



US006193520C1

(12) **EX PARTE REEXAMINATION CERTIFICATE** (10228th)
United States Patent
Okamoto

(10) **Number:** **US 6,193,520 C1**(45) **Certificate Issued:** ***Jul. 23, 2014**

(54) **INTERACTIVE COMMUNICATION SYSTEM
 FOR COMMUNICATING VIDEO GAME AND
 KARAOKE SOFTWARE**

(75) **Inventor:** **Takeya Okamoto**, Nagoya (JP)

(73) **Assignee:** **ADC Technology Inc.**, Naka-Ku,
 Nagoya-Shi, Aichi (JP)

Reexamination Request:

No. 90/009,524, Aug. 17, 2009

No. 90/010,666, Sep. 4, 2009

Reexamination Certificate for:Patent No.: **6,193,520**Issued: **Feb. 27, 2001**Appl. No.: **09/109,784**Filed: **Jul. 2, 1998**

Certificate of Correction issued Mar. 25, 2008

Certificate of Correction issued Apr. 15, 2008

(*) **Notice:** This patent is subject to a terminal disclaimer.

Related U.S. Application Data

(60) Continuation-in-part of application No. 08/642,560, filed on May 3, 1996, now Pat. No. 5,775,995, which is a division of application No. 08/555,400, filed on Nov. 9, 1995, now Pat. No. 5,735,744, which is a continuation-in-part of application No. 08/232,862, filed on Apr. 25, 1994, now Pat. No. 5,489,103.

(30) **Foreign Application Priority Data**

May 10, 1993 (JP) 5-108303

(51) **Int. Cl.****A63F 13/12** (2006.01)**G10H 1/36** (2006.01)(52) **U.S. Cl.**USPC **434/307 A**; 434/307 R; 434/40; 84/610(58) **Field of Classification Search**

None

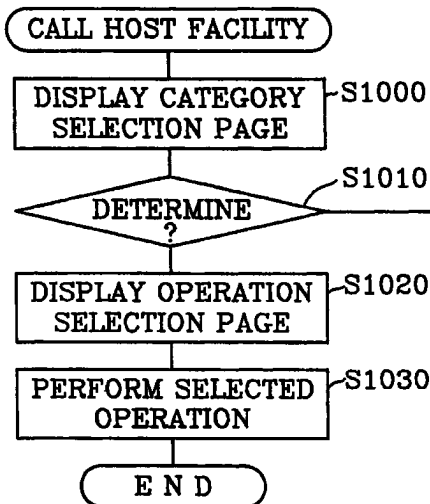
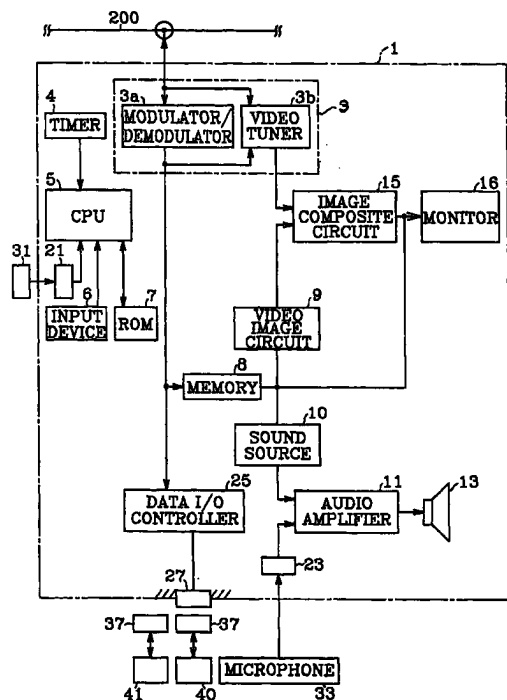
See application file for complete search history.

(56) **References Cited**

To view the complete listing of prior art documents cited during the proceedings for Reexamination Control Numbers 90/009,524 and 90/010,666, please refer to the USPTO's public Patent Application Information Retrieval (PAIR) system under the Display References tab.

Primary Examiner — William H Wood(57) **ABSTRACT**

A communication system is proposed for transmitting at least one of the data, the program, and a combination of them from a host facility to a communicator such as a communication terminal device. In this communication system, the data or the program becomes unable to be used when a predetermined time has elapsed after it is transmitted from the host facility to the communicator. This communication system is provided with the function of giving a warning before the use of the transmission becomes unable and the function of resuming the use in accordance with the user's instruction even after the use becomes unable.



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EX PARTE
REEXAMINATION CERTIFICATE
ISSUED UNDER 35 U.S.C. 307

THE PATENT IS HEREBY AMENDED AS
INDICATED BELOW.

Matter enclosed in heavy brackets [] appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in italics indicates additions made to the patent.

AS A RESULT OF REEXAMINATION, IT HAS BEEN DETERMINED THAT:

The patentability of claims 8-14 is confirmed.

Claims 1-7 are cancelled.

Claims 15 and 20 are determined to be patentable as amended.

Claims 16-19 and 21, dependent on an amended claim, are determined to be patentable.

New claims 22-33 are added and determined to be patentable.

15. A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data,

receiving means for receiving, *via wireless transmission*, one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

clock means for keeping *and for initiating the measurement of* a predetermined time period after said execution means ends the execution of the program or data processing to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused, and

interference means for interfering with execution of said executing means when said clock means counts a predetermined time period *from the end of execution of the program or data processing*; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device, *and*

wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the

program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

20. The communication system according to claim 15, wherein said interference means comprises means for invalidating *[the operation of]* an operation on said input device.

22. The communication system according to claim 12, wherein the program, the data, or the combination of program and data comprises either a video game, karaoke data, or multimedia audio/video data, and further wherein the first predetermined time period comprises a time period during which the program, data, or combination of program and data is usable without interference, and still further wherein the interference means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

23. The communication system according to claim 22, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

24. The communication system according to claim 8, wherein the receiving means is configured for reception via wireless transmission.

25. The communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

26. The communication system according to claim 8, wherein the data comprises karaoke data.

27. The communication system according to claim 8, wherein the program comprises a video game.

28. The communication system according to claim 8, wherein the data comprises multimedia audio/video data.

29. The communication system according to claim 28, wherein the multimedia audio/video data comprises a movie.

30. The communication system according to claim 8, wherein the communication terminal device further comprises a display means for displaying one of the program and data via a scrollable list, the scrollable list respectively displaying a plurality of available programs or data stored at the host facility.

31. The communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or combination of the program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associ-

ated with one of the plurality of players, and the communication terminal device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices.

32. The communication system according to claim 8, 5
wherein the communication terminal device further comprises a second clock means for keeping a second predetermined time period after said receiving means receives the transmission.

33. The communication system according to claim 8, 10
wherein the communication terminal device further comprises an interference stop instruction means for instructing to stop the interference performed by said interference means in response to payment of an additional charge.

* * * * *

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,666 + <i>90009524</i> 164	09/04/2009 7590 02/20/2014	6193520	6620-82302-03	8556
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			EXAMINER WOOD, WILLIAM H	
			ART UNIT 3992	PAPER NUMBER
			MAIL DATE 02/20/2014	DELIVERY MODE PAPER

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

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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Joseph T. Jakubek
KLARQUIST SPARKMAN, LLP, ONE WORLD TRADE CENTER
121 S.W. Salmon Street, Suit 1600
Portland, OR 97204

MAILED

FEB 20 2014

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/010,666 + 90/029,524

PATENT NO. 6193520.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,524 + <i>90010644</i> 56031 7590 Whitaker Law Group 1218 Third Avenue Suite 1809 Seattle, WA 98101	08/17/2009 02/20/2014	6193520	ADC520	6819
EXAMINER				
WOOD, WILLIAM H				
ART UNIT		PAPER NUMBER		
3992				
MAIL DATE		DELIVERY MODE		
02/20/2014		PAPER		

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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Joseph T. Jakubek

KLARQUIST SPARKMAN, LLP, ONE WORLD TRADE CENTER

121 S.W. Salmon Street, Suite 1600

Portland, OR 97204

Date:

MAILED

FEB 20 2014

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. : 90010666

PATENT NO. : 6193520

ART UNIT : 3993

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

**Notice of Intent to Issue
Ex Parte Reexamination Certificate**

Control No.

90/010,666, 90/059, 524

Patent Under Reexamination

6193520

Examiner

WILLIAM H. WOOD

Art Unit

3992

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

1. ☒ Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
- (a) ☐ Patent owner's communication(s) filed: _____.
- (b) ☐ Patent owner's failure to file an appropriate timely response to the Office action mailed: _____.
- (c) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
- (d) ☒ The decision on appeal by the ☒ Board of Patent Appeals and Interferences ☐ Court dated 11 January 2013
- (e) ☐ Other: _____.
2. The Reexamination Certificate will indicate the following:
- (a) Change in the Specification: ☐ Yes ☒ No
- (b) Change in the Drawing(s): ☐ Yes ☒ No
- (c) Status of the Claim(s):
- (1) Patent claim(s) confirmed: 8-14.
- (2) Patent claim(s) amended (including dependent on amended claim(s)): 15-21
- (3) Patent claim(s) canceled: 1-7.
- (4) Newly presented claim(s) patentable: 22,25,31-34,37,38,43,44,46 and 48.
- (5) Newly presented canceled claims: 23,24,26-30,35,36,39-42,45 and 47.
- (6) Patent claim(s) ☐ previously ☐ currently disclaimed: _____
- (7) Patent claim(s) not subject to reexamination: _____.
3. ☒ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
4. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).
5. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
6. ☐ The drawing correction request filed on _____ is: ☐ approved ☐ disapproved.
7. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have
- ☐ been received.
- ☐ not been received.
- ☐ been filed in Application No. _____.
- ☐ been filed in reexamination Control No. _____.
- ☐ been received by the International Bureau in PCT Application No. _____.
- * Certified copies not received: _____.
8. ☒ Note attached Examiner's Amendment.
9. ☐ Note attached Interview Summary (PTO-474).
10. ☐ Other: _____.

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cc: Requester (if third party requester)

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PTOL-469 (Rev. 07-10)

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Part of Paper No 20130731

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 1-7, 23, 24, 26-30, 35, 36, 39-42, 45 and 47.

Art Unit: 3992

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

Claims 8-22, 25, 31-34, 37-38, 43-44, 46 and 48 are patentable and/or confirmed as indicated in the Decision on Appeal of 01/11/2013 issued by the Patent Trial and Appeal Board.

Claims 1-7, 23, 24, 26-30, 35, 36, 39-42, 45 and 47 are not patentable and/or not confirmed as indicated in the Decision on Appeal of 01/11/2013 issued by the Patent Trial and Appeal Board.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Correspondence Information

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By FAX to: (571) 273-9900
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Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding should be directed to the Central Reexamination Unit at telephone number (571)272-7705.

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 systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/William H. Wood/
Primary Examiner, Art Unit 3992
January 30, 2014

Conferees:

/ADAM BASEHOAR/

Primary Examiner, Art Unit 3992

ALEXANDER J. KOSOWSKI
Supervisory Patent Reexamination Specialist
CRU -- Art Unit 3992

Reexamination 	Application/Control No.	Applicant(s)/Patent Under Reexamination
	90/010,666, 90/009,524 Certificate Date	6193520 Certificate Number
		C1

Requester	Correspondence Address:	☐ Patent Owner	☒ Third Party
Joseph T. Jakubek KLARQUIST SPARKMAN, LLP, ONE WORLD TRADE CENTER 121 S.W. Salmon Street, Suit 1600 Portland, OR 97204			

LITIGATION REVIEW ☒	/WW/ (examiner initials)	12/11/2013 (date)
Case Name		Director Initials
2:08CV1579 - STAYED ADC Technology Inc v. Microsoft Corporation et al		

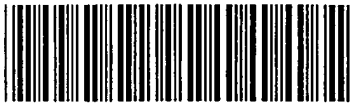
COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1.	
2.	
3.	
4.	

Issue Classification 	Application/Control No. 90010666 , 92/09, 524	Applicant(s)/Patent Under Reexamination 6193520
	Examiner WILLIAM H WOOD	Art Unit 3992

CPC		
Symbol	Type	Version

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

		Total Claims Allowed:	
		33	
(Assistant Examiner) /WILLIAM H WOOD/ Examiner.Art Unit 3992	(Date) 2/3/14	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	8	1,3

Issue Classification

Application/Control No.

90010666 , 90/309, 524

Applicant(s)/Patent Under Reexamination

6193520

Examiner

WILLIAM H WOOD

Art Unit

3992

☐ Claims renumbered in the same order as presented by applicant☐

CPA

☐

T.D.

☐

R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1	17	17	28	33										
	2	18	18	29	34										
	3	19	19		35										
	4	20	20		36										
	5	21	21	22	37										
	6	24	22	23	38										
	7		23		39										
8	8		24		40										
9	9	25	25		41										
10	10		26		42										
11	11		27	30	43										
12	12		28	31	44										
13	13		29		45										
14	14		30	32	46										
15	15	26	31		47										
16	16	27	32	33	48										

(Assistant Examiner)

(Date)

/WILLIAM H WOOD/
Examiner, Art Unit 3992

2/3/14

(Primary Examiner)

(Date)

Total Claims Allowed:

33

O.G. Print Claim(s)

8

O.G. Print Figure

1,3

Search Notes

Application/Control No.

90/010,666, 90/209,524

Examiner

WILLIAM H. WOOD

Applicant(s)/Patent under
Reexamination

6193520

Art Unit

3992

SEARCHED

Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Review proceeding record	1/30/2014	WWW/



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CONFIRMATION NO. 8556

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
90/010,666	09/04/2009	434	3992	6620-82302-03		
RULE						
APPLICANTS INVENTORS 6193520, Residence Not Provided; ADC TECHNOLOGY, INC.(OWNER), Aichi, JAPAN; Joseph T. Jakubek(3RD PTY REQ), Portland, OR; Joseph T. Jakubek, Portland, OR ** CONTINUING DATA ***** This application is a REX of 09/109,784 07/02/1998 PAT 6193520 which is a CIP of 08/642,560 05/03/1996 PAT 5775995 ** FOREIGN APPLICATIONS ***** JAPAN 5108303 05/10/1993 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **						
Foreign Priority claimed ☐ Yes ☐ No 35 USC 119(a-d) conditions met ☐ Yes ☐ No Verified and Acknowledged <u>Examiner's Signature</u>		☐ Met after Allowance <u>Initials</u>	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS 21	INDEPENDENT CLAIMS 3
ADDRESS KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002 UNITED STATES						
TITLE Interactive Communication System for Communicating Video Game and Karaoke Software						
FILING FEE RECEIVED 2520	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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CONFIRMATION NO. 6819

SERIAL NUMBER 90/009,524	FILING or 371(c) DATE 08/17/2009 RULE	CLASS 434	GROUP ART UNIT 3992	ATTORNEY DOCKET NO. ADC520		
APPLICANTS INVENTORS 6193520, Residence Not Provided; ADC TECHNOLOGY INC. (OWNER), AICHI, 460-0008, JAPAN; PATENT OWNER, Residence Not Provided; ** CONTINUING DATA ***** This application is a REX of 09/109,784 07/02/1998 PAT 6193520 which is a CIP of 08/642,560 05/03/1996 PAT 5775995 ** FOREIGN APPLICATIONS ***** JAPAN 5108303 05/10/1993 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 10/08/2009						
Foreign Priority claimed ☐ Yes ☐ No 35 USC 119(a-d) conditions met ☐ Yes ☐ No Verified and Acknowledged <u>Examiner's Signature</u>		☐ Met after Allowance <u>Initials</u>	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS 21	INDEPENDENT CLAIMS 4
ADDRESS Whitaker Law Group 1218 Third Avenue Suite 1809 Seattle, WA 98101 UNITED STATES						
TITLE INTERACTIVE COMMUNICATION SYSTEM FOR COMMUNICATING VIDEO GAME AND KARAOKE SOFTWARE						
FILING FEE RECEIVED 2520	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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,666	09/04/2009	6193520	6620-82302-03	8556

164 7590 01/02/2014
KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

WOOD, WILLIAM H

ART UNIT	PAPER NUMBER

3992

MAIL DATE	DELIVERY MODE

01/02/2014

PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ADC TECHNOLOGY, INC.

Appeal 2012-012256
Reexamination Control Nos. 90/009,524 and 90/010,666
Patent 6,193,520 B1
Technology Center 3900

Before JOHN C. MARTIN, MICHAEL R. ZECHER,
and GLENN J. PERRY, *Administrative Patent Judges*.

MARTIN, *Administrative Patent Judge*

ERRATA

The January 11, 2013, DECISION ON APPEAL (hereinafter “Decision”) is revised as follows to correct the following typographical errors:

(1) At page 45, paragraph 6 incorrectly includes claim 15 in the group of claims whose rejection under 35 U.S.C. § 103(a) based on Chernow in view of Tsumura is sustained. The reasons for not sustaining this rejection

Appeal 2012-012256

Reexamination Control Nos. 90/009,524 and 90/010,666

Patent 6,193,520 B1

of claim 15 are stated at pages 38-42 of the Decision. Paragraph 6 at page 45 is therefore withdrawn and replaced with the following new paragraph:

-- 6. Conclusion

The rejection under 35 U.S.C. § 103(a) based on Chernow in view of Tsumura is sustained with respect to claims 1, 4, 6, 23, 41, and 42 and is not sustained with respect to claims 15, 18, 20, 22, 25, 26, and 46-48.--

(2) For the above reason, paragraph 4 under the heading “III. DECISION” at page 51 is withdrawn and replaced with following new paragraph:

--4. The rejection under 35 U.S.C. § 103(a) based on Chernow in view of Tsumura is sustained with respect to claims 1, 4, 6, 23, 41, and 42 and is *not* sustained with respect to claims 15, 18, 20, 22, 25, 26, and 46-48.--

(3) At page 52, paragraph 6 incorrectly states that the rejection of claim 10 under 35 U.S.C. § 103(a) based on Chernow in view of Kato, further in view of Tsumura is sustained. The reasons for not sustaining this rejection of claim 10 are stated at page 47, paragraph F of the Decision. Paragraph 6 at page 52 is therefore withdrawn and replaced with the following new paragraph:

Appeal 2012-012256

Reexamination Control Nos. 90/009,524 and 90/010,666

Patent 6,193,520 B1

-- 6. The rejection of claim 10 under § 103(a) based on Chernow in view of Kato, further in view of Tsumura is *not* sustained.--

(4) At page 53, the first paragraph incorrectly identifies the claims as to which at least one ground of rejection has been affirmed. That paragraph is therefore withdrawn and replaced with the following paragraph:

--In summary, we have sustained at least one ground of rejection with respect to each of claims 1-7, 23, 24, 26-30, 35, 36, 39-42, 45, and 47. The Examiner's decision that claims 1-11, 13-36, and 38-48 are unpatentable is therefore affirmed-in-part.--

All other portions of the Decision remain unchanged. Also, the July 30, 2013, DECISION ON REQUEST FOR REHEARING remains unchanged. Any confusion caused by the above-noted errors is regretted.

Appeal 2012-012256
Reexamination Control Nos. 90/009,524 and 90/010,666
Patent 6,193,520 B1

For Patent Owner/Requester in Reexamination 90/009,524:

Whitaker Law Group
1281 Third Avenue
Suite 1809
Seattle, WA 98101

For Third Party Requester in Reexamination 90/010,666:

Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

Litigation Search Report CRU 3999

Reexam Control No. 90/010,666

To: William Wood
Art Unit: 3992
Date: 12/11/13

Case Serial Number: 90/010,666

From: Karen L. Ward
Location: CRU 3999
MDW 7C76
Phone: (571) 272-7932
Karen.Ward@uspto.gov

Search Notes

Litigation was found involving U.S. Patent No. 6,193,520.

2:08CV1579 – OPEN

- 1) I performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.
- 2) I performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.
- 3) I performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.
- 4) I performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.
- 5) I performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.

Date of Printing: Dec 11, 2013

KEYCITE

C US PAT 6193520 INTERACTIVE COMMUNICATION SYSTEM FOR COMMUNICATING VIDEO GAME AND KARAOKE SOFTWARE, Assignee: Yugengaisha Adachi International (Feb 27, 2001)

History**Direct History**

=> **1 INTERACTIVE COMMUNICATION SYSTEM FOR COMMUNICATING VIDEO GAME AND KARAOKE SOFTWARE, US PAT 6193520, 2001 WL 187600 (U.S. PTO Utility Feb 27, 2001)**

Patent Family

2 INTERACTIVE COMMUNICATION SYSTEM FOR VIDEO GAME AND KARAOKE SOFTWARE INCLUDES REQUEST TRANSMITTER SENDING IDENTIFYING INFORMATION TO HOST FACILITY TO PROVIDE CORRESP. GAME DATA AND CONTROL GAME DATA STORAGE, Derwent World Patents Legal 1995-056401+

Assignments

- 3 ACTION: RE-RECORD TO CORRECT THE ASSIGNEE'S ADDRESS. DOCUMENT PREVIOUSLY RECORDED ON REEL 011741 FRAME 0837. (ASSIGNOR HEREBY CONFIRMS THE ASSIGNMENT OF THE ENTIRE INTEREST.) NUMBER OF PAGES: 003, (DATE RECORDED: Oct 03, 2002)**
- 4 ACTION: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS). NUMBER OF PAGES: 002, (DATE RECORDED: Apr 23, 2001)**
- 5 ACTION: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS). NUMBER OF PAGES: 002, (DATE RECORDED: Jul 02, 1998)**

Patent Status Files

- .. Request for Re-Examination, (OG DATE: Oct 19, 2010)**
- .. Request for Re-Examination, (OG DATE: Dec 08, 2009)**
- .. Request for Re-Examination, (OG DATE: Nov 02, 2009)**
- .. Certificate of Correction, (OG DATE: May 06, 2008)**
- .. Certificate of Correction, (OG DATE: Apr 15, 2008)**

Docket Summaries

- 11 ADC TECHNOLOGY INC v. MICROSOFT CORPORATION ET AL, (W.D.WASH. Oct 27, 2008) (NO. 2:08CV01579), (35 USC 271 PATENT INFRINGEMENT)**

Litigation Alert

12 Derwent LitAlert P2009-04-27 (Oct 27, 2008) Action Taken: Complaint

Prior Art (Coverage Begins 1976)

- C** 13 COMMUNICATION TERMINAL USED AS A GAME MACHINE, US PAT 5273288 Assignee: Fujitsu Limited, (U.S. PTO Utility 1993)
- C** 14 INTERACTIVE COMMUNICATION SYSTEM FOR COMMUNICATING VIDEO, US PAT 5775995 (U.S. PTO Utility 1998)
- C** 15 INTERACTIVE GAME SYSTEM AND METHOD, US PAT 5018736 Assignee: Wakeman & de-Forrest Corporation, (U.S. PTO Utility 1991)
- C** 16 INTERACTIVE MEDIA SYSTEM AND TELECOMPUTING METHOD USING TELEPHONE KEYPAD SIGNALLING, US PAT 5236199 (U.S. PTO Utility 1993)
- C** 17 KARAOKE MUSIC REPRODUCTION DEVICE, US PAT 5250747 Assignee: Ricos Co., Ltd., (U.S. PTO Utility 1993)

US District Court Civil Docket**U.S. District - Washington Western
(Seattle)****2:08cv1579****Adc Technology Inc v. Microsoft Corporation et al****This case was retrieved from the court on Sunday, November 17, 2013**

Date Filed: 10/27/2008**Assigned To: Judge Ricardo S Martinez****Class Code: OPEN****Referred To:****Closed:****Nature of suit: Patent (830)****Statute: 35:271****Cause: Patent Infringement****Jury Demand: Both****Lead Docket: None****Demand Amount: \$0****Other Docket: None****NOS Description: Patent****Jurisdiction: Federal Question****Litigants****Attorneys****Adc Technology Inc
Plaintiff****John E Whitaker
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
WHITAKER LAW GROUP
Seattle Tower
1218 Third Avenue, Ste 1809
Seattle , WA 98101
USA
206-436-8500
Email:Docket@wlawgrp.Com****Philip P Mann
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
MANN LAW GROUP
Seattle Tower
1218 Third Avenue, Suite 1809
Seattle , WA 98101
USA
206-436-0900
Email:Phil@mannlawgroup.Com****Microsoft Corporation
Defendant****Joseph T Jakubek
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
KLARQUIST SPARKMAN (OR)
121 Sw Salmon St
Ste 1600
Portland , OR 97204-2988
USA
503-226-7391
Email:Joseph.Jakubek@klarquist.Com**

Klaus H Hamm
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
KLARQUIST SPARKMAN (OR)
121 Sw Salmon St
Ste 1600
Portland , OR 97204-2988
USA
503-595-5300
Email:Klaus.Hamm@klarquist.Com

Salumeh R. Loesch
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
KLARQUIST SPARKMAN (OR)
121 Sw Salmon St
Ste 1600
Portland , OR 97204-2988
USA
503-595-5300
Email:Salumeh.Loesch@klarquist.Com

J Christopher Carraway
ATTORNEY TO BE NOTICED
KLARQUIST SPARKMAN (OR)
121 Sw Salmon St
Ste 1600
Portland , OR 97204-2988
USA
503-595-5300
Fax: Fax 1-503-228-9446
Email:Chris.Carraway@klarquist.Com

Stacy Quan
ATTORNEY TO BE NOTICED
MICROSOFT CORP
One Microsoft Way
Redmond , WA 98052
USA
425-882-8080
Email:Stacy.Quan@microsoft.Com

Nintendo of America Inc
Defendant

Matthew J Brigham
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
COOLEY LLP (PALO ALTO)
3175 Hanover Street
Palo Alto , CA 94304-1130
USA
650-843-5000
Email:Mbrigham@cooley.Com

Michael J. Shea
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
NIXON & VANDERHYE
901 N Glebe Rd
11th Floor
Arlington , VA 22203

USA
703-816-4000
Email:Mjs@nixonvan.Com

Robert W. Faris
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
NIXON & VANDERHYE
901 N Glebe Rd
11th Floor
Arlington , VA 22203
USA
703-816-4000
Email:Rwf@nixonvan.Com

Thomas J Friel
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
COOLEY LLP (PALO ALTO)
3175 Hanover Street
Palo Alto , CA 94304-1130
USA
650-843-5000
Email:Tfriel@cooley.Com

Timothy S Teter
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
COOLEY LLP (PALO ALTO)
3175 Hanover Street
Palo Alto , CA 94304-1130
USA
650-843-5000
Fax: 650-849-7400
Email:Teterts@cooley.Com

Christopher B. Durbin
ATTORNEY TO BE NOTICED
COOLEY LLP (WA)
1700 Seventh Avenue
Ste 1900
Seattle , WA 98101-1355
USA
206-452-8700
Email:Cdurbin@cooley.Com

Kevin Francis Kelly
[Term: 04/10/2009]
COOLEY LLP (WA)
1700 Seventh Avenue
Ste 1900
Seattle , WA 98101-1355
USA
206-452-8758
Email:Kkelly@cooley.Com

Matthew P. Gubiotti
PRO HAC VICE
[Term: 11/21/2011]
COOLEY LLP (PALO ALTO)

3175 Hanover Street
Palo Alto , CA 94304-1130
USA
650-843-5000
Email:Mgubiotti@cooley.Com

Sony Corporation of America
[Term: 03/23/2009]
Defendant

Sony Computer Entertainment America Inc
Defendant

Abran J. Kean
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
ERISE IP, P.A.
6201 College Blvd
Ste 300
Overland Park , KS 66201
USA
816-474-6550
Email:Abran.Kean@eriseip.Com

Eric A Buresh
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
ERISE IP, P.A.
6201 College Blvd
Ste 300
Overland Park , KS 66201
USA
913-777-5600
Email:Eric.Buresh@eriseip.Com

Megan J Redmond
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
ERISA LAW GROUP
2055 San Joaquin St
Fresno , CA 98721
USA
913-777-5600
Email:Megan.Redmond@eriseip.Com

Charles P Nomellini
ATTORNEY TO BE NOTICED
FOSTER PEPPER & SHEFELMAN
1111 3rd Ave
Ste 3400
Seattle , WA 98101-3299
USA
206-447-4400
Fax: Fax 447-9700
Email:Nomec@foster.Com

Douglas Anderson Grady
ATTORNEY TO BE NOTICED
FOSTER PEPPER LLC
1111 3rd Avenue
Suite 3400
Seattle , WA 98101-3299
USA

206-447-4400
Email:Gradd@foster.Com

Lawrence D Graham
[Term: 11/17/2011]
LOWE GRAHAM JONES
701 5th Ave
Ste 4800
Seattle , WA 98104-7009
USA
206-381-3300
Fax: 206-381-3301
Email:Graham@lowegramjones.Com

Microsoft Corporation
Counter Claimant

J Christopher Carraway
ATTORNEY TO BE NOTICED
KLARQUIST SPARKMAN (OR)
121 Sw Salmon St
Ste 1600
Portland , OR 97204-2988
USA
503-595-5300
Fax: Fax 1-503-228-9446
Email:Chris.Carraway@klarquist.Com

Adc Technology Inc
Counter Defendant

John E Whitaker
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
WHITAKER LAW GROUP
Seattle Tower
1218 Third Avenue, Ste 1809
Seattle , WA 98101
USA
206-436-8500
Email:Docket@wlawgrp.Com

Philip P Mann
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
MANN LAW GROUP
Seattle Tower
1218 Third Avenue, Suite 1809
Seattle , WA 98101
USA
206-436-0900
Email:Phil@mannlawgroup.Com

Nintendo of America Inc
Counter Claimant

Matthew J Brigham
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
COOLEY LLP (PALO ALTO)
3175 Hanover Street
Palo Alto , CA 94304-1130
USA
650-843-5000
Email:Mbrigham@cooley.Com

Thomas J Friel
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
COOLEY LLP (PALO ALTO)
3175 Hanover Street

Palo Alto , CA 94304-1130
USA
650-843-5000
Email:Tfriel@cooley.Com

Timothy S Teter
LEAD ATTORNEY;PRO HAC VICE;ATTORNEY TO BE
NOTICED
COOLEY LLP (PALO ALTO)
3175 Hanover Street
Palo Alto , CA 94304-1130
USA
650-843-5000
Fax: 650-849-7400
Email:Teterts@cooley.Com

Christopher B. Durbin
ATTORNEY TO BE NOTICED
COOLEY LLP (WA)
1700 Seventh Avenue
Ste 1900
Seattle , WA 98101-1355
USA
206-452-8700
Email:Cdurbin@cooley.Com

Kevin Francis Kelly
[Term: 04/10/2009]
COOLEY LLP (WA)
1700 Seventh Avenue
Ste 1900
Seattle , WA 98101-1355
USA
206-452-8758
Email:Kkelly@cooley.Com

Matthew P. Gubiotti
[Term: 11/21/2011]
COOLEY LLP (PALO ALTO)
3175 Hanover Street
Palo Alto , CA 94304-1130
USA
650-843-5000
Email:Mgubiotti@cooley.Com

Adc Technology Inc
Counter Defendant

John E Whitaker
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
WHITAKER LAW GROUP
Seattle Tower
1218 Third Avenue, Ste 1809
Seattle , WA 98101
USA
206-436-8500
Email:Docket@wlawgrp.Com

Philip P Mann
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
MANN LAW GROUP
Seattle Tower
1218 Third Avenue, Suite 1809

Seattle , WA 98101
USA
206-436-0900
Email:Phil@mannlawgroup.Com

Sony Computer Entertainment America Inc
Counter Claimant

Douglas Anderson Grady
ATTORNEY TO BE NOTICED
FOSTER PEPPER LLC
1111 3rd Avenue
Suite 3400
Seattle , WA 98101-3299
USA
206-447-4400
Email:Gradd@foster.Com

Adc Technology Inc
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John E Whitaker
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
WHITAKER LAW GROUP
Seattle Tower
1218 Third Avenue, Ste 1809
Seattle , WA 98101
USA
206-436-8500
Email:Docket@wlawgrp.Com

Philip P Mann
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
MANN LAW GROUP
Seattle Tower
1218 Third Avenue, Suite 1809
Seattle , WA 98101
USA
206-436-0900
Email:Phil@mannlawgroup.Com

Date	#	Proceeding Text	Source
10/27/2008	1	COMPLAINT FOR PATENT INFRINGEMENT - DEMAND FOR JURY TRIAL against all defendants (Summons(es) issued)(Receipt # SEA 21477), filed by ADC Technology Inc. (Attachments: # 1 Exhibit A-C, # 2 Exhibit D-E, # 3 Civil Cover Sheet, # 4 Transmittal Email)(MKB) (Entered: 10/28/2008)	
10/28/2008	2	REPORT on the filing or determination of an action. E-mailed to the US Patent Office. (Attachments: # 1 Copy of Complaint, # 2 Exhibit A-C of Complaint, # 3 Exhibit D-E of Complaint) (MKB) (Entered: 10/28/2008)	
01/16/2009	3	MOTION to Dismiss Party Pursuant to Fed.R.Civ.P 41(a) by Plaintiff ADC Technology Inc. Noting Date 1/16/2009, (Whitaker, John) (Entered: 01/16/2009)	
02/05/2009	4	ANSWER to 1 Complaint, with JURY DEMAND, COUNTERCLAIM against plaintiff ADC Technology Inc by Microsoft Corporation.(Carraway, J) (Entered: 02/05/2009)	
02/06/2009	5	STATEMENT Microsoft Corporations Corporate Disclosure Statement by Defendant Microsoft Corporation. (Carraway, J) (Entered: 02/06/2009)	
02/11/2009	6	APPLICATION OF ATTORNEY Matthew J. Brigham FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 0981000000001669852. (Attachments: # 1 ECF Registration Form) (Kelly, Kevin) (Entered: 02/11/2009)	

- 02/11/2009 7 APPLICATION OF ATTORNEY Thomas J. Friel, Jr. FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 0981000000001669869. (Attachments: # 1 ECF Registration Form) (Kelly, Kevin) (Entered: 02/11/2009)
- 02/11/2009 8 APPLICATION OF ATTORNEY Timothy S. Teter FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 0981000000001669879. (Attachments: # 1 ECF Registration Form) (Kelly, Kevin) (Entered: 02/11/2009)
- 02/11/2009 9 APPLICATION OF ATTORNEY Matthew P. Gubiotti FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 0981000000001669882. (Attachments: # 1 ECF Registration Form) (Kelly, Kevin) (Entered: 02/11/2009)
- 02/12/2009 10 ORDER re 6 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Matthew J Brigham for Nintendo of America Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.) (DS) (Entered: 02/12/2009)
- 02/12/2009 11 ORDER re 7 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Thomas J Friel for Nintendo of America Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 02/12/2009)
- 02/12/2009 12 ORDER re 8 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Timothy S Teter for Nintendo of America Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 02/12/2009)
- 02/12/2009 13 ORDER re 9 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Matthew P. Gubiotti for Nintendo of America Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.) (DS) (Entered: 02/12/2009)
- 02/18/2009 14 APPLICATION OF ATTORNEY Abran J. Kean FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Sony Computer Entertainment America Inc (Fee Paid) Receipt No. 0981000000001675098. (Attachments: # 1 ECF Registration)(Grady, Douglas) (Entered: 02/18/2009)
- 02/18/2009 15 STATEMENT Corporate Disclosure Statement by Defendant Nintendo of America Inc. (Brigham, Matthew) (Entered: 02/18/2009)
- 02/18/2009 16 APPLICATION OF ATTORNEY Eric A. Buresh FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Sony Computer Entertainment America Inc (Fee Paid) Receipt No. 0981000000001675106. (Attachments: # 1 ECF Registration)(Grady, Douglas) (Entered: 02/18/2009)
- 02/18/2009 17 APPLICATION OF ATTORNEY Megan J. Redmond FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Sony Computer Entertainment America Inc (Fee Paid) Receipt No. 0981000000001675134. (Attachments: # 1 ECF Registration)(Grady, Douglas) (Entered: 02/18/2009)
- 02/18/2009 18 ANSWER to 1 Complaint, for Patent Infringement, with JURY DEMAND, COUNTERCLAIM against plaintiff ADC Technology Inc by Nintendo of America Inc.(Brigham, Matthew) (Entered: 02/18/2009)
- 02/18/2009 19 ANSWER to 1 Complaint, with JURY DEMAND, COUNTERCLAIM against plaintiff ADC Technology Inc by Sony Computer Entertainment America Inc.(Grady, Douglas) (Entered: 02/18/2009)
- 02/19/2009 20 ORDER re 14 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Abran J. Kean for Sony Computer Entertainment America Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 02/19/2009)
- 02/19/2009 21 ORDER re 16 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Eric A Buresh for Sony Computer Entertainment America

- Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 02/19/2009)
- 02/19/2009 22 ORDER re 17 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Megan J Redmond for Sony Computer Entertainment America Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 02/19/2009)
- 02/19/2009 23 APPLICATION OF ATTORNEY Joseph T. Jakubek FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Microsoft Corporation (Fee Paid) Receipt No. 0981000000001676099. (Attachments: # 1 ECF Registration)(Carraway, J) (Entered: 02/19/2009)
- 02/19/2009 24 ORDER re 23 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Joseph T Jakubek for Microsoft Corporation, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 02/19/2009)
- 02/19/2009 25 APPLICATION OF ATTORNEY Salumeh R. Loesch FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Microsoft Corporation (Fee Paid) Receipt No. 0981000000001676195. (Attachments: # 1 ECF Registration)(Carraway, J) (Entered: 02/19/2009)
- 02/19/2009 26 ORDER re 25 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Salumeh R. Loesch for Microsoft Corporation, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 02/19/2009)
- 02/19/2009 27 APPLICATION OF ATTORNEY Klaus H. Hamm FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Microsoft Corporation (Fee Paid) Receipt No. 0981000000001676774. (Attachments: # 1 ECF Registration)(Carraway, J) (Entered: 02/19/2009)
- 02/20/2009 28 ORDER re 27 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Klaus H Hamm for Microsoft Corporation, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 02/20/2009)
- 02/20/2009 29 STATEMENT of Corporate Disclosure Statement by Defendant Sony Computer Entertainment America Inc. (Graham, Lawrence) (Entered: 02/20/2009)
- 02/23/2009 30 ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT by Judge Ricardo S Martinez. Joint Status Report due by 4/6/2009, FRCP 26f Conference Deadline is 3/23/2009, Initial Disclosure Deadline is 3/30/2009. (LC) (Entered: 02/23/2009)
- 02/25/2009 31 REPLY by Plaintiff ADC Technology Inc to 4 Answer to Complaint, Counterclaim of Defendant Microsoft. (Whitaker, John) (Entered: 02/25/2009)
- 02/25/2009 32 REPLY by Plaintiff ADC Technology Inc to 18 Answer to Complaint, Counterclaim of Defendant Nintendo. (Whitaker, John) (Entered: 02/25/2009)
- 02/25/2009 33 REPLY by Plaintiff ADC Technology Inc to 19 Answer to Complaint, Counterclaim of Defendant Sony. (Whitaker, John) (Entered: 02/25/2009)
- 03/06/2009 34 NOTICE of Appearance by attorney Lawrence D Graham on behalf of Defendant Sony Computer Entertainment America Inc. (Graham, Lawrence) (Entered: 03/06/2009)
- 03/23/2009 35 ORDER granting 3 Motion to dismiss dft Sony Corporation of America by Judge Ricardo S Martinez.(RS) (Entered: 03/23/2009)
- 04/06/2009 36 JOINT STATUS REPORT signed by all parties estimated Trial Days: 10.. (Whitaker, John) (Entered: 04/06/2009)
- 04/10/2009 37 NOTICE of Appearance by attorney Stacy Quan on behalf of Defendant

- Microsoft Corporation. (Quan, Stacy) (Entered: 04/10/2009)
- 04/10/2009 38 NOTICE of Appearance by attorney Christopher B Durbin Kevin Francis Kelly on behalf of Defendant Nintendo of America Inc, Counter Claimant Nintendo of America Inc. (Kelly, Kevin) Modified on 4/10/2009 (ELS). (Entered: 04/10/2009)
- 04/10/2009 39 NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Kevin Francis Kelly for Defendant Nintendo of America Inc, Counter Claimant Nintendo of America Inc. (Kelly, Kevin) (Entered: 04/10/2009)
- 04/10/2009 NOTICE of Docket Text Modification re 38 Notice of Appearance : amended text to correct the name of attorney filing an appearance. (ELS) (Entered: 04/10/2009)
- 04/15/2009 40 APPLICATION OF ATTORNEY Robert W. Faris FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 0981000000001725840. (Attachments: # 1 Attorneys Registration Form) (Durbin, Christopher) (Entered: 04/15/2009)
- 04/15/2009 41 APPLICATION OF ATTORNEY Michael J. Shea FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 0981000000001725894. (Attachments: # 1 Attorney Registration Form) (Durbin, Christopher) (Entered: 04/15/2009)
- 04/16/2009 42 ORDER re 40 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Robert W. Faris for Nintendo of America Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 04/16/2009)
- 04/16/2009 43 ORDER re 41 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Michael J. Shea for Nintendo of America Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 04/16/2009)
- 04/27/2009 Set Hearings: Telephonic Scheduling Conference set for 5/11/2009 at 10:00 AM before Judge Ricardo S Martinez. (LC) (Entered: 04/27/2009)
- 05/11/2009 44 MINUTE ENTRY for proceedings held before Judge Ricardo S Martinez- Dep Clerk: Laurie Cuaresma; Pla Counsel: Philip Mann, John Whitaker; Def Counsel: Chris Carraway, Chris Durbin, Matt Brigham,, Eric Buresh; Time of Hearing: 10:00 AM; Telephone Conference held on 5/11/2009. Parties agree to 9/20/2010 for jury trial. Court reviews Joint Status Report with counsel to address any areas of concern/disagreement. Parties agree to 10 depositions per side (not per party); concerns re discovery and early mediation discussed. Parties will continue to negotiate proposed Protective Order for Court's consideration. Court will enter Scheduling Order as soon as possible.(LC) (Entered: 05/11/2009)
- 05/11/2009 45 MINUTE ORDER SETTING TRIAL DATE AND RELATED DATES by Judge Ricardo S Martinez. Length of Trial: *10 days*. Jury Trial is set for 9/20/2010 at 09:00 AM before Judge Ricardo S Martinez. Statement of asserted claims and preliminary infringement contentions due 5/26/2009, Statement of preliminary invalidity contentions due 6/25/2009, Reports from expert witnesses regarding Markman issues due 9/28/2009, Joinder of Parties due by 7/31/2009, Proposed terms and Claim Elements and Preliminary Claim Chart due 8/14/2009, Joint claim chart due 9/28/2009, Opening claim construction briefs due 11/23/2009, Responsive claim construction briefs due 12/8/2009, Markman Hearing set for 3/4/2010 at 09:00 AM before Judge Ricardo S Martinez, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 3/25/2010, Rebuttal Expert Disclosure/Reports due by 4/23/2010, Motions due by 4/30/2010, Discovery completed by 5/24/2010, Dispositive motions due by 6/18/2010, 39.1 mediation to be completed by 5/5/2010, Motions in Limine due by 8/23/2010, Pretrial Order due by 9/8/2010, Trial briefs to be submitted by 9/15/2010, Proposed voir dire/jury instructions due by

- 9/15/2010. (LC) (Entered: 05/11/2009)
- 06/25/2009 46 NOTICE of Disclosure of Defendants' Joint Invalidity Contentions ; filed by Defendant Sony Computer Entertainment America Inc. (Buresh, Eric) (Entered: 06/25/2009)
- 06/25/2009 47 NOTICE of Disclosure of Sony Computer Entertainment America Inc.'s Non-Infringement Contentions ; filed by Defendant Sony Computer Entertainment America Inc. (Buresh, Eric) (Entered: 06/25/2009)
- 06/25/2009 48 NOTICE of Disclosure of Microsoft Corporation's Non-Infringement Contentions ; filed by Defendant Microsoft Corporation. (Carraway, J) (Entered: 06/25/2009)
- 07/09/2009 49 MOTION to Stay Litigation Pending Reexamination by Plaintiff ADC Technology Inc. (Attachments: # 1 Exhibit A - Requests for Reexamination, # 2 Proposed Order Granting Stay) Noting Date 7/24/2009, (Whitaker, John) (Entered: 07/09/2009)
- 07/20/2009 50 STIPULATION by parties re 49 MOTION to Stay Litigation Pending Reexamination. (Buresh, Eric) (Entered: 07/20/2009)
- 07/20/2009 52 MINUTE ORDER directing plaintiff to file status reports by Judge Ricardo S Martinez. (RS) (Entered: 07/21/2009)
- 07/21/2009 51 STIPULATION AND ORDER granting 49 Motion to Stay by Judge Ricardo S Martinez.(RS) (Entered: 07/21/2009)
- 01/20/2010 53 STATUS REPORT Status Update by Plaintiff ADC Technology Inc. (Whitaker, John) (Entered: 01/20/2010)
- 05/25/2010 54 NOTICE of Change of Address of Attorney John E Whitaker. Filed by Plaintiff ADC Technology Inc. (Whitaker, John) (Entered: 05/25/2010)
- 05/25/2010 55 NOTICE of Change of Address of Attorney John E Whitaker. Filed by Plaintiff ADC Technology Inc. (Whitaker, John) (Entered: 05/25/2010)
- 07/19/2010 56 Second STATUS REPORT by Plaintiff ADC Technology Inc. (Whitaker, John) (Entered: 07/19/2010)
- 01/20/2011 57 Third STATUS REPORT by Plaintiff ADC Technology Inc. (Mann, Philip) (Entered: 01/20/2011)
- 08/09/2011 58 STATUS REPORT by Plaintiff ADC Technology Inc. (Whitaker, John) (Entered: 08/09/2011)
- 11/03/2011 59 NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Douglas Anderson Grady for Defendant Sony Computer Entertainment America Inc. (Grady, Douglas) (Entered: 11/03/2011)
- 11/03/2011 60 NOTICE of Appearance by attorney Douglas Anderson Grady on behalf of Defendant Sony Computer Entertainment America Inc. (Grady, Douglas) (Entered: 11/03/2011)
- 11/08/2011 61 NOTICE of Appearance by attorney Charles P Nomellini on behalf of Defendant Sony Computer Entertainment America Inc. (Nomellini, Charles) (Entered: 11/08/2011)
- 11/15/2011 62 STIPULATION AND PROPOSED ORDER FOR WITHDRAWAL OF COUNSEL by parties. (Grady, Douglas) (Entered: 11/15/2011)
- 11/17/2011 63 STIPULATION AND ORDER withdrawing Attorney Lawrence D Graham for dft Sony Computer Entertainment America Inc by Judge Ricardo S Martinez. (RS) (Entered: 11/17/2011)
- 11/21/2011 64 NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Matthew P. Gubiotti for Defendant Nintendo of America Inc. (Durbin, Christopher) (Entered: 11/21/2011)
- 01/20/2012 65 STATUS REPORT by Plaintiff ADC Technology Inc. (Whitaker, John) (Entered: 01/20/2012)

- 03/15/2012 66 NOTICE of Change of Address of Attorney Eric A Buresh. Filed by Defendant Sony Computer Entertainment America Inc. (Buresh, Eric) Modified Address on 3/15/2012 (DS). (Entered: 03/15/2012)
- 06/20/2012 67 NOTICE of Change of Address of Attorney Eric A Buresh. Filed by Defendants Sony Computer Entertainment America Inc, Sony Corporation of America. (Buresh, Eric) Modified address on 6/21/2012 (DS). (Entered: 06/20/2012)
- 07/20/2012 68 STATUS REPORT by Plaintiff ADC Technology Inc. (Mann, Philip) (Entered: 07/20/2012)
- 01/22/2013 69 NOTICE of Status ; filed by Plaintiff ADC Technology Inc. (Whitaker, John) (Entered: 01/22/2013)
- 07/23/2013 70 STATUS REPORT by Plaintiff ADC Technology Inc. (Mann, Philip) (Entered: 07/23/2013)

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CORE TERMS: game, karaoke, communicator, host, player, time period, elapsed, terminal, stored, input, memory, transmission, video, storage, communication system, surcharge, video game, display, audio, song, displayed, cassette, warning, deleted, playing, screen, controller, calculated, software, progress

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CORE TERMS: game, karaoke, communicator, host, player, time period, elapsed, terminal, stored, input, memory, transmission, video, storage, communication system, surcharge, video game, charging, display, audio, song, displayed, cassette, warning, deleted, playing, screen, controller, calculated, software

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CORE TERMS: game, karaoke, communicator, host, player, time period, elapsed, terminal, stored, input, memory, transmission, video, storage, communication system, surcharge, video game, display, audio, song, displayed, cassette, warning, deleted, playing, screen, controller, calculated, software, progress

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CORE TERMS: gaming, machine, sound track, sequencer, game, pan, memory, master, communication system, counter, slave, tone, player, printed, train, routine, global, label, module, audio, sub-routine, stored, sound field, correspondence, corresponds, starting, register, speaker, audio signal, depicts

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CORE TERMS: game, karaoke, communicator, host, player, time period, elapsed, terminal, stored, input, memory, transmission, video, storage, communication system, surcharge, video game, display, audio, song, displayed, cassette, warning, deleted, playing, screen, controller, calculated, software, progress

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CORE TERMS: game, karaoke, communicator, host, player, time period, elapsed, terminal, stored, input, memory, transmission, video, storage, communication system, surcharge, video game, display, audio, song, displayed, cassette, warning, deleted, playing, screen, controller, calculated, software, progress

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CORE TERMS: game, karaoke, communicator, host, player, time period, elapsed,

terminal, stored, input, memory, transmission, video, storage, communication system, surcharge, video game, display, audio, song, displayed, cassette, warning, deleted, playing, screen, controller, calculated, software, progress

... 2002 , which is a Division of Ser. No. 09109784, July 2, 1998, GRANTED **6193520** , December 8, 2000 , which is a Continuation-in-part of Ser. No. 08642560, ...

