02-MAY-2018
Filing Date:	23-JUN-2016
Time Stamp:	12:07:40
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	101058-000478_transmittal.pdf	241619 10aa0f537fcc76dbf69068a28392e9edfda6bb51	no	2

Warnings:

Information:					
2		101058-000478_response_to_NFOA_dtd_2-2-2018.pdf	168350 e0d87c5cbebb5c0cd0fb90e895b8ac72068efd95	yes	11

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	11

Warnings:	
Information:	
Total Files Size (in bytes):	409969

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.
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PTO/SB/21 (07-09)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	15/190,852
Filing Date	June 23, 2016
First Named Inventor	Katherine Marie Mann
Art Unit	3716
Examiner Name	Jay Trent Liddle
Total Number of Pages in This Submission	13
Attorney Docket Number	101058.000478

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
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- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Baker & Hostetler LLP		
Signature	/Kenneth R. Eiferman/		
Printed name	Kenneth R. Eiferman		
Date	May 2, 2018	Reg. No.	51,647

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