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CORE TERMS: game, karaoke, communicator, host, player, time period, elapsed, terminal, stored, input, memory, transmission, video, storage, communication system, surcharge, video game, display, audio, song, displayed, cassette, warning, deleted, playing, screen, controller, calculated, software, progress

... 2002 , which is a Division of Ser. No. 09109784, July 2, 1998, GRANTED **6193520** , December 8, 2000 , which is a Continuation-in-part of Ser. No. 08642560, ...

- ☐ 9. 20030077557 (Note: This is a Patent Application only.), April 24, 2003, Interactive communication system for communicating video game and karaoke software, Okamoto, Takeya, Nagoya, Japan(); 307886, OKAMOTO TAKEYA

CORE TERMS: game, karaoke, communicator, host, player, time period, elapsed, terminal, stored, input, memory, transmission, video, storage, communication system, surcharge, video game, display, audio, song, displayed, cassette, warning, deleted, playing, screen, controller, calculated, software, progress

... 2002 , which is a Division of Ser. No. 09109784, July 2, 1998, GRANTED **6193520** , December 8, 2000 , which is a Continuation-in-part of Ser. No. 08642560, ...

- ☐ 10. 20020127527 (Note: This is a Patent Application only.), September 12, 2002, Interactive communication system for communicating video game and karaoke software, Okamoto, Takeya, Nagoya, Japan(); 733541, OKAMOTO TAKEYA

CORE TERMS: game, karaoke, communicator, host, player, time period, elapsed, terminal, stored, input, memory, transmission, video, storage, communication system, surcharge, video game, display, audio, song, displayed, cassette, warning, deleted, playing, screen, controller, calculated, software, progress

Division of Ser. No. 09109784, July 2, 1998, GRANTED **6193520** , undefined (A1), December 8, 2000 , which is a Continuation-in-part of Ser. ...

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Ex parte ADC TECHNOLOGY, INC.

Appeal 2012-012256

Reexamination Control Nos. 90/009,524 and 90/010,666

Patent **6,193,520** B1

Technology Center 3900

Patent Trial and Appeal Board

2013 Pat. App. LEXIS 5138

July 30, 2013, Decided

CORE TERMS: examiner, players, obviousness, rejection of claim, display, interactive, real-time, invention, terminal, teach, heading, teaching, unpatentable, bolding, recites, misapprehended, presenting, displaying, column, skill

NOTICE:

[*1]

ROUTINE OPINION. Pursuant to the Patent Trial and Appeal Board Standard Operating Procedure 2, the opinion below has been designated a routine opinion.

Before JOHN C. MARTIN, MICHAEL R. ZECHER, and GLENN J. PERRY, Administrative Patent Judges.

COUNSEL:

For Patent Owner/Requester in Reexamination 90/009,524:

Whitaker Law Group
1281 Third Avenue
Suite 1809
Seattle, WA 98101

For Third Party Requester in Reexamination 90/010,666:

Klarquist Sparkman, LLP
One World Trade Center, Suite 1600

121 S.W. Salmon Street
Portland, Oregon 97204

OPINIONBY: MARTIN

OPINION:

MARTIN, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

In a Request for Rehearing of Board Decision (hereinafter "Request") filed on March 11, 2013, Appellant requests rehearing of our Decision on Appeal dated January 11, 2013 ("Decision"). Specifically, Appellant requests rehearing of our decision to sustain the Examiner's rejection of claim 24 under 35 U.S.C. § 103(a) for obviousness over Chernow in view of Tsumura and Tashiro. Decision 49-51.

Claim 24 reads as follows:

24. (NEW) The communication system according to claim 23, wherein the communication terminal device displays a number of players who **[*2]** can participate in the real-time interactive communication between the at least two communication terminal devices.

Claims App. (Br. 31). The rejection of claim 24 was stated as follows at page 50 of the Final Action: "Claims 24 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) and in further view of *Tashiro et al.* (USPN 4,998,199)." Regarding the rejection of claim 24, the Examiner further explained:

Tashiro demonstrated that it was known at the time of [the] invention to display a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices (*Tashiro: column 6, lines 1-5; figure 7; column 6, lines 29-33*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the game system of *Chernow* and *Tsumura* with display of a number of players in a real-time interactive communication as found in *Tashiro's* teaching.

Final Action 50-51. We sustained the rejection claim 24 because

Appellant fails to address **[*3]** the Examiner's reliance on Tashiro for the claimed feature. . . . As pointed out by the Examiner: "Appellant argues this claim [24] in the section listed as Rejections Under 103 (Chernow in view of Tsumura) [Br. 10], however this claim is rejected under Chernow in view of Tsumura and in further view of Tashiro." Answer 55-56.

Decision 50 (alterations in Decision). Specifically, the Brief, under the heading "Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Tsumura*)" (bolding and underlining omitted), states that "[c]laims 1, 4-6, 15, 18-20, and 22-26 were rejected as being unpatentable over *Chernow* in view of *Tsumura* (USP 5,547,202)." Br. 10. In the discussion under this heading, the Brief

further states (at 18): "Amended Claim 24 recites 'the communication terminal device displays a number of players who can participate in the real-time interactive communication'. None of the art on record discloses this limitation." However, neither the Brief nor the Reply Brief acknowledges that the art of record includes Tashiro. Furthermore, the sections of the Brief and Reply Brief having the heading "Grounds of Rejection to be Reviewed [***4**] on Appeal" (bolding omitted) likewise misidentify claim 24 as rejected for obviousness over Chernow in view of Tsumura. Br. 4; Reply Br. 3.

The Request argues that the rejection of claim 24 is improper because Tashiro does not describe the number of players who *can* play the game. See, e.g., Request 3 ("[T]he teachings of Fig. 7 of Tashiro make clear that the number of players shown is actually the number of players who are *in fact* playing and not those who *can* play."). As justification for presenting this argument regarding Tashiro at this time, the Request states:

Patent Owner believes the Board misapprehended the Examiner's mischaracterization of the claims. For example, the Examiner states that "[i]t would have been obvious to one of ordinary skill in the art at the time of invention to implement the game system of Chernow and Tsumura with display of a number of players in a real-time interactive communication as found in Tashiro's teaching." The claim however recites "displays a number of players who can participate."

In fact, *Tashiro* does not teach displaying a number of people who "can participate" in the game -- *Tashiro* does not teach displaying anything [***5**] related to the number of players who can play the game.

Request 2. However, our decision to sustain the rejection of claim 24 was not based on any such misapprehension of the Examiner's position. Rather, it was based on Appellant's failure to show error in the Examiner's reliance on Tashiro. See *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) (an appellant may attempt to overcome an examiner's obviousness rejection on appeal to the Board by: (1) submitting arguments and/or evidence to show that the examiner made an error in either (a) an underlying finding of fact upon which the final conclusion of obviousness was based or (b) the reasoning used to reach the legal conclusion of obviousness; or (2) showing that the prima facie case has been rebutted by evidence of secondary considerations of nonobviousness). See also *id.* ("If an appellant fails to present arguments on a particular issue -- or, more broadly, on a particular rejection -- the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection.").

Furthermore, presenting new arguments about Tashiro in the Request is contrary to 37 C.F.R. [***6**] § 41.52, which reads in relevant part as follows:

§ 41.52 Rehearing.

(a)(1) . . . Arguments not raised, and Evidence not previously relied upon, pursuant to §§ 41.37, 41.41, or 41.47 are not permitted in the request for rehearing except as permitted by paragraphs (a)(2) through (a)(4) of this section. . . .

(2) Appellant may present a new argument based upon a recent relevant decision of either the Board or a Federal Court.

(3) New arguments responding to a new ground of rejection designated pursuant to § 41.50(b) are permitted.

(4) New arguments that the Board's decision contains an undesignated new ground

of rejection are permitted.

37 C.F.R. § 41.52 (2012). The Request fails to assert, let alone demonstrate, that any of these exceptions applies. We recognize that the Request cites "the Federal Circuit's recent holding in *Kinetic Concepts, Inc. et al. v. Wake Forest University Health Sciences* [*sic*; *v. Smith & Nephew, Inc.*], Case 2011-1105, at page 32 (Fed. Cir. August 13, 2012)" (688 F.3d 1342, 1361-62) as support for the argument that "[e]xactly as in *Kinetic Concepts*, *Tashiro* teaches away from the element for which it is offered." **[*7]** Request 3. However, the principle that obviousness is not demonstrated by references that teach away from the claimed invention appears in numerous earlier court decisions, including *In re Kahn*, 441 F.3d 977, 990 (Fed. Cir. 2006), which is cited for this proposition in *Kinetic Concepts*, 688 F.3d at 1362.

We have considered Appellant's arguments but are not persuaded that we misapprehended or overlooked any point when we sustained the rejection of claim 24 for obviousness over Chernow in view of Tsumura and Tashiro.

The Request for Rehearing is *denied*.

DENIED

For Patent Owner/Requester in Reexamination 90/009,524:

Whitaker Law Group
1281 Third Avenue
Suite 1809
Seattle, WA 98101

For Third Party Requester in Reexamination 90/010,666:

Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

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... 20 Sep, 2013 3.8 3.6 **6,193,520** 3.7 224,086 3.7 ...

3. News Bites - Central and Eastern Europe: Turkey, September 27, 2013
Friday, STOCK, 698 words, Weekly: Katmerciler Arac Ustu Ekipman Sanayi Ve
Ticaret decreases, 2 weeks' volume in a week

CORE TERMS: truck, Katmerciler, Ekipman, Ticaret, Sanayi, Arac, Ustu, VWP, Signals, KATMR, relative, bearish, past week, ISE, strength, tanker, Price Change, National-100, Turkish, Bullish, DESCRIPTION, TRY3.67, TRY6.4, EMAP, TRY1, capitalisation, 12-month, 3-month, outnumbered, decreased

... 20 Sep, 2013 3.8 3.6 **6,193,520** 3.7 224,086 3.7 ...

4. Business Wire, September 22, 2011 Thursday 11:30 AM GMT, , 3323 words, Rite
Aid Reports Second Quarter Fiscal 2012 Results, CAMP HILL, Pa.

CORE TERMS: RITE AID CORPORATION, EBITDA, adjusted, percentage, net loss, per share, LIFO, lease, SUPPLEMENTAL, loyalty, interest expense, Twenty-six, modification, expenditures, impairment, proceeds, basic, sale of assets, reconciliation, retirements, deferral, CASH FLOW, administrative expenses,

compensation expense, forward-looking, depreciation, amortization, stock-based, termination, adjustments

... Total debt 6,191,829 **6,193,520** ...
 ... Total debt 6,191,829 **6,193,520** ...



5. Benzinga.com, September 24, 2010, 237919535, 7064 words, Rite Aid Reports Second Quarter Fiscal 2011 Results.

CORE TERMS: RITE AID CORPORATION, EBITDA, adjusted, endedAugust, net loss, per share, percentage, interest expense, LIFO, securitization, modification, retirement, proceeds, lease, SUPPLEMENTAL, receivable, loyalty, Twenty-six, impairment, basic, sale of assets, reconciliation, guidance, deferral, CASH FLOW, compensation expense, administrative expenses, depreciation, amortization, expenditures

... Total debt **6,193,520** 5,914,641 ...
 ... Total debt including accounts receivable facility **6,193,520**
 6,310,161 ...
 ... Total debt **6,193,520** 5,914,641 ...
 ... Total debt including accounts receivable facility **6,193,520**
 6,310,161 ...



6. Business Wire, September 23, 2010 Thursday 11:30 AM GMT, , 3738 words, Rite Aid Reports Second Quarter Fiscal 2011 Results, CAMP HILL, Pa.

CORE TERMS: EBITDA, adjusted, RITE AID CORPORATION, endedAugust, net loss, per share, percentage, interest expense, LIFO, securitization, modification, retirement, proceeds, lease, SUPPLEMENTAL, receivable, loyalty, Twenty-six, impairment, basic, sale of assets, reconciliation, guidance, deferral, CASH FLOW, compensation expense, administrative expenses, depreciation, amortization, refinancing

... Total debt **6,193,520** 5,914,641 ...
 ... Total debt including accounts receivable facility **6,193,520** 6,310,161 ...
 ... Total debt **6,193,520** 5,914,641 ...
 ... Total debt including accounts receivable facility **6,193,520** 6,310,161 ...

Source: **Command Searching > All English Language News**

Terms: **6193520 or 6,193,520** (Suggest Terms for My Search)

View: Cite

Date/Time: Wednesday, December 11, 2013 - 7:07 AM EST



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,666	09/04/2009	6193520	6620-82302-03	8556

164 7590 07/30/2013
KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

WOOD, WILLIAM H

ART UNIT	PAPER NUMBER

3992

MAIL DATE	DELIVERY MODE

07/30/2013

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ADC TECHNOLOGY, INC.

Appeal 2012-012256
Reexamination Control Nos. 90/009,524 and 90/010,666
Patent 6,193,520 B1
Technology Center 3900

Before JOHN C. MARTIN, MICHAEL R. ZECHER,
and GLENN J. PERRY, *Administrative Patent Judges*.

MARTIN, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

In a Request for Rehearing of Board Decision (hereinafter “Request”) filed on March 11, 2013, Appellant requests rehearing of our Decision on Appeal dated January 11, 2013 (“Decision”). Specifically, Appellant requests rehearing of our decision to sustain the Examiner’s rejection of claim 24 under 35 U.S.C. § 103(a) for obviousness over Chernow in view of Tsumura and Tashiro. Decision 49-51.

Claim 24 reads as follows:

Appeal 2012-012256

Reexamination Control Nos. 90/009,524 and 90/010,666

Patent 6,193,520 B1

24. (NEW) The communication system according to claim 23, wherein the communication terminal device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices.

Claims App. (Br. 31). The rejection of claim 24 was stated as follows at page 50 of the Final Action: “Claims 24 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) and in further view of *Tashiro et al.* (USPN 4,998,199).” Regarding the rejection of claim 24, the Examiner further explained:

Tashiro demonstrated that it was known at the time of [the] invention to display a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices (*Tashiro: column 6, lines 1-5; figure 7; column 6, lines 29-33*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the game system of *Chernow* and *Tsumura* with display of a number of players in a real-time interactive communication as found in *Tashiro's* teaching.

Final Action 50-51. We sustained the rejection claim 24 because

Appellant fails to address the Examiner's reliance on *Tashiro* for the claimed feature. . . . As pointed out by the Examiner: “Appellant argues this claim [24] in the section listed as Rejections Under 103 (*Chernow* in view of *Tsumura*) [Br. 10], however this claim is rejected under *Chernow* in view of *Tsumura* and in further view of *Tashiro*.” Answer 55-56.

Decision 50 (alterations in Decision). Specifically, the Brief, under the

heading “Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Tsumura*)” (bolding and underlining omitted), states that “[c]laims 1, 4-6, 15, 18-20, and 22-26 were rejected as being unpatentable over *Chernow* in view of *Tsumura* (USP 5,547,202).” Br. 10. In the discussion under this heading, the Brief further states (at 18): “Amended Claim 24 recites ‘the communication terminal device displays a number of players who can participate in the real-time interactive communication’. None of the art on record discloses this limitation.” However, neither the Brief nor the Reply Brief acknowledges that the art of record includes Tashiro. Furthermore, the sections of the Brief and Reply Brief having the heading “Grounds of Rejection to be Reviewed on Appeal” (bolding omitted) likewise misidentify claim 24 as rejected for obviousness over Chernow in view of Tsumura. Br. 4; Reply Br. 3.

The Request argues that the rejection of claim 24 is improper because Tashiro does not describe the number of players who *can* play the game. *See, e.g.*, Request 3 (“[T]he teachings of Fig. 7 of Tashiro make clear that the number of players shown is actually the number of players who are *in fact* playing and not those who *can* play.”). As justification for presenting this argument regarding Tashiro at this time, the Request states:

Patent Owner believes the Board misapprehended the Examiner’s mischaracterization of the claims. For example, the Examiner states that “[i]t would have been obvious to one of ordinary skill in the art at the time of invention to implement the game system of Chernow and Tsumura with display of a number of players in a real-time interactive communication as

found in Tashiro's teaching." The claim however recites "displays a number of players who can participate."

In fact, *Tashiro* does not teach displaying a number of people who "can participate" in the game --- *Tashiro* does not teach displaying anything related to the number of players who can play the game.

Request 2. However, our decision to sustain the rejection of claim 24 was not based on any such misapprehension of the Examiner's position. Rather, it was based on Appellant's failure to show error in the Examiner's reliance on Tashiro. *See Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) (an appellant may attempt to overcome an examiner's obviousness rejection on appeal to the Board by: (1) submitting arguments and/or evidence to show that the examiner made an error in either (a) an underlying finding of fact upon which the final conclusion of obviousness was based or (b) the reasoning used to reach the legal conclusion of obviousness; or (2) showing that the prima facie case has been rebutted by evidence of secondary considerations of nonobviousness). *See also id.* ("If an appellant fails to present arguments on a particular issue — or, more broadly, on a particular rejection — the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection.").

Furthermore, presenting new arguments about Tashiro in the Request is contrary to 37 C.F.R. § 41.52, which reads in relevant part as follows:

§ 41.52 Rehearing.

(a)(1) . . . Arguments not raised, and Evidence not previously relied upon, pursuant to §§ 41.37, 41.41, or 41.47 are not permitted in the request for rehearing except as

permitted by paragraphs (a)(2) through (a)(4) of this section. . .

(2) Appellant may present a new argument based upon a recent relevant decision of either the Board or a Federal Court.

(3) New arguments responding to a new ground of rejection designated pursuant to § 41.50(b) are permitted.

(4) New arguments that the Board's decision contains an undesignated new ground of rejection are permitted.

37 C.F.R. § 41.52 (2012). The Request fails to assert, let alone demonstrate, that any of these exceptions applies. We recognize that the Request cites “the Federal Circuit’s recent holding in *Kinetic Concepts, Inc. et al. v. Wake Forest University Health Sciences* [sic; *v. Smith & Nephew, Inc.*], Case 2011-1105, at page 32 (Fed. Cir. August 13, 2012)” (688 F.3d 1342, 1361-62) as support for the argument that “[e]xactly as in *Kinetic Concepts, Tashiro* teaches away from the element for which it is offered.” Request 3. However, the principle that obviousness is not demonstrated by references that teach away from the claimed invention appears in numerous earlier court decisions, including *In re Kahn*, 441 F.3d 977, 990 (Fed. Cir. 2006), which is cited for this proposition in *Kinetic Concepts*, 688 F.3d at 1362.

We have considered Appellant’s arguments but are not persuaded that we misapprehended or overlooked any point when we sustained the rejection of claim 24 for obviousness over Chernow in view of Tsumura and Tashiro.

The Request for Rehearing is *denied*.

DENIED

Appeal 2012-012256
Reexamination Control Nos. 90/009,524 and 90/010,666
Patent 6,193,520 B1

For Patent Owner/Requester in Reexamination 90/009,524:

Whitaker Law Group
1281 Third Avenue
Suite 1809
Seattle, WA 98101

For Third Party Requester in Reexamination 90/010,666:

Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

peb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	)	Title:	Interactive Communication System
Takeya Okamoto	)		for Communicating Video Game
	)		and Karaoke Software
Control Nos.: 90/009,524 &	)	Patent No.:	6,193,520
90/010,666	)		
	)		
Conf. No.: 8556	)	Art Unit:	3992
Reexam Filed: 08/17/2009	)	Examiner:	William H. Wood

REQUEST FOR REHEARING OF BOARD DECISION

Attn: Central Reexamination Unit
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This is an *ex parte* reexamination of U.S. Patent No. 6,193,520, Control No. 90/009,524 (hereafter the '520 Patent). This proceeding has been merged with a third party reexamination request Control No. 90/010,666. On January 11, 2013, the Board issued its decision on appeal reversing the Examiner on several grounds while also sustaining certain of the Examiner's rejections.

Pursuant to 37 C.F.R. 41.52, Patent Owner respectfully requests rehearing on only one issue decided against it by the Board. Specifically, Patent Owner requests that the Board reconsider the rejection of Proposed Claim 24 over the combination of *Chernow* and *Tsumura* in view of *Tashiro*.

“Can Participate” Element

Proposed Claim 24 recites wherein the communication terminal device “displays a number of players who *can* participate in the real-time interactive communication.” The Examiner acknowledges that *Chernow* and *Tsumura* do not teach or suggest that element.

Certificate of EFS-Web Transmission:

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on the date set forth below:

Dated: March 11, 2013

Signed: /s/ /johnwhitaker/
 John Whitaker

Examiner's Answer at page 41. However, the Examiner contends that *Tashiro* demonstrates this limitation, but does not describe how *Tashiro* actually teaches or suggests this limitation. Rather, the Office Action merely states “*Tashiro* demonstrated that it was known at the time of invention to display a number of players who can participate in a real-time interactive game play.”

Patent Owner believes the Board misapprehended the Examiner's mischaracterization of the claims. For example, the Examiner states that “[i]t would have been obvious to one of ordinary skill in the art at the time of invention to implement the game system of Chernow and Tsumura with display of a number of players in a real-time interactive communication as found in *Tashiro*'s teaching.” The claim however recites “displays a number of players who can participate.”

In fact, *Tashiro* does not teach displaying a number of people who “can participate” in the game —*Tashiro* does not teach displaying anything related to the number of players who can play the game. Rather, *Tashiro* teaches only limiting the number of players who can play, by limiting the number of physical game machines. *Tashiro* at col. 6, lines 1-5. At best, *Tashiro* might suggest showing a car for each player who *is* currently *playing* the game, not how many *can* play the game. Even if one could discern the number of players currently playing the game by counting the number of cars on the display, displaying this is quite different than displaying a number of players “who *can* participate” in a game.

Still further, a review of Fig. 7 of *Tashiro* reveals that indeed the system disclosed does not, in fact, display a number of players who *can* participate in gameplay. Rather, Fig. 7 reveals that the system of *Tashiro* merely displays the number of players who *are* participating. Fig. 7 demonstrates that only those players who are in fact currently participating are displayed even though the game may, as described, have a maximum number of players. *Tashiro* at Fig. 7, col. 6, lines 1-5 (only 4 players shown--nowhere shows that 8 players *can participate*).

That particular teaching is especially meaningful in view of the Federal Circuit's recent holding in *Kinetic Concepts, Inc. et al. v. Wake Forest University Health Sciences*, Case 2011-1105, at page 32 (Fed. Cir. August 13, 2012). In *Kinetic Concepts*, Smith & Nephew (Appellee) argued that one piece of prior art taught that “negative pressure” could be used to treat a wound and thereby taught a missing element of other cited references. However, the Federal Circuit disagreed and concluded that the additional reference may have taught the use of “negative pressure” to treat a wound, however it only did so in the context of aspirating pus from an abscess—in essence the other reference “taught away” from the combination.

The same situation exists here. Even if Tashiro could be read as suggesting that when eight players are *in fact* playing the same game in which only eight players *can* play, that suggestion is a mere coincidence. Indeed, the teachings of Fig. 7 of Tashiro make clear that the number of players shown is actually the number of players who are *in fact* playing and not those who *can* play. Exactly as in *Kinetic Concepts*, *Tashiro* teaches away from the element for which it is offered.

The difference is also illustrated by the context of the *Tashiro* teachings. *Tashiro* teaches that a group of physical game machines “within the same game space” are multi-player enabled. See *Tashiro* at col. 2, lines 19-20. In that context, there is no need to display the number of players who *can* play—all an individual need do is look around. In contrast, the system addressed by Patent Owner’s claims enable geographically disparate players (who cannot simply look around) to know how many players *can* engage in a multi-player game. Therefore, *Tashiro* fails to remedy this lack of disclosure. For at least this reason, Claim 24 is patentable over the prior art of record.

Conclusion

Patent Owner respectfully requests the Board of Patent Appeals and Interferences to reconsider the above issue and reverse the rejection of proposed claim 24.

Respectfully submitted,

Dated: March 11, 2013

By: /s/ /johnwhitaker/

John Whitaker

Reg. No. 42,222

Attorney of the Patent Owner

(206) 319-1575

Service of Papers

A copy of this submission is being served today on Third Party Requester in accordance with 37 CFR 1.248 by first class mail addressed to:

Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

Date: March 11, 2013

/s/ John Whitaker
John Whitaker

Electronic Acknowledgement Receipt

EFS ID:	15183333
Application Number:	90010666
International Application Number:	
Confirmation Number:	8556
Title of Invention:	Interactive Communication System for Communicating Video Game and Karaoke Software
First Named Inventor/Applicant Name:	6193520
Customer Number:	164
Filer:	John Whitaker
Filer Authorized By:	
Attorney Docket Number:	6620-82302-03
Receipt Date:	11-MAR-2013
Filing Date:	04-SEP-2009
Time Stamp:	23:13:46
Application Type:	Reexam (Third Party)

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	Request for Rehearing of Patent Board Decision	Rehearing520.pdf	129615 a797c229d22f06843b1d7c14f32c0b6409109c6a	no	5

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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.
90/010,666	09/04/2009	6193520	6620-82302-03	8556

164 7590 01/11/2013
KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

WOOD, WILLIAM H

ART UNIT	PAPER NUMBER

3992

MAIL DATE	DELIVERY MODE

01/11/2013

PAPER

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ADC TECHNOLOGY, INC.

Appeal 2012-012256
Reexamination Control Nos. 90/009,524 and 90/010,666
Patent 6,193,520 B1¹
Technology Center 3900

Before JOHN C. MARTIN, MICHAEL R. ZECHER,
and GLENN J. PERRY, *Administrative Patent Judges*.

MARTIN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(b) from the July 6, 2011,
final Office action (hereinafter “Final Action”) in merged *Ex Parte*

¹ The '520 patent identifies itself as a continuation-in-part of U.S. Application 08/642,560, filed on May 3, 1996 (now U.S. Patent 5,775,995), which is a divisional of U.S. Application No. 08/555,400, filed on November 9, 1995 (U.S. Patent No. 5,735,744), which is a continuation-in-part of U.S. Application 08/232,862, filed on April 25, 1994 (now U.S. Patent 5,489,103). *See* '520 patent, second Certificate of Correction, issued (Continued on next page.)

Appeal 2012-012256

Reexamination Control Nos. 90/009,524 and 90/010,666

Patent 6,193,520 B1

Reexamination Control Nos. 90/009,524 and 90/010,666 for reexamination of the '520 patent.² During these merged reexamination proceedings, some of original claims 1-21 were amended and new claims 22-48 were added. All of claims 1-48 were rejected in the Final Action. As explained below, some rejections were withdrawn in the Answer, leaving for our consideration rejections of claims 1-11, 13-36, and 38-48 under 35 U.S.C. § 112 (first and second paragraphs), § 102(b), and § 103(a).

We have jurisdiction under 35 U.S.C. §§ 134(b) and 306.

We AFFIRM-IN-PART.

I. STATEMENT OF THE CASE

A. Related Litigation and Appeals

Appellant has identified the following currently stayed litigation as related to this appeal: Case No. 2:08-CV-01579-RSM (W.D. Wash.). Br. 2.³

April 15, 2008.

² The '524 proceeding was initiated by a reexamination request filed by Patent Owner, ADC Technology, Inc. The '666 proceeding was initiated by a reexamination request filed by third party requester Microsoft Corporation. The two proceedings were merged by a March 12, 2010, decision of the Director of the Central Reexamination Unit.

³ “Patent Owner’s Appeal Brief,” filed November 2, 2011, as supplemented by the “Summary of Claimed Subject Matter” in “Corrections to Patent Owner’s Appeal Brief,” filed December 9, 2011.

Appeal 2012-012256

Reexamination Control Nos. 90/009,524 and 90/010,666

Patent 6,193,520 B1

According to Appellant (*id.*), this litigation involves the '520 patent as well as the following additional U.S. patents, which are involved in the following reexamination proceedings:

1. Patent 6,875,021 (the subject of merged *ex parte* and *inter partes* reexamination proceedings 90/009,520 and 95/001,237);

2. Patent 6,488,508 (the subject of merged *ex parte* and *inter partes* reexamination proceedings 90/009,521 and 95/001,234);

3. Patent 6,702,585 (the subject of merged *ex parte* and *inter partes* reexamination proceedings 90/009,522 and 95/001,236); and

4. Patent 5,775,995 (the subject of merged *ex parte* reexamination proceedings 90/009,523 and 90/010,663).

Of these four pairs of merged proceedings, only the proceedings involving the '995 patent have been the subject of an appeal to the Board. In a November 10, 2011, Decision in that appeal (No. 2012-000193), the Board reversed all of the Examiner's rejections.

B. The Invention Described in the '520 Patent

The invention described in the '520 patent is an interactive communication system for transmitting video game and karaoke software via communication lines from a host facility to a calling communication terminal device in each individual home. '520 patent specification 1:46-50.

Figure 1 of the '520 patent is reproduced below.

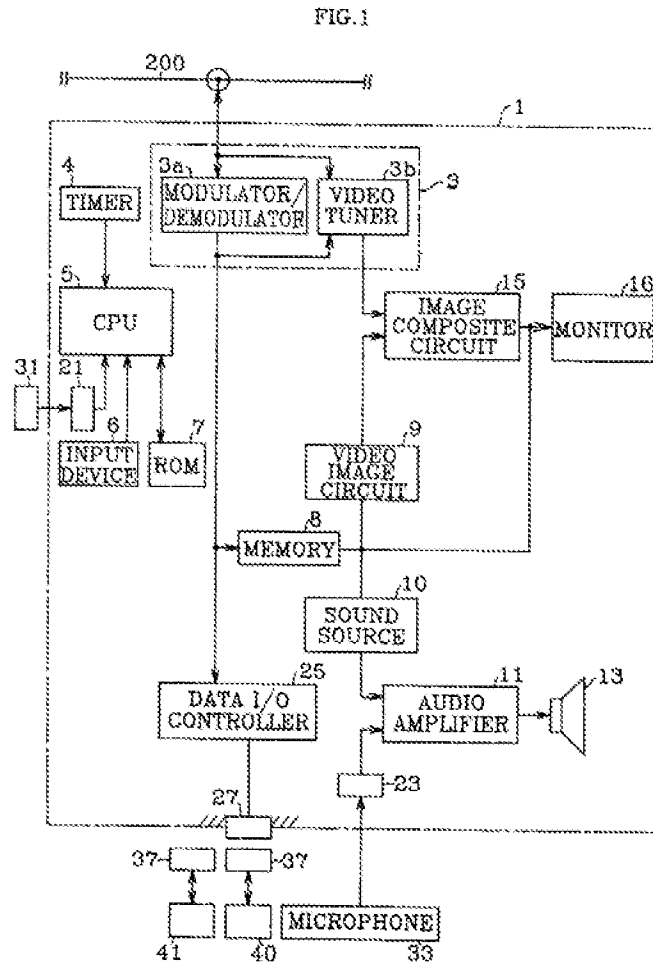


Figure 1 is a block diagram of a communication terminal device according to the present invention. *Id.* at 3:35-36. In response to a request generated by personal communicator 1, a host facility (100 in Figure 2, not reproduced herein) transmits the requested data to personal communicator 1 over a transmission path 200. *Id.* at 4:39-45. In addition, the host sends data representing first, second, and third predetermined time periods (recited as “duration data” in independent claims 1, 8, and 15) to the personal communicator 1. *Id.* at 6:20-23. When storage of the game data in the

memory 8 of personal communicator 1 has been completed, such completion is indicated on the monitor 16. *Id.* at 6:24-28.

As explained below, execution of the received game data will be interfered with (e.g., prevented) upon detection of a predetermined time period (i.e., a “second” predetermined time period) that begins with one of the following conditions: receipt of the game data; the start of execution of the game data; or the conclusion of a period of using the game data.

Figure 7 of the application is reproduced below.

FIG. 7

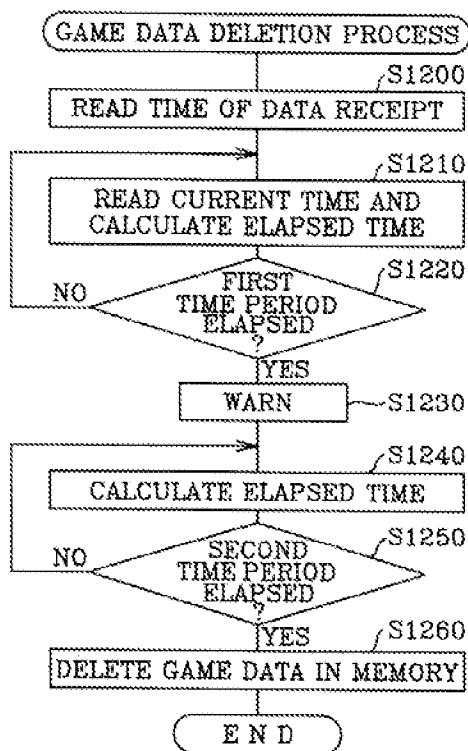


Figure 7 is a flowchart of “the process to effect deletion of the game data.” *Id.* at 3:49-50. The time when data receipt by personal communicator

1 has been completed is read out at step S1200. *Id.* at 6:38-39. At step S1210, which is repeatedly performed, “[t]he current time is . . . read out and the time period which has elapsed after the completion of the data receipt is calculated.” *Id.* at 6:39-41. When it is determined that a first predetermined time period has elapsed, a warning of this condition is given at step S1230. *Id.* at 6:44-46. Next, “[w]hen it is determined, at step S1250, that a second predetermined time period has elapsed, the game data stored in the memory 8 is deleted at step S1260, and the instant process ends.” *Id.* at 6:47-50. In contrast to the other flowcharts discussed below, the Figure 7 flowchart does not employ a third predetermined time period.

Figure 12 is reproduced below.

FIG. 12

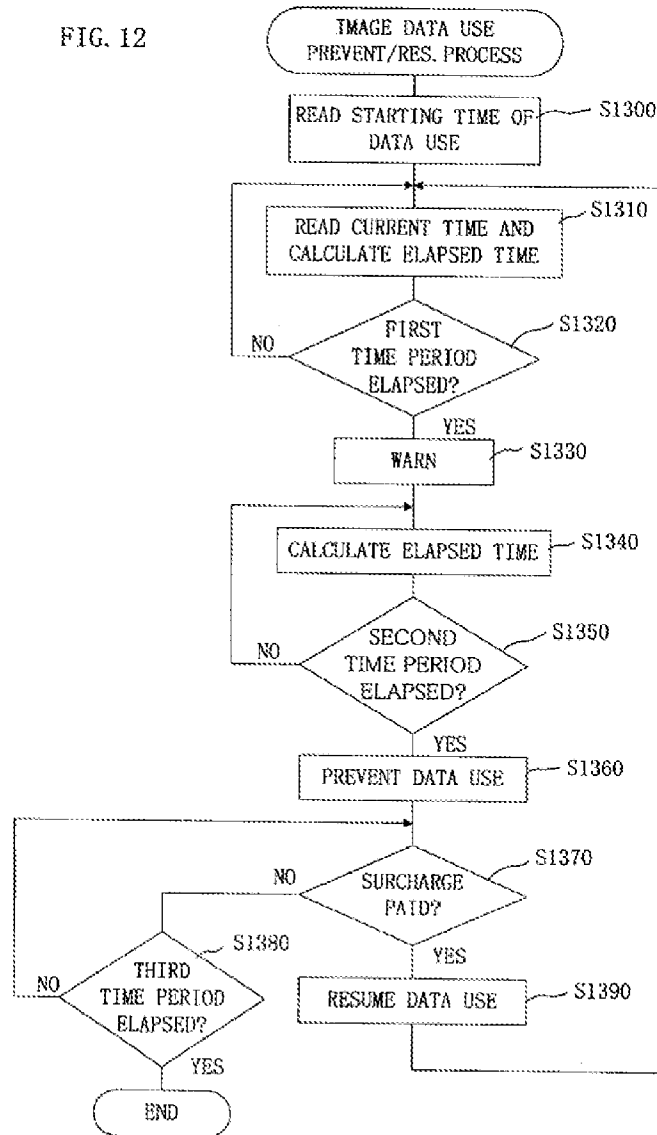


Figure 12 is a flowchart showing an embodiment in which “a predetermined time period to prevent further use of the image data is *counted from the starting time of use of the data*, not from the receiving time of the data from the host facility.” *Id.* at 11:37-41 (emphasis added). When the image data

have been used for a first predetermined time period, a warning is issued at step S1330. *Id.* at 11:43-50. When it is determined, at step S1350, that the second predetermined time period has elapsed, “a process to prevent further use of the above image data is performed at step S1360.” *Id.* at 11:52-55.

The specification more particularly explains that

[t]here may be various means to prevent further use of the image data, such as deleting the image data stored in the memory 8, blocking, as shown in FIG. 8A or 8B, the view on the screen of the monitor 16 in accordance with the progress of the image data processing, stopping, as shown in FIG. 8C, the sound generated in accordance with the progress of the image data processing and invalidating, as shown in FIG. 8D, any operation of the input device 6 or the controller 31 for instruction.

Id. at 11:56-64.

In contrast to the Figure 7 embodiment, use of the image data in the Figure 12 embodiment can be resumed upon payment of a surcharge before a third predetermined time period has elapsed (at steps S1370-1390). *Id.* at 11:65-12:4. In the case where the image data stored in the memory are deleted to prevent their further use, it is preferable to preserve the image data in a not-shown temporary storage device before deleting it from the memory and then to restore it from the temporary storage device into the memory after the surcharge is paid. *Id.* at 12:9-15.

Figure 13 is reproduced below.

FIG. 13

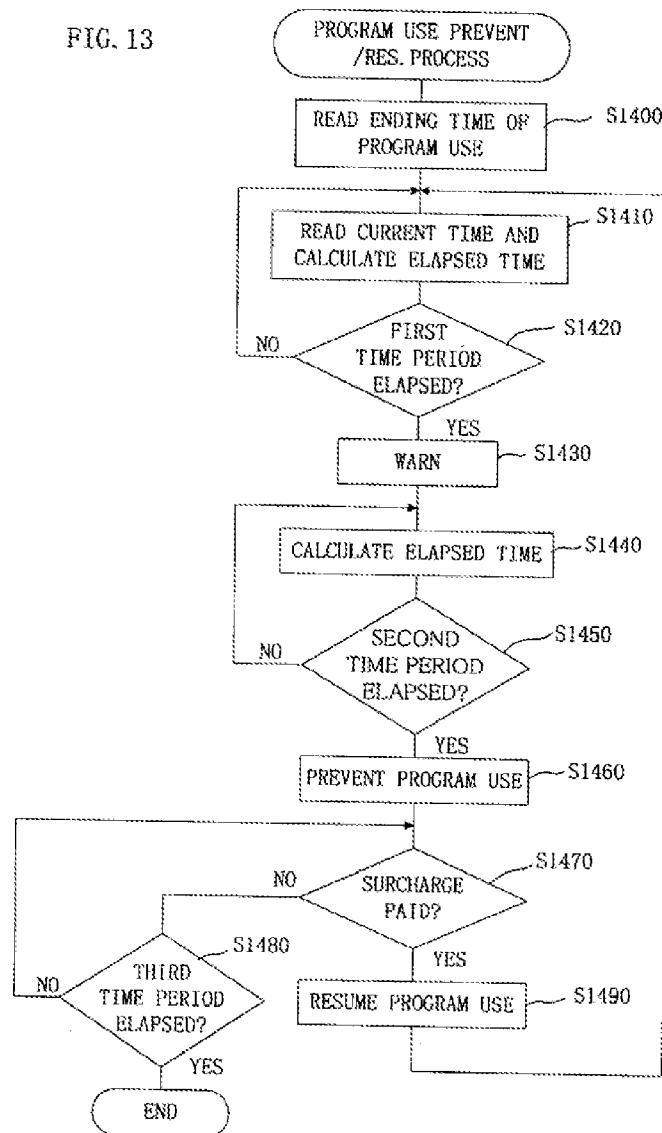


Figure 13 is a flowchart of a further embodiment. *Id.* at 12:20. In this embodiment, “when the program sent from the host facility is *continuously unused* for a predetermined time period, a process to prevent *further* use of the program is performed.” *Id.* at 12:20-23 (emphasis added). Measurement of this predetermined time period begins at step S1400 by detecting “[w]hen

the program sent from the host facility is used for some time and then the use ends.” *Id.* at 12:25-27. The Figure 13 embodiment in other respects is similar to the Figure 12 embodiment.

C. The Claims on Appeal⁴

The independent claims on appeal are amended claims 1 and 15 and original claim 8, which are reproduced below. As is apparent from these claims, original claims 1, 8, and 15 recited “clock means” for keeping the predetermined time periods measured in the flowcharts of Figures 7, 12, and 13, respectively. One of the § 112, first paragraph, issues before us is whether the '520 patent specification fails to provide written description support for the amendment of claim 1 to make the interference means responsive to either of two clock means: “first clock means for keeping a first predetermined time period *after said receiving means receives the transmission*” and “second clock means for keeping a second predetermined time period *after said executing means starts execution* of the program or data processing.” Claims App. (Br. 23) (emphasis added: underlining omitted). Another § 112, first paragraph, issue is whether the '520 patent

⁴ The claims on appeal, which are reproduced in the Claims Appendix to the Brief, are the claims as amended by the “Amendment and Response” filed November 22, 2010. The proposed claim amendments in the “Amendment and Response” filed on August 5, 2011, following the Final Action, were refused entry in an Advisory Action mailed August 16, 2011. Appellant did not file petition to obtain review of this decision by the Examiner.

specification supports the amendment of claim 15 to add a “wherein” clause reciting “simultaneous interaction among a plurality of players.”

Claims 1, 8, and 15 read as follows:

1. (TWICE AMENDED) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data,

receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

first clock means for keeping a first predetermined time period after said receiving means receives the transmission,

second clock means for keeping a second predetermined time period after said executing means starts execution of the program or data processing; and

interference means for interfering with execution of said executing means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the first predetermined time period to be counted by said first clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.

8. (ORIGINAL) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data,

receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing, and

interference means for interfering with execution of said executing means when said clock means counts said predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.

15. (TWICE AMENDED) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data, receiving means for receiving, via wireless transmission, one of the program, the data, and a

combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

clock means for keeping a predetermined time period after said execution means ends the execution of the program or data processing to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused, and

interference means for interfering with execution of said executing means when said clock means counts a predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data

together with the duration data stored in said storage means to said communication terminal device, and

wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

Claims App. (Br. 23, 25, 28).

D. The Rejections⁵

Although all claims 1-48 were rejected over prior art in the Final Action, the prior art rejections of claims 5, 12, 19, and 35-38 were withdrawn at pages 3-4 of the Answer. However, all of these claims except claims 12 and 37 remain rejected under 35 U.S.C. § 112. Thus, the claims that require our consideration in this appeal are claims 1-11, 13-36, and 38-48.

⁵ The prior art rejections to be reviewed in this appeal are incorrectly identified in the Brief (at 4) and Reply Brief (at 3). Furthermore, the (Continued on next page.)

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Claims 1-7, 15-21, 23-30, 35, 36, 38, 39, 41, 42, and 44 stand rejected under 35 U.S.C. § 112, first paragraph, for lacking written description support. Specifically, claims 1-7, 23, 24, 26-30, 35, 36, 39, 41, and 42 stand rejected for reciting an interference means responsive to a first predetermined time period after the receipt of transmission *or a second predetermined time period after the start of execution*,⁶ whereas claims 15-21, 23-25, 36, 38, and 44 stand rejected for reciting “simultaneous interaction among a plurality of players.” Final Action 6; Answer 5.

Claims 26, 40, 45, and 47 stand rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the invention. Final Action 8; Answer 6.

Claims 8, 11, and 13⁷ stand rejected under 35 U.S.C. § 102(b) for anticipation by Chernow.⁸ Final Action 9; Answer 7.

Claims 1, 4, 6, 15, 18, 20, 22, 23, 25, 26, 41, 42, and 46-48⁹ stand rejected under 35 U.S.C. § 103(a) for obviousness over Chernow in view of Tsumura.¹⁰ Final Action 12; Answer 10.

“Argument” section of the Brief fails to address some grounds of rejection.

⁶ The statement (Final Action 6) of this basis for the rejection omits (presumably inadvertently) claims 35 and 36, both of which depend on claims 1 and 5, which are rejected on this basis.

⁷ The rejection of claim 12 on this ground (Final Action 9) was withdrawn at page 3 of the Answer.

⁸ Chernow et al. U.S. Patent 4,999,806.

⁹ The rejection of claims 5 and 19 on this ground (Final Action 12) was withdrawn at page 3 of the Answer. The Examiner treats claim 47, which (Continued on next page.)

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Claims 9 and 14 stand rejected under § 103(a) for obviousness over Chernow in view of Kato.¹¹ Final Action 28; Answer 25.

Claim 10 stands rejected under § 103(a) for obviousness over Chernow in view of Kato, further in view of Tsumura. Final Action 30; Answer 27.

Claims 2, 3, 7, 16, 17, and 21 stand rejected under § 103(a) for obviousness over Chernow in view of Tsumura, further in view of Kato. Final Action 31; Answer 29.

Claims 27-29¹² stand rejected under § 103(a) for obviousness over Chernow in view of Tsumura and further in view of Sanbe.¹³ Final Action 38; Answer 35.

depends on itself, as dependent on claim 46 for the purpose of applying prior art. Final Action 27.

¹⁰ Tsumura U.S. Patent 5,547,202.

¹¹ Kato Japanese Laid-open Application JP 04-10191 (corresponding to Japanese Application JP 2-113463). The Examiner apparently relies on an English-language translation submitted as Exhibit A with the reexamination request in the '524 proceeding.

¹² The rejection of claims 35 and 36 on this ground (Final Action 38) was withdrawn at page 3 of the Answer, as was the rejection of claims 37 and 38 based on Chernow in view of Sanbe and further in view of Tsumura (Final Action 43).

¹³ Sanbe et al. Japanese Unexamined Patent Application Publication H4-32898. An English-language translation of this document was provided with (Continued on next page.)

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Claim 30 stands rejected under § 103(a) for obviousness over Chernow in view of Tsumura, Sanbe, and Kaniwa.¹⁴ Final Action 46; Answer 37.

Claims 31-33 stand rejected under § 103(a) for obviousness over Chernow in view of Sanbe. Final Action 42; Answer 36.

Claim 34 stands rejected under § 103(a) for obviousness over Chernow in view of Sanbe and Kaniwa. Final Action 47; Answer 38.

Claims 39 and 40¹⁵ stand rejected under § 103(a) for obviousness over Chernow in view of Tsumura and Suzuki.¹⁶ Final Action 48; Answer 39.

Claims 43 and 45 stand rejected under § 103(a) for obviousness over Chernow in view of Suzuki. Final Action 49; Answer 40.¹⁷

Claims 24 and 44 stand rejected under § 103(a) for obviousness over Chernow in view of Tsumura and Tashiro.¹⁸ Final Action 50; Answer 41.

the nonfinal Action mailed October 13, 2010.

¹⁴ Kaniwa et al. U.S. Patent 5,699,370.

¹⁵ For the purpose of applying prior art, the Examiner treats claim 40, which depends on itself, as dependent on claim 39. Final Action 49.

¹⁶ Suzuki U.S. Patent 5,157,643.

¹⁷ The Examiner treats claim 45, which depends on itself, as dependent on claim 43 for the purpose of applying the prior art. Final Action 50.

¹⁸ Tashiro et al. U.S. Patent 4,998,199.

II. DISCUSSION

A. The § 112, ¶ 1 Rejection (Claims 1-7, 15-21, 23-30, 35, 36, 38, 39, 41, 42, and 44)

1. Claims Reciting Interference Means Responsive to the Recited First And Second Clock Means (Claim 1 and Dependent Claims 2-7, 23, 24, 26-30, 35, 36, 39, 41, and 42¹⁹)

As noted above, original claim 1 has been amended by: (i) changing the originally recited “clock means for keeping a predetermined time period after said receiving means receives the transmission” to “*first* clock means for keeping a *first* predetermined time period after said receiving means receives the transmission”; adding a “*second clock means* for keeping a second predetermined time *period after said executing means starts execution* of the program or data processing” (emphasis added); and (iii) reciting that the interference means “interfer[es] with execution of said executing means when said first clock means counts said first predetermined time period *or* said second clock means counts said second predetermined time period.” Claims App. (Br. 23) (emphasis added; underlining omitted).

The Examiner found that “there is no original disclosure of ‘when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period’ (emphasis

¹⁹ All of these dependent claims depend on claim 1 except claim 26, which
(Continued on next page.)

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added).” Final Action 7. According to the Examiner, “[t]he disclosure lists these as separate embodiments, not as choices in one embodiment.” *Id.*

Appellant’s first argument against the rejection is that “it is improper to reject the proposed amendments based on the erroneous position that the claims must be coextensive with only one disclosed embodiment at a time.”

Br. 5. As support for this proposition, Appellant explains:

It is axiomatic that a claim is not limited to one embodiment of the invention. *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 906 (Fed. Cir. 2004) (“[T]his court has expressly rejected the contention that if a patent describes only a single embodiment, the claims of the patent must be construed as being limited to that embodiment”); *Teleflex, Inc. v. Ficosa N. Am. Corp.*, 299 F.3d 1313, 1327-28 (Fed. Cir. 2002); *Inverness Med. Switzerland GmbH v. Warner Lambert Co.*, 309 F.3d 1373, 1379 (Fed. Cir. 2002) (“It is improper to limit the claim based on a preferred embodiment of the invention”).

Id. at 4-5. This argument is unpersuasive because these decisions do not address the question of whether a claim must be, in Appellants’ words, “coextensive with only one disclosed embodiment at a time.” Br. 5.

Furthermore, this question was answered in the affirmative in *Hyatt v. Dudas*, 492 F.3d 1365, 1371 (Fed. Cir. 2007):

[I]n rejecting application claim 163, the examiner explained that the written description did not support the particular claimed *combination* of elements, even listing each and every element of the allegedly unsupported combination. And the examiner

depends on claim 8.

was explicit that while each element may be *individually* described in the specification, the deficiency was the lack of adequate description of their *combination*-he stated, “While each element may individually be discussed neither the specification nor drawings clearly support the claimed embodiment *as a whole*.” *Id.* (emphasis added). He further indicated what Hyatt needed to address his concern: “[I]t is not enough that applicant show where each claimed element resides in the earliest filed application but [he] must also provide support for the *linkage of the claimed elements* creating the embodiment.” *Id.* (emphasis added).”

Hyatt was clearly notified of what exactly the examiner felt was missing by way of written description. The burden was then properly shifted to Hyatt to cite to the examiner where adequate written description could be found, or to make an amendment to address the deficiency.

(Brackets in original.)

Appellant’s next argument is that “[t]he specification explicitly supports counting a predetermined time period from either the start of execution **or** after the program/data is received. See '520 Patent at col. 10, lines 15-20 and col. 11, lines 37-41.” Br. 4. These first and second cited passages describe the Figure 7 and Figure 12 embodiments, respectively.

We therefore agree with the Examiner’s finding that

[t]he passages cited say nothing about two clocks and making a decision based upon the results of two clocks. The passages do describe two embodiments: one, with one clock and interfering based upon the counting of that one clock; and two, with one clock, that counts a different time period than the time period of the first embodiment, and interfering based upon the counting of that one clock.

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Answer 45.

Finally, Appellant argues that claim 1 is supported by the Figure 12 embodiment because it

shows a “second time period 1350” and a “third time period 1380.” As described with reference to Figure 12, *the embodiment illustrated in Figure 12 also includes an element to “prevent data use 1360” which is effective upon the expiration of both the “second time period 1350” and the “third time period 1380.”* See '520 Patent, col. 11, line 50 to col. 12, line 15. Accordingly, the single embodiment illustrated in Figure 12 and described in the specification does, in fact, fully support the claim language, as amended. Patent Owner acknowledges that different ordinal identifiers may be used (i.e., “second and third” rather than “first and second”), however those designators are arbitrary and do not bear on the patentability of the claims.

Reply Br. 4 (emphasis added). We agree with the Examiner that “no figure (including figure 12 to which the cited passage refers) shows the two clocks claimed in amended claim 1 (NOTE: figure 12 does show a second and third time period, however these time periods are not related to the first and second clock[s] of claim 1).” Answer 45. None of the first, second, and third predetermined time periods measured in the Figure 12 embodiment corresponds to the recited “first predetermined time period *after said receiving means receives the transmission.*” Instead, they are all based on the *starting time of use* of the received data, as measured at step S1300. '520 patent specification 11:43-45.

The § 112, first paragraph, rejection of claim 1 is therefore sustained, as is the rejection on this ground of its dependent claims 2-7, 23, 24, 27-30, 35, 36, 39, 41, and 42, whose merits regarding this ground of rejection are not separately argued. For the same reason, we also sustain the rejection of claim 26, which depends on claim 8.

2. Claims Reciting “Simultaneous Interaction” (Claim 15
and Dependent Claims 16-21, 23-25, 36, 38, and 44²⁰)

As shown above, independent claim 15 was amended to include the following paragraph, which recites “real-time interactive communication between . . . communication terminal devices” and “simultaneous interaction among a plurality of players executing the same program”:

wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate *real-time interactive communication between the at least two communication terminal devices* regarding the program, the data, or the combination of program and data to support *simultaneous interaction among a plurality of players executing the same program* on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

Claims App. (Br. 29) (emphasis added; underlining omitted).

²⁰ Only dependent claims 16-21 are dependent on claim 15.

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The Examiner found that “[t]he limitation[], ‘simultaneous interaction’ (claim 15), is not disclosed in the specification as originally filed. There is no mention of ‘simultaneous’ at all.” Final Action 7. Appellant concedes that “simultaneous” does not appear in the specification, but contends it is clearly implicit or inherent in the disclosure. Br. 5 (citing M.P.E.P. § 2163(I)(B), which states, “While there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure.”). More particularly, Appellant asserts (Br. 5) that “simultaneous” is defined to mean “occurring at the same time” at page 578 of *Webster’s New World Dictionary and Thesaurus* (1996) and thus finds support in the following passage of the '520 patent specification:

[A] plurality of players in remote places can play the same game together.

For example, the transmission paths 200 or telecommunication lines is utilized to connect a plurality of personal communicators 1 to one another such that the *interactive communication* can be performed therebetween. When the plurality of personal communicators 1 are supplied with the same game data, the players have the same game characters in common. Therefore, the data to be transmitted among the plurality of personal communicators 1 are only character number data and the position data. *Thus, the players together participate, on a real time basis, in the same game on the monitor 16 of respective personal communicators 1.*

'520 specification 8:11-21 (emphasis added). The Examiner agrees that “simultaneous” means “occurring at the same time” but finds that it lacks support in the above-quoted passage for the following reasons:

While it is true ‘simultaneous’ means “occurring at the same time”, ‘real-time’ does not have the same definition, especially in the context of a computer environment. In computer systems, ‘real-time’ may refer to any of many different facets of the system from the quick speed of processing, to the online/internet processing protocols, and/or the apparently instantaneous processing from the perspective of a human being.

Further, if ‘real-time’ did mean ‘simultaneous’, then it is rather unclear why the claim limitation would need both terms.

Answer 47. Appellant responds by arguing that “[i]t cannot be seriously argued that if players are playing together on a real time basis, they are not necessarily playing together ‘at the same time.’ Accordingly, the word ‘simultaneously’ is implicitly supported by at least that passage of the specification.” Br. 5. We agree with Appellant. The above-quoted passage from the '520 patent specification, by stating that “the players together participate, on a real time basis, in the same game,” means that the players are interacting “at the same time,” i.e., “simultaneously.” Br. 5. We also agree with Appellant that the use of both “real-time” *and* “simultaneous” in the paragraph at issue is not unnecessary, redundant, or confusing. Reply Br. 6. As explained by Appellant,

the phrase “real-time interactive communication” describes the function of each communication terminal device, not the activity of the respective player (i.e. user) associated with that

device. Meanwhile, the phrase “simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices” describes what is realized, i.e. supported by, the real-time interactive communication activity between the at least two communication terminal devices.

Id. In other words, the claimed “simultaneous interaction among a plurality of players” merely describes the effect of the claimed “real-time interactive communication” between the communication terminal devices.

We therefore do not sustain the § 112, first paragraph, rejection as to the claims that are rejected merely for reciting the “simultaneous interaction” limitation: i.e., (i) independent claim 15 and its dependent claims 16-21; and (ii) claims 25, 38, and 44, which depend on claim 8. However, the rejection of the other claims that recite this “simultaneous interaction” limitation (i.e., claims 23, 24, and 36, which depend on claim 1) *is* sustained because they also recite interference means responsive to the recited first and second clock means, which is the basis discussed above for sustaining the § 112, first paragraph, rejection of claim 1.

3. Conclusion

The § 112, first paragraph, rejection is sustained with respect to claims 1-7, 23, 24, 26-30, 35, 36, 39, 41, and 42 and not sustained with respect to claims 15-21, 25, 38, and 44.

B. The § 112, ¶ 2 Rejection (Claims 26, 40, 45, and 47)

Claim 26 reads as follows:

26. (NEW) The communication system according to claim 8, further comprising a *fourth clock means* for keeping a *fourth predetermined time period* after said executing means starts execution of the program or data processing and the interference means interferes with execution of said executing means when *said first clock means* counts *said first predetermined time period* or *said second clock means* counts *said second predetermined time period*.

Claims App. (Br. 32) (emphasis added; underlining omitted). However, parent claim 8 does not recite a first, second, or third clock means or a first, second, or third predetermined time period. Instead, it recites a “*clock means* for keeping a *predetermined time period* after said executing means starts execution of the program or data processing” and “interference means for interfering with execution of said executing means when said clock means counts *said predetermined time period*.” Claims App. (Br. 26) (emphasis added). The Examiner therefore concluded that “there is no antecedent basis for the fourth and second clock means and time periods [recited in claim 26].” Final Action 8. The Examiner rejected each of claims 40, 45, and 47 as being indefinite for depending on itself. *Id.*

Appellant does not dispute the correctness of these rejections, instead pointing out that “Patent Owner attempted to correct these informalities by Rule 116 amendment, which was not entered.” Br. 5. The § 112, second paragraph, rejection of claims 26, 40, 45, and 47 is accordingly sustained.

We note that the Examiner, for the purpose of considering the patentability of claim 26 over the prior art, interprets the recited “fourth clock means for keeping a fourth predetermined time period” to mean “second clock means for keeping a second predetermined time period.” Final Action 24. Also, as noted above, the Examiner for the same reason treats claims 40, 45, and 47 as dependent on claims 39, 43, and 47, respectively.

C. The § 102(b) Rejection of Claims 8, 11, and 13 (Chernow)

Chernow’s invention is directed to a technique for the sale and distribution of software via telephone. Chernow 1:5-7.

The principal issue regarding the rejection of claim 8 is whether the Examiner was correct to find that Chernow describes “clock means for keeping *a predetermined time period after said executing means starts execution* of the program or data processing.” (Emphasis added.) The Examiner (Final Action 10) reads this claim language on two passages in Chernow. The first is Chernow’s statement that an object of the invention is “to permit the purchaser to rent the protected software for a period of time after which it will self destruct.” Chernow 2:3-5. The second passage reads as follows:

The term of use for the leased software can either be a period of time or a number of runs. The specific information can be encryptically stored within the leased software. When leased software is used, the number of runs remaining under

lease or a periodic update of the *time remaining under lease* is encryptically recorded within the program image in memory and on disk. At the conclusion of the term of use, the software renders itself unusable or erases itself from the user's disk.

Id. at 5:10-19 (emphasis added). It appears that the Appellant and the Examiner agree that Chernow's lease period expires a predetermined time period after the game data are *received*, regardless of whether or when the game data are used. Appellant challenges the rejection because

the general nature of the *Chernow* reference is toward a strict time period over which the purchaser has absolutely no control, which teaches away from a time period that is tolled until actual execution begins. In contrast, *Chernow* clearly discloses that the time period is based on a "time remaining under lease" or "the number of runs remaining under lease". The recited feature of Claim 8 enables the purchaser to retrieve the program yet not begin playing the program until a later time, without fear that the limited time period will expire before the purchaser can enjoy the program. See[], e.g., '520 Patent at column 11, lines 36-41. Such a feature is nowhere taught or suggested by the art of record.

Br. 7. The Examiner finds that the claim language does not recite "*initiating* a measure[ment] time period based on the execution of software"

(Answer 48; emphasis modified) and concludes that

[t]he broadest reasonable interpretation of the claim language "a predetermined time period after said executing means starts execution" is disclosed by showing a time period that merely encompasses "after said executing means starts execution". A clock means that keeps a time period that includes the time before execution starts and the time after execution starts (for

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example a time period that runs through this entire range) still keeps a time period after said execution means starts execution.

Answer 48-49.²¹ We agree with Appellant that “without any mechanism for associating the time period with the start of execution, there is no way to keep a predetermined time period after it starts.” Reply Br. 8. Thus, the claim language does not permit the recited “a predetermined time period” to begin *prior* to the start of execution, as concluded by the Examiner.

The § 102(b) rejection of independent claim 8 and its dependent claims 11 and 13 for anticipation by Chernow is therefore not sustained. Although this decision makes it unnecessary to reach the merits of Appellant’s separate argument regarding dependent claim 13, we address that argument here because it is also made in response to the § 103(a) rejection of dependent claims 6 and 20, which depend on independent claims 1 and 15, respectively.

Claim 13 reads as follows:

13. (ONCE AMENDED) The communication system according to claim 8, wherein said interference means comprises means for invalidating [the operation of] an operation on said input device.

Claims App. (Br. 28). The Examiner (Final Action 11-12) reads this claim language on Chernow’s above-quoted statement that “[a]t the conclusion of the term of use, the software renders itself unusable or erases itself from the

user's disk." Chernow 5:16-18. The Examiner reasons that "[i]f a software is rendered unusable or erased, any operation on or from an input device to or for the unusable/erased software would be invalidated. An input signal in [an] attempt to communicate with an unusable/erased software is necessarily invalid." Answer 49.

Appellant argues that

the Patent Office mistakenly associates "operation" with "execution" of the software, and then concludes that if execution is blocked, input to the blocked software is invalid. However, Claim 13 was amended in response to the non-final Office Action dated October 13, 2010, to clarify what is invalidated, namely "an operation on said input device". Support for the amendment is found, at least, at column 10, lines 34-44 of the '520 Patent. An example of "invalidating an operation on said input device" is rejecting signals from the input device.

Br. 9. The lines cited by Appellant appear in the following passage in the '520 patent specification and are shown below in italics:

In the above described embodiment, the game data stored in the memory 8 is deleted in order to interfere with the progress of game. Alternative arrangements to this are provided by the present invention, as shown in FIGS. 8A through 8D. . . . *Further alternative is provision of a switch 61 shown in FIG. 8D which invalidates the operation on the input*

²¹ See also Final Action 53-54.

device 6 or the controller 31. The switches 131 and 61 may be mechanical components or may be software operations. For instance, actuation of the sound source 10 may be halted by the CPU 5, or the CPU 5 may reject signals from the input device 6 or the controller 31. As still another alternative, the power of the personal communicator may be turned off when the CPU 5 determines that a predetermined time has elapsed after the game data was received.

'520 patent specification 10:21-44 (emphasis added).

We agree with Appellant that claim 13 specifically requires invalidating an operation on the input device and thus is not described by Chernow's above-quoted disclosure that "the software renders itself unusable or erases itself from the user's disk." The rejection of claim 13 is therefore not sustained for this reason and also because we do not sustain the rejection of parent claim 8.

D. The § 103(a) Rejection Based on Chernow in View of Tsumura (Claims 1, 4, 6, 15, 18, 20, 22, 23, 25, 26, 41, 42, and 46-48)

1. Claim 1

Although we are sustaining the § 112, first paragraph, rejection of claim 1 and its dependent claims, we address the merits of the §103(a) rejection of these claims in the interest of completeness.

As already noted, the "interference means" recited in claim 1 is responsive to each of a "first clock means for keeping a first predetermined time period *after said receiving means receives the transmission* [of one of

the program, the data, and a combination of the program and data as sent out from the host facility]” or a “second clock means for keeping a second predetermined time period *after said executing means starts execution of the program or data processing.*” Claims App. (Br. 23) (emphasis added; underlining omitted).

The Examiner, instead of reading the clock means that keeps a predetermined time period *after the executing means starts execution* on Chernow’s above-discussed lease period, as in the rejection of claim 8 for anticipation by that reference, reads claim 1’s first clock means for keeping a first predetermined time period *after the receiving means receives the transmission* on Chernow’s lease period. Final Action 14-15. The Examiner relies on Tsumura for a teaching of the second clock means for keeping a second predetermined time period after the executing means starts execution of the program or data processing. *Id.* Appellant challenges only the Examiner’s reliance on Tsumura.

Tsumura’s invention relates to the communication of large volumes of data of the type used in computer games. Tsumura 1:9-10. Figure 3 of Tsumura is reproduced below.

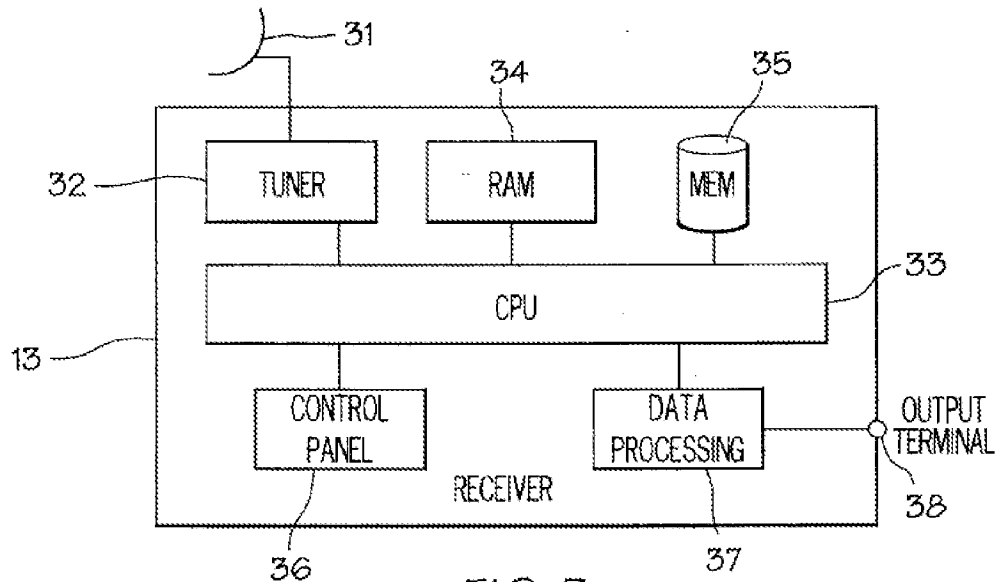


FIG. 3

Figure 3 shows a receiving device 13 that includes, *inter alia*, an antenna for the receipt of signals from a satellite and a large-scale memory device 35 for storing the digital data received, such as game data. *Id.* at 4:40-47; 6:9-11. Output terminal 38 outputs display and audio signals to externally connected visual display and audio units. *Id.* at 4:50-52.

Figure 7 of Tsumura is reproduced below.

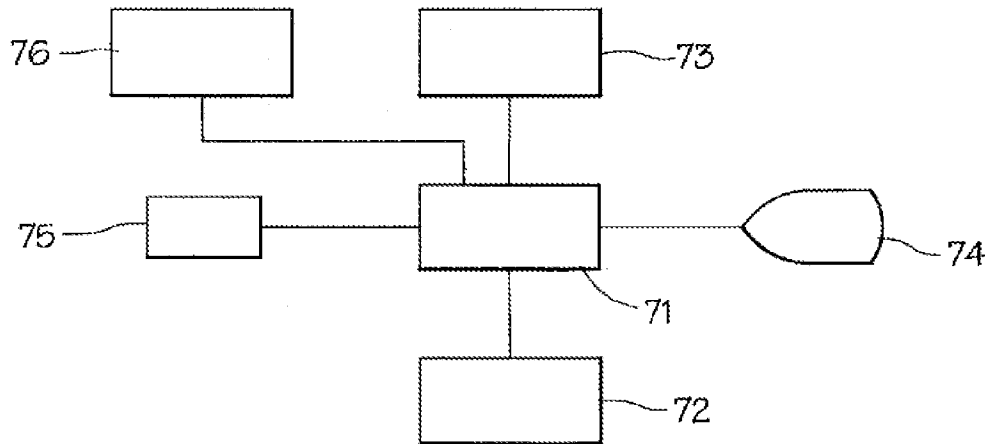


FIG. 7

Figure 7 is a schematic block diagram of the preferred embodiment of a device for the collection of charges for using a commercial terminal. *Id.* at 3:57-59. This terminal comprise a CPU 71, a RAM 72 for storing downloaded game programs, input keys 73, a visual display unit 74, a receiving device 75 to select the desired game data needed from the incoming data stream received from a communications satellite, and a coin input unit 76. *Id.* at 8:50-60.

In operation in accordance with one example, with the game machine showing the initial screen, the player puts a coin into the coin input unit 76 to pay for the use of the machine. *Id.* at 9:14-16. Next, the player uses the input keys 73 to select the desired game and, in the event that an additional charge has to be paid, this information will be presented in the display. *Id.*

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at 9:24-29. If no extra charge needs to be paid, the requested game program will be received immediately and written into the RAM 72. *Id.* at 9:29-31.

For a teaching of a clock for measuring a predetermined time period *after the executing means starts execution* of the received program or data processing and a teaching of interference means responsive to the clock, the Examiner (Final Action 15) relies on the following passage in Tsumura:

In the case of games like role playing games that can take a long time to play, on the other hand, it would be desirable to incorporate an additional charge facility that would function automatically at fixed intervals during the course of a game. *The CPU's 71 internal clock, for example, could be used to calculate the unit time and to call for the insertion of an additional fee before a predetermined length of time has elapsed, and to cause the game to be discontinued as soon as that length of time has elapsed if the required additional fee has not been paid.*

Id. at 9:56-65 (emphasis added). Appellant does not deny that Tsumura describes measuring a predetermined time period after the start of execution of the received program. Instead, Appellant challenges the Examiner's conclusion that it would have been obvious to *add* this feature of Tsumura to Chernow's teaching of measuring a predetermined time period (i.e., lease period) after receipt of the game data. The Examiner provided the following detailed rationale for combining these reference teachings:

This implementation would have been obvious because one of ordinary skill in the art would be motivated: 1) by the desirability to incorporate an additional charge facility (Tsumura: column 9, line 58) to expand the usage of the type of

game/software/data (Tsumura: column 9, lines 56-60, “in the case of games like role playing games that can take a long time to play ... it would be desirable to incorporate an additional charge facility that would function automatically at fixed intervals during the course of a game”; 2) to make software or game usage commercially viable by used by terminals (Tsumura: column 3, lines 26-40); 3) to further the goals of selling and distributing software (Tsumura: column 1, line 65 to column 2, line 2); and 4) by both Chernow and Tsumura teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Final Action 15-16 (emphasis omitted; superscripting of clause numbers omitted). The clause 4) language (i.e., “with known elements being combinable in known ways to produce predictable results”) presumably refers to Manual of Patent Examining Procedure (M.P.E.P.) § 2143 (“Examples of Basic Requirements of a *Prima Facie* Case of Obviousness”), which cites *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, [416] (2007), as support for various obviousness rationales, including “(A) Combining prior art elements according to known methods to yield predictable results.”

Appellant, after correctly noting that “*Chernow* does not teach or suggest keeping a predetermined time period **after said executing means starts execution**” (Br. 10), responded to the Examiner’s obviousness rationale merely by arguing that

none of the cited references teach or suggest evaluating the usable duration of the program or data against two different time periods based on two different initiating events.

Therefore, . . . *Chernow*, with any permissible combination of

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prior art of record, including *Tsumura*, does not teach or suggest Claim 1.

Id. at 10-11. This argument is unpersuasive because one cannot show nonobviousness by attacking references individually where, as here, the rejection is based on a combination of references. *In re Keller*, 642 F.2d 413, 426 (CCPA 1981). Appellant has not identified any error in the Examiner's above-quoted rationale for combining the reference teachings or shown that the combined teachings fail to satisfy the claim requirement for an interference means that is responsive to either of the two recited predetermined time periods. *See Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) (an appellant may attempt to overcome an examiner's obviousness rejection on appeal to the Board by: (1) submitting arguments and/or evidence to show that the examiner made an error in either (a) an underlying finding of fact upon which the final conclusion of obviousness was based or (b) the reasoning used to reach the legal conclusion of obviousness; or (2) showing that the prima facie case has been rebutted by evidence of secondary considerations of nonobviousness).

The rejection of claim 1 for obviousness over Chernow in view of *Tsumura* is therefore sustained.

2. Independent claim 15

The “interference means” recited in claim 15 is responsive to a “clock means for keeping *a predetermined time period after said execution means ends the execution* of the program or data processing *to count a time period during which* at least one of the program, the data, and a combination of the program and data *is continuously unused*.” (Emphasis added.) The Examiner reads this clock means on Chernow’s above-discussed lease period. Final Action 18. Specifically, the Examiner, in a manner similar to his above-discussed interpretation of claim 8, concluded that

the broadest reasonable interpretation of the claim [15] language . . . is . . . a time period that encompasses “after said executing means ends and program or data is continuously unused”. A clock means that keeps a time period that includes the time before execution starts/ends and the time after execution starts/ends (for example a time period that runs through this entire range) still keeps a time period after said execution means ends execution and during a continuously unused period (which could be any length of time, even extremely short).

Answer 52. Appellant argues that “*Chernow* only discloses a time period based on a ‘time remaining under lease’ or ‘the number of runs remaining under lease’. There is no teaching or suggestion in *Chernow* of a time period that is based on after execution ends and/or the program or data being continuously unused.” Br. 13. In view of Appellant’s above-discussed claim 8 argument that “without any mechanism for associating the time period with the *start* of execution, there is no way to keep a predetermined time period after it starts” (Reply Br. 8; emphasis added), we understand

Appellant's position regarding claim 15 to be that without any mechanism for associating the time period with the *end* of execution, an association not described in Chernow, there is no way to keep a predetermined time period after it ends, as claimed. We agree. That is, the claim language does not permit the recited "a predetermined time period" to begin prior to the *end* of execution, as urged by the Examiner.

The rejection of claim 15 for obviousness over Chernow and Tsumura is therefore not sustained.²²

Regarding claim 15, Appellant additionally argues that the references fail to describe or suggest the "real-time interactive communication" and "simultaneous interaction" limitations addressed above in the discussion of the rejection under 35 U.S.C. § 112, first paragraph. Br. 13. We address

²² In the Final Action (at 18) and the Answer (at 15), the Examiner also read the clock means of claim 15 on Chernow's column 13, lines 9-13, which state: "The control transfer program could be designed to erase itself and the storing program if any key on the purchaser's computer is pressed, or if no data is received over the phone line for some predetermined period of time, e.g., 10 seconds." This statement is part of Chernow's discussion of how the central computer and the "control transfer program" can advantageously be provided with means for recognizing when a transmission has terminated before completion. *Id.* at 12:62-13:13. The control transfer program is one of several programs downloaded prior to downloading of the "Target Program (the program being purchased)." *Id.* at 2:65-3:14. Inasmuch as Chernow's column 13, lines 9-13 statement is not mentioned or relied on in the "Response to Arguments" portion of the Final Action or Answer, we assume that the Examiner's initial reliance on this statement has been withdrawn and therefore do not address its merits.

these limitations here because they are also recited in dependent claims 23 and 25, which are separately argued by Appellant. Br. 18.

The Examiner (Final Action 19) finds that Tsumura describes these features in passages at column 3, lines 33-40, and column 12, line 62 to column 13, line 42, which are quoted in relevant part below. For the following reasons, we are not persuaded by Appellant's argument that "Tsumura does not teach or suggest 'real-time interactive communication,' but rather teaches non-real-time play where only one player plays at a time, saves the data for another player to later download and continue the game play." Br. 13. As support for this argument, Appellant (*id.* at 14) quotes Tsumura's statement that "the present embodiment does not assume simultaneous participation in the game but rather that the individual players' input will first be uploaded and stored in the host computer." Tsumura 13:35-38. In our view, when this statement is read in context, as shown below, it is clear that this statement (in italics) merely describes a *preferred* embodiment of Tsumura's system:

We will now describe a system whereby more than one player can take part in the same game. . . . For the purposes of the following explanation, it will also be assumed that the game programs stored in the host computer 112 are role playing games (RPG) and that each program is designed to facilitate the participation of more than one player, each using his or her own game terminal. It goes without saying, of course, that the host computer 112 itself is capable of storing the programs of games other than RPG.

The present embodiment of the invention is configured in

such a way as to make use of this type of network system. The conditions under which the game is to be played still remain to be determined, however. In other words, although the same game can be played by more than one player using a plurality of machines, the more complex the scenario of the RPG itself, the longer it will take to complete the game and thus the more remote the likelihood that all the players will either want or even be able to play the game at the same time. Similarly, the more players that take part in a game, the more sophisticated the game can be made but this will again raise the problems associated with simultaneous participation. For this reason, *the present embodiment does not assume simultaneous participation in the game but rather that the individual players' input will first be uploaded and stored in the host computer.* When a player wants to play the game, he will then access the host computer and download everything that has been input up to that point by the other players to his own terminal. The player will then be called upon to enter his next move.

Tsumura 12:62-13:42 (emphasis added). The language that precedes the statement relied on by Appellant (in italics) describes, or at least suggests, designing Chernow's system to allow simultaneous participation in downloaded games having a lesser degree of complexity. Appellant, in arguing that "no art of record discloses that individuals are simultaneou[s]ly interacting to play a game or executing the same program" (Br. 15), has not addressed this teaching of Tsumura and thus has failed to demonstrate error in the Examiner's conclusion of obviousness. For this reason, our above decision not to sustain the rejection of claim 15 is not alternatively being based on a failure of the cited references to disclose or suggest the "real-time interactive communication" and "simultaneous interaction" limitations.

3. Claims 6 and 20

Claims 6 and 20 read as follows:

6. (ORIGINAL) The communication system according to claim 1, wherein said interference means comprises means for invalidating the operation of said input device.

20. (ONCE AMENDED) The communication system according to claim 15, wherein said interference means comprises means for invalidating [the operation of] an operation on said input device.

Claims App. (Br. 25, 30).

The function recited in claim 20 is identical to that recited in claim 13, discussed above. Therefore, for the reasons given in the discussion of claim 13, we do not sustain the rejection of claim 20.

The language of claim 6 is identical to the language of claim 13 prior to its amendment. Appellant has not separately argued the merits of the claim 6 language, instead incorrectly quoting it as reciting the same language as claims 13 and 20. *See* Br. 11 (“Claim 6 recites ‘wherein said interference means comprises means for invalidating an operation on said input device.’”). The rejection of claim 6 is therefore sustained.

However, we do not sustain the rejection of claim 20, which depends on claim 15, whose rejection on the same ground has not been sustained.

4. Claims 23 and 25

Claims 23 and 25, which depend on claims 1 and 8, respectively, each recite “real-time interactive communication” and “simultaneous interaction” limitations like those recited in claim 15 and discussed above. Appellant’s arguments (Br. 18) for the separate patentability of claims 23 and 25 are therefore unpersuasive for the reasons given above.

We therefore sustain the rejection of claim 23, which depends on claim 1, whose rejection on the same ground has been sustained.

Claim 25 depends on claim 8, whose rejection for anticipation by Chernow has not been sustained. The rejection of claim 25 does not indicate that Kato teaches or suggests the claim 8 subject matter that Appellant has successfully argued is missing from Chernow (e.g., “clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing”). The rejection of claim 25 therefore is not sustained.

5. The Other Claims Rejected Over Chernow in View of Tsumura (Claims 4, 18, 22, 26, 41, 42, and 46-48)

Claims 4, 41, and 42 depend on claim 1, whose rejection on the same ground (i.e., obviousness over Chernow in view Tsumura) has been sustained. The rejection of claims 4, 41, and 42, which are not separately argued, is sustained.

Claim 18 depends on independent claim 15, whose rejection on the same ground has not been sustained. The rejection of claim 18 likewise is not sustained.

Claims 22, 26, 46, and 48 depend on claim 8, whose rejection for anticipation by Chernow has not been sustained, and, as noted above, claim 47 is being treated by the Examiner as dependent on claim 46. Furthermore, as noted above, the Examiner interprets the recited “fourth clock means” of claim 26 to be “second clock means.” The § 103(a) rejection of claims 22, 26, and 46-48, which does not indicate that Kato teaches or suggests the claim 8 subject matter that is missing from Chernow, is not sustained.

6. Conclusion

The rejection under 35 U.S.C. § 103(a) based on Chernow in view of Tsumura is sustained with respect to claims 1, 4, 6, 15, 23, 41, and 42 and is not sustained with respect to claims 18, 20, 22, 25, 26, 46, 47, and 48.

E. The Rejection of Claims 9 and 14 (Chernow in View of Kato)

Appellant argues (Br. 18) that claim 9 is patentable for the same reasons as parent claim 8, whose rejection for anticipation by Chernow has not been sustained. The rejection of claim 9, which does not indicate that Kato teaches or suggests the claim 8 subject matter that Appellant has successfully argued is missing from Chernow, is not sustained.

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Claim 14, which Appellant separately argues, reads as follows:

14. (ORIGINAL) The communication system according to claim 8, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein *said interference means comprises means for preventing said sound generating means from generating the sound.*

Claims App. (Br. 28) (emphasis added).

The Examiner finds (Final Action 29) that “Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (Kato: page 5, at least first full paragraph).”

The cited first full paragraph in Kato reads as follows:

The recent popularization of personal computers, office computers, workstations, and so on (hereafter generically referred to as computers) is remarkable. At the same time, the development of the software to be run on these computers is very active, ranging over various fields, from so-called business software including word processors, spreadsheets, and databases to computer graphics, *music*, games, and so on.

Kata 5:4-11. The Examiner concludes that “[i]t would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* with sound means according to the execution of the program/data as found in *Kato*’s teaching” (Final Action 29) and contends that Chernow, thus modified, “prevents sound generation by a software, when it renders that software unusable or erased.” *Id.* at 59.

Appellant responded by arguing that

the limitation recited in claims is quite different from rendering the software unusable and erasing the software from the disk. Executing the program or data processing without sound may not be ideal, but it still requires execution of the program or data processing, which can not happen if the software is unusable or erased.

Br. 20. We agree with the Examiner that this argument is unpersuasive because

[t]he claim language simply requires interference of the sound[;] it does not say how this is accomplished and it does not specify that the program or data should continue in execution. Once a program or data is rendered unusable and/or erased it does not generate sound.

Answer 56. Nevertheless, we do not sustain the rejection of claim 14, which does not indicate that Kato teaches or suggests the claim 8 subject matter that Appellant has successfully argued is missing from Chernow.

F. The Rejection of Claim 10 (Chernow in view of Kato and Tsumura)

Claim 10 (rejected over Chernow in view of Kato and Tsumura) depends on claim 9 (rejected over Chernow and Kato), which depends on claim 8, as to which we have not sustained the rejection for anticipation by Chernow. Appellant argues that claim 10 is patentable because it depends on claim 8. Br. 19.

The rejection of claim 10, which does not indicate that Kato and/or Tsumura teach or suggest the claim 8 subject matter that is missing from Chernow, is not sustained.

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G. The Rejection of Claims 2, 3, 7, 16, 17, and 21
(Chernow in View of Tsumura and Kato)

Claims 2, 3, and 7 depend on claim 1, as to which we have sustained the rejection for obviousness over Chernow in view of Tsumura. The rejection of claims 2 and 3, whose merits are not separately argued by Appellant, is sustained. Claim 7, which is separately argued, specifies that “said interference means comprises means for preventing said sound generating means from generating the sound” (Claims App. (Br. 25)) and thus is similar to dependent claim 14, discussed above. The rejection of claim 7 is sustained for the reasons given above in the discussion of claim 14.

Claims 16, 17, and 21 depend on claim 15, whose rejection based on Chernow and Tsumura we have not sustained. We do not sustain the rejection of claims 16, 17, and 21, which does not rely on Kato for a teaching of the claim 15 subject matter the Examiner incorrectly found is taught by Chernow (i.e., “clock means for keeping a predetermined time period after said execution means ends the execution of the program or data processing to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused”).

H. The Rejection of Claims 27-29
(Chernow in View of Tsumura and Sanbe)

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Claims 27-29 depend on claim 1, as to which we have sustained the rejection based on Chernow and Tsumura. The rejection of claims 27-29, whose merits are not separately argued, is sustained.

I. The Rejection of Claim 30 (Chernow in View of Tsumura, Sanbe, and Kaniwa)

Claim 30 depends on claim 1 via claim 29. The rejection of claim 30, which is not separately argued, is therefore also sustained.

J. The Rejection of Claims 31-33 (Chernow in View of Sanbe)

Claims 31-33 depend on claim 8, whose rejection for anticipation by Chernow is not sustained. The rejection of claims 31-33, which does not indicate that Sanbe teaches or suggests the claim 8 subject matter that is missing from Chernow, is not sustained.

K. The Rejection of Claim 34 (Chernow in View of Sanbe and Kaniwa)

Claim 34 depends on claim 8, whose rejection for anticipation by Chernow is not being sustained. The rejection of claim 34, which does not indicate that Sanbe and/or Kaniwa teach or suggest the claim 8 subject matter missing from Chernow, is not sustained.

L. The Rejection of Claims 39 and 40 (Chernow in View of Tsumura and Suzuki)

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Claim 39 depends on claim 1, whose rejection we have sustained, and claim 40 is treated by the Examiner as dependent on claim 39. The rejection of claims 39 and 40, whose merits are not separately argued, is therefore sustained.

M. The Rejection of Claims 43 and 45 (Chernow in View of Suzuki)

Claim 43 depends on claim 8, whose rejection for anticipation by Chernow we have not sustained, and claim 45 is treated by the Examiner as dependent on claim 43. The rejection of claims 43 and 45, which does not indicate that Suzuki teaches or suggests the claim 8 subject matter that is missing from Chernow, is not sustained.

N. The Rejection of Claims 24 and 44
(Chernow in view of Tsumura and Tashiro)

Claim 24 reads as follows:

24. (NEW) The communication system according to claim 23, wherein the communication terminal device *displays a number of players* who can participate in the real-time interactive communication between the at least two communication terminal devices.

Claims App. (Br. 31; emphasis added). The rejection of claim 24 is sustained. Appellant's argument that "[n]one of the art on record discloses this limitation" (Br. 18) is unpersuasive because Appellant fails to address the Examiner's reliance on Tashiro for the claimed feature. *See* Final Action 50 ("Tashiro demonstrated that it was known at the time of invention to

display a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices (Tashiro: column 6, lines 1-5; figure 7; column 6, lines 29-33).”) (emphasis omitted). *See also* Answer 24-25. As pointed out by the Examiner:

“Appellant argues this claim [24] in the section listed as Rejections Under 103 (Chernow in view of Tsumura) [Br. 10], however this claim is rejected under Chernow in view of Tsumura and in further view of Tashiro.”

Answer 55-56.

Claim 44 depends on claim 8, whose rejection for anticipation by Chernow is not being sustained. The rejection of claim 44, which does not indicate that Tashiro teaches or suggests the claim 8 subject matter that is missing from Chernow, is not sustained.

III. DECISION

1. The rejection under 35 U.S.C. § 112, first paragraph, is sustained with respect to claims 1-7, 23, 24, 26-30, 35, 36, 39, 41, and 42 and *not* sustained with respect to claims 15-21, 25, 38, and 44.

2. The rejection under 35 U.S.C. § 112, second paragraph, of claims 26, 40, 45, and 47 is sustained.

3. The rejection of claims 8, 11, and 13 under 35 U.S.C. § 102(b) for anticipation by Chernow is *not* sustained.

4. The rejection under 35 U.S.C. § 103(a) based on Chernow in view of Tsumura is sustained with respect to claims 1, 4, 6, 15, 23, 41, and 42 and is *not* sustained with respect to claims 18, 20, 22, 25, 26, 46, 47, and 48.

5. The rejection of claims 9 and 14 under § 103(a) based on Chernow in view of Kato is *not* sustained.

6. The rejection of claim 10 under § 103(a) based on Chernow in view of Kato, further in view of Tsumura is sustained.

7. The rejection under § 103(a) based on Chernow in view of Tsumura, and further in view of Kato is sustained with respect to claims 2, 3, and 7 and is *not* sustained with respect to claims 16, 17, and 21.

8. The rejection of claims 27-29 under § 103(a) based on Chernow in view of Tsumura and further in view of Sanbe is sustained.

9. The rejection of claim 30 stands rejected under § 103(a) based on Chernow in view of Tsumura, Sanbe, and Kaniwa is sustained.

10. The rejection of claims 31-33 under § 103(a) based on Chernow in view of Sanbe is *not* sustained.

11. The rejection of claim 34 under § 103(a) based on Chernow in view of Sanbe and Kaniwa is *not* sustained.

12. The rejection of claims 39 and 40 under § 103(a) based on Chernow in view of Tsumura and Suzuki is sustained.

13. The rejection of claims 43 and 45 under § 103(a) based on Chernow in view of Suzuki is *not* sustained.

14. The rejection under § 103(a) based on Chernow in view of Tsumura and Tashiro is sustained with respect to claim 24 and *not* sustained with respect to claim 44.

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In summary, we have sustained at least one ground of rejection with respect each of claims 1-7, 23, 24, 26-30, 35, 36, 39, 41, 42, 45, and 46. The Examiner's decision that claims 1-11, 13-36, and 38-48 are unpatentable is therefore affirmed-in-part.

Extensions of time for taking any subsequent action in connection with this appeal are governed by 37 C.F.R. § 1.550(c). *See* 37 C.F.R. § 41.50(f).

AFFIRMED-IN-PART

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For Patent Owner/Requester in Reexamination 90/009,524:

Whitaker Law Group
1281 Third Avenue
Suite 1809
Seattle, WA 98101

For Third Party Requester in Reexamination 90/010,666:

Kinney & Lange, P.A.
The Kinney & Lange Building
312 South Third Street
Minneapolis, MN 55415-1002



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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

WOOD, WILLIAM H

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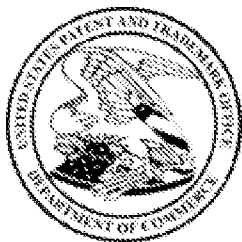
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PAPER

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WHITAKER LAW GROUP
1218 THIRD AVENUE
SUITE 1809
SEATTLE, WA 98101

Appeal No: 2012-012256
MERGED Reexamination Control No.: 90/009,524 & 90/010,666
Appellant: Takeya Okamoto

**Patent Trial and Appeal Board
Docketing Notice**

MERGED Reexamination Control Nos. 90/009,524 & 90/010,666 was received from the Technology Center at the Board on September 12, 2012 and has been assigned Appeal No: 2012-012256.

In all future communications regarding this appeal, please include both the MERGED Reexamination Control number and the appeal number.

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THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Takeya Okamoto	)	Title:	Interactive Communication System for Communicating Video Game and Karaoke Software
		)		
		)		
Control Nos.:	90/009,524 & 90/010,666	)	Patent No.:	6,193,520
		)	Art Unit:	3992
Reexam Filed:	08/17/2009	)	Examiner:	William H. Wood

PATENT OWNER'S REPLY BRIEF

Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an *ex parte* reexamination of U.S. Patent No. 6,193,520, Control No. 90/009,524 (hereafter the '520 Patent). This proceeding has been merged with a third party reexamination request Control No. 90/010,666.

This paper is a Reply Brief in the above-captioned matter in response to Examiner's Answer mailed on April 5, 2012. This paper address the Examiner's arguments stated in the above referenced Examiner's Answer.

Certificate of EFS-Web Transmission:

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on the date set forth below:

Dated: June 5, 2012

Signed: /s/ John Whitaker/
John Whitaker

Status of Claims

U.S. Patent 6,193,520 includes claims 1-21 as issued. Only claims 1, 2, 4, 5, 7-9, 11, 12, 14-16, 18, 19, and 21 of the '520 Patent were originally subject to the reexamination proceeding. The Patent Office added claims 3, 6, 10, 13, 17, and 20 to the reexamination proceeding in the Office Action dated October 13, 2010. Thus, claims 1-38 are subject to reexamination. All the claims that are subject to reexamination stand rejected either as anticipated or obvious in view of the art of record.

New claims 22-38 were added by amendment on April 26, 2010, and new claims 39-49 were added by amendment on November 15, 2010.

Thus, claims 1-48 stand rejected and are subject to this appeal.

Grounds of Rejection to be Reviewed on Appeal

Claims 1-48 are subject to reexamination and currently stand rejected.

The grounds of rejection to be reviewed on appeal are:

- (1) Whether Claims 8-14, 22, 25, 26, 31-34, 37, 38, and 43-48 are patentable under 35 U.S.C. § 102(b) over *Chernow* (USP 4,999,806).
- (2) Whether Claims 1-7, and 15-21, 23, 24, 27-30, 35, 36, 39-42, and 49 are patentable under 35 U.S.C. § 103(a) over *Chernow* (USP 4,999,806) in view of *Tsumura* (USP 5,547,202); and
- (3) Whether Claims 1-7, 15-21, 23-30, 36, 38, 39, 41-42, and 44 comply with the written description requirement of 35 U.S.C. § 112.

Arguments in Reply to Examiner's Answer

A. 35 U.S.C. § 112 issues

(1) First clock means, second clock means, interference means

The Examiner maintained the claims rejections based on the view that the specification lacked written description for a single embodiment that includes both a clock means for keeping both a first and second predetermined time period. However, the Examiner acknowledges that the written specification describes two embodiments: one, with one clock and interfering based upon the counting of that clock; and two, with one clock, that counts a different time period than the time period of the first embodiment, and interfering based upon the counting of the one clock.

However, the Examiner asserted that the '520 Patent as filed does not support one embodiment with two clock means and interfering based on when first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period. Examiner's Answer at page 45. The Examiner asserted the passage of the specification cited by Patent Owner does not support the language in the amended claims that include both a first clock means and a second clock means wherein execution is interfered with upon the expiration of either the first or second clock means.

However, a closer inspection of the specification reveals that the Examiner's position is in error. More specifically, the embodiment illustrated in Figure 12 of the '520 Patent shows a “second time period 1350” and a “third time period 1380.” As described with reference to Figure 12, the embodiment illustrated in Figure 12 also includes an element to “prevent data use 1360” which is effective upon the expiration of both the “second time period 1350” and the “third time period 1380.” See '520 Patent, col. 11, line 50 to col. 12, line 15. Accordingly, the single embodiment illustrated in Figure 12 and described in the specification does, in fact, fully support the claim language, as amended. Patent Owner acknowledges that different ordinal identifiers may be used (i.e., “second and third” rather than “first and second”), however those designators are arbitrary and do not bear on the patentability of the claims.

(2) Simultaneous interaction

The Examiner maintained the claims rejections based on the view that there was no support in the originally filed disclosure for the term 'simultaneous.' The Examiner argues that using both 'real-time' and 'simultaneous' is unnecessary, redundant and increasingly confusing and unclear OR the amendment is clear with two different-meaning terms that are unsupported by the originally filed disclosure.

The Patent Owner respectfully disagrees with the Examiner's arguments. Compliance with the written description requirement does not mandate that the exact terms which appear in the claim must also appear in the specification. *Purdue Pharma L.P. v. Faulding Inc.*, 230 F.3d 1320, 1323 (Fed Cir. 2000). The specification states at col. 8 lines 7-21 (emphasis in underline):

The above embodiment is explained on the premise that the game is played by a single player using only a single personal communicator 1. However, a plurality of players in remote places can play the same game together.

For example, the transmission paths 200 or telecommunication lines is utilized to connect a plurality of personal communicators 1 to one another such that the interactive communication can be performed therebetween. When the plurality of personal communicators 1 are supplied with the same game data, the players have the same game characters in common. Therefore, the data to be transmitted among the plurality of personal communicators 1 are only character number data and the position data. Thus, the players together participate, on a real time basis, in the same game on the monitor 16 of respective personal communicators 1.

Therefore, the terms "interactive" and "real time" are used in the originally filed disclosure. The term "interactive" describes communication among the plurality of personal communicators. The term "real time" describes a manner in which the players participate together in the same game on the monitor 16 of respective personal communicators. The rejected claims recite the following:

wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to

facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

It is respectfully submitted that the Examiner's Answer is removing the claim terms "real time" and "simultaneous" from the context of the invention. The claims recite that "real-time interactive communication" facilitated between at least two communication terminal devices supports "simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices." Applicant respectfully submits that the phrase "real-time interactive communication" describes the function of each communication terminal device, not the activity of the respective player (i.e. user) associated with that device. Meanwhile, the phrase "simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices" describes what is realized, i.e. supported by, the real-time interactive communication activity between the at least two communication terminal devices. In other words, and as recited in the claim, facilitating "real-time interactive communication" between communication terminal devices "support[s]... simultaneous interaction among a plurality of players" associated with those respective devices. There is no lack of clarity or redundancy or lack of support by the disclosure. Real-time interactive communication among devices realizes simultaneous interaction among players associated with those devices. This is clearly supported by the original disclosure, particularly at col. 8 lines 19-21, "Thus, the players together participate, on a real time basis, in the same game on the monitor 16 of respective personal communicators 1."

Therefore, the '520 Patent description of "real-time" and "interactive communication," support "simultaneous interaction among a plurality of players" as recited in the claims. The Applicant contends that it would have been more confusing to use the term "real-time" again and that the term "simultaneous" encapsulates the actions of "players together participate, on a real time basis, in the same game on the monitor 16 of respective personal communicators."

The Patent Owner respectfully requests that the rejections be reversed.

(3) No antecedent basis for fourth clock means

The Patent Owner respectfully submits that, should the Board reverse the Examiner's position regarding the substantive patentability of the subject claims, the Patent Owner requests the opportunity to amend the claim language to correct the apparent typographical errors introduced by amendment.

(4) Improper claims dependent upon themselves

The Patent Owner respectfully submits that, should the Board reverse the Examiner's position regarding the substantive patentability of the subject claims, the Patent Owner requests the opportunity to amend the claim language to correct the apparent typographical errors introduced by amendment.

B. 35 U.S.C. §§ 102 and 103 issues

(5) The Teachings Of The *Chernow* Reference

The Examiner's Answer argues that the *Chernow* reference teaches “keeping a predetermined time period after said executing means starts execution” even though, as the Examiner's Answer implicitly acknowledges, the *Chernow* reference does not disclose any mechanism for knowing how much time has passed from the time the executing means starts executing. Rather, the Examiner's Answer argues, in essence, that by keeping a time period that begins upon rental, the time period necessarily *includes* the time period after the executing means starts executing. However, that argument imparts teachings into the *Chernow* reference that simply aren't there. Given how narrow the Examiner reads the teachings of the '520 Patent (*see* Part A.(1-2) above), it is inconsistent that the Examiner reads the *Chernow* reference to teach subject matter that directly contradicts its own teachings. More specifically, the *Chernow* reference teaches only that the “time remaining under lease” is tracked, not the time period since execution.

The Examiner's Answer argues that the claim language does not state “initiating a measure time period based on the execution of software.” Thus, the Examiner's Answer

implicitly admits that such a teaching is not shown in the art of record. Although the Examiner's Answer is technically accurate (the word "initiating" is not in the claims) nonetheless, the claim language does recite "keeping a predetermined time period after said executing means starts execution." Such a teaching is not taught by the *Chernow* reference because, without any mechanism for associating the time period with the start of execution, there is no way to keep a predetermined time period after it starts. Accordingly, the *Chernow* reference does not teach the limitations recited in the claims.

The Patent Owner submits that the rejections are improper and requests reversal.

Service of Papers

A copy of this submission is being served today on Third Party Requester in accordance with 37 CFR 1.248 by first class mail addressed to:

Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

Conclusion

Patent Owner respectfully requests that the Examiner reopen prosecution of this matter for the purpose of resolving the issues identified in this Reply Brief and requests that the Examiner's rejections be reversed.

Respectfully submitted,

Dated: June 5, 2012

By: /s/ /johnwhitaker/
John Whitaker
Reg. No. 42,222
Attorney of the Patent Owner
(206) 319-1575

Electronic Acknowledgement Receipt

EFS ID:	12943270
Application Number:	90010666
International Application Number:	
Confirmation Number:	8556
Title of Invention:	Interactive Communication System for Communicating Video Game and Karaoke Software
First Named Inventor/Applicant Name:	6193520
Customer Number:	164
Filer:	John Whitaker
Filer Authorized By:	
Attorney Docket Number:	6620-82302-03
Receipt Date:	05-JUN-2012
Filing Date:	04-SEP-2009
Time Stamp:	23:35:52
Application Type:	Reexam (Third Party)

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	Appeal Brief-Owner	ReplyBrief520.pdf	149138 89cb98a492192b2332f126e5f650aed0e7fa4dba	no	8

Warnings:

Information:

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.
90/010,666	09/04/2009	6193520	6620-82302-03	8556

164 7590 04/05/2012

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/05/2012

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



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KLARQUIST SPARKMAN, LLP, ONE WORLD TRADE CENTER
121 S.W. Salmon Street, Suite 1600
Portland, OR 97204

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APR 05 2012

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/010,666, 90 / 009, 524

PATENT NO. 6193520.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.

90/009,524

08/17/2009

6193520

ADC520

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56031

7590

04/05/2012

EXAMINER

Whitaker Law Group
1218 Third Avenue
Suite 1809
Seattle, WA 98101

ART UNIT

PAPER NUMBER

DATE MAILED: 04/05/2012

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 90/010,666 & 90/009,524
Filing Date: September 04, 2009
Appellant(s): 6193520

John Whitaker
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/02/2011 appealing from the Office action mailed 07/06/2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Please see Appellant's listing of related appeals and Interferences on page 2 of the Brief. Further note, a BPAI decision has been rendered and a NIRC issued in merged reexamination proceeding 90/009,523 & 90/010,663.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:
Claims 1-48 are pending/subject to reexamination and are rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner:

Claim 12 under 35 U.S.C 102(b) as being anticipated by *Chernow et al.* (USPN 4,999,806)

Claims 5 and 19 under 35 U.S.C 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202)

Claims 35 and 36 under 35 U.S.C 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) in further view of *Sanbe* (JP Patent Publication H04-32898)

Claims 37 and 38 under 35 U.S.C 103(a) as being unpatentable over *Chemow et al.* (USPN 4,999,806) in view of *Sanbe* (JP Patent Publication H04-32898) in further view of *Tsumura* (USPN 5,547,202)

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

4,998,199	TASHIRO et al.	3-1991
4,999,806	CHERNOW et al.	3-1991
5,157,643	SUZUKI	10-1992
5,547,202	TSUMURA	8-1996
5,699,370	KANIWA et al.	12-1997

KATO, JP 04-10191, 01/14/1992

SANBE, JP H04-32898, 02/04/1992

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7, 23-24, 26-30, 39 and 41-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations, "first clock means for keeping a first predetermined time period after said receiving means receives the transmission", "second clock means for keeping a second predetermined time period after said executing means starts execution of the program of data processing", and "interference means for interfering with execution of said executing means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period" (claim 1), are not disclosed in one combined embodiment in the specification as originally filed. In particular, there is no original disclosure of "when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period" (emphasis added). The disclosure lists these as separate embodiments, not as choices in one embodiment. Claim 26 is rejected for the same reason. Correction is required.

Claims 15-21, 23-25, 36, 38 and 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

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application was filed, had possession of the claimed invention. The limitations, "simultaneous interaction" (claim 15), is not disclosed in the specification as originally filed. There is no mention of "simultaneous" at all. Claims 23-25, 36, 38 and 44 are rejected for the same reason. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 recites a "fourth clock means", a "fourth predetermined time period" and "second clock means", "second predetermined time period". Claim 26 is dependent upon claim 8 which only recites "a clock means" and "a predetermined time period". As such, there is no antecedent basis for the fourth and second clock means and time periods. This claim is interpreted as the instances of "fourth" being replaced with "second". This interpretation allows the claim to make sense and mirror the amendment made to claim 1, which is assumed to be the intent.

Claims 40, 45 and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are improperly dependent upon themselves.

Claim 40 recites the limitations "the communication system according to claim 40" and "the data". There is insufficient antecedent basis for these limitations in the claim. This claim is interpreted as dependent upon claim 39.

Claim 45 recites the limitations "the communication system according to claim 45" and "the data". There is insufficient antecedent basis for these limitations in the claim. This claim is interpreted as dependent upon claim 43.

Claim 47 recites the limitations "the communication system according to claim 47", "the duration data" and "the second predetermined time period". There is insufficient antecedent basis for these limitations in the claim. This claim is interpreted as dependent upon claim 46.

Claim Rejections - 35 USC § 102

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.

Claims 8, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by *Chernow et al.* (USPN 4,999,806).

Claim 8

Chernow discloses a communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a

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communication terminal device (*Chernow: column 1, line 67 to column 2, line 2; column 2, lines 22-36*), said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data (*Chernow: column 2, lines 59-64, purchaser at terminal computer executes/enters commands, thus input device; also column 13, lines 10-11*), receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility (*Chernow: column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data*), storage means for storing the program, the data, or a combination of the program and data received by said receiving means (*Chernow: column 3, lines 11-14*), executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device (*Chernow: column 2, line 65 to column 3, line 14, load and execute means*), clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing (*Chernow: column 2, lines 3-5; column 5, lines 10-19*), and interference means for interfering with execution of said executing means when said clock means counts said predetermined time period (*Chernow: column 2, lines 3-5; column 5, lines 10-19*); and said host facility comprising:

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storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means (*Chernow: column 2, lines 22-36; column 8, lines 6-61; column 10, lines 2-13; column 8, line 62 to column 9, line 12; demonstrate storage of host has both program/data and duration data*), and sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device (*Chernow: column 2, lines 22-36; column 10, lines 33-46*).

Claim 11

Chernow discloses the communication system according to claim 8, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means (*Chernow: column 5, lines 16-19*).

Claim 13

Chernow discloses the communication system according to claim 8, wherein said interference means comprises means for invalidating an operation on said input device (*Chernow: column 5, lines 16-19, input device operation is invalidated for the execution*

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of the software as the software execution has been blocked, either deleted or unusable, thus input is invalid for the execution of the software).

Claim Rejections - 35 USC § 103

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.

Claims 1, 4, 6, 15, 18, 20, 22-23, 25-26, 41, 42 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202).

Claim 1

Chernow discloses a communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device (*Chernow: column 1, line 67 to column 2, line 2; column 2, lines 22-36*), said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data (*Chernow: column 2, lines 59-64, purchaser at terminal computer executes/enters commands, thus input device; also column 13, lines 10-11*),

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receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility (*Chernow: column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data*),

storage means for storing the program, the data, or a combination of the program and data received by said receiving means (*Chernow: column 3, lines 11-14*),

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device (*Chernow: column 2, line 65 to column 3, line 14, load and execute means*),

first clock means for keeping a first predetermined time period after said receiving means receives the transmission, and interference means for interfering with execution of said executing means when said first clock means counts said first predetermined time period (*Chernow: column 2, lines 3-5; column 5, lines 10-19*); and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the first predetermined time period to be counted by said first clock means (*Chernow: column 2, lines 22-36; column 8, lines 6-61; column 10, lines 2-13; column 8, line 62 to column 9, line 12; demonstrate storage of host has both program/data and duration data*), and

sending out means for sending out at least one of the program, the data, and
a combination of the program and data together with the duration data
stored in said storage means to said communication terminal device
(*Chernow: column 2, lines 22-36; column 10, lines 33-46*).

Chernow did not explicitly state wherein the receiving means for receiving via wireless transmission. *Tsumura* demonstrated that it was known at the time of invention to transmit information/data wirelessly (*Tsumura: figures 1-3; column 1, line to column 2, line 10; column 4, lines 13-63*). It would have been obvious to one of ordinary skill in the art at the time of invention to construct the software communication device of *Chernow* with protected wireless transmission and reception as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to: 1) prevent unnecessary traffic build up (*Tsumura: column 1, line 65 to column 2, line 2*); and 2) make use of known mechanisms in a known manner to produce predictable results (that is construct a secure software transmission system of *Tsumura*).

Chernow did not explicitly state "second clock means for keeping a second predetermined time period after said executing means starts execution of the program or data processing" and "interference means for interfering with execution of said executing means when ... or said second clock means counts said second predetermined time period". *Tsumura* demonstrated that it was known at the time of

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invention to provide a clock means specifically for tracking a predetermined time period after execution of a program or data processing starts, that is during execution of the software (*Tsumura: column 9, lines 56-65, "in the case of games like role playing games that can take a long time to play ... it would be desirable to incorporate an additional charge facility that would function automatically at fixed intervals during the course of a game"*) and *Tsumura* demonstrated interfering based on this clock means (*Tsumura: column 9, lines 56-65; interference happens when this clock means completes its count and another clock completes its count; therefore, the claim language reads upon the broadest reasonable interpretation*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with blocking/interfering with software execution with an additional clock which counts after the execution means starts and ultimately allows for interference of the execution means base on its count as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*) to expand the usage of the type of game/software/data (*Tsumura: column 9, lines 56-60, "in the case of games like role playing games that can take a long time to play ... it would be desirable to incorporate an additional charge facility that would function automatically at fixed intervals during the course of a game"*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching

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transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 4

Chernow discloses the communication system according to claim 1, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means (*Chernow: column 5, lines 16-19*).

Claim 6

Chernow discloses the communication system according to claim 1, wherein said interference means comprises means for invalidating the operation of said input device (*Chernow: column 5, lines 16-19, input device operation is invalidated for the execution of the software as the software execution has been blocked, either deleted or unusable, thus input is invalid for the execution of the software*).

Claim 15

Chernow discloses a communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device (*Chernow: column 1, line 67 to column 2, line 2; column 2, lines 22-36*), said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data (*Chernow: column 2, lines 59-64, purchaser at terminal computer executes/enters commands, thus input device*),

receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility (*Chernow: column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data*),

storage means for storing the program, the data, or a combination of the program and data received by said receiving means (*Chernow: column 3, lines 11-14*),

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device (*Chernow: column 2, line 65 to column 3, line 14, load and execute means*),

clock means for keeping a predetermined time period after said execution means ends the execution of the program or data processing to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused (*Chernow: column 13, lines 9-13; see also column 5, lines 10-19*), and

interference means for interfering with execution of said executing means when said clock means counts a predetermined time period (*Chernow: column 2, lines 3-5; column 5, lines 10-19*); and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with duration data indicative of the predetermined time period to be counted by said clock means (*Chernow: column 2, lines 22-36; column 8, lines 6-61; column 10, lines 2-13; column 8, line 62 to column 9, line 12; demonstrate storage of host has both program/data and duration data*), and sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device (*Chernow: column 2, lines 22-36; column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data; and column 10, lines 33-46*).

Chernow did not explicitly state wherein the receiving means for receiving via wireless transmission. *Tsumura* demonstrated that it was known at the time of invention to transmit information/data wirelessly (*Tsumura: figures 1-3; column 1, line to column 2, line 10; column 4, lines 13-63*). It would have been obvious to one of ordinary skill in the art at the time of invention to construct the software communication device of *Chernow* with protected wireless transmission and reception as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to: 1) prevent unnecessary traffic build up (*Tsumura: column 1, line 65 to column 2, line 2*); and 2) make use of known mechanisms in a

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known manner to produce predictable results (that is construct a secure software transmission system of *Tsumura*).

Chernow did not explicitly state wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players. *Tsumura* demonstrated that it was known at the time of invention for multiple communication terminal devices to be connected and communicating regarding software (*Tsumura*: column 3, lines 33-40; column 12, line 62 to column 13, line 22, "each program is designed to facilitate the participation of more than one player, each using his or her own game terminal") *Tsumura* demonstrated simultaneous interaction (*Tsumura*: column 13, lines 23-42, demonstrates simultaneous though it is not required or assumed) and real-time interaction ("real-time" is a broad term which is met by virtue of a computer's natural operation, further a computer network communicates in real time, that is at that moment). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple communication terminal devices to communicating as found in *Tsumura*'s teaching. This implementation would have been obvious because one of ordinary skill

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in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*) and including role playing games; and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 18

Chernow discloses the communication system according to claim 15, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means (*Chernow: column 5, lines 16-19*).

Claim 20

Chernow discloses the communication system according to claim 15, wherein said interference means comprises means for invalidating an operation on said input device (*Chernow: column 5, lines 16-19, input device operation is invalidated for the execution of the software as the software execution has been blocked, either deleted or unusable, thus input is invalid for the execution of the software*).

Claim 22

Chernow did not explicitly state the communication system according to claim 8, wherein the receiving means is configured for reception via wireless transmission.

Tsumura demonstrated that it was known at the time of invention to transmit

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information/data wirelessly (*Tsumura: figures 1-3; column 1, line to column 2, line 10; column 4, lines 13-63*). It would have been obvious to one of ordinary skill in the art at the time of invention to construct the software communication device of *Chernow* with protected wireless transmission and reception as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to: 1) prevent unnecessary traffic build up (*Tsumura: column 1, line 65 to column 2, line 2*); and 2) make use of known mechanisms in a known manner to produce predictable results (that is construct a secure software transmission system of *Tsumura*).

Claim 23

Chernow did not explicitly state the communication system according to claim 1, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

Tsumura demonstrated that it was known at the time of invention for multiple communication terminal devices to be connected and communicating regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22,*

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"each program is designed to facilitate the participation of more than one player, each using his or her own game terminal") Tsumura demonstrated simultaneous interaction (Tsumura: column 13, lines 23-42, demonstrates simultaneous though it is not required or assumed) and real-time interaction ("real-time" is a broad term which is met by virtue of a computer's natural operation, further a computer network communicates in real time, that is at that moment). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of Chernow with multiple communication terminal devices to communicating as found in Tsumura's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (Tsumura: column 3, lines 33-40) and including role playing games; and by both Chernow and Tsumura teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 25

Chernow did not explicitly state the communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each

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communication terminal device being associated with one of the plurality of players.

Tsumura demonstrated that it was known at the time of invention for multiple communication terminal devices to be connected and communicating regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22; "each program is designed to facilitate the participation of more than one player, each using his or her own game terminal"*) *Tsumura* demonstrated simultaneous interaction (*Tsumura: column 13, lines 23-42, demonstrates simultaneous though it is not required or assumed*) and real-time interaction (*"real-time" is a broad term which is met by virtue of a computer's natural operation, further a computer network communicates in real time, that is at that moment*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple communication terminal devices to communicating as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*) and including role playing games; and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 26

Chernow and *Tsumura* disclose the communication system according to claim 8, further comprising a fourth [interpreted as second] clock means for keeping a fourth [interpreted as second] predetermined time period after said executing means starts

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execution of the program or data processing and the interference means interferes with execution of said executing means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period (see *claim 1 above*).

Claim 41

Chernow does not explicitly state the communication system according to claim 1, wherein the duration data further includes data indicative of the second predetermined time period. *Tsumura* demonstrated that it was known at the time of invention to provide a clock means specifically for tracking a predetermined time period after execution of a program or data processing starts, that is during execution of the software (*Tsumura: column 9, lines 56-65, "in the case of games like role playing games that can take a long time to play ... it would be desirable to incorporate an additional charge facility that would function automatically at fixed intervals during the course of a game"*) and *Tsumura* demonstrated interfering based on this clock means (*Tsumura: column 9, lines 56-65; interference happens when this clock means completes its count and another clock completes its count; therefore, the claim language reads upon the broadest reasonable interpretation*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* including storage of the duration data with blocking/interfering with software execution with an additional clock which counts after the execution means starts and ultimately allows for interference of the execution means base on its count as found in *Tsumura's*

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teaching and therefore storing a first and second time in the duration data. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*) to expand the usage of the type of game/software/data (*Tsumura: column 9, lines 56-60, "in the case of games like role playing games that can take a long time to play ... it would be desirable to incorporate an additional charge facility that would function automatically at fixed intervals during the course of a game"*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 42

Chernow did not explicitly state the communication system according to claim 1, wherein the communication terminal device further comprises an interface stop instruction means for instructing to stop the interference performed by said interference means in response to payment of an additional charge. *Tsumura* demonstrated that it was known at the time of invention to count a time period after interfering with execution of software (*Tsumura: column 9, line 56 to column 10, line 4, "predetermined length of time has elapsed"*) and to block/interfere with software and then cease blocking/interfering (allow the resumption of the software execution, and which

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demonstrates an interference stop instruction) upon payment of an additional charge within the time period (*Tsumura: column 9, line 56 to column 10, line 4, "to call for the insertion of an additional fee before a predetermined length of time has elapsed ..."*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge within a counted time period as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 46

Chernow and *Tsumura* disclose the communication system according to claim 8, wherein the communication terminal device further comprises a second clock means for keeping a second predetermined time period after said receiving means receives the transmission (*see claim 1 above*).

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Claim 47

Chernow and *Tsumura* disclose the communication system according to claim 47 [interpreted as being dependent upon claim 46], wherein the duration data further includes data indicative of the second predetermined time period (*see claim 41 above*).

Claim 48

Chernow and *Tsumura* disclose the communication system according to claim 8, wherein the communication terminal device further comprises an interference stop instruction means for instructing to stop the interference performed by said interference means in response to payment of an additional charge (*see claim 42 above*).

Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Kato* (JP 04-10191).

Claim 9

Chernow did not explicitly state the communication system according to claim 8, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by

said interference means with execution of said executing means will soon be performed.

Kato demonstrated that it was known at the time of invention to count a short time period in order to provide an alarm before an action (*Kato*: page 28, last line to page 29, line 3). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the counting and interfering of program/data of *Chernow* with a second counting used to alarm a user of an upcoming action (*Chernow's* interference) as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep a user notified/informed of their current status so they can best make decisions regarding purchase or rental (*Chernow*: column 2, lines 2-9, 17-19; *Kato*: page 29, lines 1-3).

Claim 14

Chernow did not explicitly state the communication system according to claim 8, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (*Kato*: page 5, at least first full paragraph).

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It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* with sound means according to the execution of the program/data as found in *Kato*'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to common and known mechanisms (sound) for the progress of execution of programs/data (*Kato*: page 5, at least first full paragraph). As such, *Chernow* and *Kato* disclose interference means preventing sound generating means from generating sound (*Chernow*: column 5, lines 16-19).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Kato* (JP 04-10191) in further view of *Tsumura* (USPN 5,547,202).

Claim 10

Chernow did not explicitly state the communication terminal device according to claim 9, further comprising:

third clock means for keeping a third predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed

by said executing means when said interference stop instruction means receives the instruction before said third clock means counts said third predetermined time period.

Tsumura demonstrated that it was known at the time of invention to count a time period after interfering with execution of software (*Tsumura: column 9, line 56 to column 10, line 4, "predetermined length of time has elapsed"*) and to block/interfere with software and then cease blocking/interfering (allow the resumption of the software execution, and which demonstrates an interference stop instruction) upon payment of an additional charge within the time period (*Tsumura: column 9, line 56 to column 10, line 4, "to call for the insertion of an additional fee before a predetermined length of time has elapsed ..."*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* (and *Kato*) with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge within a counted time period as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 2, 3, 7, 16, 17 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) in further view of *Kato* (JP 04-10191).

Claim 2

Chernow did not explicitly state the communication system according to claim 1, said communication terminal device further comprising:

third clock means for keeping a third predetermined time period shorter than said first predetermined time period counted by said first clock means, and alarm means for issuing an alarm when said third clock means counts said third predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

Kato demonstrated that it was known at the time of invention to count a short time period in order to provide an alarm before an action (*Kato*: page 28, last line to page 29, line 3). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the counting and interfering of program/data of *Chernow* with a second counting used to alarm a user of an upcoming action (*Chernow's* interference) as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep a user notified/informed of

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their current status so they can best make decisions regarding purchase or rental

(*Chernow*: column 2, lines 2-9, 17-19; *Kato*: page 29, lines 1-3).

Claim 3

Chernow did not explicitly state the communication terminal device according to claim 2, further comprising:

fourth clock means for keeping a fourth predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said fourth clock means counts said fourth predetermined time period.

Tsumura demonstrated that it was known at the time of invention to count a time period after interfering with execution of software (*Tsumura*: column 9, line 56 to column 10, line 4, "predetermined length of time has elapsed") and to block/interfere with software and then cease blocking/interfering (allow the resumption of the software execution, and which demonstrates an interference stop instruction) upon payment of an additional charge within the time period (*Tsumura*: column 9, line 56 to column 10, line 4, "to call for the insertion of an additional fee before a predetermined length of time has elapsed

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..."). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* (and *Kato*) with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge within a counted time period as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 7

Chernow did not explicitly state the communication system according to claim 1, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (*Kato: page 5, at least first full paragraph*).

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It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* with sound means according to the execution of the program/data as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to common and known mechanisms (sound) for the progress of execution of programs/data (*Kato*: page 5, at least first full paragraph). As such, *Chernow* and *Kato* disclose interference means preventing sound generating means from generating sound (*Chernow*: column 5, lines 16-19).

Claim 16

Chernow did not explicitly state disclose the communication system according to claim 15, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

Kato demonstrated that it was known at the time of invention to count a short time period in order to provide an alarm before an action (*Kato*: page 28, last line to page 29, line 3). It would have been obvious to one of ordinary skill in the art at the time of

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invention to implement the counting and interfering of program/data of *Chernow* with a second counting used to alarm a user of an upcoming action (*Chernow's* interference) as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep a user notified/informed of their current status so they can best make decisions regarding purchase or rental (*Chernow*: column 2, lines 2-9, 17-19; *Kato*: page 29, lines 1-3).

Claim 17

Chernow did not explicitly state the communication terminal device according to claim 16, further comprising:

third clock means for keeping a third predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said third clock means counts said third predetermined time period.

Tsumura demonstrated that it was known at the time of invention to count a time period after interfering with execution of software (*Tsumura*: column 9, line 56 to column 10, line 4, "predetermined length of time has elapsed") and to block/interfere with software

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and then cease blocking/interfering (allow the resumption of the software execution, and which demonstrates an interference stop instruction) upon payment of an additional charge within the time period (*Tsumura: column 9, line 56 to column 10, line 4, "to call for the insertion of an additional fee before a predetermined length of time has elapsed ..."*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* (and *Kato*) with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge within a counted time period as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 21

Chernow did not explicitly state the communication system according to claim 15, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein

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said interference means comprises means for preventing said sound generating means from generating the sound.

Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (*Kato*: page 5, at least first full paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* and *Tsumura* with sound means according to the execution of the program/data as found in *Kato*'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to common and known mechanisms (sound) for the progress of execution of programs/data (*Kato*: page 5, at least first full paragraph). As such, *Chernow*, *Tsumura* and *Kato* disclose interference means preventing sound generating means from generating sound (*Chernow*: column 5, lines 16-19).

Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) in further view of *Sanbe* (JP Patent Publication H04-32898).

Claim 27

Chernow did not explicitly state the communication system according to claim 1, wherein the software program comprises karaoke data. *Sanbe* demonstrated that it was known at the time of invention to provide karaoke data via transmission (*Sanbe*: page 2,

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right column, "Problem To Be Solved By The Invention" section and following paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with karaoke data as found in *Sanbe*'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: 1) to provided the advantages of no limitations on software or karaoke available and being able to support multiple accesses with a single piece of software or system (*Sanbe*: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph); and 2) by both *Chernow* and *Sanbe* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 28-29

The limitations of claims 28-29 are similar to the limitations of claim 27 and as such are rejected in a similar manner, such that a video game (claim 28) and multimedia audio/video data (claim 29) all read upon karaoke.

Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Sanbe* (JP Patent Publication H04-32898).

Claim 31

Chernow did not explicitly state the communication system according to claim 8, wherein the software program comprises karaoke data. *Sanbe* demonstrated that it was

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known at the time of invention to provide karaoke data via transmission (*Sanbe: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with karaoke data as found in *Sanbe's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: 1) to provided the advantages of no limitations on software or karaoke available and being able to support multiple accesses with a single piece of software or system (*Sanbe: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph*); and 2) by both *Chernow* and *Sanbe* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 32-33

The limitations of claims 32-33 are similar to the limitations of claim 31 and as such are rejected in a similar manner, such that a video game (claim 32) and multimedia audio/video data (claim 33) all read upon karaoke.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) in view of *Sanbe* (JP Patent Publication H04-32898) and in further view of *Kaniwa et al.* (USPN 5,699,370).

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Claim 30

Chernow did not explicitly state the communication system according to claim 29, wherein the multimedia audio/video data comprises a movie. *Kaniwa* demonstrated that it was known at the time of invention to distribute software such as MPEGs or motion images/pictures, movies (*Kaniwa: column 1, lines 43-50; figure 1, MPEG*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with movies/MPEGs as found in *Kaniwa's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ to make use of an efficient and therefore desirable type of software, MPEG (*Kaniwa: column 1, lines 43-50*); and ²⁾ by both *Chernow* and *Kaniwa* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Sanbe* (JP Patent Publication H04-32898) and in further view of *Kaniwa et al.* (USPN 5,699,370).

Claim 34

Chernow did not explicitly state the communication system according to claim 33, wherein the multimedia audio/video data comprises a movie. *Kaniwa* demonstrated that it was known at the time of invention to distribute software such as MPEGs or motion images/pictures, movies (*Kaniwa: column 1, lines 43-50; figure 1, MPEG*). It would

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have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with movies/MPEGs as found in *Kaniwa*'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ to make use of an efficient and therefore desirable type of software, MPEG (*Kaniwa: column 1, lines 43-50*); and ²⁾ by both *Chernow* and *Kaniwa* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) and in further view of *Suzuki* (USPN 5,157,643).

Claim 39

Chernow does not explicitly state the communication system according to claim 1, wherein the communication terminal device further comprises a display means for displaying one of the program and data via a scrollable list, the scrollable list respectively displaying a plurality of available programs or data stored at the host facility. *Suzuki* demonstrates that it was known at the time of invention to display selectable items on a screen in a scrollable list (*Suzuki: column 5, lines 22-31 and 53-64; column 6, lines 3-15; column 8, lines 14-17*), the list displaying programs or data stored at the host (*Suzuki: column 4, lines 44-63; figure 1*). *Tsumura* discloses a list displaying programs or data stored at the host (*Tsumura: column 5, lines 18-23; column*

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5, line 54 to column 6, line 10). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the communication system of *Chernow* with scrollable list for selection purposes as found in *Suzuki* and *Tsumura*'s teachings. This implementation would have been obvious because one of ordinary skill in the art would have found the implementation is the application of a known technique to an acceptable piece of prior art to produce predictable results.

Claim 40

Chernow, *Tsumura* and *Suzuki* disclose the communication system according to claim 40 [interpreted as being dependent upon claim 39], wherein the data comprises map data (*Tsumura*: column 5, lines 21-23).

Claims 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Suzuki* (USPN 5,157,643).

Claim 43

Chernow does not explicitly state the communication system according to claim 8, wherein the communication terminal device further comprises a display means for displaying one of the program and data via a scrollable list, the scrollable list respectively displaying a plurality of available programs or data stored at the host facility. *Suzuki* demonstrates that it was known at the time of invention to display selectable items on a screen in a scrollable list (*Suzuki*: column 5, lines 22-31 and 53-

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64; column 6, lines 3-15; column 8, lines 14-17), the list displaying programs or data stored at the host (*Suzuki*: column 4, lines 44-63; figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the communication system of *Chernow* with scrollable list for selection purposes as found in *Suzuki*'s teachings. This implementation would have been obvious because one of ordinary skill in the art would have found the implementation is the application of a known technique to an acceptable piece of prior art to produce predictable results.

Claim 45

Chernow and *Suzuki* disclose the communication system according to claim 45 [interpreted as being dependent upon claim 43], wherein the data comprises map data (*Tsumura*: column 5, lines 21-23).

Claims 24 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) and in further view of *Tashiro* et al. (USPN 4,998,199).

Claim 24

Chernow and *Tsumura* did not explicitly state the communication system according to claim 23, wherein the communication terminal device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices. *Tashiro* demonstrated that it was known at the time of

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invention to display a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices (*Tashiro*: column 6, lines 1-5; figure 7; column 6, lines 29-33). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the game system of *Chernow* and *Tsumura* with display of a number of players in a real-time interactive communication as found in *Tashiro*'s teaching. This implementation would have been obvious because one of ordinary skill in the art would have found the implementation is the application of a known technique to an acceptable piece of prior art in order to produce predictable results.

Claim 44

Chernow does not explicitly state the communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or combination of the program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players, and the communication terminal device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices.

Tsumura demonstrated that it was known at the time of invention for multiple communication terminal devices to be connected and communicating regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22, "each program is designed to facilitate the participation of more than one player, each using his or her own game terminal"*) *Tsumura* demonstrated simultaneous interaction (*Tsumura: column 13, lines 23-42, demonstrates simultaneous though it is not required or assumed*) and real-time interaction (*"real-time" is a broad term which is met by virtue of a computer's natural operation, further a computer network communicates in real time, that is at that moment*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple communication terminal devices to communicating as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*) and including role playing games; and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Tashiro demonstrated that it was known at the time of invention to display a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices (*Tashiro: column 6, lines 1-5; figure 7; column 6, lines 29-33*). It would have been obvious to one of ordinary skill in the art at

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the time of invention to implement the game system of *Chernow* and *Tsumura* with display of a number of players in a real-time interactive communication as found in *Tashiro's* teaching. This implementation would have been obvious because one of ordinary skill in the art would have found the implementation is the application of a known technique to an acceptable piece of prior art in order to produce predictable results.

(10) Response to Argument

Appellant's arguments filed 11/02/2011 have been fully considered but they are not persuasive. The arguments are addressed as follows:

Rejections Under 35 U.S.C. 112

Appellant argues, with regard to a 112 rejection for claims 1-7, 23-24, 26-30, 39 and 41-42, "the Patent Office submits the specification lacks written description for a single embodiment that includes both a clock means for keeping both a first and second predetermined time periods" (*Brief: pages 4-5*).

Response. As stated in the above rejections and in the Final Office Action, the claims (for example newly amended claim 1) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, *at the time the application was filed*, had

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possession of the claimed invention. This has nothing to do with whether Appellant may write a broad claim, but instead has to do with writing a claim supported by the originally filed disclosure.

Appellant states, "The specification explicitly supports counting a predetermined time period from either the start of execution *or* after the program/data is received. See '520 Patent at col. 10, lines 15-20 and col. 11, lines 37-41." (Brief: page 4, last paragraph). Neither of the cited passages describe an embodiment with a "first clock means", a "second clock means", and interfering based on "when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period". The passages cited say nothing about two clocks and making a decision based upon the results of two clocks. The passages do describe two embodiments: one, with one clock and interfering based upon the counting of that one clock; and two, with one clock, that counts a different time period than the time period of the first embodiment, and interfering based upon the counting of that one clock. Further investigation reveals that no figure (including figure 12 to which the cited passage refers) shows the two clocks claimed in amended claim 1 (NOTE: figure 12 does show a second and third time period, however these time periods are not related to the first and second clock of claim 1).

The brief later indicates the intended interpretation of the unclear limitation "interference means for interfering with execution of said execution means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period" (amended claim 1) is supposed

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to be “evaluating the usable duration of the program or data against two different time periods based on two different initiating events” (Brief: page 11, first sentence) (although it is noted the claim language isn’t specific enough to require such an interpretation). Neither of the Appellant’s previously cited specification passages describes ***making a decision/evaluation*** based upon the results of two clocks. Even if Appellant’s current argument to a broad claim encompassing the two described embodiments were acceptable, it is clearly not acceptable to claim a decision/evaluation process that was never described in the original disclosure.

Though the differences between the original disclosure and the newly amended claim 1 may be subtle, they are never-the-less present and require thorough analysis. When attempting to find a distinction between the claimed invention and the cited prior art, it is always important to ensure the any claim amendment is consistent with the knowledge in which the inventor had possession (the first priority of this series of patents goes back nearly two decades). In this case, there is no clear and convincing evidence from the originally filed disclosure that the inventor had possession of the newly claimed subject matter.

Appellant argues, with regard to a 112 rejection for claims 15-21, 23-25, 36, 38, and 44, “Although the word ‘simultaneous’ may not appear explicitly in the specification, it is clearly implicit or inherent in the disclosure” (Brief: page 5).

Response. The word ‘simultaneous’ is not clearly implicit or inherent in the disclosure. Appellant uses as justification for the new term ‘simultaneous’, the non-

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disputed existing term "real-time" from the original disclosure. This remains unconvincing.

First, and in direct relation to the 112 written description rejection, 'real-time' does not mean 'simultaneous'. Nor does Appellant actually ever provide a definition that says 'real-time' means 'simultaneous', especially in the context of a computing environment. While it is true 'simultaneous' means "occurring at the same time", 'real-time' does not have the same definition, especially in the context of a computer environment. In computer systems, 'real-time' may refer to any of many different facets of the system from the quick speed of processing, to the online/internet processing protocols, and/or the apparently instantaneous processing from the perspective of a human being.

Further, if 'real-time' did mean 'simultaneous', then it is rather unclear why the claim limitation would need both terms. If the claim language with 'real-time' is unpatentable in view of the cited prior art then it is also unpatentable with the addition of 'simultaneous'. If the two terms do have a different meaning and scope (even a very slight difference), then it is unclear how the disclosure of the one term could give support for the second term. The amendment makes use of both terms and is therefore unnecessary, redundant and increasingly confusing and unclear. Or, the amendment is clear with two differently meaning terms, but unsupported by the originally filed disclosure.

Therefore, there is no support in the originally filed disclosure for the term 'simultaneous'.

Rejections Under 35 U.S.C. 102

Claim 8

Appellant argues, with regard to claim 8 rejected under 102, “Chernow reference fails to recite several limitations, such as ‘clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing’” (Brief: pages 6-8).

Response. The broadest reasonable interpretation of the claim language “a predetermined time period after said executing means starts execution” is disclosed by showing a time period that merely encompasses “after said executing means starts execution”. A clock means that keeps a time period that includes the time before execution starts and the time after execution starts (for example a time period that runs through this entire range) still keeps a time period after said execution means starts execution. *The claim language does not state “initiating a measure time period based on the execution of software”.*

Chernow discloses a clock/counting means for counting a predetermined time period at least through the phrases, “... to rent the protected software for a period of time ...” and “When leased software is used, a periodic update of the time remaining under lease is encryptically recorded ...” (as cited above under the rejection). This covers the entire time of rental for the software including for before and for a predetermined time after execution (a recorded remaining amount of time after an execution/use is a predetermined time still needing to be counted/clocked). Patent

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Owner's point that the "after said execution means starts" will never occur if execution is not actually evoked is not convincing. The cited reference does start execution (even if not every time, at least once, as this is the point of renting the software) and at such times the claim language reads upon *Chernow*.

Appellant's own arguments admit *Chernow* discloses a time period after the start of the execution of software (Brief: page 7, last paragraph, "The mere fact that the time period taught in *Chernow* covers both before and after the start of execution ...). Again, the claim language does not state "initiating a measure time period based on the execution of software", as Appellant now argues that it does.

This argument is not persuasive.

Claims 11, 12, and 13

Appellant argues, with regard to claims 11-13 rejected under 102, "the claims recite additional limitations that are not taught of suggested by *Chernow* ... For example, Claim 13 recites 'wherein said interference means comprises means for invalidating the operation on said input device'" (Brief: pages 8-9).

Response. The new claim amendment for claim 13 states, "invalidating an operation on said input device". If a software is rendered unusable or erased, any operation on or from an input device to or for the unusable/erased software would be invalidated. An input signal in attempt to communicate with an unusable/erased software is necessarily invalid.

This argument is not persuasive.

Claim 12

Appellant argues, with regard to claim 12, "*Chernow fails to teach or suggest 'blocking the view of what is displayed on said screen' (Brief: pages 9-10).*

Response. This rejection has been withdrawn.

Rejections Under 35 U.S.C. 103 (*Chernow in view of Tsumura*)

Claim 1

Appellant argues, with regard to claim 1 rejected under 103 (*Chernow in view of Tsumura*), "*Chernow does not teach or suggest keeping a predetermined time period after said executing means starts execution*" and "*none of the cited references teach or suggest evaluating the usable duration of the program or data against two different time periods based on two different initiating events*" (*Brief: pages 10-11*).

Response. As to the first argument regarding "keeping a predetermined time period after said executing means starts execution", the response here is the same as the response discussed above for claim 8.

In response to the second argument regarding "evaluating the usable duration of the program or data against two different timer periods", it is noted that Appellant has yet to provide any evidence this subject matter was in possession of the inventor at the

time of original disclosure of the claimed invention (please see above argument and response). Further, it is noted that the combination of *Chernow* and *Tsumura* is cited for demonstrating the limitation in question.

Claims 4, 5, and 6

Appellant argues, with regard to claims 4, 5 and 6 rejected under 103 (*Chernow in view of Tsumura*), “the claims recite additional limitations that are not taught or suggested by *Chernow* ... For example, Claim 6 recites ‘wherein said interference means comprises means for invalidating an operation on said input device’ (*Brief: page 11*).

Response. The response here is the same as the response discussed above for claim 13.

Appellant argues, with regard to claim 5, “*Chernow* fails to teach or suggest ‘blocking the view of what is displayed on said screen’” (*Brief: pages 11-12*).

Response. This rejection has been withdrawn.

Claim 15

Appellant argues, with regard to claim 15 rejected under 103 (*Chernow in view of Tsumura*), “There is no teaching or suggestion in *Chernow* of a time period that is based on after execution ends and/or the program or data being

continuously unused” and “The real-time interactive communication between communication terminals, in contrast to communication between the communication terminal and the host facility, is nowhere taught or suggested by any of the art of record” and “no art of record discloses that individuals are simultaneously interacting to play a game or executing the same program” (Brief: pages 12-15).

Response. To the first argument and similar to the above discussion for claims 1 and 8, the broadest reasonable interpretation of the claim language “a predetermined time period after said execution means ends ... to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused” is disclosed by showing a time period that encompasses “after said executing means ends and program or data is continuously unused”. A clock means that keeps a time period that includes the time before execution starts/ends and the time after execution starts/ends (for example a time period that runs through this entire range) still keeps a time period after said execution means ends execution and during a continuously unused period (which could be any length of time, even extremely short). The claim language does not state “initiating a measure time period based on the execution of software”.

Chernow discloses a clock/counting means for counting a predetermined time period at least through the phrases, “... to rent the protected software for a period of time ...” and “When leased software is used, a periodic update of the time remaining under lease is encryptically recorded ...” (as cited above under the rejection). This

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covers the entire time of rental for the software including the sub-periods of before and after execution (a recorded remaining amount of time after an execution/use is a predetermined time still needing to be counted/clocked) and the sub-period of time when software is not being used (such as after the last execution).

To the second and third arguments, the broadest reasonable interpretation of the claim language reads upon the cited prior art. Claim limitation states "the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices" (emphasis added). As discussed above, "real-time" does not mean "simultaneous". As discussed above, there is no support in the original disclosure for the term "simultaneous". Communication between at least two terminal devices reads upon communication between two devices via (or making use of) a host device. "Communication", "real-time" and "interactive" are all broad terms with numerous interpretations. Additionally, it is noted that "real-time" refers to the communication between terminal devices, not human beings as Appellant seems to assert (Brief: page 15, first paragraph).

Therefore, having established the breadth of the claim language, it is determined the claim language reads upon the cited prior art. *Tsumura* contemplates game communication between multiple players in a simultaneous fashion, though the

reference indicates it is not required (*Tsumura*: column 13, lines 23-42). *Tsumura* further uses computers and computer networks to accomplish this and as such demonstrates "real-time" (both from a human perspective and from the definition of a computer system, see above discussion of "real-time"). The game communication is between multiple players and is therefore "interactive".

Appellant cites *Tsumura* column 14, lines 15-62 as evidence against its disclosure of "real-time", "simultaneous" and possibly "interactive". The passage is actually evidence supporting all the terms in question. If a player is waiting on another player, the players are interacting. Furthermore, players who are dependent upon each other's actions are functioning in "real-time" (though this is also met by the definition of using computer systems). To the extent Appellant uses "real-time" as a justification for "simultaneous", the later term is met as well. Additionally, it is noted the two players are either waiting or confirming that another player is waiting, which again indicates they are playing at the same time. This is further evidence of "simultaneous" and "real-time".

Therefore, these arguments are not persuasive.

Claims 18-20 and 22-26

Appellant argues, with regard to claims 18-20 and 22-26 rejected under 103 (*Chernow in view of Tsumura*), "the claims recite additional limitations that are not taught or suggested by *Chernow* or *Tsumura* ... For example, Claim 20 recites 'wherein said interference means comprises means for invalidating an operation on said input device'" (*Brief: page 16*).

Response. The response here is the same as the response discussed above for claim 13.

Appellant argues, with regard to claim 19, “Chernow fails to teach or suggest ‘blocking the view of what is displayed on said screen’” (Brief: pages 16-18).

Response. This rejection has been withdrawn.

Appellant argues, with regard to claims 23 and 25 rejected under 103 (Chernow in view of Tsumura), “Tsumura does not teach or suggest ‘real-time interactive communication’” (Brief: page 18).

Response. The response here is the same as the response discussed above for claim 15.

Appellant argues, with regard to claim 24 rejected under 103 (Chernow in view of Tsumura in further view of Tashiro), “Amended Claim 24 recites ‘the communication terminal device displays a number of players who can participate in the real-time interactive communication’. None of the art on record discloses this limitation.” (Brief: page 18).

Response. Appellant argues this claim in the section listed as Rejections Under 103 (Chernow in view of Tsumura), however this claim is rejected under Chernow in

view of Tsumura and in further view of Tashiro. Tashiro discloses the limitation in question.

Rejections Under 35 U.S.C 103 (Chernow in view of Kato)

Appellant argues, with regard to claim 14 rejected under 103 (*Chernow in view of Kato*), “*Chernow* fails to teach or suggest interference means for ‘preventing sound generating means from generating the sound’” (*Brief: page 19*).

Response. There is no requirement for the program or data to be executing and simultaneously not generating sound. Appellant’s statement “Executing the program or data processing without sound may not be ideal, but it still requires execution”(Brief: page 19) has no basis in the broadest reasonable interpretation of the claim language. The claim language simply requires interference of the sound it does not say how this is accomplished and it does not specify that the program or data should continue in execution. Once a program or data is rendered unusable and/or erased it does not generate sound. This is a fact, not hindsight. Therefore, this argument is not persuasive.

Rejections Under 35 U.S.C 103 (Chernow in view of Kato in further view of Tsumura)

Claim 10 is properly rejected as evidenced by the above rejections and the above responses to arguments for claim 8 (on which claim 10 depends).

Rejections Under 35 U.S.C 103 (Chernow in view of Tsumura in further view of Kato)

Appellant argues, with regard to claims 7, 14 and 21 rejected under 103 (*Chernow in view of Tsumura in further view of Kato*), “Chernow fails to teach or suggest interference means for ‘preventing sound generating means from generating the sound’” (*Brief: page 20*).

Response. The response here is the same as for the response discussed above for claim 14.

Rejections Under 35 U.S.C 103 (Chernow in view of Tsumura in further view of Sanbe)

Claims 27-29 and 35-36 are properly rejected as evidenced by the above rejections and the above responses to arguments for claim 1 (on which claims depend). The rejections regarding claims 35 and 36 have been withdrawn due to their dependency on withdrawn rejections for claim 5.

Rejections Under 35 U.S.C 103 (Chernow in view of Sanbe)

Claims 31-33 are properly rejected as evidenced by the above rejections and the above responses to arguments for claim 8 (on which claims depend).

Rejections Under 35 U.S.C 103 (Chernow in view of Sanbe in further view of Kaniwa)

Claim 34 is properly rejected as evidenced by the above rejections and the above responses to arguments for claim 8 (on which claim 34 depends).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/WILLIAM H WOOD/

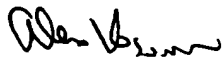
Examiner, Art Unit 3992

Conferees:

/Eric B. Kiss/

Primary Examiner, Art Unit 3992

ALEXANDER J. KOSOWSKI
Supervisory Patent Reexamination Specialist
CRU -- Art Unit 3992



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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 Inventor..... Takeya Okamoto
 Group Art Unit..... 3993
 Examiner..... William H. Wood
 Attorney's Docket No.....ADC520
 Title.....Interactive Communication System for Communicating Video
and Karaoke Software

Information Disclosure Statement

To: Mail Stop Ex Parte Reexam
 Commissioner for Patents
 United States Patent & Trademark Office
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 Alexandria, VA 22313-1450

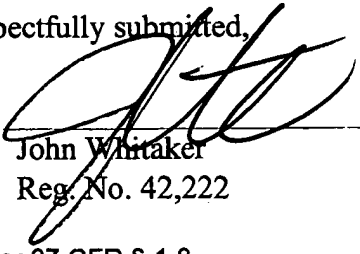
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Patent Owner hereby submits the enclosed Form 1449 and cited references pursuant to 37 CFR § 1.555 in discharge of its duty under 37 CFR 1.56(a). A copy of this submission is being delivered by First Class Mail to Third Party Requester at:

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Respectfully submitted,

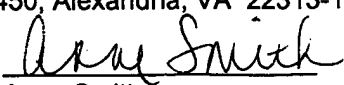
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 Anne Smith

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Not for submission under 37 CFR 1.99)

Application Number 90010666

Filing Date 2009-09-04

First Named Inventor Takeya OKAMOTO

Art Unit 3992

Examiner Name William Wood

Attorney Docket Number ADC520

U.S. PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	4658093		1987-04-14	Hellman	
	2	4789863		1988-12-06	Bush	
	3	49052080		1990-02-27	Wiedemer	
	4	4922420		1990-05-01	Nakagawa et al.	
	5	4999806		1991-03-12	Chernow et al.	
	6	5051822		1991-09-24	Rhoades	
	7	5083271		1992-01-21	Thacher et al.	
	8	5166886		1992-11-24	Molnar et al.	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

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First Named Inventor	Takeya OKAMOTO	
Art Unit	3992	
Examiner Name	William Wood	
Attorney Docket Number	ADC520	

	9	5181107		1993-01-19	Rhoades	
	10	5251909		1993-10-12	Reed et al.	
	11	5291554		1994-03-01	Morales	
	12	5400402		1995-03-21	Garfinkle	
	13	5497479		1996-03-05	Hornbuckle	
	14	5547202		1996-08-20	Tsumura	
	15	5619247		1997-04-08	Russo	
	16	5624316		1997-04-29	Roskowski et al.	
	17	5632681		1997-05-27	Bakoglu et al	
	18	5661517		1997-08-26	Budow et al.	
	19	5691915		1997-11-25	Funahashi et al.	

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	20	5699370		1997-12-16	Kaniwa et al.	
	21	5724424		1998-03-03	Gifford	
	22	5757907		1998-05-01	Cooper et al.	
	23	5940504		1999-08-17	Griswold	
	24	5959596		1999-09-28	McCarten et al.	
	25	4071697		1978-01-31	Bushnell et al.	
	26	4232295		1980-11-04	McConnell	
	27	4247106		1981-01-27	Jeffers et al.	
	28	4413281		1983-11-01	Thonnart	
	29	4506387		1985-03-19	Walter	
	30	4509073		1985-04-02	Baran et al.	

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	31	4518989		1985-05-21	Yabiki et al.	
	32	4521806		1985-06-04	Abraham	
	33	4572509		1986-02-25	Sitrick	
	34	4597058		1986-06-24	Izumi et al.	
	35	4654799		1987-03-31	Ogaki et al.	
	36	4674055		1987-06-16	Ogaki et al.	
	37	4677565		1987-06-30	Ogaki et al.	
	38	4766581		1988-08-23	Korn et al.	
	39	4788675		1988-11-29	Jones et al.	
	40	4792849		1988-12-20	McCalley et al.	
	41	4811325		1989-03-07	Sharples, Jr. et al.	

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	42	4816905		1989-03-28	Tweedy et al.	
	43	4827508		1989-05-02	Shear	
	44	4829372		1989-05-09	McCalley et al.	
	45	4860123		1989-08-22	McCalley et al.	
	46	4890320		1989-12-26	Monslow et al.	
	47	4905094		1990-02-27	Pocock et al.	
	48	4924303		1990-05-08	Brandon et al.	
	49	4924378		1990-05-08	Hershey et al.	
	50	4937784		1990-06-26	Masai et al.	
	51	4949187		1990-08-14	Cohen	
	52	4987486		1991-01-22	Johnson et al.	

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	53	5008926		1991-04-16	Misholi	
	54	5634012		1997-05-27	Stefik et al.	
	55	5613192		1997-03-18	Ikami et al.	
	56	5014125		1991-05-07	Pocock et al.	
	57	5014234		1991-05-07	Edwards, Jr.	
	58	5018736		1991-05-28	Pearson et al.	
	59	5027400		1991-06-25	Baji et al.	
	60	5032927		1991-06-16	Watanabe et al.	
	61	5046004		1991-09-03	Tsumura et al.	
	62	5050031		1991-09-17	Weiley	
	63	5113496		1992-05-12	McCailey et al.	

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	64	5119188		1992-06-02	McCalley et al.	
	65	5127303		1992-07-07	Tsumura et al.	
	66	5131311		1992-07-21	Murakami et al.	
	67	5132992		1992-07-21	Yurt et al.	
	68	5133079		1992-07-21	Ballanyne et al.	
	69	5151782		1992-09-29	Ferraro	
	70	5153917		1992-10-06	Kato	
	71	5157643		1992-10-20	Suzuki	
	72	5172413		1992-12-05	Bradley et al.	
	73	5179584		1993-01-12	Tsumura	
	74	5191410		1993-03-02	McCalley et al.	

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	75	5191573		1993-03-02	Hair	
	76	5195092		1993-03-16	Wilson et al.	
	77	5204897		1993-04-20	Wyman	
	78	5208413		1993-05-04	Tsumura et al.	
	79	5208655		1993-05-04	Cox et al.	
	80	5220420		1993-06-15	Hoarty et al.	
	81	5233438		1993-08-03	Funahashi et al.	
	82	5236199		1993-08-17	Thompson, Jr.	
	83	5243123		1993-09-07	Chaya	
	84	5247126		1993-09-21	Okamura et al.	
	85	5247347		1993-09-21	Litteral et al.	

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	86	5247575		1993-09-21	Sprague et al.	
	87	5250747		1993-10-05	Tsumura	
	88	5252775		1993-10-12	Urano	
	89	5253275		1993-10-12	Yurt et al.	
	90	5262875		1993-11-16	Mincer et al.	
	91	5267171		1993-11-30	Suzuki et al.	
	92	5273288		1993-12-28	Teshima et al.	
	93	5283638		1994-02-01	Engberg et al.	
	94	5283639		1994-02-01	Esch et al.	
	95	5287269		1994-02-15	Dorrough et al.	
	96	5293422		1994-03-08	Loiacono	

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97	5296643		1994-03-22	Kuo et al.	
98	5300725		1994-04-05	Manabe	
99	5311302		1994-05-10	Berry et al.	
100	5319452		1994-06-07	Funahashi	
101	5341474		1994-08-23	Gelman et al.	
102	5347632		1994-09-13	Filepp et al.	
103	5353337		1994-10-04	Tsumura et al.	
104	5355302		1994-10-11	Martin et al.	
105	5357505		1994-10-18	Tsumura et al.	
106	5367704		1994-11-22	Hasuo et al.	
107	5371532		1994-12-06	Gelman et al.	

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	108	5388211		1995-02-07	Hornbuckle	
	109	5392353		1995-02-21	Morales	
	110	5412416		1995-05-02	Nemirofsky	
	111	5418654		1995-05-23	Scheffler	
	112	5418713		1995-05-23	Allen	
	113	5442389		1995-08-15	Blahut et al.	
	114	5464946		1995-11-07	Lewis	
	115	5475585		1995-12-01	Bush	
	116	5517652		1996-05-14	Miyamoto et al.	
	117	5526284		1996-06-11	Mankovitz	
	118	5530754		1996-06-25	Garfinkle	

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119	5564038		1996-10-08	Grantz et al.	
120	5579222		1996-11-26	Bains et al.	
121	5581270		1996-12-03	Smith et al.	
122	5594789		1997-01-14	Seazholtz et al.	
123	5609525		1997-03-11	Ohno et al.	
124	5613089		1997-03-18	Hornbuckle	
125	5619425		1997-04-08	Funahashi et al.	
126	5630757		1997-05-20	Gagin et al.	
127	5388211		1995-02-07	Hornbuckle	
128	5634848		1997-06-03	Tsuda et al.	
129	5636276		1997-06-03	Brugger	

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130	5664778		1997-09-09	Kikuchi et al.	
131	5675575		1997-10-07	Wall, Jr. et al.	
132	5675734		1997-10-07	Hair	
133	5691494		1997-11-25	Sai et al.	
134	5715314		1998-02-03	Payne et al.	
135	5715403		1998-02-03	Stefik	
136	5734961		1998-03-31	Castille	
137	5779549		1998-07-14	Walker et al.	
138	5790176		1998-08-04	Craig	
139	5809251		1998-09-15	May et al.	
140	5822735		1998-10-13	De Lapa et al.	

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	141	5871398		1999-02-16	Schneier et al.	
	142	5883954		1999-03-16	Ronning	
	143	5892900		1999-04-06	Ginter et al.	
	144	5910987		1999-06-08	Ginter et al.	
	145	5953005		1999-09-14	Liu	
	146	5956485		1999-09-21	Perlman	
	147	5999698		1999-12-07	Nakai et al.	
	148	6021492		2000-02-01	May	
	149	6048271		2000-04-11	Barcelou	
	150	6049789		2000-04-11	Frison et al.	
	151	6061057		2000-05-09	Knowlton et al.	

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	152	6061436		2000-05-09	Bauer et al.	
	153	6075862		2000-06-13	Yoshida et al.	
	154	6085176		2000-07-04	Woolston	
	155	6115471		2000-09-05	Oki et al.	
	156	6131086		2000-10-10	Walker et al.	
	157	6209787	B1	2001-04-01	Lida	
	158	6272636	B1	2001-08-07	Neville et al.	
	159	6308204	B1	2001-10-23	Nathan et al.	
	160	6516304	B1	2003-02-04	Yoshimura	
	161	4361851		1980-01-04	Asip et al.	
	162	4654799		1987-03-31	Ogaki et al.	

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163	4672554		1987-06-09	Ogaki	
164	4674055		1987-06-16	Ogaki et al.	
165	4868758		1989-09-19	Kokubu	
166	5014234		1991-05-07	Edwards, Jr.	
167	5203848		1993-04-20	Wang	
168	5267171		1993-11-30	Suzuki et al.	
169	5311325		1994-05-10	Edwards et al.	
170	5418713		1995-05-23	Allen	
171	5440631		1994-08-08	Akiyama et al.	
172	5539822		1996-07-23	Lett	
173	5548645		1996-08-20	Ananda	

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	174	5581270		1996-12-03	Smith et al.	
	175	5590197		1996-12-31	Chen et al.	
	176	5613192		1997-03-18	Ikami	
	177	5634012		1997-05-27	Stefik et al.	
	178	5729740		1998-03-17	Tsumura	
	179	5771354		1998-06-23	Crawford	
	180	5898777		1999-04-27	Tycksen, Jr. et al.	
	181	6049823		2000-04-11	Hwang	
	182	6418421		2002-07-09	Hurtado et al.	
	183	6961858	B2	2005-11-01	Fransdonk	
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	185	7076467	B1	2009-07-11	Chatani	
	186	4920432		1990-04-24	Eggers et al.	
	187	4814592		1989-03-21	Bradt	
	188	4998199		1991-03-05	Tashiro et al.	
	189	5038022		1991-08-06	Lucero	
	190	5073931		1991-12-17	Audebert	
	191	5283734		1994-02-01	VonKohorn	
	192	5410598		1995-04-25	Shear	
	193	5638443		1997-06-10	Stefik	
	194	4752068		1988-06-21	Endo	
	195	4787050		1988-11-22	Suzuki	

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196	4789863		1988-12-06	Bush	
197	4922420		1990-05-01	Nakagawa et al.	
198	4999806		1991-03-12	Chernow et al.	
199	5083800		1992-01-28	Lockton	
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	5	93/01550	WO	A1	1993-01-21	Infologic Software, Inc.		☐
	6	95/31061	WO	A1	1995-11-16	Catapult Entertainment, Inc.		☐
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	10	H4-344698	JP		1992-12-01	000004329		☐
	11	S60-83090	JP		1985-05-11	The Daiei, Inc.		☐
	12	H4-32898	JP		1992-02-04	Taito Corporation		☐
	13	H2-166875	JP		1990-06-27	Mimoji Tsumura		☐
	14	05-003519	JP		1993-01-08	Ricos: KK		☐
	15	05-035288	JP		1993-02-12	Ricos: KK		☐
	16	05-228259	JP		1993-09-07	Ricos: KK		☐
	17	06-102887	JP		1994-04-15	Brother Ind Ltd		☐
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	21	08-166989	JP		1996-06-25	Ekushingu: KK Brother Ind Ltd		☐
	22	08-266746	JP		1996-10-15	Taito Corp		☐
	23	2002-041996	JP		2002-02-08	NEC Corp.		☐
	24	H02-300823	JP		1990-12-13	NEC Corp.		☐
	25	H03-62222	JP		1991-03-18	Toshiba Corp.		☐
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	28	S62-286489	JP		1986-06-06	Tateishi Electronics Co., Ltd.		☐
	29	S58-151762	JP		1983-09-09	Hitachi Seisakusho K.K.		☐
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	32	3-241492	JP		1991-10-28	Brother Ind Ltd		☐
	33	3-239292	JP		1991-10-24	Brother Ind Ltd		☐
	34	HEI3-149693	JP		1991-06-26	SANYO Electric Co., Ltd.		☐
	35	HEI4-10191	JP		1992-01-14	Makoto Kato		☐
	36	H03-239292	JP		1991-10-24	Brother Industries, Ltd		☐
	37	H03-241492	JP		1991-10-28	Brother Industries, Ltd		☐
	38	1289221	JP	A	1989-11-21	MATSUSHITA ELECTRIC IND CO LTD		☐
	39	59-123328	JP	A	1984-07-17	MATSUSHITA ELECTRIC IND CO LTD		☐
	40	01-0166218	JP		1989-06-30	Suzuki		☐
	41	H2-113463	JP		1992-01-14	Kato		☐

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	42	H01-166218	JP		1987-12-23	Hitachi Seisakusho K.K.		☐
	43	02-123682	JP	A	1990-05-11	NIPPON TELEGRAPH & TELEPHONE		☐
	44	H2-166875	JP		1990-06-27	MIMOJI TSUMURA		☐
	45	2-213374	JP		1990-08-24	SONY CORP.		☐
	46	2-234256	JP		1990-09-17	FUJITSU LTD.		☐
	47	H02-267628	JP		1990-11-01	NEC CORP		☐
	48	3-103278	JP		1991-04-17	INTAAAKUTEIBU NETSUTOWAAKU INC		☐
	49	3-187794	JP	A	1991-08-15	MITSUBISHI PLASTICS IND		☐
	50	3-500476	JP	T	1991-01-31	Thomas A. Bush		☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T5

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		90010666
Filing Date		2009-09-04
First Named Inventor	Takeya OKAMOTO	
Art Unit	3992	
Examiner Name	William Wood	
Attorney Docket Number	ADC520	

1	Cable Comes Alive!...And You're In The Center Of The Action!, PlayCable, 5 pages.	☐
2	Master Module, Registration Guide, 2 pages.	☐
3	Gameline, The Incredible Way to Play Video Games, Master Module, 7 pages	☐
4	Gameline, Owner's Manual, Master Module, 7 pages	☐
5	Gameline, Temporary Game Directory & Instructions Booklet, 15 pages	☐
6	Electronic Games, Video Games, Computer Games, Stand-Alone Games, Arcades, June 1983, 7 pages	☐
7	Sega Visions, June/July 1993, 98 pages	☐
8	Sega Visions, June/July 1994, 129 pages	☐
9	PlayCable: A Technological Alternative for Information Services, Charles L. Dages, Jerrold Division, General Instrument Corporation, IEEE Transactions on Consumer Electronics, Vol. CE-26, August 1980, 5 pages	☐
10	2600 (Stella) Programmer's Guide by Steve Wright 12/03/79, Updated by Darryl May 7/1/88, 25 pages	☐
11	Communications Report, Nikkei Communications 12/2/1991, 2 pages	☐

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12	Sega Channel, From Wikipedia, the free encyclopedia, http://en.wikipedia.org/wiki/Sega_Channel , 3 pages	☐
13	Dial-A-Game, Games Department, GameLine module links WCS with game bank, Deborah Burns, Antic Vol. 2, No. 4/ July 1983/ page 82, mhtml:file://\kcmsfs7\Apps\PitneyPrintJobs\Practice_support\Kristy_Crumley\Sony..2009... 6/24/2009, 2 pages	☐
14	Newsbytes PM, Copyright 1992 Newsbytes Inc., January 24, 1992NewsRoom, 1/24/92 NEWSBYTESPM 01240012, 1992 WLNK 2586145, 2 pages	☐
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16	Pay As You Go (PAYG) MaxWebAuthor, Max View Corporation, Document Distribution Technology for Construction, 2 pages	☐
17	Microsoft outlines pay-per-use PC vision, David Meyer, Business Tech, December 29, 2008, http://news.cnet.com/8301-1001_3-10129438-92.html?tag=newsEditorsPicksArea.0 , 3 pages	☐
18	Sega Channel Cited by "Popular Science" as Among 1994's Outstanding Products and Technological Achievements; Showcased in Magazine's Annual "Best of What's New" Section, Business Wire, Nov. 9, 1994, http://findarticles.com/p/articles/mi_m0EIN/is_1994_Nov_9/ai_15910163 , 1 page	☐
19	RetroMags.com, 1 page	☐
20	In Japan, It's Dial-A-Tune on the Karaoke Line, July 20, 1992, Industrial/Technology Edition, Copyright 1992 McGraw Hill, Inc., 1 page	☐
21	"Superdistribution: The Concept and the Architecture", The Trans. of IEICE, Vol E73, No. 7, PP. 113-1146 (1990), 15 pages To Follow	☐
22	"Superdistribution: An Overview and the Current Status", ISEC89-44, pp. 25-35 (1990), 12 pages To Follow	☐

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Examiner Name	William Wood
Attorney Docket Number	ADC520

23	GameLine Owners Manuel, Control Video Coporation (1983) "GameLine Manual"	☐
24	GameLine Package, Control Video Corporation (1983) "GameLine Package"	☐
25	KATZ, Arnie, "Games On the Phone: What Mother Bell Never Told Us About Fun On the Telephone", Electronic Games, pp. 32-36, June 1983	☐
26	Wolfenstein 3-D Instructional Booklet, published in 1992 and distributed by Id Software, Inc. with the Wolfenstein 3-D videogame for IBM-compatible personal computers ("Wolfenstein 3-D")	☐
27	Stokey, Nancy L., "Interteporal Price Discrimination," The Quartly Journal of Economics, published in August 1979 ("Stokey")	☐
28	Debrow, Julia., Social and Cultural Aspects of VCR Use, Lawrence Erlbaum Associates, Inc. Hillsdale, New Jersey, published in 1990, pp. 25-44 ("Debrow")	☐
29	Super Mario Brothers Instructional Booklet, published in 1985 and distributed with the Super Mario Brothers videogame for the Nintendo Entertainment System ("Super Mario Bros.")	☐
30	(1) List of Figure descriptions, Figs 1 - 4, Date: Unknown, pages - 4	☐
31	(2) List of Figure descriptions, Figs 1 - 4, Date: Unknown, pages - 4	☐
32	Press N T S . . . Sega Visions issue 014 (Jun / Jul 1994) Release Group http://www.retromags.com Total pages - 3	☐
33	Press N T S . . . Sega Visions issue 013 (Jun / Jul 1993) Release Group http://www.retromags.com Total pages - 3	☐

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Examiner Name	William Wood
Attorney Docket Number	ADC520

34	In the United States District Court for the District of Delaware, American Patent Development, Corporation, LLC, v. Movielink, LLC. Civil Action No. 07-605-JJF, Memorandum Opinion. Total pages -32	☐
35	Notice of Publication Application, Application number 11/766,613, filing date 06/21/2007, Title: metered Pay-As-You-Go Computing Experience. Total pages -107	☐
36	Notice of Publication Application, Application number 11/766,595, filing date 06/21/2007, Title: Computer Hardware Metering. Total pages -65	☐
37	STOKEY "International Price Discrimination". Trie Quarterly Journal of Economics. August 1979. pp. 355-371	☐
38	Nintendo Corporation, "Super Mario Brothers Instructional Booklet", distributed with the Super Mario Brothers video game for the Nintendo Entertainment System. 1985. 18 pages	☐
39	Id Software Inc., "WoHenstein 3-D Instructional Booklet", distributed with the WoHenstein 3-D Video game for IBM compatible personal computers, 1992. 16 pages	☐
40	DOBROW "Social and Cultural Aspects of VCR Use". Lawrence Eribaum Associates, Inc. 1990, 22 pages	☐
41	A view of Cyberspace, Gen Suzuki with two others, ITEJ (The Institute of Image Information and Television Engineers) Technical Report, Japan, Institute of Television Engineers of Japan, Dec. 16, 1992, Vol. 16, No. 80, p 31 - 36	☐
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		90010666
	Filing Date		2009-09-04
	First Named Inventor	Takeya OKAMOTO	
	Art Unit	3992	
	Examiner Name	William Wood	
	Attorney Docket Number	ADC520	

	45	PC version authorized guidebook of Record of Lodoss War, Japan, Kadokawa Group Publishing Co. Ltd. Sept 30 1992, p 133	☐
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¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	90010666
Filing Date	2009-09-04
First Named Inventor	Takeya OKAMOTO
Art Unit	3992
Examiner Name	William Wood
Attorney Docket Number	ADC520

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

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☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/johnwhitaker/	Date (YYYY-MM-DD)	2012-02-13
Name/Print	John Whitaker	Registration Number	42222

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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.
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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.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		90010666
	Filing Date		2009-09-04
	First Named Inventor	Takeya Okamoto	
	Art Unit	3992	
	Examiner Name	William H. Wood	
	Attorney Docket Number	ADC520	

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	1	3-80786	JP		1991-04-05	KONRATSUKU S C D INC		☐
	2	4-076750	JP		1992-03-11	HITACHI MICROCOMPUTER ENG; JAPAN INSUTSURUMENTSUKK		☐
	3	4-117548	JP		1992-04-17	FUJITSU LTD		☐

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		90010666
Filing Date		2009-09-04
First Named Inventor	Takeya Okamoto	
Art Unit	3992	
Examiner Name	William H. Wood	
Attorney Docket Number	ADC520	

	4	4-127762	JP		1992-02-28	FUJITSU LTD		☐
	5	4-156161	JP		1992-05-28	SEGA ENTERPRISES KK		☐
	6	4-504794	JP		1992-08-20	SOFEL INC.		☐
	7	4-96159	JP		1992-03-27	FUJI XEROX CO LTD		☐
	8	5-30141	JP		1993-02-05	FUJITSU LTD		☐
	9	4-188258	JP		1992-07-06	RICOH KK		☐
	10	6-334780	JP		1994-12-02	OKAMOTO		☐
	11	8-242314	JP		1996-09-17	REEM PROPERTIES BV		☐
	12	54-111005	JP		1979-11-21	JIEEMUZU EE TORIMUBUTU; AABINERU KUROSUBI		☐
	13	58-171193	JP		1983-10-07	MATSUSHITA ELECTRIC WORKS LTD		☐
	14	62-204783	JP		1987-09-09	NAMUO KK		☐

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Examiner Name	William H. Wood	
Attorney Docket Number	ADC520	

15	62-113295	JP		1987-05-25	BROTHER IND LTD		☐
16	63-308691	JP		1988-12-16	Matsushita Electric ind. Co Ltd		☐
17	63-9468	JP		1988-01-16	TOKUYAMA KENJIROU		☐
18	4-032898	JP		1992-02-04	SANBE		☐
19	2-123862	JP		1990-05-11	NIPPON TELEGRAPH & TELEPHONE		☐
20	1-161958	JP		1989-04-30	NEC CORP		☐
21	4-158441	JP		1992-06-01	HITACHI SEISAKUSHO K K		☐
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First Named Inventor	Takeya Okamoto
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☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/johnwhitaker/	Date (YYYY-MM-DD)	2012-02-13
Name/Print	John Whitaker	Registration Number	42222

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	Filing Date		2009-08-17
	First Named Inventor	Takeya OKAMOTO	
	Art Unit	3992	
	Examiner Name	William Wood	
	Attorney Docket Number	ADC520	

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	4658093		1987-04-14	Hellman	
	2	4789863		1988-12-06	Bush	
	3	49052080		1990-02-27	Wiedemer	
	4	4922420		1990-05-01	Nakagawa et al.	
	5	4999806		1991-03-12	Chernow et al.	
	6	5051822		1991-09-24	Rhoades	
	7	5083271		1992-01-21	Thacher et al.	
	8	5166886		1992-11-24	Molnar et al.	

**INFORMATION DISCLOSURE
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Application Number	90009524
Filing Date	2009-08-17
First Named Inventor	Takeya OKAMOTO
Art Unit	3992
Examiner Name	William Wood
Attorney Docket Number	ADC520

9	5181107		1993-01-19	Rhoades	
10	5251909		1993-10-12	Reed et al.	
11	5291554		1994-03-01	Morales	
12	5400402		1995-03-21	Garfinkle	
13	5497479		1996-03-05	Hornbuckle	
14	5547202		1996-08-20	Tsumura	
15	5619247		1997-04-08	Russo	
16	5624316		1997-04-29	Roskowski et al.	
17	5632681		1997-05-27	Bakoglu et al	
18	5661517		1997-08-26	Budow et al.	
19	5691915		1997-11-25	Funahashi et al.	

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20	5699370		1997-12-16	Kaniwa et al.	
21	5724424		1998-03-03	Gifford	
22	5757907		1998-05-01	Cooper et al.	
23	5940504		1999-08-17	Griswold	
24	5959596		1999-09-28	McCarten et al.	
25	4071697		1978-01-31	Bushnell et al.	
26	4232295		1980-11-04	McConnell	
27	4247106		1981-01-27	Jeffers et al.	
28	4413281		1983-11-01	Thonnart	
29	4506387		1985-03-19	Walter	
30	4509073		1985-04-02	Baran et al.	

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31	4518989		1985-05-21	Yabiki et al.	
32	4521806		1985-06-04	Abraham	
33	4572509		1986-02-25	Sitrick	
34	4597058		1986-06-24	Izumi et al.	
35	4654799		1987-03-31	Ogaki et al.	
36	4674055		1987-06-16	Ogaki et al.	
37	4677565		1987-06-30	Ogaki et al.	
38	4766581		1988-08-23	Korn et al.	
39	4788675		1988-11-29	Jones et al.	
40	4792849		1988-12-20	McCalley et al.	
41	4811325		1989-03-07	Sharples, Jr. et al.	

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	42	4816905		1989-03-28	Tweedy et al.	
	43	4827508		1989-05-02	Shear	
	44	4829372		1989-05-09	McCalley et al.	
	45	4860123		1989-08-22	McCalley et al.	
	46	4890320		1989-12-26	Monslow et al.	
	47	4905094		1990-02-27	Pocock et al.	
	48	4924303		1990-05-08	Brandon et al.	
	49	4924378		1990-05-08	Hershey et al.	
	50	4937784		1990-06-26	Masai et al.	
	51	4949187		1990-08-14	Cohen	
	52	4987486		1991-01-22	Johnson et al.	

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53	5008926		1991-04-16	Misholi	
54	5634012		1997-05-27	Stefik et al.	
55	5613192		1997-03-18	Ikami et al.	
56	5014125		1991-05-07	Pocock et al.	
57	5014234		1991-05-07	Edwards, Jr.	
58	5018736		1991-05-28	Pearson et al.	
59	5027400		1991-06-25	Baji et al.	
60	5032927		1991-06-16	Watanabe et al.	
61	5046004		1991-09-03	Tsumura et al.	
62	5050031		1991-09-17	Weiley	
63	5113496		1992-05-12	McCalley et al.	

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64	5119188		1992-06-02	McCalley et al.	
65	5127303		1992-07-07	Tsumura et al.	
66	5131311		1992-07-21	Murakami et al.	
67	5132992		1992-07-21	Yurt et al.	
68	5133079		1992-07-21	Ballanyne et al.	
69	5151782		1992-09-29	Ferraro	
70	5153917		1992-10-06	Kato	
71	5157643		1992-10-20	Suzuki	
72	5172413		1992-12-05	Bradley et al.	
73	5179584		1993-01-12	Tsumura	
74	5191410		1993-03-02	McCalley et al.	

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	75	5191573		1993-03-02	Hair	
	76	5195092		1993-03-16	Wilson et al.	
	77	5204897		1993-04-20	Wyman	
	78	5208413		1993-05-04	Tsumura et al.	
	79	5208655		1993-05-04	Cox et al.	
	80	5220420		1993-06-15	Hoarty et al.	
	81	5233438		1993-08-03	Funahashi et al.	
	82	5236199		1993-08-17	Thompson, Jr.	
	83	5243123		1993-09-07	Chaya	
	84	5247126		1993-09-21	Okamura et al.	
	85	5247347		1993-09-21	Litteral et al.	

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86	5247575		1993-09-21	Sprague et al.	
87	5250747		1993-10-05	Tsumura	
88	5252775		1993-10-12	Urano	
89	5253275		1993-10-12	Yurt et al.	
90	5262875		1993-11-16	Mincer et al.	
91	5267171		1993-11-30	Suzuki et al.	
92	5273288		1993-12-28	Teshima et al.	
93	5283638		1994-02-01	Engberg et al.	
94	5283639		1994-02-01	Esch et al.	
95	5287269		1994-02-15	Dorrough et al.	
96	5293422		1994-03-08	Loiacono	

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	97	5296643		1994-03-22	Kuo et al.	
	98	5300725		1994-04-05	Manabe	
	99	5311302		1994-05-10	Berry et al.	
	100	5319452		1994-06-07	Funahashi	
	101	5341474		1994-08-23	Gelman et al.	
	102	5347632		1994-09-13	Filepp et al.	
	103	5353337		1994-10-04	Tsumura et al.	
	104	5355302		1994-10-11	Martin et al.	
	105	5357505		1994-10-18	Tsumura et al.	
	106	5367704		1994-11-22	Hasuo et al.	
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	108	5388211		1995-02-07	Hornbuckle	
	109	5392353		1995-02-21	Morales	
	110	5412416		1995-05-02	Nemirofsky	
	111	5418654		1995-05-23	Scheffler	
	112	5418713		1995-05-23	Allen	
	113	5442389		1995-08-15	Blahut et al.	
	114	5464946		1995-11-07	Lewis	
	115	5475585		1995-12-01	Bush	
	116	5517652		1996-05-14	Miyamoto et al.	
	117	5526284		1996-06-11	Mankovitz	
	118	5530754		1996-06-25	Garfinkle	

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119	5564038		1996-10-08	Grantz et al.	
120	5579222		1996-11-26	Bains et al.	
121	5581270		1996-12-03	Smith et al.	
122	5594789		1997-01-14	Seazholtz et al.	
123	5609525		1997-03-11	Ohno et al.	
124	5613089		1997-03-18	Hornbuckle	
125	5619425		1997-04-08	Funahashi et al.	
126	5630757		1997-05-20	Gagin et al.	
127	5388211		1995-02-07	Hornbuckle	
128	5634848		1997-06-03	Tsuda et al.	
129	5636276		1997-06-03	Brugger	

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	130	5664778		1997-09-09	Kikuchi et al.	
	131	5675575		1997-10-07	Wall, Jr. et al.	
	132	5675734		1997-10-07	Hair	
	133	5691494		1997-11-25	Sai et al.	
	134	5715314		1998-02-03	Payne et al.	
	135	5715403		1998-02-03	Stefik	
	136	5734961		1998-03-31	Castille	
	137	5779549		1998-07-14	Walker et al.	
	138	5790176		1998-08-04	Craig	
	139	5809251		1998-09-15	May et al.	
	140	5822735		1998-10-13	De Lapa et al.	

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	141	5871398		1999-02-16	Schneier et al.	
	142	5883954		1999-03-16	Ronning	
	143	5892900		1999-04-06	Ginter et al.	
	144	5910987		1999-06-08	Ginter et al.	
	145	5953005		1999-09-14	Liu	
	146	5956485		1999-09-21	Perlman	
	147	5999698		1999-12-07	Nakai et al.	
	148	6021492		2000-02-01	May	
	149	6048271		2000-04-11	Barcelou	
	150	6049789		2000-04-11	Frison et al.	
	151	6061057		2000-05-09	Knowlton et al.	

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	152	6061436		2000-05-09	Bauer et al.	
	153	6075862		2000-06-13	Yoshida et al.	
	154	6085176		2000-07-04	Woolston	
	155	6115471		2000-09-05	Oki et al.	
	156	6131086		2000-10-10	Walker et al.	
	157	6209787	B1	2001-04-01	Lida	
	158	6272636	B1	2001-08-07	Neville et al.	
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	160	6516304	B1	2003-02-04	Yoshimura	
	161	4361851		1980-01-04	Asip et al.	
	162	4654799		1987-03-31	Ogaki et al.	

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	174	5581270		1996-12-03	Smith et al.	
	175	5590197		1996-12-31	Chen et al.	
	176	5613192		1997-03-18	Ikami	
	177	5634012		1997-05-27	Stefik et al.	
	178	5729740		1998-03-17	Tsumura	
	179	5771354		1998-06-23	Crawford	
	180	5898777		1999-04-27	Tycksen, Jr. et al.	
	181	6049823		2000-04-11	Hwang	
	182	6418421		2002-07-09	Hurtado et al.	
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	165	4868758		1989-09-19	Kokubu	
	166	5014234		1991-05-07	Edwards, Jr.	
	167	5203848		1993-04-20	Wang	
	168	5267171		1993-11-30	Suzuki et al.	
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	170	5418713		1995-05-23	Allen	
	171	5440631		1994-08-08	Akiyama et al.	
	172	5539822		1996-07-23	Lett	
	173	5548645		1996-08-20	Ananda	

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	185	7076467	B1	2009-07-11	Chatani	
	186	4920432		1990-04-24	Eggers et al.	
	187	4814592		1989-03-21	Bradt	
	188	4998199		1991-03-05	Tashiro et al.	
	189	5038022		1991-08-06	Lucero	
	190	5073931		1991-12-17	Audebert	
	191	5283734		1994-02-01	VonKohorn	
	192	5410598		1995-04-25	Shear	
	193	5638443		1997-06-10	Stefik	
	194	4752068		1988-06-21	Endo	
	195	4787050		1988-11-22	Suzuki	

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196	4789863	1988-12-06	Bush	
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	10	H4-344698	JP		1992-12-01	000004329		☐
	11	S60-83090	JP		1985-05-11	The Daiei, Inc.		☐
	12	H4-32898	JP		1992-02-04	Taito Corporation		☐
	13	H2-166875	JP		1990-06-27	Mimoji Tsumura		☐
	14	05-003519	JP		1993-01-08	Ricos: KK		☐
	15	05-035288	JP		1993-02-12	Ricos: KK		☐
	16	05-228259	JP		1993-09-07	Ricos: KK		☐
	17	06-102887	JP		1994-04-15	Brother Ind Ltd		☐
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	21	08-166989	JP		1996-06-25	Ekushingu: KK Brother Ind Ltd		☐
	22	08-266746	JP		1996-10-15	Taito Corp		☐
	23	2002-041996	JP		2002-02-08	NEC Corp.		☐
	24	H02-300823	JP		1990-12-13	NEC Corp.		☐
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	27	H02-166875	JP		1990-06-27	TSUMURA Miyuji		☐
	28	S62-286489	JP		1986-06-06	Tateishi Electronics Co., Ltd.		☐
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	32	3-241492	JP		1991-10-28	Brother Ind Ltd		☐
	33	3-239292	JP		1991-10-24	Brother Ind Ltd		☐
	34	HEI3-149693	JP		1991-06-26	SANYO Electric Co., Ltd.		☐
	35	HEI4-10191	JP		1992-01-14	Makoto Kato		☐
	36	H03-239292	JP		1991-10-24	Brother Industries, Ltd		☐
	37	H03-241492	JP		1991-10-28	Brother Industries, Ltd		☐
	38	1289221	JP	A	1989-11-21	MATSUSHITA ELECTRIC IND CO LTD		☐
	39	59-123328	JP	A	1984-07-17	MATSUSHITA ELECTRIC IND CO LTD		☐
	40	01-0166218	JP		1989-06-30	Suzuki		☐
	41	H2-113463	JP		1992-01-14	Kato		☐

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43	02-123682	JP	A	1990-05-11	NIPPON TELEGRAPH & TELEPHONE	☐
44	H2-166875	JP		1990-06-27	MIMOJI TSUMURA	☐
45	2-213374	JP		1990-08-24	SONY CORP.	☐
46	2-234256	JP		1990-09-17	FUJITSU LTD.	☐
47	H02-267628	JP		1990-11-01	NEC CORP	☐
48	3-103278	JP		1991-04-17	INTAAAKUTEIBU NETSUTOWAAKU INC	☐
49	3-187794	JP	A	1991-08-15	MITSUBISHI PLASTICS IND	☐
50	3-500476	JP	T	1991-01-31	Thomas A. Bush	☐

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	90009524
Filing Date	2009-08-17
First Named Inventor	Takeya OKAMOTO
Art Unit	3992
Examiner Name	William Wood
Attorney Docket Number	ADC520

1	Cable Comes Alive!...And You're In The Center Of The Action!, PlayCable, 5 pages.	☐
2	Master Module, Registration Guide, 2 pages.	☐
3	Gameline, The Incredible Way to Play Video Games, Master Module, 7 pages	☐
4	Gameline, Owner's Manual, Master Module, 7 pages	☐
5	Gameline, Temporary Game Directory & Instructions Booklet, 15 pages	☐
6	Electronic Games, Video Games, Computer Games, Stand-Alone Games, Arcades, June 1983, 7 pages	☐
7	Sega Visions, June/July 1993, 98 pages	☐
8	Sega Visions, June/July 1994, 129 pages	☐
9	PlayCable: A Technological Alternative for Information Services, Charles L. Dages, Jerrold Division, General Instrument Corporation, IEEE Transactions on Consumer Electronics, Vol. CE-26, August 1980, 5 pages	☐
10	2600 (Stella) Programmer's Guide by Steve Wright 12/03/79, Updated by Darryl May 7/1/88, 25 pages	☐
11	Communications Report, Nikkei Communications 12/2/1991, 2 pages	☐

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Examiner Name	William Wood
Attorney Docket Number	ADC520

12	Sega Channel, From Wikipedia, the free encyclopedia, http://en.wikipedia.org/wiki/Sega_Channel , 3 pages	☐
13	Dial-A-Game, Games Department, GameLine module links WCS with game bank, Deborah Burns, Antic Vol. 2, No. 4/ July 1983/ page 82, mhtml:file:///kcmsfs7\Apps\PitneyPrintJobs\Practice_support\Kristy_Crumley\Sony..2009... 6/24/2009, 2 pages	☐
14	Newsbytes PM, Copyright 1992 Newsbytes Inc., January 24, 1992NewsRoom, 1/24/92 NEWSBYTESPM 01240012, 1992 WLNR 2586145, 2 pages	☐
15	Business Services Industry, Sega Channel Cited by "Popular Science" as Among 1994's Outstanding Products and Technological Achievements; Showcased in Magazine's Annual "Best of What's New" Section, Business Wire, Nov. 9, 1994, 4 pages	☐
16	Pay As You Go (PAYG) MaxWebAuthor, Max View Corporation, Document Distribution Technology for Construction, 2 pages	☐
17	Microsoft outlines pay-per-use PC vision, David Meyer, Business Tech, December 29, 2008, http://news.cnet.com/8301-1001_3-10129438-92.html?tag=newsEditorsPicksArea.0 , 3 pages	☐
18	Sega Channel Cited by "Popular Science" as Among 1994's Outstanding Products and Technological Achievements; Showcased in Magazine's Annual "Best of What's New" Section, Business Wire, Nov. 9, 1994, http://findarticles.com/p/articles/mi_m0EIN/is_1994_Nov_9/ai_15910163 , 1 page	☐
19	RetroMags.com, 1 page	☐
20	In Japan, It's Dial-A-Tune on the Karaoke Line, July 20, 1992, Industrial/Technology Edition, Copyright 1992 McGraw Hill, Inc., 1 page	☐
21	"Superdistribution: The Concept and the Architure", The Trans. of IEICE, Vol E73, No. 7, PP. 113-1146 (1990), 15 pages To Follow	☐
22	"Superdistribution: An Overview and the Current Status", ISEC89-44, pp. 25-35 (1990), 12 pages To Follow	☐

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23	GameLine Owners Manuel, Control Video Coporation (1983) "GameLine Manual"	☐
24	GameLine Package, Control Video Corporation (1983) "GameLine Package"	☐
25	KATZ, Arnie, "Games On the Phone: What Mother Bell Never Told Us About Fun On the Telephone", Electronic Games, pp. 32-36, June 1983	☐
26	Wolfenstein 3-D Instructional Booklet, published in 1992 and distributed by Id Software, Inc. with the Wolfenstein 3-D videogame for IBM-compatible personal computers ("Wolfenstein 3-D")	☐
27	Stokey, Nancy L., "Interteporal Price Discrimination," The Quartly Journal of Economics, published in August 1979 ("Stokey")	☐
28	Debrow, Julia., Social and Cultural Aspects of VCR Use, Lawrence Erlbaum Associates, Inc. Hillsdale, New Jersey, published in 1990, pp. 25-44 ("Debrow")	☐
29	Super Mario Brothers Instructional Booklet, published in 1985 and distributed with the Super Mario Brothers videogame for the Nintendo Entertainment System ("Super Mario Bros.")	☐
30	(1) List of Figure descriptions, Figs 1 - 4, Date: Unknown, pages - 4	☐
31	(2) List of Figure descriptions, Figs 1 - 4, Date: Unknown, pages - 4	☐
32	Press N T S . . . Sega Visions issue 014 (Jun / Jul 1994) Release Group http://www.retromags.com Total pages - 3	☐
33	Press N T S . . . Sega Visions issue 013 (Jun / Jul 1993) Release Group http://www.retromags.com Total pages - 3	☐

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Attorney Docket Number	ADC520

34	In the United States District Court for the District of Delaware, American Patent Development, Corporation, LLC, v. Movielink, LLC. Civil Action No. 07-605-JJF, Memorandum Opinion. Total pages -32	☐
35	Notice of Publication Application, Application number 11/766,613, filing date 06/21/2007, Title: metered Pay-As-You-Go Computing Experience. Total pages -107	☐
36	Notice of Publication Application, Application number 11/766,595, filing date 06/21/2007, Title: Computer Hardware Metering. Total pages -65	☐
37	STOKEY "International Price Discrimination". Trie Quarterly Journal of Economics. August 1979. pp. 355-371	☐
38	Nintendo Corporation, "Super Mario Brothers Instructional Booklet", distributed with the Super Mario Brothers video game for the Nintendo Entertainment System. 1985. 18 pages	☐
39	Id Software Inc., "WoHenstein 3-D Instructional Booklet", distributed with the WoHenstein 3-D Video game for IBM compatible personal computers, 1992. 16 pages	☐
40	DOBROW "Social and Cultural Aspects of VCR Use". Lawrence Eribaum Associates, Inc. 1990, 22 pages	☐
41	A view of Cyberspace, Gen Suzuki with two others, ITEJ (The Institute of Image Information and Television Engineers) Technical Report, Japan, Institute of Television Engineers of Japan, Dec. 16, 1992, Vol. 16, No. 80, p 31 - 36	☐
42	Online Processing Technologies for Fujitso Habitat visual PC Communication System, Kazutomo FUKUDA, ""Fujitsu", Japan, fugitsu Companies, Sep. 10, 1992, Vol. 43, No. 6, p. 639-646	☐
43	Sorcerian Scenario Vol. 4, The Visitor from Outer Space, My Computer BASIC Magazine, Japan, Dempa Publications, Inc. Jul. 1, 1989. No 7, p. 261	☐
44	NEW Column about Table Talk (tabletop) RPGs "Rune Quest", Akira WAGURI, My Computer BASIC Magazine, Japan, Dempa Publications, Inc. May 1191 Vol. 10, No. 5, p. 306-309	☐

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Examiner Name	William Wood
Attorney Docket Number	ADC520

45	PC version authorized guidebook of Record of Lodoss War, Japan, Kadokawa Group Publishing Co. Ltd. Sept 30 1992, p 133	☐
46		☐

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Examiner Signature		Date Considered	

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

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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First Named Inventor	Takeya OKAMOTO
Art Unit	3992
Examiner Name	William Wood
Attorney Docket Number	ADC520

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/johnwhitaker/	Date (YYYY-MM-DD)	2012-02-13
Name/Print	John Whitaker	Registration Number	42222

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour 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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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.

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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.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		90009524	
	Filing Date		2009-08-17	
	First Named Inventor	Takeya Okamoto		
	Art Unit	3992		
	Examiner Name	William H. Wood		
	Attorney Docket Number	ADC520		

U.S. PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
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Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²ⁱ	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	3-80786	JP		1991-04-05	KONRATSUKU S C D INC		☐
	2	4-076750	JP		1992-03-11	HITACHI MICROCOMPUTER ENG; JAPAN INSUTSURUMENTSUKK		☐
	3	4-117548	JP		1992-04-17	FUJITSU LTD		☐

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Examiner Name	William H. Wood	
Attorney Docket Number	ADC520	

	4	4-127762	JP		1992-02-28	FUJITSU LTD		☐
	5	4-156161	JP		1992-05-28	SEGA ENTERPRISES KK		☐
	6	4-504794	JP		1992-08-20	SOFEL INC.		☐
	7	4-96159	JP		1992-03-27	FUJI XEROX CO LTD		☐
	8	5-30141	JP		1993-02-05	FUJITSU LTD		☐
	9	4-188258	JP		1992-07-06	RICOH KK		☐
	10	6-334780	JP		1994-12-02	OKAMOTO		☐
	11	8-242314	JP		1996-09-17	REEM PROPERTIES BV		☐
	12	54-111005	JP		1979-11-21	JIEEMUZU EE TORIMUBUTU; AABINERU KUROSUBI		☐
	13	58-171193	JP		1983-10-07	MATSUSHITA ELECTRIC WORKS LTD		☐
	14	62-204783	JP		1987-09-09	NAMUO KK		☐

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Examiner Name	William H. Wood	
Attorney Docket Number	ADC520	

15	62-113295	JP		1987-05-25	BROTHER IND LTD		☐
16	63-308691	JP		1988-12-16	Matsushita Electric ind. Co Ltd		☐
17	63-9468	JP		1988-01-16	TOKUYAMA KENJIROU		☐
18	4-032898	JP		1992-02-04	SANBE		☐
19	2-123862	JP		1990-05-11	NIPPON TELEGRAPH & TELEPHONE		☐
20	1-161958	JP		1989-04-30	NEC CORP		☐
21	4-158441	JP		1992-06-01	HITACHI SEISAKUSHO K K		☐
22							☐
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	Art Unit	3992	
	Examiner Name	William H. Wood	
	Attorney Docket Number	ADC520	

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
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- ☐ See attached certification statement.
- ☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/johnwhitaker/	Date (YYYY-MM-DD)	2012-02-13
Name/Print	John Whitaker	Registration Number	42222

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	)	Title:	Interactive Communication System
Takeya Okamoto	)		for Communicating Video Game
	)		and Karaoke Software
Control Nos.: 90/009,524 &	)	Patent No.:	6,193,520
90/010,666	)	Art Unit:	3992
	)		
Reexam Filed: 08/17/2009	)	Examiner:	William H. Wood

CORRECTIONS TO PATENT OWNER'S APPEAL BRIEF

Attn: Central Reexamination Unit
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This is an *ex parte* reexamination of U.S. Patent No. 6,193,520, Control No. 90/009,524 (hereafter the '520 Patent). This proceeding has been merged with a third party reexamination request Control No. 90/010,666.

This paper is in response to the Notice of Defective Appeal Brief mailed on November 9, 2011. In that paper, Patent Owner was instructed to resubmit the portion of the Appeal Brief directed to the Summary Of Claimed Subject Matter. Patent Owner was instructed that the entire Appeal Brief need not be submitted, only the corrected portion.

Accordingly, Patent Owner submits the appended corrected Summary of Claimed Subject Matter. Patent Owner submits that the Appeal Brief continues to fall within the allotted page limits.

Patent Owner submits that this matter is now ready for consideration by the Board of Patent Appeals and Interferences.

Certificate of EFS-Web Transmission:

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on the date set forth below:

Dated: December 9, 2011

Signed: /s/ /annesmith/
 Anne Smith

Summary of Claimed Subject Matter

In concise summary, Claim 1 is generally directed to a system for communicating at least one of a program, data, or a combination of program and data from a host facility to a communication terminal device. Col. 1, lines 9-12. The host facility sends out a software program to the communication terminal device. Col. 1, lines 52-57. The communication terminal device executes the software program for a predetermined time period (col. 6, lines 58-66) after which the execution is interfered with (col. 10, lines 58-65).

Claim 1 includes several elements which may, but also may not, be subject to construction under 35 U.S.C. § 112(6). References to the structure and function of each element is found at least in the listing as follows:

- receiving means: Fig. 1 : 3a – modulator/demodulator; Col. 5, lines 1-2; Col. 5, lines 8; Fig. 10 : 2 - receiving antenna; Col. 11, lines 47-50.
- storage means: Fig. 1 : 8 – memory; Col. 5, lines 1-5; Col. 10, lines 56-57.
- executing means: Fig. 1 : 5 – CPU; Col. 5, lines 1-5; Col. 5, lines 26-27; Col. 6, lines 44-48.
- clock means: Fig. 1 : 5 – CPU; Col. 11, lines 8-12.
- interference means: Figs. 8A through 8D : patterns of stripes 162; a switch 131; switch 61; Col. 4, lines 30-32; Col. 10, line 56 – Col. 11, line 12.
- sending out means: Fig. 2 : headend 130; Col. 4, lines 64-65; Col. 2, lines 41-48.

In concise summary, Claim 8 is generally directed to a communication system for transmitting at least one of a program, data, or a combination of program and data from a host facility to a communication terminal device. Col. 1, lines 9-12. The host facility sends out a software program to the communication terminal device. Col. 1, lines 52-57. The

communication terminal device executes the software program for a predetermined time period (col. 6, lines 58-66) after which the execution is interfered with (col. 10, lines 58-65).

Claim 8 includes several elements which may, but also may not, be subject to construction under 35 U.S.C. § 112(6). References to the structure and function of each element is found at least in the listing as follows:

- receiving means: Fig. 1 : 3a – modulator/demodulator; Col. 5, lines 1-2; Col. 5, lines 8; Fig. 10 : 2 - receiving antenna; Col. 11, lines 47-50.
- storage means: Fig. 1 : 8 – memory; Col. 5, lines 1-5; Col. 10, lines 56-57.
- executing means: Fig. 1 : 5 – CPU; Col. 5, lines 1-5; Col. 5, lines 26-27; Col. 6, lines 44-48.
- clock means: Fig. 1 : 5 – CPU; Col. 11, lines 8-12.
- interference means: Figs. 8A through 8D : patterns of stripes 162; a switch 131; switch 61; Col. 4, lines 30-32; Col. 10, line 56 – Col. 11, line 12.
- sending out means: Fig. 2 : headend 130; Col. 4, lines 64-65; Col. 2, lines 41-48.

In concise summary, Claim 15 is generally directed to a system for communicating at least one of a program, data, or a combination of program and data from a host facility to a communication terminal device. Col. 1, lines 9-12. The host facility sends out a software program to the communication terminal device. Col. 1, lines 52-57. The communication terminal device executes the software program for a predetermined time period (col. 6, lines 58-66) after which the execution is interfered with (col. 10, lines 58-65).

Claim 15 includes several elements which may, but also may not, be subject to construction under 35 U.S.C. § 112(6). References to the structure and function of each element is found at least in the listing as follows:

- receiving means: Fig. 1 : 3a – modulator/demodulator; Col. 5, lines 1-2; Col. 5, lines 8; Fig. 10 : 2 - receiving antenna; Col. 11, lines 47-50.
- storage means: Fig. 1 : 8 – memory; Col. 5, lines 1-5; Col. 10, lines 56-57.
- executing means: Fig. 1 : 5 – CPU; Col. 5, lines 1-5; Col. 5, lines 26-27; Col. 6, lines 44-48.
- clock means: Fig. 1 : 5 – CPU; Col. 11, lines 8-12.
- interference means: Figs. 8A through 8D : patterns of stripes 162; a switch 131; switch 61; Col. 4, lines 30-32; Col. 10, line 56 – Col. 11, line 12.
- sending out means: Fig. 2 : headend 130; Col. 4, lines 64-65; Col. 2, lines 41-48.

Service of Papers

A copy of this submission is being served today on Third Party Requester in accordance with 37 CFR 1.248 by first class mail addressed to:

Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

Conclusion

Patent Owner respectfully submits the foregoing in response to the Patent Office's Notice of Deficiency. Patent Owner believes all issues have now been addressed, and respectfully requests that this matter be submitted to the Board of Patent Appeals and Interferences.

Respectfully submitted,

Dated: December 9, 2011

By: /s/ /johnwhitaker/
John Whitaker
Reg. No. 42,222
Attorney of the Patent Owner
(206) 319-1575

Electronic Acknowledgement Receipt

EFS ID:	11587797
Application Number:	90010666
International Application Number:	
Confirmation Number:	8556
Title of Invention:	Interactive Communication System for Communicating Video Game and Karaoke Software
First Named Inventor/Applicant Name:	6193520
Customer Number:	164
Filer:	John Whitaker/Anne Smith
Filer Authorized By:	John Whitaker
Attorney Docket Number:	6620-82302-03
Receipt Date:	09-DEC-2011
Filing Date:	04-SEP-2009
Time Stamp:	19:14:15
Application Type:	Reexam (Third Party)

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	Reexam Miscellaneous Incoming Letter	ReplyNoticeDefectiveBriefADC 520.pdf	120020 10b08792afd99b9d28f32a0a755e3136d8f bf396	no	5

Warnings:

Information:

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,666	09/04/2009	6193520	6620-82302-03	8556

164 7590 11/09/2011

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 11/09/2011

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

**Notification of Non-Compliant Appeal
Brief (37 CFR 41.37) in
Ex Parte Reexamination**

Control No.

90/010666; 90/009524

Examiner

William H. Wood

Patent Under Reexamination

6193520

Art Unit

3992

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

The Appeal Brief filed on Nov. 02, 2011 is defective for failure to comply with one or more provisions of 37 CFR 41.37(c).

Patent owner is given a TIME PERIOD of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this Notification for filing an amended brief or other appropriate correction of the Appeal brief (see MPEP 1205.03). If an amended brief or other appropriate correction (see MPEP 1205.03) is not timely submitted, the appeal will be dismissed as of the expiration of the period for reply to this Notification. Extensions of this time period may be obtained only under 37 CFR 1.550(c).

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ The brief does not comply with 37 CFR 41.37(c)(1)(v) it that it fails to (1) contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; (2) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (3) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters.
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain, as an appendix thereto (37 CFR 41.37(c)(1)(ix)), copies of the evidence submitted under 37 CFR 1.130, 131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner.
9. ☐ The brief does not contain, as an appendix thereto (37 CFR 41.37(c)(1)(x)), copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief.
10. ☒ Other (including any explanation in support of the above items): (See pg. 2)

* If this is a merged proceeding, one copy must be added for each reexamination in addition to the first reexamination.

cc: Requester (if third party requester)

U.S. Patent and Trademark Office

PTOL-462R (Rev. 07-05) Notification of Non-Compliant Appeal Brief (37 CFR 41.37) in Ex Parte Reexamination

Part of Paper No. 201111

The independent claims in the "summary of claimed subject matter" need separate column and line number statements. Please provide separate mappings for claim nos. 1, 8 & 15.

Another entire brief is not required. Appellant(s) may submit the headings and the corrected sections.

M. Twitty
Paralegal, Board of Patent Appeals and Interferences
(571) 272-7750

Q. Gould,
Supervisory Paralegal, Board of Patents and Interferences
(571) 272-9797

PATENT OWNER (90/010666)

Kinney and Lange, P. A.
The Kinney & Lange Building
312 South Third Street
Minneapolis MN 55415-1002

PATENT OWNER (90/009524)

Whitaker Law Group
1218 Third Avenue
Suite 1809
Seattle WA 98101

THIRD PARTY REQUESTER

Joseph T. Jakubek
KLARQUIST SPARKMAN LLP
One World Trade Center
121 S W Salmon Street Suite 1600
Portland OR 97204



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,524	08/17/2009	6193520	ADC520	6819
56031	7590	11/09/2011	EXAMINER	
Whitaker Law Group 1218 Third Avenue Suite 1809 Seattle, WA 98101			ART UNIT	PAPER NUMBER

DATE MAILED: 11/09/2011

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



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Klarquist Sparkman LLP

121 SW Salmon St Ste 1600

One World Trade Ctr

Portland, OR 97204

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/010,666, 90/009,524

PATENT NO. 6,193,520.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(e)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(e)).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	)	Title:	Interactive Communication System
Takeya Okamoto	)		for Communicating Video Game
	)		and Karaoke Software
Control Nos.: 90/009,524 &	)	Patent No.:	6,193,520
90/010,666	)	Art Unit:	3992
	)		
Reexam Filed: 08/17/2009	)	Examiner:	William H. Wood

PATENT OWNER'S APPEAL BRIEF

Attn: Central Reexamination Unit
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This is an *ex parte* reexamination of U.S. Patent No. 6,193,520, Control No. 90/009,524 (hereafter the '520 Patent). This proceeding has been merged with a third party reexamination request Control No. 90/010,666.

This paper is an Appeal Brief in the above-captioned matter. The appropriate fee of \$310.00 pursuant to 41.20(b)(2) for filing a brief in support of an appeal is being paid in conjunction with the filing of this Appeal Brief. Patent Owner has reviewed the Guidance to Reduce Non-Compliant Briefs provided by the Patent Office and believes this Appeal Brief to be fully compliant.

Real Party in Interest

The real party in interest is ADC Technology, Inc. of Nagoya, Japan.

Related Appeals and Interferences

There are no other appeals or interferences which are related to this matter. However, in the interest of complete disclosure, Patent Owner brings to the Board's attention the following:

Certificate of EFS-Web Transmission:

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on the date set forth below:

Dated: November 2, 2011

Signed: /s/ /annesmith/
 Anne Smith

Case No. 2:08-CV-01579-RSM in the Western District of Washington, currently stayed, is related to this appeal. The litigation matter includes the following patents, which are all undergoing re-examination proceedings:

1. US Patent No. 6,875,021 : Merged Re-examination 90/009,520 & 95/001,237
2. US Patent No. 6,488,508: Merged Re-examination 90/009,521 & 95/001,234
3. US Patent No. 6,702,585: Merged Re-examination 90/009,522 & 95/001,236
4. US Patent No. 5,775,995: Merged Re-examination 90/009,523 & 90/010,663
5. US Patent No. 6,193,520: Merged Re-examination 90/009,524 & 90/010,666.

Status of Claims

U.S. Patent 6,193,520 includes claims 1-21 as issued. Only claims 1, 2, 4, 5, 7-9, 11, 12, 14-16, 18, 19, and 21 of the '520 Patent were originally subject to the reexamination proceeding. The Patent Office added claims 3, 6, 10, 13, 17, and 20 to the reexamination proceeding in the Office Action dated October 13, 2010. New claims 22-38 were added by amendment on April 26, 2010, and new claims 39-48 were added by amendment on November 15, 2010. All the claims that are subject to reexamination stand rejected either as anticipated or obvious in view of the art of record.

Thus, claims 1-48 stand rejected and are subject to this appeal.

Status of Amendments

Subsequent to the claim amendments which form the basis of this appeal, Patent Owner submitted a response with proposed amendments pursuant to 37 CFR 1.116 on August 5, 2011. The Patent Office did not enter those amendments.

Summary of Claimed Subject Matter

In concise summary, the independent claims are generally directed to a system for communicating at least one of a program, data, or a combination of program and data from a host facility to a communication terminal device. Col. 1, lines 9-12. The host facility sends out a software program to the communication terminal device. Col. 1, lines 52-57. The communication terminal device executes the software program for a predetermined time period (col. 6, lines 58-66) after which the execution is interfered with (col. 10, lines 58-65).

The several claims include several elements which may, but also may not, be subject to construction under 35 U.S.C. § 112(6). References to the structure and function of each element is found at least in the listing as follows:

- receiving means: Fig. 1 : 3a – modulator/demodulator; Col. 5, lines 1-2; Col. 5, lines 8; Fig. 10 : 2 - receiving antenna; Col. 11, lines 47-50.
- storage means: Fig. 1 : 8 – memory; Col. 5, lines 1-5; Col. 10, lines 56-57.
- executing means: Fig. 1 : 5 – CPU; Col. 5, lines 1-5; Col. 5, lines 26-27; Col. 6, lines 44-48.
- display means: Fig. 1 : 16 monitor; Col. 5, lines 1-5; Col. 6, lines 44-48; Col. 6, lines 5-11; Col. 8, lines 41-42; Col. 9, lines 24-26; Col. 9, lines 35-39; Col. 10, lines 18-29.
- clock means: Fig. 1 : 5 – CPU; Col. 11, lines 8-12.
- interference means: Figs. 8A through 8D : patterns of stripes 162; a switch 131; switch 61; Col. 4, lines 30-32; Col. 10, line 56 – Col. 11, line 12.
- sending out means: Fig. 2 : headend 130; Col. 4, lines 64-65; Col. 2, lines 41-48.

Grounds of Rejection to be Reviewed on Appeal

The grounds of rejection to be reviewed on appeal are:

- (1) Whether Claims 8-14, 22, 25, 26, 31-34, 37, 38, and 43-48 are patentable under 35 U.S.C. § 102(b) over *Chernow* (USP 4,999,806).
- (2) Whether Claims 1-7, and 15-21, 23, 24, 27-30, 35, 36, 39-42, and 49 are patentable under 35 U.S.C. § 103(a) over *Chernow* (USP 4,999,806) in view of *Tsumura* (USP 5,547,202); and
- (3) Whether Claims 1-7, 15-21, 23-30, 36, 38, 39, 41-42, and 44 comply with the written description requirement of 35 U.S.C. § 112.

ARGUMENT

Rejections Under 35 U.S.C. § 112

Claims 1-7, 23-24, 26-30, 39 and 41-42 stand rejected under 35 U.S.C. § 112 as failing the written description requirement. In short, the Patent Office submits that the specification lacks written description support for a single embodiment that includes both a clock means for keeping both a first and second predetermined time periods. However, the Patent Office cites no authority for the proposition that claims cannot be written broad enough to cover more than one embodiment.

The specification explicitly supports counting a predetermined time period from either the start of execution *or* after the program/data is received. See ‘520 Patent at col. 10, lines 15-20 and col. 11, lines 37-41. It is axiomatic that a claim is not limited to one embodiment of the invention. *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 906 (Fed. Cir. 2004) (“[T]his

court has expressly rejected the contention that if a patent describes only a single embodiment, the claims of the patent must be construed as being limited to that embodiment”); *Teleflex, Inc. v. Ficosa N. Am. Corp.*, 299 F.3d 1313, 1327-28 (Fed. Cir. 2002); *Inverness Med. Switzerland GmbH v. Warner Lambert Co.*, 309 F.3d 1373, 1379 (Fed. Cir. 2002) (“It is improper to limit the claim based on a preferred embodiment of the invention”). Accordingly, it is improper to reject the proposed amendments based on the erroneous position that the claims must be coextensive with only one disclosed embodiment at a time.

Claims 15-21, 23-25, 36, 38, and 44 stand rejected under 35 U.S.C. § 112 as failing the written description requirement. The Office has taken exception to the word “simultaneous” being presented in the claim amendments. Final Office Action mailed July 6, 2011 at page 7. The Patent Office points out that the word simultaneous does not appear in the specification. Although the word “simultaneous” may not appear explicitly in the specification, it is clearly implicit or inherent in the disclosure. *See* MPEP § 2163(I)(B). The word simultaneous means “occurring at the same time.” *See Webster’s New World Dictionary and Thesaurus* at page 578 (1996). At col. 8. lines 19-21, the specification recites that “the players together participate, on a real time basis, in the same game on the monitor 16 of respective personal communicators 1.” This passage from the specification explicitly states that the players participate together on a real time basis. It cannot be seriously argued that if players are playing together on a real time basis, they are not necessarily playing together “at the same time.” Accordingly, the word “simultaneously” is implicitly supported by at least that passage of the specification.

Several claims stand rejected under 35 U.S.C. § 112 as lacking antecedent basis. *See* Final Office Action at pages 8-9. Patent Owner attempted to correct these informalities by Rule 116 amendment, which was not entered. Should the Board overturn the pending prior art-based

rejections, Patent Owner would ask leave to correct these informalities by amendment at that time.

Rejections Under 35 U.S.C. § 102

Claims 8 and 11-13 were rejected as being anticipated by *Chernow* (USP 4,999,806). Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed below.

Claim 8

The Patent Office erroneously stated that the *Chernow* reference teaches each limitation recited in Claim 8. Patent Owner contends that the *Chernow* reference fails to recite several limitations, such as "clock means for keeping a predetermined time period **after said executing means starts execution** of the program or data processing" (emphasis added). The Patent Office indicates that this limitation is found in *Chernow* at column 2, lines 3-5 and column 5, lines 10-19. Both of these passages are copied below for convenience:

Another object of this invention is to permit the purchaser to rent the protected software for a period of
5 time after which it will self destruct.

The term of use for the leased software can either be 10
a period of time or a number of runs. The specific information can be encryptically stored within the leased software. When leased software is used, the number of runs remaining under lease or a periodic update of the time remaining under lease is encryptically recorded 15
within the program image in memory and on disk. At the conclusion of the term of use, the software renders itself unusable or erases itself from the user's disk.

In the first cited passage, *Chernow* discloses that a purchaser can rent protected software for a period of time after which it will self destruct. The second cited passage discloses that the term of use for the leased software can either be a period of time or a number of runs. The period of time or number of runs can be encryptically stored within the leased software. At the conclusion of the term of use, the software renders itself unusable or erases itself from the user's disk.

Neither cited passage in *Chernow* teaches or suggests "keeping a predetermined time period after said executing means starts execution". Instead, *Chernow* discloses that either a period of time or number of runs determines the term of use for the leased software. In contrast, in accordance with the Claim 8, the interference means would not interfere with execution of the program or data processing if execution was not started. This is not taught or suggested in *Chernow*. In fact, the general nature of the *Chernow* reference is toward a strict time period over which the purchaser has absolutely no control, which teaches away from a time period that is tolled until actual execution begins. In contrast, *Chernow* clearly discloses that the time period is based on a "time remaining under lease" or "the number of runs remaining under lease". The recited feature of Claim 8 enables the purchaser to retrieve the program yet not begin playing the program until a later time, without fear that the limited time period will expire before the purchaser can enjoy the program. See., e.g., '520 Patent at column 11, lines 36-41. Such a feature is nowhere taught or suggested by the art of record.

The Patent Office states that "*Chernow* further demonstrates running/executing software during the time period" and that because the time period covers both before and after the start of execution, *Chernow* teaches this element of the claimed invention. Office Action at page 41. Patent Owner strongly disagrees. The mere fact that the time period taught in *Chernow* covers both before and after the start of execution in no way teaches or suggests "keeping a predetermined time period **after said executing means starts execution** of the program or data."

The limitation in Claim 8 measures a time period that begins when the software is first executed. This time period is quite different from the time period disclosed in *Chernow*. Indeed, there is no logical connection between initiating a measured time period based on the execution of software and merely executing software during a time period. For at least this additional reason, the rejection is improper.

Therefore, for at least any one of the above reasons, *Chernow*, with any permissible combination of prior art of record, does not teach or suggest Claim 8. In addition, Independent Claim 8 stands rejected only over *Chernow* and only under 35 U.S.C. § 102(b). Thus, given that Claim 8 is demonstrably patentable over *Chernow*, each claim that depends on Claim 8 is also patentable for at least these reasons. The claims that are allowable as dependent on Claim 8 are Claims 2-14, 22, 25, 26, 31-34, 37, 38, and 43-48.

Claims 11, 12, and 13

As just stated, Claims 11-13 are patentable over the art of record as dependent on Claim 8, and Patent Owner respectfully requests withdrawal of the rejection. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*. For example, Claim 13 recites "wherein said interference means comprises means for invalidating the operation on said input device." The Patent Office indicates that this limitation is found in *Chernow* at column 5, lines 16-19. For convenience, this passage is copied below:

**runs remaining under lease or a periodic update of the
time remaining under lease is encryptically recorded 15
within the program image in memory and on disk. At
the conclusion of the term of use, the software renders
itself unusable or erases itself from the user's disk.**

One will note that the cited passage discloses "the software renders itself unusable or erases itself from the user's disk." In contrast, amended Claim 13 recites "invalidating an

operation on said input device." The Patent Office states that the "**input device operation is invalidated** for the execution of the software as the software execution has been blocked, either deleted or unusable, thus **input** is invalid for the execution of the software." Patent Owner contends that the Patent Office mistakenly associates "operation" with "execution" of the software, and then concludes that if execution is blocked, input to the blocked software is invalid. However, Claim 13 was amended in response to the non-final Office Action dated October 13, 2010, to clarify what is invalidated, namely "an operation on said input device". Support for the amendment is found, at least, at column 10, lines 34-44 of the '520 Patent. An example of "invalidating an operation on said input device" is rejecting signals from the input device.

Claim 12

Claim 12 recites the display means having a screen on which the "progress of execution of program or data processing is displayed." Thus, the phrase "progress of execution of program or data processing is displayed", when read together with the phrase "said interference means comprises means for blocking the view of what is displayed on said screen" necessarily means there is continuing progress of execution of the program or data processing. Nowhere does claim 12 recite that the software program is rendered unusable or erased. This is distinguishable over *Chernow* because according to *Chernow* "the software renders itself unusable or erases itself from the user's desk." Blocking the view of the "progress of execution of the program or data processing" by the executing means, which again necessarily means the underlying program or data processing itself is still being used and is usable, is fundamentally different than altogether erasing or rendering the software program unusable.

The foregoing is confirmed by the logical inconsistency in the Patent Office's argument. Software that is unusable or erased cannot at the same time have progress. In short, in the

Chernow reference there can be no progress, much less blocking of progress, if the program or data processing is unusable or erased.

Said differently, according to the Office's argument, interference is allegedly realized by rendering the software unusable or erasing the software. By rendering software unusable or erasing it, there can be no data processing and hence no progress of data processing. To state that *Chernow*'s interference constitutes blocking of "progress of execution of program or data processing" is to state that execution of the program or data processing is in progress in the first place, which it is not, and cannot, if the software program is rendered unusable or erased.

Thus, *Chernow* fails to teach or suggest "blocking the view of what is displayed on said screen" as recited in Claim 12.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Tsumura*)

Claims 1, 4-6, 15, 18-20, and 22-26 were rejected as being unpatentable over *Chernow* in view of *Tsumura* (USP 5,547,202). Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed below.

Claim 1

Claim 1 was amended in response to the non-final Office Action dated October 13, 2010, to recite a first clock means and a second clock means. The first clock means for "keeping a first predetermined time period **after said receiving means receives the transmission**" and the second clock means for "keeping a second predetermined time period **after said executing means starts execution of the program or data processing.**" As discussed above for Claim 8, *Chernow* does not teach or suggest keeping a predetermined time period **after said executing means starts execution**. Instead, *Chernow* clearly discloses that the time period is based on a "time remaining under lease" or "the number of runs remaining under lease". Furthermore, none

of the cited references teach or suggest evaluating the usable duration of the program or data against two different time periods based on two different initiating events.

Therefore, for at least any one of the above reasons, *Chernow*, with any permissible combination of prior art of record, including *Tsumura*, does not teach or suggest Claim 1.

Claims 4, 5, and 6

For at least any one of the reasons discussed above for Claim 1, its dependent Claims 4-6, are patentable over the art of record, and Patent Owner respectfully requests withdrawal of the rejection. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*. For example, Claim 6 recites "wherein said interference means comprises means for invalidating an operation on said input device." As discussed above for Claim 13, the Patent Owner contends that the Patent Office mistakenly associates "operation" with "execution" of the software, and then concludes that if execution is blocked, input to the blocked software is invalid. An example of "invalidating an operation on said input device" is rejecting signals from the input device.

Claim 5 recites the display means having a screen on which the "progress of execution of program or data processing is displayed." Thus, the phrase "progress of execution of program or data processing is displayed", when read together with the phrase "said interference means comprises means for blocking the view of what is displayed on said screen" necessarily means there is continuing progress of execution of the program or data processing. Nowhere does claim 5 recite that the software program is rendered unusable or erased. This is distinguishable over *Chernow* because according to *Chernow* "the software renders itself unusable or erases itself from the user's desk." Blocking the view of the "progress of execution of the program or data processing" by the executing means, which again necessarily means the underlying program or

data processing itself is still being used and is usable, is fundamentally different than altogether erasing or rendering the software program unusable.

The foregoing is confirmed by the logical inconsistency in the Patent Office's argument. Software that is unusable or erased cannot at the same time have progress. In short, in the *Chernow* reference there can be no progress, much less blocking of progress, if the program or data processing is unusable or erased.

Said differently, according to the Office's argument, interference is allegedly realized by rendering the software unusable or erasing the software. By rendering software unusable or erasing it, there can be no data processing and hence no progress of data processing. To state that *Chernow's* interference constitutes blocking of "progress of execution of program or data processing" is to state that execution of the program or data processing is in progress in the first place, which it is not, and cannot, if the software program is rendered unusable or erased.

Thus, *Chernow* fails to teach or suggest "blocking the view of what is displayed on said screen" as recited in Claim 5.

Claim 15

Claim 15, an independent claim, stands rejected under 35 U.S.C. § 103 as anticipated by *Chernow* in view of *Tsumura*. Claim 15 was amended in response to the non-final Office Action dated October 13, 2010, and Patent Owner submits that Claim 15 is in patentable condition.

Claim 15 recites "a clock means for keeping **a predetermined time period after said execution means ends the execution** of the program or data processing **to count a time period during which** at least one of the program, the data, and a combination of the program and data is **continuously unused**." This time period, the specification describes, enables certain features that are nowhere taught or suggested by the cited art. For instance, by keeping the time that the

program and/or data is continuously unused, the system could determine whether to automatically delete the program and/or data after the expiration of the rental period, but not immediately after. Such a feature is nowhere taught or suggested by the cited art. As discussed above, *Chernow* only discloses a time period based on a "time remaining under lease" or "the number of runs remaining under lease". There is no teaching or suggestion in *Chernow* of a time period that is based on after execution ends and/or the program or data being continuously unused.

Claim 15 was further amended to recite that the communication terminal device is further configured to facilitate **real-time interactive communication** with another communication terminal device to support **simultaneous interaction among a plurality of players executing the same program** on the at least two communication terminal devices. Support for the amendment is found, at least, at column 8, lines 7-38 of the '520 Patent. The real-time interactive communication between communication terminals, in contrast to communication between the communication terminal and the host facility, is nowhere taught or suggested by any of the art of record. The Patent Office contends that *Tsumura* demonstrates multiple communication terminal devices communicating regarding software at column 3, lines 33-40; column 12, line 62 to column 13, line 22.

The Patent Owner contends that *Tsumura* does not teach or suggest "real-time interactive communication," but rather teaches non-real-time play where only one player plays at a time, saves the data for another player to later download and continue the game play. The following analysis of *Tsumura* supports this position.

Tsumura is directed at a receiving device on which computer games can be played. The receiving device accepts numerous game data **transmitted cyclically** by the transmission device, selects and stores specified game data and is used to play the game. The portions of *Tsumura*

cited by the Patent Office include column 3, lines 33-40, which states "a system whereby a plurality of players using mutually remote machines are each able to participate in the same game thereby enabling the commercial use of RPG while at the same time extending the overall scope of computer games in general." However, *Tsumura* further describes what "participate in the same game" means starting at Col. 12, line 62 to Col. 13, line 42, as follows:

We will now describe a system whereby more than one player can take part in the same game. ... [t]he present embodiment does not assume simultaneous participation in the game but rather that the individual players' input will first be uploaded and stored in the host computer. When a player wants to play the game, he will then access the host computer and download everything that has been input up to that point by the other players to his own terminal. The player will then be called upon to enter his next move.

Tsumura further describes the "interactiveness" of the players at Col. 14, lines 15-62, as follows:

The player using terminal T1 can now carry on playing the game until he reaches the first point at which another player's contribution is required. Once it has been confirmed at terminal T1 that this point has definitely been reached, the appropriate program can then be executed to suspend the game and the participation of terminal T1 until further notice. Next, the host computer 112 will establish contact with the second terminal T2 and issue a message to notify the player at said second terminal T2 that the first player (terminal T1 in the present embodiment) has completed his part of the game for the time being. The player using the second terminal T2 will first confirm this by reference to the message on his visual display unit and then, as and when he is ready, he will access the host computer 112 and enter his identification number, after which the host computer 112 will download the necessary game program and data from its memory means 125 and the game will be reproduced on the basis of the instructions and other data input by the player using terminal T1. The player using terminal T2 can now continue to play the game, making selections in accordance with his role from lists of alternative options that can be called up onto the display as and when necessary. When the player using terminal T2 has gone as far as he can go without making reference to the other player, the game can be suspended by executing an appropriate termination command in the same way as described above, then withdrawing from the game until further notice. The participants in a game can

in this way take part in line with the requirements of the program either alternately when there are just two players or one by one in order in cases in which there are more than two players.

Claim 15 was further amended to clarify the multi-player aspect of the interactive communication. Claim 15 recites “real-time interactive communication between the at least two communication terminal devices” and “support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices.” The Office Action argues, in support of this rejection, that the term “real time” is a “broad term which is met by virtue of a computer's natural operation, further a computer network communicates in real time, that is at the moment.” Office Action at, e.g., pages 20, 22, 24, and 41. However, that statement does nothing to describe the claimed invention. The Office Action takes the position that merely because computers are connected to and communicating over a network, that renders obvious the real time interaction of human beings playing a game.

However, no art of record discloses that individuals are simultaneously interacting to play a game or executing the same program as recited by Claim 15. In contrast, the art of record discloses, at best, a system that explicitly does *not* support simultaneous participation in a game. See Tsumura at Col. 12, line 62 to Col. 13, line 42. The Office Action's rejections ignore that the explicit teachings of the prior art contradict the explicit teachings of the '520 Patent.

Therefore, for at least any one of the above reasons, *Chernow*, with any permissible combination of prior art of record, including Tsumura, does not teach or suggest Claim 15.

Claims 18-20 and 22-26

For at least any one of the reasons discussed above for independent Claims 1, 8, and 15, their respective dependent claims 23-24; claims 23, 25 and 26; and 18-20, are patentable over the

art of record, and Patent Owner respectfully requests withdrawal of the rejection. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow* or *Tsumura*.

For example, Claim 20 recites "wherein said interference means comprises means for invalidating an operation on said input device." As discussed above for Claim 13, the Patent Owner contends that the Patent Office mistakenly associates "operation" with "execution" of the software, and then concludes that if execution is blocked, input to the blocked software is invalid. However, Claim 20 was amended in response to the non-final Office Action dated October 13, 2010, to clarify what is invalidated, namely "an operation on said input device". Support for the amendment is found, at least, at column 10, lines 34-44 of the '520 Patent. An example of "invalidating an operation on said input device" is rejecting signals from the input device.

Claim 19 recites "said interference means comprises means for blocking the view of what is displayed on said screen." The Patent Office indicates that this limitation is found in *Chernow* at column 5, lines 16-19. For convenience, this passage is copied below:

within the program image in memory and on disk. At the conclusion of the term of use, the software renders itself unusable or erases itself from the user's disk.

As one will note, there is no discussion of blocking the view of what is displayed on said screen. In fact, *Chernow* only discloses that the software erases itself from the user's disk or renders itself unusable. The Patent Office is using the teachings in the '520 Patent to associate "blocking the view of what is displayed on said screen" with "software renders itself unusable." This is an impermissible hindsight reconstruction of the claimed invention based on the Patent Owner's own teachings. More specifically, the limitation recited in Claim 19 is quite different from rendering the software unusable and erasing the software from the disk. Instead, as shown in Figure 8B of the '520 Patent, a portion of the display (e.g., one of the opponents of a boxing

game) may be blocked from the view on the screen. While blocking the view may be annoying, it still requires execution of the program or data processing, which can not happen if the software renders itself unusable or erases itself.

Claim 19 recites the display means having a screen on which the “progress of execution of program or data processing is displayed.” Thus, the phrase “progress of execution of program or data processing is displayed”, when read together with the phrase “said interference means comprises means for blocking the view of what is displayed on said screen” necessarily means there is continuing progress of execution of the program or data processing. Nowhere does claim 19 recite that the software program is rendered unusable or erased. This is distinguishable over *Chernow* because according to *Chernow* “the software renders itself unusable or erases itself from the user's desk.” Blocking the view of the “progress of execution of the program or data processing” by the executing means, which again necessarily means the underlying program or data processing itself is still being used and is usable, is fundamentally different than altogether erasing or rendering the software program unusable.

The foregoing is confirmed by the logical inconsistency in the Patent Office's argument. Software that is unusable or erased cannot at the same time have progress. In short, in the *Chernow* reference there can be no progress, much less blocking of progress, if the program or data processing is unusable or erased.

Said differently, according to the Office's argument, interference is allegedly realized by rendering the software unusable or erasing the software. By rendering software unusable or erasing it, there can be no data processing and hence no progress of data processing. To state that *Chernow's* interference constitutes blocking of “progress of execution of program or data processing” is to state that execution of the program or data processing is in progress in the first place, which it is not, and cannot, if the software program is rendered unusable or erase.

Thus, *Chernow* fails to teach or suggest "blocking the view of what is displayed on said screen" as recited in Claim 19.

Claims 23 and 25 recite "real-time interactive communication" to support **simultaneous interaction among a plurality of players executing the same program** on the at least two communication terminal devices. The discussion above for Claim 15 is incorporated herein for Claims 23 and 25. Briefly, as discussed above for Claim 15, *Tsumura* does not teach or suggest "real-time interactive communication," but rather teaches non-real-time play where only one player plays at a time, saves the data for another player to later download and continue the game play.

Amended Claim 24 recites "the communication terminal device displays a number of players who can participate in the real-time interactive communication". None of the art on record discloses this limitation.

Therefore, for at least any one of the reasons discussed above, *Chernow*, with any permissible combination of prior art of record, including *Tsumura*, does not teach or suggest each of the limitations in Claims 18-20, and 22-26. Patent Owner respectfully requests withdrawal of the rejection.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Kato*)

Claims 9 and 14 were rejected as being unpatentable over *Chernow* in view of *Kato* (JP 04-10191). Claims 9 and 14 depend from independent Claim 8, and are therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Kato*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least any one of the reasons discussed.

For example, Claim 14 recites "interference means comprises means for preventing said sound generating means from generating the sound." The Patent Office again indicates column 5, lines 16-19 in *Chernow* for this limitation. However, as explained above for Claim 19, *Chernow* only discloses that the software erases itself from the user's disk or renders itself unusable. The Patent Office is again using the teachings in the '520 Patent to associate an interference means for "preventing sound generating means from generating the sound" with "software renders itself unusable." This is an impermissible hindsight reconstruction of the claimed invention based on the Patent Owner's own teachings. More specifically, the limitation recited in Claim 14 is quite different from rendering the software unusable and erasing the software from the disk. Executing the program or data processing without sound may not be ideal, but it still requires execution of the program or data processing, which can not happen if the software is unusable or erased. Thus, *Chernow* fails to teach or suggest interference means for "preventing sound generating means from generating the sound" as recited in Claim 14.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Kato* in further view of *Tsumura*)

Claim 10 was rejected as being unpatentable over *Chernow* in view of *Kato* and in further view of *Tsumura*. Claim 10 depends from independent Claim 8, and is therefore, patentable for the reasons described above. In addition, the claim recites additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Kato* and *Tsumura*. Patent Owner submits that the rejection is improper, and the claim is patentable for at least any one of the reasons discussed.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Tsumura* in further view of *Kato*)

Claims 2, 3, 7, 16, 17 and 21 were rejected as being unpatentable over *Chernow* in view of *Tsumura* and in further view of *Kato*. Claims 2, 3, and 7 depend from independent Claim 1 and Claims 16, 17, and 21 depend from independent Claim 15, and are therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Kato* and *Tsumura*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed.

For example, Claim 7, 14, and 21 each recites "interference means comprises means for preventing said sound generating means from generating the sound." The Patent Office again indicates column 5, lines 16-19 in *Chernow* for this limitation. However, as explained above for Claim 19, *Chernow* only discloses that the software erases itself from the user's disk or renders itself unusable. The Patent Office is again using the teachings in the '520 Patent to associate an interference means for "preventing sound generating means from generating the sound" with "software renders itself unusable." This is an impermissible hindsight reconstruction of the claimed invention based on the Patent Owner's own teachings. More specifically, the limitation recited in claims is quite different from rendering the software unusable and erasing the software from the disk. Executing the program or data processing without sound may not be ideal, but it still requires execution of the program or data processing, which can not happen if the software is unusable or erased. Thus, *Chernow* fails to teach or suggest interference means for "preventing sound generating means from generating the sound" as recited in the claims.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Tsumura* in further view of *Sanbe*)

Claims 27-29 and 35-36 were rejected as being unpatentable over *Chernow* in view of *Tsumura* and in further view of *Sanbe*(JP Patent Publication H04-32898). Claims 27-29 and 35-

36 depend from independent Claim 1, and are therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested *Chernow*, with any permissible combination of prior art of record, including *Kato* and *Tsumura*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Sanbe*)

Claims 31-33 were rejected as being unpatentable over *Chernow* in view of *Sanbe*. Claims 31-33 depend from independent Claim 8, and are therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Sanbe*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Sanbe* in further view of *Kaniwa*)

Claims 34 was rejected as being unpatentable over *Chernow* in view of *Sanbe* in further view of *Kaniwa*(USPN 5,699,370). Claim 34 depends from independent Claim 8, and is therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Sanbe* and *Kaniwa*. Patent Owner submits that the rejection is improper, and the claim is patentable for at least one of the reasons discussed.

Service of Papers

A copy of this submission is being served today on Third Party Requester in accordance with 37 CFR 1.248 by first class mail addressed to:

Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

Conclusion

Patent Owner respectfully asserts that the pending rejections of all claims are overcome, and respectfully requests that the rejections be reversed.

Respectfully submitted,

Dated: 11/02/11 _____

By: /s/ /johnwhitaker/

John Whitaker
Reg. No. 42,222
Attorney of the Patent Owner
(206) 319-1575

Claims Appendix

The claims stand amended as follows:

1. (TWICE AMENDED) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data, receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

first clock means for keeping a first predetermined time period after said receiving means receives the transmission,

second clock means for keeping a second predetermined time period after said executing means starts execution of the program or data processing; and

interference means for interfering with execution of said executing means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the first predetermined time period to be counted by said first clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.

2. (ONCE AMENDED) The communication system according to claim 1, said communication terminal device further comprising:

[second]third clock means for keeping a [second]third predetermined time period shorter than said first predetermined time period counted by said first clock means, and

alarm means for issuing an alarm when said [second]third clock means counts said [second]third predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

3. (ONCE AMENDED) The communication terminal device according to claim 2, further comprising:

[third]fourth clock means for keeping a [third]fourth predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said [third]fourth clock means counts said [third]fourth predetermined time period.

4. (ORIGINAL) The communication system according to claim 1, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.

5. (ORIGINAL) The communication system according to claim 1, wherein said communication terminal device comprises display means having a screen on which the progress of execution of the program or data processing is displayed, and said interference means comprises means for blocking the view of what is displayed on said screen.

6. (ORIGINAL) The communication system according to claim 1, wherein said interference means comprises means for invalidating the operation of said input device.

7. (ORIGINAL) The communication system according to claim 1, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

8. (ORIGINAL) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data,
receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing, and

interference means for interfering with execution of said executing means when said clock means counts said predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.

9. (ORIGINAL) The communication system according to claim 8, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and

alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

10. (ORIGINAL) The communication terminal device according to claim 9, further comprising:

third clock means for keeping a third predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said third clock means counts said third predetermined time period.

11. (ORIGINAL) The communication system according to claim 8, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.

12. (ORIGINAL) The communication system according to claim 8, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed,

said interference means comprises means for blocking the view of what is displayed on said screen.

13. (ONCE AMENDED) The communication system according to claim 8, wherein said interference means comprises means for invalidating [the operation of] an operation on said input device.

14. (ORIGINAL) The communication system according to claim 8, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

15. (TWICE AMENDED) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data, receiving means for receiving, via wireless transmission, one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

clock means for keeping a predetermined time period after said execution means ends the execution of the program or data processing to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused, and

interference means for interfering with execution of said executing means when said clock means counts a predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device, and

wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

16. (ORIGINAL) The communication system according to claim 15, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and

alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

17. (ORIGINAL) The communication terminal device according to claim 16, further comprising:

third clock means for keeping a third predetermined period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said third clock means counts said third predetermined time period.

18. (ORIGINAL) The communication system according to claim 15, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.

19. (ORIGINAL) The communication system according to claim 15, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed, said interference means comprises means for blocking the view of what is displayed on said screen.

20. (ONCE AMENDED) The communication system according to claim 15, wherein said interference means comprises means for invalidating [the operation of] an operation on said input device.

21. (ORIGINAL) The communication system according to claim 15, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

22. (NEW) The communication system according to claim 8, wherein the receiving means is configured for reception via wireless transmission.

23. (NEW) The communication system according to claim 1, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

24. (NEW) The communication system according to claim 23, wherein the communication terminal device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices.

25. (NEW) The communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at

least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

26. (NEW) The communication system according to claim 8, further comprising a fourth clock means for keeping a fourth predetermined time period after said executing means starts execution of the program or data processing and the interference means interferes with execution of said executing means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period.

27. (NEW) The communication system according to claim 1, wherein the data comprises karaoke data.

28. (NEW) The communication system according to claim 1, wherein the program comprises a video game.

29. (NEW) The communication system according to claim 1, wherein the data comprises multimedia audio/video data.

30. (NEW) The communication system according to claim 29, wherein the multimedia audio/video data comprises a movie.

31. (NEW) The communication system according to claim 8, wherein the data comprises karaoke data.

32. (NEW) The communication system according to claim 8, wherein the program comprises a video game.

33. (NEW) The communication system according to claim 8, wherein the data comprises multimedia audio/video data.

34. (NEW) The communication system according to claim 33, wherein the multimedia audio/video data comprises a movie.

35. (NEW) The communication system according to claim 5, wherein the program, the data, or the combination of program and data comprises either a video game, karaoke data, or multimedia audio/video data, and further wherein the first predetermined time period comprises a time period during which the program, data, or combination of program and data is usable without interference, and still further wherein the interference means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

36. (NEW) The communication system according to claim 35, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program to support simultaneous interaction among a plurality of players executing the same program on the at least

two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

37. (NEW) The communication system according to claim 12, wherein the program, the data, or the combination of program and data comprises either a video game, karaoke data, or multimedia audio/video data, and further wherein the first predetermined time period comprises a time period during which the program, data, or combination of program and data is usable without interference, and still further wherein the interference means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

38. (NEW) The communication system according to claim 37, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

39. (NEW) The communication system according to claim 1, wherein the communication terminal device further comprises a display means for displaying one of the program and data via a scrollable list, the scrollable list respectively displaying a plurality of available programs or data stored at the host facility.

40. (NEW) The communication system according to claim 40 <SIC 39>, wherein the data comprises map data.

41. (NEW) The communication system according to claim 1, wherein the duration data further includes data indicative of the second predetermined time period.

42. (NEW) The communication system according to claim 1, wherein the communication terminal device further comprises an interference stop instruction means for instructing to stop the interference performed by said interference means in response to payment of an additional charge.

43. (NEW) The communication system according to claim 8, wherein the communication terminal device further comprises a display means for displaying one of the program and data via a scrollable list, the scrollable list respectively displaying a plurality of available programs or data stored at the host facility.

44. (NEW) The communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or combination of the program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players, and the communication terminal

device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices.

45. (NEW) The communication system according to claim 45 <SIV 44>, wherein the data comprises map data.

46. (NEW) The communication system according to claim 8, wherein the communication terminal device further comprises a second clock means for keeping a second predetermined time period after said receiving means receives the transmission.

47. (NEW) The communication system according to claim 47 <SIC 47>, wherein the duration data further includes data indicative of the second predetermined time period.

48. (NEW) The communication system according to claim 8, wherein the communication terminal device further comprises an interference stop instruction means for instructing to stop the interference performed by said interference means in response to payment of an additional charge.

Evidence Appendix

None.

Related Proceedings Appendix

None.

Electronic Acknowledgement Receipt

EFS ID:	11324233
Application Number:	90010666
International Application Number:	
Confirmation Number:	8556
Title of Invention:	Interactive Communication System for Communicating Video Game and Karaoke Software
First Named Inventor/Applicant Name:	6193520
Customer Number:	164
Filer:	John Whitaker
Filer Authorized By:	
Attorney Docket Number:	6620-82302-03
Receipt Date:	02-NOV-2011
Filing Date:	04-SEP-2009
Time Stamp:	19:24:09
Application Type:	Reexam (Third Party)

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	Appeal Brief-Owner	OpeningBrief520ForFiling.pdf	289248 811828c20ac2f9cc35ddedfbee674e523c81d cdb6	no	38

Warnings:

Information:

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	)	Title:	Interactive Communication System
Takeya Okamoto	)		for Communicating Video and
	)		Karaoke Software
Control Nos.: 90/010,666 &	)	Patent No.:	6,193,520
90/009,524	)	Art Unit:	3992
	)		
Reexam Filed: 08/17/09	)	Examiner:	William H. Wood

NOTICE OF APPEAL AND CERTIFICATE OF SERVICE BY
PATENT OWNER IN EX PARTE REEXAMINATION

ATTN: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1420
Alexandria, VA 22313-1450

Sir:

Patent Owner hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner. Applicant claims small entity status, and the fee of \$270.00 for this Notice of Appeal is being paid electronically. This Notice of Appeal and its electronic service receipt are being served on the following as Third Party Requester via First Class Mail.

Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

Dated: September 2, 2011

Respectfully submitted,

Customer No. 56031
Whitaker Law Group
1218 Third Avenue, Ste 1809
Seattle, WA 98101
Phone: 206-436-8500
Fax: 206-694-2203

WHITAKER LAW GROUP

By: /johnwhitaker/
John Whitaker, Reg. 42,222
Attorney for Patent Owner

Certificate of Electronic Filing

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being electronically filed with the U.S. Patent and Trademark Office on the date indicated below.

Date: September 2, 2011

/Anne K. Smith/
Anne K. Smith

Electronic Acknowledgement Receipt

EFS ID:	10871562
Application Number:	90010666
International Application Number:	
Confirmation Number:	8556
Title of Invention:	Interactive Communication System for Communicating Video Game and Karaoke Software
First Named Inventor/Applicant Name:	6193520
Customer Number:	00164
Filer:	John Whitaker/Anne Smith
Filer Authorized By:	John Whitaker
Attorney Docket Number:	6620-82302-03
Receipt Date:	02-SEP-2011
Filing Date:	04-SEP-2009
Time Stamp:	13:42:18
Application Type:	Reexam (Third Party)

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	Notice of Appeal Filed	520_Notice_of_Appeal.pdf	56863 aea35360d7976995b2e9d910b00c7a30cf5db655	no	1

Warnings:

Information:

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,666	09/04/2009	6193520	6620-82302-03	8556

164 7590 08/16/2011

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 08/16/2011

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

AUG 16 2011

Joseph T. Jakubek
KLARQUIST SPARKMAN, LLP, ONE WORLD TRADE CENTER
121 S. W. Salmon Street, Suite 1600
Portland, OR 97204

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/010,666 + 90/009,524

PATENT NO. 6193520.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,524	08/17/2009	6193520	ADC520	6819
56031	7590	08/16/2011	EXAMINER	
Whitaker Law Group 1218 Third Avenue Suite 1809 Seattle, WA 98101			ART UNIT	PAPER NUMBER

DATE MAILED: 08/16/2011

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

Ex Parte Reexamination Advisory Action Before the Filing of an Appeal Brief	Control No. 90/010,666 + 90/009,524	Patent Under Reexamination 6193520	
	Examiner WILLIAM H. WOOD	Art Unit 3992	

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

THE PROPOSED RESPONSE FILED 05 August 2011 FAILS TO OVERCOME ALL OF THE REJECTIONS IN THE FINAL REJECTION MAILED 06 July 2011.

1. ☒ Unless a timely appeal is filed, or other appropriate action by the patent owner is taken to overcome all of the outstanding rejection(s), this prosecution of the present *ex parte* reexamination proceeding WILL BE TERMINATED and a Notice of Intent to Issue *Ex Parte* Reexamination Certificate will be mailed in due course. Any finally rejected claims, or claims objected to, will be CANCELLED.

THE PERIOD FOR RESPONSE IS EXTENDED TO RUN 2 MONTHS FROM THE MAILING DATE OF THE FINAL REJECTION. Extensions of time are governed by 37 CFR 1.550(c).

NOTICE OF APPEAL

2. ☐ An Appeal Brief is due two months from the date of the Notice of Appeal filed on _____ to avoid dismissal of the appeal. See 37 CFR 41.37(a). Extensions of time are governed by 37 CFR 1.550(c). See 37 CFR 41.37(e).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final action, but prior to the date of filing a brief, will not be entered because:
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ They raise the issue of new matter (see NOTE below);
 - (c) ☒ They are not deemed to place the proceeding in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ Patent owner's proposed response filed _____ has overcome the following rejection(s): _____
5. ☐ The proposed new or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ For purposes of appeal, the proposed amendment(s) a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claim(s) would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) patentable and/or confirmed: _____
- Claim(s) objected to: _____
- Claim(s) rejected: 1-48
- Claim(s) not subject to reexamination: _____

AFFIDAVIT OR OTHER EVIDENCE

7. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because patent owner failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
8. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence fails to overcome all rejections under appeal and/or appellant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
9. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

10. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
11. ☐ Note the attached Information Disclosure Statement(s), PTO/SB/08, Paper No(s) _____.
12. ☐ Other: _____.

/WILLIAM H WOOD/ Examiner, Art Unit 3992		

cc: Requester (if third party requester)

Continuation of 3.(d) NOTE: The limitations added to the independent claims 1, 8 and 15 (for example: "second clock means for keeping a measured second predetermined time period initiated based on said executing means starting execution of the program or data process", claim 1; "clock means for initiating a time period measurement based on the start of execution of the program or data processing", claim 8; "clock means for keeping and for initiating the measurement of a predetermined time period after said execution means ends the execution", claim 15) do not simplify the issues for appeal. Further, the new limitations would require further consideration. The Final Office Action did not indicate this language as suggested or considered..

Continuation of 10. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Patent Owner's arguments are not persuasive. To the extent Patent Owner relies upon the proposed amendments mention above under section 3's Note, the amendments do not overcome the cited prior art. To claim 1's amendment: this is demonstrated by previously cited Tsumura in the Final Office Action rejection of claim 1 (Tsumura: is shown to disclose a clock for tracking a time period after execution of a program starts). To claim 8's amendment: this would be disclosed similarly to claim 1. To claim 15's amendment: this limitation is broad and would be met similarly to previously recited rejection in the Final Office Action.

Patent Owner's 112 written description arguments. The rejection of claim 1 for being to an undisclosed embodiment remains. The claim is not broadly covering two embodiments (as argued by Patent Owner), the claim is specifically to a third undisclosed embodiment. The rejection based on "simultaneous" also remains. The claim language has introduced a word and meaning that was not required by the original disclosure. "Real time" and "simultaneous" are not the same in scope. Further, if they were the same, why would they both be necessary in the claim language?

Patent Owner's other arguments are addressed in the Final Office Action. When a program or data is deleted it necessarily prevents or invalidates operations. Patent Owner's arguments to "real-time" language attempt to include previously undisclosed material "simultaneously" in order to overcome the prior art (see above).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	)	Title:	Interactive Communication System
Takeya Okamoto	)		for Communicating Video Game
	)		and Karaoke Software
Control Nos.: 90/009,524 &	)	Patent No.:	6,193,520
90/010,666	)	Art Unit:	3992
Reexam Filed: 08/17/2009	)	Examiner:	William H. Wood

AMENDMENT AND RESPONSE

Mail Stop "Ex Parte Reexam"

Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an *ex parte* reexamination of U.S. Patent No. 6,193,520, Control No. 90/009,524 (hereafter the '520 Patent). This proceeding has been merged with a third party reexamination request Control No. 90/010,666.

This paper is responsive to the Final Office Action issued on July 6, 2011. Please enter the following claim amendments and consider the appended remarks.

Claim amendments begin on Page 2 of this paper.

Remarks begin on Page 13 of this paper.

Certificate of Electronic Filing

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being electronically filed with the U.S. Patent and Trademark Office on the date indicated below.

Date: August 5, 2011

/JohnWhitaker/
John Whitaker

IN THE CLAIMS

Please amend the claims as follows:

1. (THRICE AMENDED) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:
 - an input device for inputting instructions to execute the program or to process the data,
 - receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,
 - storage means for storing the program, the data, or a combination of the program and data received by said receiving means,
 - executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,
 - first clock means for keeping a first predetermined time period after said receiving means receives the transmission,
 - second clock means for keeping a measured second predetermined time period initiated based on said executing means starting execution of the program or data processing; and
 - interference means for interfering with execution of said executing means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period; and
 - said host facility comprising:
 - storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the first predetermined time period to be counted by said first clock means, and
 - sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.

2. (ONCE AMENDED) The communication system according to claim 1, said communication terminal device further comprising:

[second]third clock means for keeping a [second]third predetermined time period shorter than said first predetermined time period counted by said first clock means, and

alarm means for issuing an alarm when said [second]third clock means counts said [second]third predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

3. (ONCE AMENDED) The communication terminal device according to claim 2, further comprising:

[third]fourth clock means for keeping a [third]fourth predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said [third]fourth clock means counts said [third]fourth predetermined time period.

4. (ORIGINAL) The communication system according to claim 1, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.

5. (ORIGINAL) The communication system according to claim 1, wherein said communication terminal device comprises display means having a screen on which the progress of execution of the program or data processing is displayed, and said interference means comprises means for blocking the view of what is displayed on said screen.

6. (ORIGINAL) The communication system according to claim 1, wherein said interference means comprises means for invalidating the operation of said input device.

7. (ORIGINAL) The communication system according to claim 1, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

8. (ONCE AMENDED) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data, receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

clock means for initiating a time period measurement based on the start of execution of the program or data processing, and for keeping a predetermined time period after said executing means starts execution of the program or data processing, and

interference means for interfering with execution of said executing means when said clock means counts said predetermined time period from the start of execution of the program or data processing; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.

9. (ORIGINAL) The communication system according to claim 8, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and

alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

10. (ORIGINAL) The communication terminal device according to claim 9, further comprising:

third clock means for keeping a third predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said third clock means counts said third predetermined time period.

11. (ORIGINAL) The communication system according to claim 8, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.

12. (ORIGINAL) The communication system according to claim 8, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed,

said interference means comprises means for blocking the view of what is displayed on said screen.

13. (ONCE AMENDED) The communication system according to claim 8, wherein said interference means comprises means for invalidating [the operation of] an operation on said input device.

14. (ORIGINAL) The communication system according to claim 8, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

15. (THRICE AMENDED) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data, receiving means for receiving via wireless transmission, one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

clock means for keeping and for initiating the measurement of a predetermined time period after said execution means ends the execution of the program or data processing to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused, and

interference means for interfering with execution of said executing means when said clock means counts a predetermined time period from the end of execution of the program or data processing; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device, and

wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

16. (ORIGINAL) The communication system according to claim 15, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and

alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

17. (ORIGINAL) The communication terminal device according to claim 16, further comprising:

third clock means for keeping a third predetermined period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said third clock means counts said third predetermined time period.

18. (ORIGINAL) The communication system according to claim 15, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.

19. (ORIGINAL) The communication system according to claim 15, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed, said interference means comprises means for blocking the view of what is displayed on said screen.

20. (ONCE AMENDED) The communication system according to claim 15, wherein said interference means comprises means for invalidating [the operation of] an operation on said input device.

21. (ORIGINAL) The communication system according to claim 15, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Please insert the following NEW claims:

22. (NEW) The communication system according to claim 8, wherein the receiving means is configured for reception via wireless transmission.

23. (NEW) The communication system according to claim 1, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

24. (NEW) The communication system according to claim 23, wherein the communication terminal device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices.

25. (NEW) The communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

26. (NEW) The communication system according to claim 8, further comprising a second clock means for keeping a second predetermined time period after said executing means starts execution of the program or data processing and the interference means interferes with execution of said executing means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period.

27. (NEW) The communication system according to claim 1, wherein the data comprises karaoke data.

28. (NEW) The communication system according to claim 1, wherein the program comprises a video game.

29. (NEW) The communication system according to claim 1, wherein the data comprises multimedia audio/video data.

30. (NEW) The communication system according to claim 29, wherein the multimedia audio/video data comprises a movie.

31. (NEW) The communication system according to claim 8, wherein the data comprises karaoke data.

32. (NEW) The communication system according to claim 8, wherein the program comprises a video game.

33. (NEW) The communication system according to claim 8, wherein the data comprises multimedia audio/video data.

34. (NEW) The communication system according to claim 33, wherein the multimedia audio/video data comprises a movie.

35. (NEW) The communication system according to claim 5, wherein the program, the data, or the combination of program and data comprises either a video game, karaoke data, or multimedia audio/video data, and further wherein the first predetermined time period comprises a time period during which the program, data, or combination of program and data is usable without interference, and still further wherein the interference means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

36. (NEW) The communication system according to claim 35, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

37. (NEW) The communication system according to claim 12, wherein the program, the data, or the combination of program and data comprises either a video game, karaoke data, or multimedia audio/video data, and further wherein the first predetermined time period comprises a time period during which the program, data, or combination of program and data is usable

without interference, and still further wherein the interference means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

38. (NEW) The communication system according to claim 37, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

39. (NEW) The communication system according to claim 1, wherein the communication terminal device further comprises a display means for displaying one of the program and data via a scrollable list, the scrollable list respectively displaying a plurality of available programs or data stored at the host facility.

40. (NEW) The communication system according to claim 39, wherein the data comprises map data.

41. (NEW) The communication system according to claim 1, wherein the duration data further includes data indicative of the second predetermined time period.

42. (NEW) The communication system according to claim 1, wherein the communication terminal device further comprises an interference stop instruction means for instructing to stop the interference performed by said interference means in response to payment of an additional charge.

43. (NEW) The communication system according to claim 8, wherein the communication terminal device further comprises a display means for displaying one of the program and data via a scrollable list, the scrollable list respectively displaying a plurality of available programs or data stored at the host facility.

44. (NEW) The communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or combination of the program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players, and the communication terminal device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices.

45. (NEW) The communication system according to claim 44, wherein the data comprises map data.

46. (NEW) The communication system according to claim 8, wherein the communication terminal device further comprises a second clock means for keeping a second predetermined time period after said receiving means receives the transmission.

47. (NEW) The communication system according to claim 46, wherein the duration data further includes data indicative of the second predetermined time period.

48. (NEW) The communication system according to claim 8, wherein the communication terminal device further comprises an interference stop instruction means for instructing to stop the interference performed by said interference means in response to payment of an additional charge.

REMARKS

U.S. Patent 6,193,520 includes claims 1-21. Only claims 1, 2, 4, 5, 7-9, 11, 12, 14-16, 18, 19, and 21 of the '520 Patent were originally subject to the reexamination proceeding. The Examiner added claims 3, 6, 10, 13, 17, and 20 to the reexamination proceeding by Office Action dated October 13, 2010. Thus, claims 1-48 are subject to reexamination. All the claims that are subject to reexamination stand rejected either as anticipated or obvious in view of the art of record. New claims 22-48 were presented by amendment in prior papers. Support for the new claims and amendments is set forth below. No new claims have been added by this paper. Accordingly, no additional claims fee is believed to be owed.

Patent Owner submits this Response to the Final Office Action mailed July 6, 2011. Patent Owner has presented the same claim amendments as the previous amendment with one notable exception, which will be addressed first for clarity. Patent Owner submits that the additional claim amendment puts all the claims in condition for allowance, and respectfully requests that the pending rejections be withdrawn. In addition, Patent Owner has re-presented the amendments that were previously presented, and the arguments in support of those further amendments.

NEW AMENDMENTS AND REJECTIONS

The Office Action addresses Patent Owner's arguments regarding patentability of the independent claims (Claims 1, 8, and 15) on the basis that the prior art does not teach keeping a predetermined time period after the start/end of execution of the program or processing of the data. More specifically, the Office Action argues that the prior art teaches keeping a time period that includes both the time before and the time after execution starts, such that keeping a time after execution is encompassed within the greater range. Office Action at pages 53-55. The

Office Action points out that the claims do not expressly recite initiating a time period based upon the start of execution of the program or processing of data. *Id.*

Patent Owner believes that the claim language as previously presented overcomes that rejection. In particular, the Office Action's interpretation of keeping a predetermined time period renders much of the claim language nonsensical. More specifically, under the Office Action's interpretation, the entirety of the claim language that modifies "keeping a time period" is rendered useless. In other words, under the Office Action's interpretation, the contradictory phrases "keeping a time period *after* the start of execution" would also mean "keeping a time period *before* the start of execution." Such a contradictory interpretation cannot be supported because it would result in claim language being rendered superfluous, which is improper.

However, in the interest of furthering prosecution, Patent Owner has amended independent claims 1, 8, and 15 to recite that measurement of the salient time period is initiated either upon start or end (as appropriate) of execution of the program or processing the data. Patent Owner submits that such amendment is made merely to avoid any ambiguity, and that the amendment does not change the meaning of the claim.

Patent Owner further submits that the amendment presented does not require further consideration before entry as the amendment comes directly from the Office Action, and, thus, the Patent Office has already considered the impact of such language. Thus, the newly proposed amendments incorporate the language suggested by the Office Action, and overcome the rejections under §§ 102 and 103. Patent Owner respectfully requests entry of these amendments, and the withdrawal of the rejections of independent claims 1, 8, and 15.

New Rejections Under 35 U.S.C. § 112

Claims 1-7, 23-24, 26-30, 39, and 41-42 stand rejected under § 112 as failing the written description requirement. In short, the Office Action submits that the specification lacks written

description support for a single embodiment that includes both a clock means for keeping both a first and second predetermined time periods. However, the Patent Office cites no authority for the proposition that claims cannot be written broad enough to cover more than one embodiment.

The specification explicitly supports counting a predetermined time period from either the start of execution *or* after the program/data is received. See ‘520 Patent at col. 10, lines 15-20 and col. 11, lines 37-41. It is axiomatic that a claim is not limited to one embodiment of the invention. *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 906 (Fed. Cir. 2004) (“[T]his court has expressly rejected the contention that if a patent describes only a single embodiment, the claims of the patent must be construed as being limited to that embodiment”); *Teleflex, Inc. v. Ficosa N. Am. Corp.*, 299 F.3d 1313, 1327-28 (Fed. Cir. 2002); *Inverness Med. Switzerland GmbH v. Warner Lambert Co.*, 309 F.3d 1373, 1379 (Fed. Cir. 2002) (“It is improper to limit the claim based on a preferred embodiment of the invention”). Accordingly, it is improper to reject the proposed amendments based on the erroneous position that the claims must be coextensive with only one disclosed embodiment at a time. Patent Owner submits that this rejection is improper and respectfully requests its withdrawal.

Claims 15-21, 23-25, 36, 38, and 44 stand rejected under § 112. The Office Action takes exception to the word “simultaneous” being presented in the claim. Office Action at page 7. The Office Action points out that the word simultaneous does not appear in the specification. Although the word simultaneous may not appear explicitly in the specification, it is clearly implicit or inherent in the disclosure. See MPEP § 2163(I)(B). The word simultaneous means “occurring at the same time.” See Webster’s New World Dictionary and Thesaurus at page 578 (1996). At col. 8, lines 19-21, the specification recites that “the players together participate, on a real time basis, in the same game on the monitor 16 of respective personal communicators 1.” This passage from the specification explicitly states that the players participate together on a real

time basis. It cannot be seriously argued that if players are playing together on a real time basis, they are not necessarily playing together “at the same time.” Accordingly, the word “simultaneously” is implicitly supported by at least that passage of the specification. Patent Owner respectfully requests withdrawal of the rejection.

Claims 26, 40, 45, and 47 stand rejected under § 112 based on a number of errors. Patent Owner has corrected the errors that the Office Action pointed out. Patent Owner believes the rejections have been overcome.

ARGUMENTS REGARDING PRIOR REJECTIONS

Rejections Under 35 U.S.C. § 102

Claims 8 and 11-13 were rejected as being anticipated by *Chernow* (USP 4,999,806). Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed below.

Claim 8

The Office Action erroneously stated that the *Chernow* reference teaches each limitation recited in Claim 8. Patent Owner contends that the *Chernow* reference fails to recite several limitations, such as “clock means for initiating a time period measurement based on the start of execution of the program or data processing, and for keeping a predetermined time period **after said executing means starts execution** of the program or data processing” (emphasis added). The Office Action indicates that this limitation is found in *Chernow* at column 2, lines 3-5 and column 5, lines 10-19. Both of these passages are copied below for convenience:

**Another object of this invention is to permit the purchaser to rent the protected software for a period of
5 time after which it will self destruct.**

**The term of use for the leased software can either be 10
a period of time or a number of runs. The specific infor-
mation can be encryptically stored within the leased
software. When leased software is used, the number of
runs remaining under lease or a periodic update of the
time remaining under lease is encryptically recorded 15
within the program image in memory and on disk. At
the conclusion of the term of use, the software renders
itself unusable or erases itself from the user's disk.**

In the first cited passage, *Chernow* discloses that a purchaser can rent protected software for a period of time after which it will self destruct. The second cited passage discloses that the term of use for the leased software can either be a period of time or a number of runs. The period of time or number of runs can be encryptically stored within the leased software. At the conclusion of the term of use, the software renders itself unusable or erases itself from the user's disk. Neither cited passage in *Chernow* teaches or suggests "keeping a predetermined time period after said executing means starts execution". Instead, *Chernow* discloses that either a period of time or number of runs determines the term of use for the leased software. In contrast, in accordance with the Claim 8, the interference means would not interfere with execution of the program or data processing if execution was not started. This is not taught or suggested in *Chernow*. In fact, the general nature of the *Chernow* reference is toward a strict time period over which the purchaser has absolutely no control, which teaches away from a time period that is tolled until actual execution begins. In contrast, *Chernow* clearly discloses that the time period is based on a "time remaining under lease" or "the number of runs remaining under lease". The recited feature of Claim 8 enables the purchaser to retrieve the program yet not begin playing the program until a later time, without fear that the limited time period will expire before the purchaser can enjoy

the program. See., e.g., '520 Patent at column 11, lines 36-41. Such a feature is nowhere taught or suggested by the art of record.

In the Office Action, the Examiner states that "*Chernow* further demonstrates running/executing software during the time period" and that because the time period covers both before and after the start of execution, *Chernow* teaches this element of the claimed invention. Office Action at page 41. Patent Owner strongly disagrees. The mere fact that the time period taught in *Chernow* covers both before and after the start of execution in no way teaches or suggests "keeping a predetermined time period **after said executing means starts execution** of the program or data." The limitation in Claim 8 measures a time period that begins when the software is first executed. This time period is quite different from the time period disclosed in *Chernow*. Indeed, there is no logical connection between initiating a measured time period based on the execution of software and merely executing software during a time period. For at least this additional reason, the rejection is improper.

Therefore, for at least any one of the above reasons, *Chernow*, with any permissible combination of prior art of record, does not teach or suggest Claim 8.

Claims 11, 12, and 13

For at least any of the reasons discussed above for Claim 8, its dependent Claims 11-13, are patentable over the art of record, and Patent Owner respectfully requests withdrawal of the rejection. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*. For example, Claim 13 recites "wherein said interference means comprises means for invalidating the operation on said input device." The Office Action indicates that this limitation is found in *Chernow* at column 5, lines 16-19. For convenience, this passage is copied below:

runs remaining under lease or a periodic update of the
time remaining under lease is encryptically recorded ¹⁵
within the program image in memory and on disk. At
the conclusion of the term of use, the software renders
itself unusable or erases itself from the user's disk.

One will note that the cited passage discloses "the software renders itself unusable or erases itself from the user's disk." In contrast, amended Claim 13 recites "invalidating an operation on said input device." The Office Action states that the **"input device operation is invalidated** for the execution of the software as the software execution has been blocked, either deleted or unusable, thus **input** is invalid for the execution of the software." Patent Owner contends that the Office Action mistakenly associates "operation" with "execution" of the software, and then concludes that if execution is blocked, input to the blocked software is invalid. However, Claim 13 has been amended to clarify what is invalidated, namely "an operation on said input device". Support for the amendment is found, at least, at column 10, lines 34-44 of the '520 Patent. An example of "invalidating an operation on said input device" is rejecting signals from the input device.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Tsumura*)

Claims 1, 4-6, 15, 18-20, and 22-26 were rejected as being unpatentable over *Chernow* in view of *Tsumura* (USP 5,547,202). Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed below.

Claim 1

Claim 1 has been amended to recite a first clock means and a second clock means. The first clock means for "keeping a first predetermined time period **after said receiving means**

receives the transmission" and the second clock means for **"initiating measurement of a second predetermined time period based on said executing means starting execution of the program or data processing."** As discussed above for Claim 8, *Chernow* does not teach or suggest initiating the measurement of a second predetermined time period based on **said executing means starts execution**. Instead, *Chernow* clearly discloses that the time period is based on a "time remaining under lease" or "the number of runs remaining under lease". Furthermore, none of the cited references teach or suggest evaluating the usable duration of the program or data against two different time periods based on two different initiating events.

Therefore, for at least any one of the above reasons, *Chernow*, with any permissible combination of prior art of record, including *Tsumura*, does not teach or suggest Claim 1.

Claims 4, 5, and 6

For at least any one of the reasons discussed above for Claim 1, its dependent Claims 4-6, are patentable over the art of record, and Patent Owner respectfully requests withdrawal of the rejection. In addition, both claims recite additional limitations that are not taught or suggested by *Chernow*. For example, Claim 6 recites "wherein said interference means comprises means for invalidating an operation on said input device." As discussed above for Claim 13, the Patent Owner contends that the Office Action mistakenly associates "operation" with "execution" of the software, and then concludes that if execution is blocked, input to the blocked software is invalid. However, Claim 13 has been amended to clarify what is invalidated, namely "an operation on said input device". Support for the amendment is found, at least, at column 10, lines 34-44 of the '520 Patent. An example of "invalidating an operation on said input device" is rejecting signals from the input device.

Claim 15

Claim 15, an independent claim, stands rejected under 35 U.S.C. § 103 as anticipated by *Chernow* in view of *Tsumura*. Claim 15 has been amended, and Patent Owner submits that Claim 15 is in patentable condition.

Claim 15 recites "a clock means for keeping and for initiating the measurement of a predetermined time period after said execution means ends the execution of the program or data processing **to count a time period during which** at least one of the program, the data, and a combination of the program and data is **continuously unused**." This time period, the specification describes, enables certain features that are nowhere taught or suggested by the cited art. For instance, by keeping the time that the program and/or data is continuously unused, the system could determine whether to automatically delete the program and/or data after the expiration of the rental period, but not immediately after. Such a feature is nowhere taught or suggested by the cited art. As discussed above, *Chernow* only discloses a time period based on a "time remaining under lease" or "the number of runs remaining under lease". There is no teaching or suggestion in *Chernow* of a time period that is based on after execution ends and/or the program or data being continuously unused.

Claim 15 has also been amended to recite that the communication terminal device is further configured to facilitate **real-time interactive communication** with another communication terminal device to support **simultaneous interaction among a plurality of players executing the same program** on the at least two communication terminal devices. Support for the amendment is found, at least, at column 8, lines 7-38 of the '520 Patent. The real-time interactive communication between communication terminals, in contrast to communication between the communication terminal and the host facility, is nowhere taught or suggested by any of the art of record. The Office Action contends that *Tsumura* demonstrates

multiple communication terminal devices communicating regarding software at column 3, lines 33-40; column 12, line 62 to column 13, line 22.

The Patent Owner contends that *Tsumura* does not teach or suggest "real-time interactive communication," but rather teaches non-real-time play where only one player plays at a time, saves the data for another player to later download and continue the game play. The following analysis of *Tsumura* supports this position.

Tsumura is directed at a receiving device on which computer games can be played. The receiving device accepts numerous game data **transmitted cyclically** by the transmission device, selects and stores specified game data and is used to play the game. The portions of *Tsumura* cited by the Examiner include column 3, lines 33-40, which states "a system whereby a plurality of players using mutually remote machines are each able to participate in the same game thereby enabling the commercial use of RPG while at the same time extending the overall scope of computer games in general." However, *Tsumura* further describes what "participate in the same game" means starting at Col. 12, line 62 to Col. 13, line 42, as follows:

We will now describe a system whereby more than one player can take part in the same game. ... [t]he present embodiment does not assume simultaneous participation in the game but rather that the individual players' input will first be uploaded and stored in the host computer. When a player wants to play the game, he will then access the host computer and download everything that has been input up to that point by the other players to his own terminal. The player will then be called upon to enter his next move.

Tsumura further describes the "interactiveness" of the players at Col. 14, lines 15-62, as follows:

The player using terminal T1 can now carry on playing the game until he reaches the first point at which another player's contribution is required. Once it has been confirmed at terminal T1 that this point has definitely been reached, the appropriate program can then be executed to suspend the game and the participation of terminal T1 until further notice. Next, the host

computer 112 will establish contact with the second terminal T2 and issue a message to notify the player at said second terminal T2 that the first player (terminal T1 in the present embodiment) has completed his part of the game for the time being. The player using the second terminal T2 will first confirm this by reference to the message on his visual display unit and then, as and when he is ready, he will access the host computer 112 and enter his identification number, after which the host computer 112 will download the necessary game program and data from its memory means 125 and the game will be reproduced on the basis of the instructions and other data input by the player using terminal T1. The player using terminal T2 can now continue to play the game, making selections in accordance with his role from lists of alternative options that can be called up onto the display as and when necessary. When the player using terminal T2 has gone as far as he can go without making reference to the other player, the game can be suspended by executing an appropriate termination command in the same way as described above, then withdrawing from the game until further notice. The participants in a game can in this way take part in line with the requirements of the program either alternately when there are just two players or one by one in order in cases in which there are more than two players.

Claim 15 has been amended to clarify the multi-player aspect of the interactive communication. Therefore, for at least any one of the above reasons, *Chernow*, with any permissible combination of prior art of record, including *Tsumura*, does not teach or suggest Claim 15. Patent Owner respectfully requests withdrawal of the pending rejections.

Claims 18-20 and 22-26

For at least any one of the reasons discussed above for independent Claims 1, 8, and 15, their respective dependent claims 23-24; claims 23, 25 and 26; and 18-20, are patentable over the art of record, and Patent Owner respectfully requests withdrawal of the rejection. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow* or *Tsumura*.

For example, Claim 20 recites "wherein said interference means comprises means for invalidating an operation on said input device." As discussed above for Claim 13, the Patent

Owner contends that the Office Action mistakenly associates "operation" with "execution" of the software, and then concludes that if execution is blocked, input to the blocked software is invalid. However, Claim 20 has been amended to clarify what is invalidated, namely "an operation on said input device". Support for the amendment is found, at least, at column 10, lines 34-44 of the '520 Patent. An example of "invalidating an operation on said input device" is rejecting signals from the input device.

Claim 19 recites "said interference means comprises means for blocking the view of what is displayed on said screen." The Office Action indicates that this limitation is found in *Chernow* at column 5, lines 16-19. For convenience, this passage is copied below:

within the program image in memory and on disk. At the conclusion of the term of use, the software renders itself unusable or erases itself from the user's disk.

As one will note, there is no discussion of blocking the view of what is displayed on said screen. In fact, *Chernow* only discloses that the software erases itself from the user's disk or renders itself unusable. The Examiner is using the teachings in the '520 Patent to associate "blocking the view of what is displayed on said screen" with "software renders itself unusable." This is an impermissible hindsight reconstruction of the claimed invention based on the Patent Owner's own teachings. More specifically, the limitation recited in Claim 19 is quite different from rendering the software unusable and erasing the software from the disk. Instead, as shown in Figure 8B of the '520 Patent, a portion of the display (e.g., one of the opponents of a boxing game) may be blocked from the view on the screen. While blocking the view may be annoying, it still requires execution of the program or data processing, which can not happen if the software

renders itself unusable or erases itself. Thus, *Chernow* fails to teach or suggest "blocking the view of what is displayed on said screen" as recited in Claim 19.

Claims 23 and 25 recite "real-time interactive communication" to support **simultaneous interaction among a plurality of players executing the same program** on the at least two communication terminal devices. The discussion above for Claim 15 is incorporated herein for Claims 23 and 25. Briefly, as discussed above for Claim 15, *Tsumura* does not teach or suggest "real-time interactive communication," but rather teaches non-real-time play where only one player plays at a time, saves the data for another player to later download and continue the game play.

Amended Claim 24 recites "the communication terminal device displays a number of players who can participate in the real-time interactive communication". None of the art on record discloses this limitation.

Therefore, for at least any one of the reasons discussed above, *Chernow*, with any permissible combination of prior art of record, including *Tsumura*, does not teach or suggest each of the limitations in Claims 18-20, and 22-26. Patent Owner respectfully requests withdrawal of the rejection.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Kato*)

Claims 9 and 14 were rejected as being unpatentable over *Chernow* in view of *Kato* (JP 04-10191). Claims 9 and 14 depend from independent Claim 8, and are therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Kato*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least any one of the reasons discussed.

For example, Claim 14 recites "interference means comprises means for preventing said sound generating means from generating the sound." The Office Action again indicates column 5, lines 16-19 in *Chernow* for this limitation. However, as explained above for Claim 19, *Chernow* only discloses that the software erases itself from the user's disk or renders itself unusable. The Examiner is again using the teachings in the '520 Patent to associate an interference means for "preventing sound generating means from generating the sound" with "software renders itself unusable." This is an impermissible hindsight reconstruction of the claimed invention based on the Patent Owner's own teachings. More specifically, the limitation recited in Claim 14 is quite different from rendering the software unusable and erasing the software from the disk. Executing the program or data processing without sound may not be ideal, but it still requires execution of the program or data processing, which can not happen if the software is unusable or erased. Thus, *Chernow* fails to teach or suggest interference means for "preventing sound generating means from generating the sound" as recited in Claim 14.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Kato* in further view of *Tsumura*)

Claim 10 was rejected as being unpatentable over *Chernow* in view of *Kato* and in further view of *Tsumura*. Claim 10 depends from independent Claim 8, and is therefore, patentable for the reasons described above. In addition, the claim recites additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Kato* and *Tsumura*. Patent Owner submits that the rejection is improper, and the claim is patentable for at least any one of the reasons discussed.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Tsumura* in further view of *Kato*)

Claims 2, 3, 7, 16, 17 and 21 were rejected as being unpatentable over *Chernow* in view of *Tsumura* and in further view of *Kato*. Claims 2, 3, and 7 depend from independent Claim 1 and Claims 16, 17, and 21 depend from independent Claim 15, and are therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Kato* and *Tsumura*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed.

For example, Claim 7, 14, and 21 each recites "interference means comprises means for preventing said sound generating means from generating the sound." The Office Action again indicates column 5, lines 16-19 in *Chernow* for this limitation. However, as explained above for Claim 19, *Chernow* only discloses that the software erases itself from the user's disk or renders itself unusable. The Examiner is again using the teachings in the '520 Patent to associate an interference means for "preventing sound generating means from generating the sound" with "software renders itself unusable." This is an impermissible hindsight reconstruction of the claimed invention based on the Patent Owner's own teachings. More specifically, the limitation recited in claims is quite different from rendering the software unusable and erasing the software from the disk. Executing the program or data processing without sound may not be ideal, but it still requires execution of the program or data processing, which can not happen if the software is unusable or erased. Thus, *Chernow* fails to teach or suggest interference means for "preventing sound generating means from generating the sound" as recited in the claims.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Tsumura* in further view of *Sanbe*)

Claims 27-29 and 35-36 were rejected as being unpatentable over *Chernow* in view of *Tsumura* and in further view of *Sanbe*(JP Patent Publication H04-32898). Claims 27-29 and 35-36 depend from independent Claim 1, and are therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested *Chernow*, with any permissible combination of prior art of record, including *Kato* and *Tsumura*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Sanbe*)

Claims 31-33 were rejected as being unpatentable over *Chernow* in view of *Sanbe*. Claims 31-33 depend from independent Claim 8, and are therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Sanbe*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Sanbe* in further view of *Kaniwa*)

Claims 34 was rejected as being unpatentable over *Chernow* in view of *Sanbe* in further view of *Kaniwa*(USPN 5,699,370). Claim 34 depends from independent Claim 8, and is therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Sanbe* and *Kaniwa*. Patent Owner submits that the rejection is improper, and the claim is patentable for at least one of the reasons discussed.

Rejections Based On “Real Time” Terminology

The Office Action argues, in support of several rejections, that the term “real time” is a “broad term which is met by virtue of a computer’s natural operation, further a computer network communicates in real time that is at the moment.” Office Action at, e.g., pages 20, 22, 24, and 41. However, that statement does nothing to describe the claimed invention. The Office Action takes the position that merely because computers are connected to and communicating over a network, that renders obvious the real time interaction of human beings playing a game.

As described at length above, no art of record discloses that individuals are simultaneously interacting to play a game or executing the same program as recited by claims 15, 23, 24, 25, 36, 38, and 44. In contrast, the art of record discloses, at best, a system that explicitly does *not* support simultaneous participation in a game. See *Tsumura* at Col. 12, line 62 to Col. 13, line 42. The Office Action’s rejections ignore that the explicit teachings of the prior art contradict the explicit teachings of the ‘520 Patent. Patent Owner respectfully submits that such rejections are improper and should be withdrawn.

Support for Amendments to Original Claims

Patent Owner has amended claims 1, 2, 3, 8, 13, 15, and 20.

Claim 1

Claim 1 was amended to recite a second clock means initiates and keeps a second predetermined time period after said executing means starts execution of the program or data processing. Support for this amendment is found, at least, at column 11, lines 36-41 of the '520 Patent.

Claims 2 and 3

Claims 2 and 3 were amended to provide consistent antecedent basis for the different clock means and predetermined time periods in the claims.

Claim 8

Claim 8 was amended to include a clock means for initiating a time period measurement based on the start of execution of the program or data processing. Support for this amendment is found, at least, at column 11, lines 36-41 of the '520 Patent.

Claims 13 and 20

Claims 13 and 20 were amended to recite means for invalidating an operation on said input device. Support for this amendment is found, at least, at column 10, lines 34-44 of the '520 Patent.

Claim 15

Claim 15 was amended to recite wireless transmission and real-time interactive communication. Support for this amendment is found, at least, at column 11, lines 13-18, Fig. 10, and column 8, lines 7-38 of the '520 Patent. Claim 15 was further amended to recite that the clock means is also for initiating the measurement of a predetermined time period. Support for this amendment is found, at least, at column 11, lines 36-41 of the '520 Patent.

Support for New Claims

Patent Owner has submitted new dependent claims to further distinguish the '520 Patent from the art of record.

New Claim 22

New claim 22 has been added to further recite that the receiving means of Claim 8 is configured for reception via wireless transmission. This additional limitation still further distinguishes the claimed invention. Support for new claim 22 is found, at least, at column 11, lines 13-18 of the '520 Patent.

New Claims 23 and 25

New Claims 23 and 25 have been added to further recite that the communication terminal device recited in Claims 1 and 8 are capable of facilitating real-time interactive communication between at least two communication terminal devices. Support for new Claims 23 and 25 is found, at least, at column 8, lines 7-37 of the '520 Patent.

New Claim 24

New Claim 24 has been added to further recite that the communication terminal device displays a number of players who can participate in the real-time interactive communication. Support for new Claim 24 is found, at least, at column 5, lines 53-54 of the '520 Patent.

New Claim 26

New Claim 26 has been added to further recite a second clock means for keeping a second predetermined time period after said receiving means receives the transmission and the interference means interferes with execution when respective clock means count the first predetermined time period or the second predetermined time period. Support for new Claim 26 is

found, at least, at column 6, lines 19-22, column 4, lines 20-22, and column 2, lines 27-28 of the '520 Patent.

New Claims 27-34

New Claims 27-34 have been added to more distinctly claim that the program and/or data can be either karaoke data, a video game, or multimedia audio/visual content. Support for new Claims 27-34 is found, at least, at column 4, lines 5-19; column 5, lines 31-33; column 8, lines 39-45; column 10, lines 8-15; and Fig. 2 of the '520 Patent.

New Claims 35 and 37

New Claims 35 and 37 have been added to more distinctly claim that the interference means may cease blocking the display upon the payment of an additional charge. Support for new Claims 35 and 37 is found, at least, at column 1, lines 47-51 and column 10, lines 22-30 and lines 48-49 of the '520 Patent.

New Claims 36 and 38

New Claims 36 and 38 has been added to more distinctly claim that the communication system may facilitate real-time multiplayer interactions. Support for new Claims 36 and 38 is found, at least, at column 8, lines 7-38 of the '520 Patent.

New Claims 39 and 43

New claims 39 and 43 have been added to recite displaying one of the program and data via a scrollable list. This additional limitation still further distinguishes the claimed invention. Support for new claims 39 and 43 is found, at least, at column 5, lines 51-52 of the '520 Patent.

New Claims 40 and 45

New claims 40 and 45 have been added to recite the data comprising map data. This additional limitation still further distinguishes the claimed invention. Support for new claims 40 and 45 is found, at least, at column 8, lines 22-24 of the '520 Patent.

New Claims 41 and 47

New claims 41 and 47 have been added to recite the duration data includes data indicative of the second predetermined time period. This additional limitation still further distinguishes the claimed invention. Support for new claims 41 and 47 is found, at least, at column 2, lines 33-37 of the '520 Patent.

New Claims 42 and 48

New claims 42 and 48 have been added to recite an interference stop instruction means for instructing to stop the interference in response to payment of an additional charge. This additional limitation still further distinguishes the claimed invention. Support for new claims 42 and 48 is found, at least, at column 10, lines 48-49 of the '520 Patent.

New Claim 44

New claim 44 has been added to recite real-time interactive communication and displaying a number of players who can participate in the real-time interactive communication. This additional limitation still further distinguishes the claimed invention. Support for new claim 44 is found, at least, at column 8, lines 7-37 and column 5, lines 53-54 of the '520 Patent.

New Claim 46

New claim 46 has been added to recite a second clock means for keeping a second predetermined time period after said receiving means receives the transmission. This additional limitation still further distinguishes the claimed invention. Support for new claim 46 is found, at

least, at column 6, lines 19-22, column 4, lines 20-22, and column 2, lines 27-28 of the '520 Patent.

Applicant believes that the new claims presented in this paper are separately patentable and fully supported by the specification of the '520 Patent. Accordingly, Patent Owner requests allowance of the new claims.

Service of Papers

A copy of this submission is being served today on Third Party Requester in accordance with 37 CFR 1.248 by first class mail addressed to:

Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

Notice of Pending Litigation

Patent Owner reminds the Patent Office of the current litigation matter, Case No. 2:08-CV-01579-RSM in the Western District of Washington, currently stayed, involving this patent.

Conclusion

Patent Owner respectfully asserts that the arguments and amendments overcome the rejections, and respectfully requests that the Patent Office withdraw those rejections. In addition, Patent Owner respectfully submits that the new claims, added by this paper, are also allowable over the art of record.

Respectfully submitted,

Dated: 08/05/11 _____

By: /JohnWhitaker/ _____

John Whitaker, Reg. No. 42,222
Attorney of the Patent Owner
(206) 319-1575

Electronic Acknowledgement Receipt

EFS ID:	10681482
Application Number:	90010666
International Application Number:	
Confirmation Number:	8556
Title of Invention:	Interactive Communication System for Communicating Video Game and Karaoke Software
First Named Inventor/Applicant Name:	6193520
Customer Number:	00164
Filer:	John Whitaker
Filer Authorized By:	
Attorney Docket Number:	6620-82302-03
Receipt Date:	05-AUG-2011
Filing Date:	04-SEP-2009
Time Stamp:	22:19:45
Application Type:	Reexam (Third Party)

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	Reexam Response to Final Rejection	ADC520-After-Final-Response-Final.pdf	282794 4b77ba71a8c025be410fa9d04246d204b48467ac	no	34

Warnings:

Information:

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,666	09/04/2009	6193520	6620-82302-03	8556

164 7590 07/06/2011

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 07/06/2011

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patents and Trademark Office
P.O.Box 1450
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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Joseph T. Jakubek

KLARQUIST SPARKMAN, LLP, ONE WORLD TRADE CENTER

121 S.W. Salmon Street, Suite 1600

Portland, OR 97204

Date:

MAILED

JUL 06 2011

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. : 90010666

PATENT NO. : 6193520

ART UNIT : 3993

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,524	08/17/2009	6193520	ADC520	6819

56031 7590 07/06/2011

Whitaker Law Group
1218 Third Avenue
Suite 1809
Seattle, WA 98101

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 07/06/2011

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

Office Action in Ex Parte Reexamination	Control No. 90/010,666 / <u>90,009,524</u>	Patent Under Reexamination 6193520	
	Examiner WILLIAM H. WOOD	Art Unit 3992	

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

- a ☒ Responsive to the communication(s) filed on 22 November 2010. b ☒ This action is made FINAL.
c ☐ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 1 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.	3. ☐ Interview Summary, PTO-474.
2. ☐ Information Disclosure Statement, PTO/SB/08.	4. ☐ _____.

Part II SUMMARY OF ACTION

- 1a. ☒ Claims 1-48 are subject to reexamination.
1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☐ Claims _____ are patentable and/or confirmed.
4. ☒ Claims 1-48 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ The drawings, filed on _____ are acceptable.
7. ☐ The proposed drawing correction, filed on _____ has been (7a) ☐ approved (7b) ☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).

- a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have
1 ☐ been received.
2 ☐ not been received.
3 ☐ been filed in Application No. _____.
4 ☐ been filed in reexamination Control No. _____.
5 ☐ been received by the International Bureau in PCT application No. _____.

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

9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate 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.
10. ☐ Other: _____

cc: Requester (if third party requester)

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DETAILED ACTION

Reexamination

This is an *ex parte* reexamination of U.S. Patent No. 6,193,520 (herein *Okamoto*) requested by both the patent owner and a third party. A substantial new question of patentability (SNQ) affecting claims 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19 and 21 is raised and a reexamination has been ordered in reexamination proceeding 90/010,666 (Decision on Request for Reexamination: 12/03/2009). A substantial new question of patentability (SNQ) affecting claims 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 19 and 21 is raised and a reexamination has been ordered in reexamination proceeding 90/009,524 (Decision on Request for Reexamination: 11/14/2009). Upon further consideration, a substantial new question of patentability with respect to issued claims 3, 6, 10, 13, 17 and 20 of U.S. Patent 6,193,520 (*Okamoto*) is found. Reexamination proceedings 90/010,666 and 90/009,524 are MERGED.

Request Established References

The request (90/010,666) argues the following patents and/or printed publications provide teachings relevant to the patent claims requested for reexamination:

- a) Okamoto (JP Laid-Open Patent Application 06-334780), published 12/02/1994. (herein *1994 Okamoto Japanese Application*)
- b) Chernow et al. (USPN 4,999,806), issued 03/12/1991, filed 09/04/1987. (herein *Chernow*)

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- c) Kato (JP Laid-Open Patent Application 04-10191), published 01/14/1992.
(herein *Kato*)
- d) Nakagawa et al. (USPN 4,922,420), issued 05/01/1990, filed 07/23/1987.
(herein *Nakagawa*)
- e) Oseki (JP Laid-Open Patent Application 04-158441), published
06/01/1992. (herein *Oseki*)
- f) Bakoglu (USPN 5,632,681), issued 05/27/1997, filed 03/07/1995. (herein
Bakoglu)
- g) Garfinkle (USPN 5,400,402), issued 03/21/1995, filed 06/07/1993. (herein
Garfinkle)
- h) Griswold (USPN 5,940,504), issued 08/17/1999, filed 06/29/1992. (herein
Griswold)
- i) Hornbuckle (USPN 5,497,479), issued 03/05/1996, filed 02/28/1995.
(herein *Hornbuckle*)
- j) Kaniwa (USPN 5,699,370), issued 12/16/1997, filed 02/17/1995. (herein
Kaniwa)
- k) McCarten (USPN 5,959,596), issued 09/28/1999, filed 06/24/1993. (herein
McCarten)
- l) Tsumura (USPN 5,547,202), issued 08/20/1996, filed 12/30/1994. (herein
Tsumura)
- m) Cooper et al. (USPN 5,757,907), issued 05/26/1998, filed 04/25/1994.
(herein *Cooper*)

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- n) Sanyo (JP Laid-Open Patent Application 03-149693), published 06/26/1991. (herein *Sanyo*)
- o) Suzuki et al. (JP Laid-Open Patent Application 01-166218), published 06/30/1989. (herein *Suzuki '218*)
- p) Morales (USPN 5,291,554), issued 03/01/1994, filed 08/19/1992. (herein *Morales*)
- q) Russo (USPN 5,619,247), issued 04/08/1997, filed 02/24/1995. (herein *Russo*)

Request Established References

The request (90/009,524) argues the following patents and/or printed publications provide teachings relevant to the patent claims requested for reexamination:

- r) Kato (JP 04-10191), laid-open 01/14/1992. (herein *Kato*)
- s) Tsumura (USPN 5,547,202), issued 08/20/1996, filed 12/30/1994. (herein *Tsumura*)
- t) Kaniwa (USPN 5,699,370), issued 12/16/1997, filed 02/17/1995. (herein *Kaniwa*)
- u) Chernow et al. (USPN 4,999,806), issued 03/12/1991, filed 09/04/1987 (herein *Chernow*)
- v) Nakagawa et al. (USPN 4,922,420), issued 05/01/1990, filed 07/23/1987. (herein *Nakagawa*)

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w) Hornbuckle (USPN 5,497,479), issued 03/05/1996, filed 02/28/1995.

(herein *Hornbuckle*)

x) Bakoglu (USPN 5,632,681), issued 05/27/1997, filed 03/07/1995. (herein

Bakoglu)

Additional References

The following reference is added in response to newly added claim limitations:

y) Sanbe (JP Patent Publication H04-32898), published 02/04/1992. (herein

Sanbe)

z) Suzuki (USPN 5,157,643), issued 10/20/1992, filed 06/15/1989. (herein

Suzuki)

aa) Tashiro et al. (USPN 4,998,199), issued 03/05/1991, filed 09/29/1988.

(herein *Tashiro*)

Substantial New Questions of Patentability

Suzuki

Suzuki is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of newly submitted claims 39, 40, 43 and 45 (namely, displaying a scrollable list). These teachings as specifically illustrated were not previously considered in the record of U.S. Patent 6,193,520 and prior art already considered by the Office for the claims of U.S. Patent 6,193,520 is

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viewed in a new light in combination with *Suzuki*. Accordingly, *Suzuki* raises a substantial new question of patentability with respect to claims 39, 40, 43 and 45.

Tashiro

Tashiro is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of newly submitted claim limitations in claims 24 and 44 (namely, displaying a number of players). These teachings as specifically illustrated were not previously considered in the record of U.S. Patent 6,193,520 and prior art already considered by the Office for the claims of U.S. Patent 6,193,520 is viewed in a new light in combination with *Tashiro*. Accordingly, *Tashiro* raises a substantial new question of patentability with respect to claims 24 and 44.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7, 23-24, 26-30, 39 and 41-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations, "first

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clock means for keeping a first predetermined time period after said receiving means receives the transmission”, “second clock means for keeping a second predetermined time period after said executing means starts execution of the program of data processing”, and “interference means for interfering with execution of said executing means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period” (claim 1), are not disclosed in one combined embodiment in the specification as originally filed. In particular, there is no original disclosure of “when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period” (emphasis added). The disclosure lists these as separate embodiments, not as choices in one embodiment. Claim 26 is rejected for the same reason. Correction is required.

Claims 15-21, 23-25, 36, 38 and 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations, “simultaneous interaction” (claim 15), is not disclosed in the specification as originally filed. There is no mention of “simultaneous” at all. Claims 23-25, 36, 38 and 44 are rejected for the same reason. Appropriate correction is required.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 recites a "fourth clock means", a "fourth predetermined time period" and "second clock means", "second predetermined time period". Claim 26 is dependent upon claim 8 which only recites "a clock means" and "a predetermined time period". As such, there is no antecedent basis for the fourth and second clock means and time periods. This claim is interpreted as the instances of "fourth" being replaced with "second". This interpretation allows the claim to make sense and mirror the amendment made to claim 1, which is assumed to be the intent.

Claims 40, 45 and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are improperly dependent upon themselves.

Claim 40 recites the limitations "the communication system according to claim 40" and "the data". There is insufficient antecedent basis for these limitations in the claim. This claim is interpreted as dependent upon claim 39.

Claim 45 recites the limitations "the communication system according to claim 45" and "the data". There is insufficient antecedent basis for these limitations in the claim. This claim is interpreted as dependent upon claim 43.

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Claim 47 recites the limitations "the communication system according to claim 47", "the duration data" and "the second predetermined time period". There is insufficient antecedent basis for these limitations in the claim. This claim is interpreted as dependent upon claim 46.

Claim Rejections - 35 USC § 102

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.

Claims 8 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by *Chernow et al.* (USPN 4,999,806).

Claim 8

Chernow discloses a communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device (*Chernow: column 1, line 67 to column 2, line 2; column 2, lines 22-36*), said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data (*Chernow: column 2, lines 59-64, purchaser at terminal computer executes/enters commands, thus input device; also column 13, lines 10-11*),

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receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility (*Chernow: column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data*),

storage means for storing the program, the data, or a combination of the program and data received by said receiving means (*Chernow: column 3, lines 11-14*),

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device (*Chernow: column 2, line 65 to column 3, line 14, load and execute means*),

clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing (*Chernow: column 2, lines 3-5; column 5, lines 10-19*), and

interference means for interfering with execution of said executing means when said clock means counts said predetermined time period (*Chernow: column 2, lines 3-5; column 5, lines 10-19*); and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means (*Chernow: column 2, lines 22-36; column 8, lines 6-61; column 10, lines 2-13; column 8, line 62 to column 9, line 12; demonstrate storage of host has both program/data and duration data*), and

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sending out means for sending out at least one of the program, the data, and
a combination of the program and data together with the duration data
stored in said storage means to said communication terminal device
(*Chernow: column 2, lines 22-36; column 10, lines 33-46*).

Claim 11

Chernow discloses the communication system according to claim 8, wherein said
interference means comprises means for deleting at least one of the program, the data,
and a combination of the program and data stored in said storage means (*Chernow:*
column 5, lines 16-19).

Claim 12

Chernow discloses the communication system according to claim 8, wherein said
communication terminal device comprises display means having a screen on which the
progress of execution of the program or data processing is displayed (*Chernow: column*
5, lines 65-66), and

said interference means comprises means for blocking the view of what is
displayed on said screen (*Chernow: column 5, lines 16-19*).

Claim 13

Chernow discloses the communication system according to claim 8, wherein said
interference means comprises means for invalidating an operation on said input device

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(Chernow: column 5, lines 16-19, input device operation is invalidated for the execution of the software as the software execution has been blocked, either deleted or unusable, thus input is invalid for the execution of the software).

Claim Rejections - 35 USC § 103

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.

Claims 1, 4-6, 15, 18-20, 22-23, 25-26, 41, 42 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202).

Claim 1

Chernow discloses a communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device (*Chernow: column 1, line 67 to column 2, line 2; column 2, lines 22-36*), said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data (*Chernow: column 2, lines 59-64, purchaser at terminal computer executes/enters commands, thus input device; also column 13, lines 10-11*),

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receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility (*Chernow: column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data*), storage means for storing the program, the data, or a combination of the program and data received by said receiving means (*Chernow: column 3, lines 11-14*), executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device (*Chernow: column 2, line 65 to column 3, line 14, load and execute means*), first clock means for keeping a first predetermined time period after said receiving means receives the transmission, and interference means for interfering with execution of said executing means when said first clock means counts said first predetermined time period (*Chernow: column 2, lines 3-5; column 5, lines 10-19*); and said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the first predetermined time period to be counted by said first clock means (*Chernow: column 2, lines 22-36; column 8, lines 6-61; column 10, lines 2-13; column 8, line 62 to column 9, line 12; demonstrate storage of host has both program/data and duration data*), and

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sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device (*Chernow: column 2, lines 22-36; column 10, lines 33-46*).

Chernow did not explicitly state wherein the receiving means for receiving via wireless transmission. *Tsumura* demonstrated that it was known at the time of invention to transmit information/data wirelessly (*Tsumura: figures 1-3; column 1, line to column 2, line 10; column 4, lines 13-63*). It would have been obvious to one of ordinary skill in the art at the time of invention to construct the software communication device of *Chernow* with protected wireless transmission and reception as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to: 1) prevent unnecessary traffic build up (*Tsumura: column 1, line 65 to column 2, line 2*); and 2) make use of known mechanisms in a known manner to produce predictable results (that is construct a secure software transmission system of *Tsumura*).

Chernow did not explicitly state "second clock means for keeping a second predetermined time period after said executing means starts execution of the program or data processing" and "interference means for interfering with execution of said executing means when ... or said second clock means counts said second predetermined time period". *Tsumura* demonstrated that it was known at the time of

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invention to provide a clock means specifically for tracking a predetermined time period after execution of a program or data processing starts, that is during execution of the software (*Tsumura: column 9, lines 56-65, "in the case of games like role playing games that can take a long time to play ... it would be desirable to incorporate an additional charge facility that would function automatically at fixed intervals during the course of a game"*) and *Tsumura* demonstrated interfering based on this clock means (*Tsumura: column 9, lines 56-65; interference happens when this clock means completes its count and another clock completes its count; therefore, the claim language reads upon the broadest reasonable interpretation*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with blocking/interfering with software execution with an additional clock which counts after the execution means starts and ultimately allows for interference of the execution means base on its count as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*) to expand the usage of the type of game/software/data (*Tsumura: column 9, lines 56-60, "in the case of games like role playing games that can take a long time to play ... it would be desirable to incorporate an additional charge facility that would function automatically at fixed intervals during the course of a game"*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching

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transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 4

Chernow discloses the communication system according to claim 1, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means (*Chernow: column 5, lines 16-19*).

Claim 5

Chernow discloses the communication system according to claim 1, wherein said communication terminal device comprises display means having a screen on which the progress of execution of the program or data processing is displayed (*Chernow: column 5, lines 65-66*), and

said interference means comprises means for blocking the view of what is displayed on said screen (*Chernow: column 5, lines 16-19*).

Claim 6

Chernow discloses the communication system according to claim 1, wherein said interference means comprises means for invalidating the operation of said input device (*Chernow: column 5, lines 16-19, input device operation is invalidated for the execution*

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of the software as the software execution has been blocked, either deleted or unusable, thus input is invalid for the execution of the software).

Claim 15

Chernow discloses a communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device (*Chernow: column 1, line 67 to column 2, line 2; column 2, lines 22-36*), said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data (*Chernow: column 2, lines 59-64, purchaser at terminal computer executes/enters commands, thus input device*),

receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility (*Chernow: column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data*),

storage means for storing the program, the data, or a combination of the program and data received by said receiving means (*Chernow: column 3, lines 11-14*),

executing means for executing the program stored in said storage means or

executing data processing by using the data stored in said storage means, in accordance with instructions from said input device (*Chernow: column 2, line 65 to column 3, line 14, load and execute means*),

clock means for keeping a predetermined time period after said execution means ends the execution of the program or data processing to count a time period

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during which at least one of the program, the data, and a combination of the program and data is continuously unused (*Chernow: column 13, lines 9-13; see also column 5, lines 10-19*), and

interference means for interfering with execution of said executing means when said clock means counts a predetermined time period (*Chernow: column 2, lines 3-5; column 5, lines 10-19*); and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with duration data indicative of the predetermined time period to be counted by said clock means (*Chernow: column 2, lines 22-36; column 8, lines 6-61; column 10, lines 2-13; column 6, line 62 to column 9, line 12; demonstrate storage of host in both program/data and duration data*), and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device (*Chernow: column 2, lines 22-36; column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data; and column 10, lines 33-46*).

Chernow did not explicitly state wherein the receiving means for receiving via wireless transmission. *Tsumura* demonstrated that it was known at the time of invention to transmit information/data wirelessly (*Tsumura: figures 1-3; column 1, line to column 2,*

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line 10; column 4, lines 13-63). It would have been obvious to one of ordinary skill in the art at the time of invention to construct the software communication device of *Chernow* with protected wireless transmission and reception as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to: 1) prevent unnecessary traffic build up (*Tsumura: column 1, line 65 to column 2, line 2*); and 2) make use of known mechanisms in a known manner to produce predictable results (that is construct a secure software transmission system of *Tsumura*).

Chernow did not explicitly state wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players. *Tsumura* demonstrated that it was known at the time of invention for multiple communication terminal devices to be connected and communicating regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22, "each program is designed to facilitate the participation of more than one player, each using his or her own game terminal"*) *Tsumura* demonstrated simultaneous interaction (*Tsumura: column 13, lines 23-42, demonstrates simultaneous though it is not required*

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or assumed) and real-time interaction (*"real-time" is a broad term which is met by virtue of a computer's natural operation, further a computer network communicates in real time, that is at that moment*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple communication terminal devices to communicating as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*) and including role playing games; and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 18

Chernow discloses the communication system according to claim 15, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means (*Chernow: column 5, lines 16-19*).

Claim 19

Chernow discloses the communication system according to claim 15, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed (*Chernow: column 5, lines 65-66*),

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said interference means comprises means for blocking the view of what is displayed on said screen (*Chernow: column 5, lines 16-19*).

Claim 20

Chernow discloses the communication system according to claim 15, wherein said interference means comprises means for invalidating an operation on said input device (*Chernow: column 5, lines 16-19, input device operation is invalidated for the execution of the software as the software execution has been blocked, either deleted or unusable, thus input is invalid for the execution of the software*).

Claim 22

Chernow did not explicitly state the communication system according to claim 8, wherein the receiving means is configured for reception via wireless transmission.

Tsumura demonstrated that it was known at the time of invention to transmit information/data wirelessly (*Tsumura: figures 1-3; column 1, line to column 2, line 10; column 4, lines 13-63*). It would have been obvious to one of ordinary skill in the art at the time of invention to construct the software communication device of *Chernow* with protected wireless transmission and reception as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to: 1) prevent unnecessary traffic build up (*Tsumura: column 1, line 65 to column 2, line 2*); and 2) make use of known mechanisms in a known manner to

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produce predictable results (that is construct a secure software transmission system of *Tsumura*).

Claim 23

Chernow did not explicitly state the communication system according to claim 1, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

Tsumura demonstrated that it was known at the time of invention for multiple communication terminal devices to be connected and communicating regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22, "each program is designed to facilitate the participation of more than one player, each using his or her own game terminal"*) *Tsumura* demonstrated simultaneous interaction (*Tsumura: column 13, lines 23-42, demonstrates simultaneous though it is not required or assumed*) and real-time interaction ("*real-time*" is a broad term which is met by virtue of a computer's natural operation, further a computer network communicates in real time, that is at that moment). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow*

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with multiple communication terminal devices to communicating as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*) and including role playing games; and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 25

Chernow did not explicitly state the communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

Tsumura demonstrated that it was known at the time of invention for multiple communication terminal devices to be connected and communicating regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22, "each program is designed to facilitate the participation of more than one player, each using his or her own game terminal"*) *Tsumura* demonstrated simultaneous interaction (*Tsumura: column 13, lines 23-42, demonstrates simultaneous though it is not required*

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or assumed) and real-time interaction ("*real-time*" is a broad term which is met by virtue of a computer's natural operation, further a computer network communicates in real time, that is at that moment). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple communication terminal devices to communicating as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*) and including role playing games; and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 26

Chernow and *Tsumura* disclose the communication system according to claim 8, further comprising a fourth [interpreted as second] clock means for keeping a fourth [interpreted as second] predetermined time period after said executing means starts execution of the program or data processing and the interference means interferes with execution of said executing means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period (*see claim 1 above*).

Claim 41

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Chernow does not explicitly state the communication system according to claim 1, wherein the duration data further includes data indicative of the second predetermined time period. *Tsumura* demonstrated that it was known at the time of invention to provide a clock means specifically for tracking a predetermined time period after execution of a program or data processing starts, that is during execution of the software (*Tsumura*: column 9, lines 56-65, "in the case of games like role playing games that can take a long time to play ... it would be desirable to incorporate an additional charge facility that would function automatically at fixed intervals during the course of a game") and *Tsumura* demonstrated interfering based on this clock means (*Tsumura*: column 9, lines 56-65; interference happens when this clock means completes its count and another clock completes its count; therefore, the claim language reads upon the broadest reasonable interpretation). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* including storage of the duration data with blocking/interfering with software execution with an additional clock which counts after the execution means starts and ultimately allows for interference of the execution means base on its count as found in *Tsumura*'s teaching and therefore storing a first and second time in the duration data. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura*: column 9, line 58) to expand the usage of the type of game/software/data (*Tsumura*: column 9, lines 56-60, "in the case of games like role playing games that can take a long time to play ... it would be desirable to incorporate an additional charge facility that

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would function automatically at fixed intervals during the course of a game"); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura*: column 3, lines 26-40); ³⁾ to further the goals of selling and distributing software (*Tsumura*: column 1, line 65 to column 2, line 2); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 42

Chernow did not explicitly state the communication system according to claim 1, wherein the communication terminal device further comprises an interface stop instruction means for instructing to stop the interference performed by said interference means in response to payment of an additional charge. *Tsumura* demonstrated that it was known at the time of invention to count a time period after interfering with execution of software (*Tsumura*: column 9, line 56 to column 10, line 4, "predetermined length of time has elapsed") and to block/interfere with software and then cease blocking/interfering (allow the resumption of the software execution, and which demonstrates an interference stop instruction) upon payment of an additional charge within the time period (*Tsumura*: column 9, line 56 to column 10, line 4, "to call for the insertion of an additional fee before a predetermined length of time has elapsed ..."). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering

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upon payment of an additional charge within a counted time period as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 46

Chernow and *Tsumura* disclose the communication system according to claim 8, wherein the communication terminal device further comprises a second clock means for keeping a second predetermined time period after said receiving means receives the transmission (see *claim 1 above*).

Claim 47

Chernow and *Tsumura* disclose the communication system according to claim 47 [interpreted as being dependent upon claim 46], wherein the duration data further includes data indicative of the second predetermined time period (see *claim 41 above*).

Claim 48

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Chernow and *Tsumura* disclose the communication system according to claim 8, wherein the communication terminal device further comprises an interference stop instruction means for instructing to stop the interference performed by said interference means in response to payment of an additional charge (see *claim 42 above*).

Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Kato* (JP 04-10191).

Claim 9

Chernow did not explicitly state the communication system according to claim 8, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

Kato demonstrated that it was known at the time of invention to count a short time period in order to provide an alarm before an action (*Kato*: page 28, last line to page 29, line 3). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the counting and interfering of program/data of *Chernow* with a

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second counting used to alarm a user of an upcoming action (*Chernow's* interference) as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep a user notified/informed of their current status so they can best make decisions regarding purchase or rental (*Chernow*: column 2, lines 2-9, 17-19; *Kato*: page 29, lines 1-3).

Claim 14

Chernow did not explicitly state the communication system according to claim 8, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (*Kato*: page 5, at least first full paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* with sound means according to the execution of the program/data as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to common and known mechanisms (sound) for the progress of execution of programs/data (*Kato*: page 5, at least first full paragraph). As such, *Chernow* and *Kato*

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disclose interference means preventing sound generating means from generating sound
(*Chernow*: column 5, lines 16-19).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Chernow et al. (USPN 4,999,806) in view of *Kato* (JP 04-10191) in further view of
Tsumura (USPN 5,547,202).

Claim 10

Chernow did not explicitly state the communication terminal device according to claim 9,
further comprising:

third clock means for keeping a third predetermined time period after said
interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference
performed by said interference means, and

means for stopping the interference performed by said interference means and
thereby allowing resumption of execution of the program or data processing performed
by said executing means when said interference stop instruction means receives the
instruction before said third clock means counts said third predetermined time period.

Tsumura demonstrated that it was known at the time of invention to count a time period
after interfering with execution of software (*Tsumura*: column 9, line 56 to column 10,
line 4, "predetermined length of time has elapsed") and to block/interfere with software

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and then cease blocking/interfering (allow the resumption of the software execution, and which demonstrates an interference stop instruction) upon payment of an additional charge within the time period (*Tsumura: column 9, line 56 to column 10, line 4, "to call for the insertion of an additional fee before a predetermined length of time has elapsed ..."*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* (and *Kato*) with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge within a counted time period as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 2, 3, 7, 16, 17 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) in further view of *Kato* (JP 04-10191).

Claim 2

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Chernow did not explicitly state the communication system according to claim 1, said communication terminal device further comprising:

third clock means for keeping a third predetermined time period shorter than said first predetermined time period counted by said first clock means, and alarm means for issuing an alarm when said third clock means counts said third predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

Kato demonstrated that it was known at the time of invention to count a short time period in order to provide an alarm before an action (*Kato*: page 28, last line to page 29, line 3). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the counting and interfering of program/data of *Chernow* with a second counting used to alarm a user of an upcoming action (*Chernow's* interference) as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep a user notified/informed of their current status so they can best make decisions regarding purchase or rental (*Chernow*: column 2, lines 2-9, 17-19; *Kato*: page 29, lines 1-3).

Claim 3

Chernow did not explicitly state the communication terminal device according to claim 2, further comprising:

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fourth clock means for keeping a fourth predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said fourth clock means counts said fourth predetermined time period.

Tsumura demonstrated that it was known at the time of invention to count a time period after interfering with execution of software (*Tsumura: column 9, line 56 to column 10, line 4, "predetermined length of time has elapsed"*) and to block/interfere with software and then cease blocking/interfering (allow the resumption of the software execution, and which demonstrates an interference stop instruction) upon payment of an additional charge within the time period (*Tsumura: column 9, line 56 to column 10, line 4, "to call for the insertion of an additional fee before a predetermined length of time has elapsed ..."*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* (and *Kato*) with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge within a counted time period as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to

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incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 7

Chernow did not explicitly state the communication system according to claim 1, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (*Kato: page 5, at least first full paragraph*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* with sound means according to the execution of the program/data as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to common and known mechanisms (sound) for the progress of execution of programs/data (*Kato: page 5, at least first full paragraph*). As such, *Chernow* and *Kato*

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disclose interference means preventing sound generating means from generating sound
(*Chernow*: column 5, lines 16-19).

Claim 16

Chernow did not explicitly state disclose the communication system according to claim 15, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter
than said predetermined time period counted by said clock means, and
alarm means for issuing an alarm when said second clock means counts said
second predetermined time period, and thereby informing that interference by
said interference means with execution of said executing means will soon be
performed.

Kato demonstrated that it was known at the time of invention to count a short time period in order to provide an alarm before an action (*Kato*: page 28, last line to page 29, line 3). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the counting and interfering of program/data of *Chernow* with a second counting used to alarm a user of an upcoming action (*Chernow's* interference) as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep a user notified/informed of their current status so they can best make decisions regarding purchase or rental (*Chernow*: column 2, lines 2-9, 17-19; *Kato*: page 29, lines 1-3).

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Claim 17

Chernow did not explicitly state the communication terminal device according to claim 16, further comprising:

third clock means for keeping a third predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said third clock means counts said third predetermined time period.

Tsumura demonstrated that it was known at the time of invention to count a time period after interfering with execution of software (*Tsumura: column 9, line 56 to column 10, line 4, "predetermined length of time has elapsed"*) and to block/interfere with software and then cease blocking/interfering (allow the resumption of the software execution, and which demonstrates an interference stop instruction) upon payment of an additional charge within the time period (*Tsumura: column 9, line 56 to column 10, line 4, "to call for the insertion of an additional fee before a predetermined length of time has elapsed ..."*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* (and *Kato*) with

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blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge within a counted time period as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 21

Chernow did not explicitly state the communication system according to claim 15, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (*Kato: page 5, at least first full paragraph*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* and *Tsumura* with sound means

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according to the execution of the program/data as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to common and known mechanisms (sound) for the progress of execution of programs/data (*Kato*: page 5, at least first full paragraph). As such, *Chernow*, *Tsumura* and *Kato* disclose interference means preventing sound generating means from generating sound (*Chernow*: column 5, lines 16-19).

Claims 27-29 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) in further view of *Sanbe* (JP Patent Publication H04-32898).

Claim 27

Chernow did not explicitly state the communication system according to claim 1, wherein the software program comprises karaoke data. *Sanbe* demonstrated that it was known at the time of invention to provide karaoke data via transmission (*Sanbe*: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with karaoke data as found in *Sanbe's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: 1) to provided the advantages of no limitations on software or karaoke available and being able to support multiple accesses with a single piece of software or system (*Sanbe*: page 2, right column, "Problem To Be

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Solved By The Invention" section and following paragraph); and 2) by both *Chernow* and *Sanbe* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 28-29

The limitations of claims 28-29 are similar to the limitations of claim 27 and as such are rejected in a similar manner, such that a video game (claim 28) and multimedia audio/video data (claim 29) all read upon karaoke.

Claim 35

Chernow discloses wherein the predetermined time period comprises a time period during which the program, data, or combination of program and data is usable without interference (*Chernow: column 2, lines 2-9*).

Chernow did not explicitly state the communication system according to claim 5, wherein the software program comprises either a video game, karaoke data, or multimedia audio/video data, and still further wherein the interference means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

Sanbe demonstrated that it was known at the time of invention to provide karaoke data via transmission (*Sanbe: page 2, right column, "Problem To Be Solved By The*

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Invention" section and following paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with karaoke data as found in *Sanbe's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: 1) to provided the advantages of no limitations on software or karaoke available and being able to support multiple accesses with a single piece of software or system (*Sanbe: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph*); and 2) by both *Chernow* and *Sanbe* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results. As discussed above (section 112 Rejections), rental period is interpreted as the predetermined time period discussed in claim 1's language.

Tsumura demonstrated that it was known at the time of invention to block/interfere with software and then cease blocking/interfering upon payment of an additional charge (*Tsumura: column 9, line 65 to column 10, line 4*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3,*

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lines 26-40); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 36

Chernow did not explicitly state the communication system according to claim 35, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

Tsumura demonstrated that it was known at the time of invention for multiple communication terminal devices to be connected and communicating regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22, "each program is designed to facilitate the participation of more than one player, each using his or her own game terminal"*) *Tsumura* demonstrated simultaneous interaction (*Tsumura: column 13, lines 23-42, demonstrates simultaneous though it is not required or assumed*) and real-time interaction ("*real-time*" is a broad term which is met by virtue of a computer's natural operation, further a computer network communicates in real

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time, that is at that moment). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple communication terminal devices to communicating as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*) and including role playing games; and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Sanbe* (JP Patent Publication H04-32898).

Claim 31

Chernow did not explicitly state the communication system according to claim 8, wherein the software program comprises karaoke data. *Sanbe* demonstrated that it was known at the time of invention to provide karaoke data via transmission (*Sanbe: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with karaoke data as found in *Sanbe's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: 1) to provided the advantages of no limitations on software or karaoke available and being able to support multiple accesses

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with a single piece of software or system (*Sanbe*: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph); and 2) by both *Chernow* and *Sanbe* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 32-33

The limitations of claims 32-33 are similar to the limitations of claim 31 and as such are rejected in a similar manner, such that a video game (claim 32) and multimedia audio/video data (claim 33) all read upon karaoke.

Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Sanbe* (JP Patent Publication H04-32898) in further view of *Tsumura* (USPN 5,547,202).

Claim 37

Chernow discloses wherein the predetermined time period comprises a time period during which the program, data, or combination of program and data is usable without interference (*Chernow*: column 2, lines 2-9).

Chernow did not explicitly state the communication system according to claim 5, wherein the software program comprises either a video game, karaoke data, or multimedia audio/video data, and still further wherein the interference means is

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configured to cease blocking the view on the screen in response to a payment of an additional charge.

Sanbe demonstrated that it was known at the time of invention to provide karaoke data via transmission (*Sanbe: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with karaoke data as found in *Sanbe's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: 1) to provided the advantages of no limitations on software or karaoke. available and being able to support multiple accesses with a single piece of software or system (*Sanbe: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph*); and 2) by both *Chernow* and *Sanbe* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Tsumura demonstrated that it was known at the time of invention to block/interfere with software and then cease blocking/interfering upon payment of an additional charge (*Tsumura: column 9, line 65 to column 10, line 4*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge

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as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 38

Chernow did not explicitly state the communication system according to claim 37, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

Tsumura demonstrated that it was known at the time of invention for multiple communication terminal devices to be connected and communicating regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22*, "each program is designed to facilitate the participation of more than one player, each

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using his or her own game terminal") Tsumura demonstrated simultaneous interaction (Tsumura: column 13, lines 23-42, demonstrates simultaneous though it is not required or assumed) and real-time interaction ("real-time" is a broad term which is met by virtue of a computer's natural operation, further a computer network communicates in real time, that is at that moment). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of Chernow with multiple communication terminal devices to communicating as found in Tsumura's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (Tsumura: column 3, lines 33-40) and including role playing games; and by both Chernow and Tsumura teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chernow et al. (USPN 4,999,806) in view of Tsumura (USPN 5,547,202) in view of Sanbe (JP Patent Publication H04-32898) and in further view of Kaniwa et al. (USPN 5,699,370).

Claim 30

Chernow did not explicitly state the communication system according to claim 29, wherein the multimedia audio/video data comprises a movie. Kaniwa demonstrated that it was known at the time of invention to distribute software such as MPEGs or motion

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images/pictures, movies (*Kaniwa: column 1, lines 43-50; figure 1, MPEG*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with movies/MPEGs as found in *Kaniwa's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ to make use of an efficient and therefore desirable type of software, MPEG (*Kaniwa: column 1, lines 43-50*); and ²⁾ by both *Chernow* and *Kaniwa* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Sanbe* (JP Patent Publication H04-32898) and in further view of *Kaniwa et al.* (USPN 5,699,370).

Claim 34

Chernow did not explicitly state the communication system according to claim 33, wherein the multimedia audio/video data comprises a movie. *Kaniwa* demonstrated that it was known at the time of invention to distribute software such as MPEGs or motion images/pictures, movies (*Kaniwa: column 1, lines 43-50; figure 1, MPEG*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with movies/MPEGs as found in *Kaniwa's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ to make use of an efficient and therefore desirable type

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of software, MPEG (*Kaniwa: column 1, lines 43-50*); and ²⁾ by both *Chernow* and *Kaniwa* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) and in further view of *Suzuki* (USPN 5,157,643).

Claim 39

Chernow does not explicitly state the communication system according to claim 1, wherein the communication terminal device further comprises a display means for displaying one of the program and data via a scrollable list, the scrollable list respectively displaying a plurality of available programs or data stored at the host facility. *Suzuki* demonstrates that it was known at the time of invention to display selectable items on a screen in a scrollable list (*Suzuki: column 5, lines 22-31 and 53-64; column 6, lines 3-15; column 8, lines 14-17*), the list displaying programs or data stored at the host (*Suzuki: column 4, lines 44-63; figure 1*). *Tsumura* discloses a list displaying programs or data stored at the host (*Tsumura: column 5, lines 18-23; column 5, line 54 to column 6, line 10*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the communication system of *Chernow* with scrollable list for selection purposes as found in *Suzuki* and *Tsumura's* teachings. This implementation would have been obvious because one of ordinary skill in the art would

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have found the implementation is the application of a known technique to an acceptable piece of prior art to produce predictable results.

Claim 40

Chernow, *Tsumura* and *Suzuki* disclose the communication system according to claim 40 [interpreted as being dependent upon claim 39], wherein the data comprises map data (*Tsumura*: column 5, lines 21-23).

Claims 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Suzuki* (USPN 5,157,643).

Claim 43

Chernow does not explicitly state the communication system according to claim 8, wherein the communication terminal device further comprises a display means for displaying one of the program and data via a scrollable list, the scrollable list respectively displaying a plurality of available programs or data stored at the host facility. *Suzuki* demonstrates that it was known at the time of invention to display selectable items on a screen in a scrollable list (*Suzuki*: column 5, lines 22-31 and 53-64; column 6, lines 3-15; column 8, lines 14-17), the list displaying programs or data stored at the host (*Suzuki*: column 4, lines 44-63; figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the communication system of *Chernow* with scrollable list for selection purposes as found in *Suzuki*'s

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teachings. This implementation would have been obvious because one of ordinary skill in the art would have found the implementation is the application of a known technique to an acceptable piece of prior art to produce predictable results.

Claim 45

Chernow and *Suzuki* disclose the communication system according to claim 45 [interpreted as being dependent upon claim 43], wherein the data comprises map data (*Tsumura*: column 5, lines 21-23).

Claims 24 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) and in further view of *Tashiro* et al. (USPN 4,998,199).

Claim 24

Chernow and *Tsumura* did not explicitly state the communication system according to claim 23, wherein the communication terminal device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices. *Tashiro* demonstrated that it was known at the time of invention to display a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices (*Tashiro*: column 6, lines 1-5; figure 7; column 6, lines 29-33). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the game system of

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Chernow and *Tsumura* with display of a number of players in a real-time interactive communication as found in *Tashiro's* teaching. This implementation would have been obvious because one of ordinary skill in the art would have found the implementation is the application of a known technique to an acceptable piece of prior art in order to produce predictable results.

Claim 44

Chernow does not explicitly state the communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or combination of the program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players, and the communication terminal device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices.

Tsumura demonstrated that it was known at the time of invention for multiple communication terminal devices to be connected and communicating regarding software (*Tsumura*: column 3, lines 33-40; column 12, line 62 to column 13, line 22,

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"each program is designed to facilitate the participation of more than one player, each using his or her own game terminal") Tsumura demonstrated simultaneous interaction (Tsumura: column 13, lines 23-42, demonstrates simultaneous though it is not required or assumed) and real-time interaction ("real-time" is a broad term which is met by virtue of a computer's natural operation, further a computer network communicates in real time, that is at that moment). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple communication terminal devices to communicating as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*) and including role playing games; and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Tashiro demonstrated that it was known at the time of invention to display a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices (*Tashiro: column 6, lines 1-5; figure 7; column 6, lines 29-33*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the game system of *Chernow* and *Tsumura* with display of a number of players in a real-time interactive communication as found in *Tashiro's* teaching. This implementation would have been obvious because one of ordinary skill in the art would have found the implementation is the application of a

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known technique to an acceptable piece of prior art in order to produce predictable results.

Response to Arguments

Patent Owner's arguments filed 11/22/2010 have been fully considered but they are not persuasive.

Patent Owner argues, with regard to claim 8, "Cherenow reference fails to recite ... 'clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing'" (Response 11/22/2010 pages 14-16).

Response. The broadest reasonable interpretation of the claim language "a predetermined time period after said executing means starts execution" is disclosed by showing a time period that merely encompasses "after said executing means starts execution". A clock means that keeps a time period that includes the time before execution starts and the time after execution starts (for example a time period that runs through this entire range) still keeps a time period after said execution means starts execution. The claim language does not state "initiating a measure time period based on the execution of software".

Chernow discloses a clock/counting means for counting a predetermined time period at least through the phrases, "... to rent the protected software for a period of time ..." and "When leased software is used, a periodic update of the time remaining

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under lease is encryptically recorded ..." (as cited above under the rejection). This covers the entire time of rental for the software including for before and for a predetermined time after execution (a recorded remaining amount of time after an execution/use is a predetermined time still needing to be counted/clocked). Patent Owner's point that the "after said execution means starts" will never occur if execution is not actually evoked is not convincing. The cited reference does start execution (even if not every time, at least once, as this is the point of renting the software) and as such times the claim language reads upon *Chernow*.

This argument is not persuasive.

Patent Owner argues, with regard to claims 11-13, *Chernow* fails to disclose "wherein said interference means comprises means for invalidating the operation on said input device" (*Response 11/22/2010: pages 16-17*).

Response. The new claim amendment for claim 13 states, "invalidating an operation on said input device". If a software is rendered unusable or erased, any operation on or from an input device to or for the unusable/erased software would be invalidated. An input single in attempt to communicate with an unusable/erased software is necessarily invalid.

This argument is not persuasive.

Patent Owner argues, with regard to claim 1, none of the cited references teach or suggest evaluating the usable duration of the program or data against

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two different time periods based on two different initiating events (*Response 11/22/2010: page 17*).

Response. This point is addressed under the rejections in response to the amendment.

Patent Owner argues, with regard to claims 4-6, the prior art fails to disclose "wherein said interference means comprises means for invalidating the operation on said input device" (*Response 11/22/2010: page 18*).

Response. The claim 6 states, "invalidating the operation of said input device". If a software is rendered unusable or erased, any operation on or from an input device to or for the unusable/erased software would be invalidated. An input single in attempt to communicate with an unusable/erased software is necessarily invalid.

This argument is not persuasive.

Patent Owner argues, with regard to claim 15, there is no teaching or suggestion in *Chernow* of a time period that is based on after execution ends and/or the program or data is being continuously unused. (*Response 11/22/2010: page 18-19*).

Response. Similar to the above discussion for claim 1, the broadest reasonable interpretation of the claim language "a predetermined time period after said execution means ends ... to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused" is disclosed

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by showing a time period that merely encompasses "after said executing means ends and program or data is continuously unused". A clock means that keeps a time period that includes the time before execution starts/ends and the time after execution starts/ends (for example a time period that runs through this entire range) still keeps a time period after said execution means ends execution. The claim language does not state "initiating a measure time period based on the execution of software".

Chernow discloses a clock/counting means for counting a predetermined time period at least through the phrases, "... to rent the protected software for a period of time ..." and "When leased software is used, a periodic update of the time remaining under lease is encryptically recorded ..." (as cited above under the rejection). This covers the entire time of rental for the software including the sub-periods of before and after execution (a recorded remaining amount of time after an execution/use is a predetermined time still needing to be counted/clocked) and the sub-period of time when software is not being used (such as after the last execution).

This argument is not persuasive.

Patent Owner argues, with regard to claim 15, real-time interactive communication between communication terminals is nowhere taught or suggested by and of the art of record. (Response 11/22/2010: page 19-21).

Response. Please refer to the modified rejections that take into account the amended claims.

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Patent Owner argues, with regard to claims 18-20 and 22-26, the cited prior art fails to disclose "wherein said interference means comprises means for invalidating the operation on said input device" in claim 20 (*Response 11/22/2010: page 21*).

Response. The new claim amendment for claim 20 states, "invalidating an operation on said input device". If a software is rendered unusable or erased, any operation on or from an input device to or for the unusable/erased software would be invalidated. An input single in attempt to communicate with an unusable/erased software is necessarily invalid.

This argument is not persuasive.

Patent Owner argues, with regard to claims 18-20 and 22-26, the cited prior art fails to disclose "said interference means comprises means for blocking the view of what is displayed on said screen" in claim 19 (*Response 11/22/2010: pages 21-22*).

Response. *Chernow* does disclose the claim limitation in question. In particular, the cited reference teaches "interfering with the execution of said executing means by blocking the view on the screen" (*Chernow: column 2, lines 3-5; column 5, lines 10-19*). *Chernow* explicitly states, "the software renders itself unusable or erases itself from the user's disk". This is a form of interfering with execution (software that is unusable or erased necessarily is an interference with execution). This is also a form of blocking the

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view (software that is unusable or erased cannot have its progress be further viewed on the screen).

It is important to note the claim language does not specify the level of destructivity. The question is whether the claim language reads upon the cited prior art, *Chernow*. The level of destruction or inconvenience (annoyance) found in the cited prior art is not the question as this has nothing to do with the claimed invention.

As to the alleged hindsight, it is assumed the Patent Owner is referring to the following comments made in the previous office action: "Patentee's newly proposed claim 12 language seems to agree with the plausibility such a finding for the claim 1 language. Claims 4, 11 and 18 also confirm the claim language for interference is meant to read upon deletion". This isn't hindsight, but merely an attempt to demonstrate the broadest reasonable interpretation of the limitation "interference means comprises means for blocking the view of what is displayed" is consistent with the explicit teachings of the Patent Owner's own disclosure.

Therefore, this argument is not persuasive.

Patent Owner argues, with regard to claims 18-20 and 22-26, the cited prior art fails to disclose "real-time interactive communication" in claims 23 and 25 (Response 11/22/2010: page 22).

Response. Please refer to the modified rejections that take into account the amended claims.

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Patent Owner argues, with regard to claims 18-20 and 22-26, the cited prior art fails to disclose "the communication terminal device displays a number of players who can participate in the real-time interactive communication" in claim 24 (*Response 11/22/2010: page 23*).

Response. Please refer to the modified rejections that take into account the amended claims.

Patent Owner argues, with regard to claims 9 and 14, *Chernow* fails to disclose "interference means comprises means for preventing said sound generating means from generating the sound" in claim 14 (*Response 11/22/2010: pages 23-24*).

Response. Patent Owner does not deny *Kato*'s disclosure of software making use of sound as a part of its progress. Nor does the Patent Owner deny the obvious combination of *Chernow* and *Kato*. Upon such acceptance, *Chernow* prevents sound generation by a software, when it renders that software unusable or erased.

Therefore, this argument is not persuasive.

Patent Owner argues, with regard to claims 10; 2, 3, 7, 16, 17 and 21; 27-29 and 35-36; 31-33, similar arguments to those above or dependent to those above. (*Response 11/22/2010: pages 24-26*).

Response. Patent Owner is directed to the above response to arguments and rejections.

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Conclusion

THIS ACTION IS MADE FINAL.

A shortened statutory period for response to this action is set to expire 1 from the mailing date of this action.

Extensions of time under 37 CFR 1.136(a) do not apply in reexamination proceedings. The provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Further, in 35 U.S.C. 305 and in 37 CFR 1.550(a), it is required that reexamination proceedings "will be conducted with special dispatch within the Office."

Extensions of time in reexamination proceedings are provided for in 37 CFR 1.550(c). A request for extension of time must be filed on or before the day on which a response to this action is due, and it must be accompanied by the petition fee set forth in 37 CFR 1.17(g). The mere filing of a request will not effect any extension of time. An extension of time will be granted only for sufficient cause, and for a reasonable time specified.

The filing of a timely first response to this final rejection will be construed as including a request to extend the shortened statutory period for an additional month, which will be granted even if previous extensions have been granted. In no event however, will the statutory period for response expire later than SIX MONTHS from the mailing date of the final action. See MPEP § 2265.

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Important Reexamination Notices

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Service of Papers

After filing of a request for *ex parte* reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. The document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

Amendment To Reexamination Proceedings

Patent Owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c). See MPEP 2250.

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In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced. See MPEP 2250 (IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Litigation Reminder

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,193,520 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,193,520 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Art Unit: 3992

Correspondence Information

All correspondence relating to this *ex parte* reexamination proceeding should be directed:

By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding should be directed to the Central Reexamination Unit at telephone number (571)272-7705.

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/William H. Wood/
Primary Examiner, Art Unit 3992
June 30, 2011

Conferees:
/Sam Rimell/
Primary Examiner, Art Unit 3992

ESK

Notice of References Cited	Application/Control No. 90/010,668 / 90,009,524		Applicant(s)/Patent Under Reexamination 6193520	
	Examiner WILLIAM H. WOOD		Art Unit 3992	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,157,643	10-1992	Suzuki, Tsutomu	369/30.3
*	B	US-4,998,199	03-1991	Tashiro et al.	463/29
	C	US-			
	D	US-			
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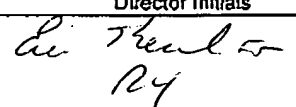
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Reexamination 	Application/Control No.	Applicant(s)/Patent Under Reexamination
	90010666 / 90/009,524 Certificate Date	6193520 Certificate Number

Requester Correspondence Address: ☐ Patent Owner ☒ Third Party
Joseph T. Jakubek One World Trade Center Suite 1600 121 S.W. Salmon Street Portland, Oregon 97204

LITIGATION REVIEW ☒	WWW/ (examiner Initials)	07/01/2011 (date)
Case Name	Director Initials	
ADC Technology Inc v Microsoft Corp et al		

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1. 90/010,666 merged with 90/009,524	

Reexamination 	Application/Control No.	Applicant(s)/Patent Under Reexamination
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COPENDING OFFICE PROCEEDINGS	
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Litigation Search Report CRU 3999

Reexam Control No. 90/010,666

TO: Examiner
Location: CRU
Art Unit: 3999
Date: 05/09/2011

From: Shanette Brown
Location: CRU 3999
MDW 07C71
Phone: (571) 272-6632
Shanett.Brown@uspto.gov

Search Notes

RE: 90/010,666 – **NO** Litigation was found for US Patent Number: 7,462,489

Sources:

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Date of Printing: May 04, 2011

KEYCITE**C US PAT 7462489 METHODS FOR IDENTIFYING AND ANALYZING BIOMARKERS FROM PLASMA-DERIVED MICROPARTICLES, (Dec 09, 2008)****History****Direct History**

=> **1 METHODS FOR IDENTIFYING AND ANALYZING BIOMARKERS FROM PLASMA-DERIVED MICROPARTICLES, US PAT 7462489, 2008 WL 5145131 (U.S. PTO Utility Dec 09, 2008) (NO. 11/935048)**

Patent Family

2 IDENTIFYING CANDIDATE BIOMARKERS IN PLASMA MICROPARTICLE SUBPROTEOME, COMPRISES ISOLATING PROTEINS FROM BLOOD PLASMA MICROPARTICLES, IDENTIFYING PROTEINS, APPLYING STATISTICAL TEST, AND DETERMINING PRESENCE OF BIOMARKERS, Derwent World Patents Legal 2008-H46739

Prior Art (Coverage Begins 1976)

- C 3 DETECTION OF COMPLEXES WHICH INCLUDE BASEMENT MEMBRANE COMPONENTS AS DIAGNOSTIC OF CANCER AND OTHER DISEASES, US PAT 5512657 Assignee: Bainbridge Sciences, Inc., (U.S. PTO Utility 1996)**
- C 4 ISOTOPE DISTRIBUTION ENCODED TAGS FOR PROTEIN IDENTIFICATION, US PAT 6629040 Assignee: University of Washington, (U.S. PTO Utility 2003)**
- C 5 MICROMACHINED FLUID ANALYSIS DEVICE AND METHOD, US PAT 6637257 Assignee: Integrated Sensing Systems, (U.S. PTO Utility 2003)**

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935048 (11) 7462489 December 9, 2008

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July 17, 2008

Methods for identifying and analyzing biomarkers from plasma-derived microparticles

APPL-NO: 935048 (11)

FILED-DATE: November 5, 2007

GRANTED-DATE: December 9, 2008

ASSIGNEE-AT-ISSUE:

LEY KLAUS F

SMALLEY DAVID M

CORE TERMS: protein, plasma, peptide, platelet, microparticle, cell, sample, biomarker, spectral, disease, novel, complement, fraction, blood, detected, disorder, enriched, acid, gel, minutes, plasma-derived, spectra, platelet-derived, centrifugation, fluid, ratio, blood samples, tissue samples, quantitation, compound

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11/22/10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	)	Title:	Interactive Communication System
Takeya Okamoto	)		for Communicating Video Game
	)		and Karaoke Software
Control Nos.: 90/009,524 &	)	Patent No.:	6,193,520
90/010,666	)	Art Unit:	3992
Reexam Filed: 08/17/2009	)	Examiner:	William H. Wood

AMENDMENT AND RESPONSE**Mail Stop "Ex Parte Reexam"**

Attn: Central Reexamination Unit
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This is an *ex parte* reexamination of U.S. Patent No. 6,193,520, Control No. 90/009,524 (hereafter the '520 Patent). This proceeding has been merged with a third party reexamination request Control No. 90/010,666.

This paper is responsive to the Office Action issued on October 13, 2010. Please enter the following claim amendments and consider the appended remarks.

Claim amendments begin on Page 2 of this paper.

Remarks begin on Page 13 of this paper.

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Signed: 

Anne Smith

Dated: November 15, 2010

Copied from 90009524 on 12/07/2010

IN THE CLAIMS

Please amend the claims as follows:

1. (TWICE AMENDED) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:
 - an input device for inputting instructions to execute the program or to process the data,
 - receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,
 - storage means for storing the program, the data, or a combination of the program and data received by said receiving means,
 - executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,
 - first clock means for keeping a first predetermined time period after said receiving means receives the transmission,
 - second clock means for keeping a second predetermined time period after said executing means starts execution of the program or data processing; and
 - interference means for interfering with execution of said executing means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period; and
 - said host facility comprising:
 - storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the first predetermined time period to be counted by said first clock means, and
 - sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.

2. (ONCE AMENDED) The communication system according to claim 1, said communication terminal device further comprising:

[second]third clock means for keeping a [second]third predetermined time period shorter than said first predetermined time period counted by said first clock means, and

alarm means for issuing an alarm when said [second]third clock means counts said [second]third predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

3. (ONCE AMENDED) The communication terminal device according to claim 2, further comprising:

[third]fourth clock means for keeping a [third]fourth predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said [third]fourth clock means counts said [third]fourth predetermined time period.

4. (ORIGINAL) The communication system according to claim 1, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.

5. (ORIGINAL) The communication system according to claim 1, wherein said communication terminal device comprises display means having a screen on which the progress of execution of the program or data processing is displayed, and said interference means comprises means for blocking the view of what is displayed on said screen.

6. (ORIGINAL) The communication system according to claim 1, wherein said interference means comprises means for invalidating the operation of said input device.

7. (ORIGINAL) The communication system according to claim 1, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

8. (ORIGINAL) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data, receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing, and

interference means for interfering with execution of said executing means when said clock means counts said predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.

9. (ORIGINAL) The communication system according to claim 8, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and

alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

10. (ORIGINAL) The communication terminal device according to claim 9, further comprising:

third clock means for keeping a third predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said third clock means counts said third predetermined time period.

11. (ORIGINAL) The communication system according to claim 8, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.

12. (ORIGINAL) The communication system according to claim 8, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed,

said interference means comprises means for blocking the view of what is displayed on said screen.

13. (ONCE AMENDED) The communication system according to claim 8, wherein said interference means comprises means for invalidating [the operation of] an operation on said input device.

14. (ORIGINAL) The communication system according to claim 8, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

15. (TWICE AMENDED) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data, receiving means for receiving, via wireless transmission, one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

clock means for keeping a predetermined time period after said execution means ends the execution of the program or data processing to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused, and

interference means for interfering with execution of said executing means when said clock means counts a predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device, and

wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

16. (ORIGINAL) The communication system according to claim 15, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and

alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

17. (ORIGINAL) The communication terminal device according to claim 16, further comprising:

third clock means for keeping a third predetermined period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said third clock means counts said third predetermined time period.

18. (ORIGINAL) The communication system according to claim 15, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.

19. (ORIGINAL) The communication system according to claim 15, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed, said interference means comprises means for blocking the view of what is displayed on said screen.

20. (ONCE AMENDED) The communication system according to claim 15, wherein said interference means comprises means for invalidating [the operation of] an operation on said input device.

21. (ORIGINAL) The communication system according to claim 15, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Please insert the following NEW claims:

22. (NEW) The communication system according to claim 8, wherein the receiving means is configured for reception via wireless transmission.

23. (NEW) The communication system according to claim 1, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

24. (NEW) The communication system according to claim 23, wherein the communication terminal device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices.

25. (NEW) The communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

26. (NEW) The communication system according to claim 8, further comprising a fourth clock means for keeping a fourth predetermined time period after said executing means starts execution of the program or data processing and the interference means interferes with execution of said executing means when said first clock means counts said first predetermined time period or said second clock means counts said second predetermined time period.

27. (NEW) The communication system according to claim 1, wherein the data comprises karaoke data.

28. (NEW) The communication system according to claim 1, wherein the program comprises a video game.

29. (NEW) The communication system according to claim 1, wherein the data comprises multimedia audio/video data.

30. (NEW) The communication system according to claim 29, wherein the multimedia audio/video data comprises a movie.

31. (NEW) The communication system according to claim 8, wherein the data comprises karaoke data.

32. (NEW) The communication system according to claim 8, wherein the program comprises a video game.

33. (NEW) The communication system according to claim 8, wherein the data comprises multimedia audio/video data.

34. (NEW) The communication system according to claim 33, wherein the multimedia audio/video data comprises a movie.

35. (NEW) The communication system according to claim 5, wherein the program, the data, or the combination of program and data comprises either a video game, karaoke data, or multimedia audio/video data, and further wherein the first predetermined time period comprises a time period during which the program, data, or combination of program and data is usable without interference, and still further wherein the interference means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

36. (NEW) The communication system according to claim 35, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

37. (NEW) The communication system according to claim 12, wherein the program, the data, or the combination of program and data comprises either a video game, karaoke data, or multimedia audio/video data, and further wherein the first predetermined time period comprises a time period during which the program, data, or combination of program and data is usable

without interference, and still further wherein the interference means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

38. (NEW) The communication system according to claim 37, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the software program to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players.

39. (NEW) The communication system according to claim 1, wherein the communication terminal device further comprises a display means for displaying one of the program and data via a scrollable list, the scrollable list respectively displaying a plurality of available programs or data stored at the host facility.

40. (NEW) The communication system according to claim 40, wherein the data comprises map data.

41. (NEW) The communication system according to claim 1, wherein the duration data further includes data indicative of the second predetermined time period.

42. (NEW) The communication system according to claim 1, wherein the communication terminal device further comprises an interference stop instruction means for instructing to stop the interference performed by said interference means in response to payment of an additional charge.

43. (NEW) The communication system according to claim 8, wherein the communication terminal device further comprises a display means for displaying one of the program and data via a scrollable list, the scrollable list respectively displaying a plurality of available programs or data stored at the host facility.

44. (NEW) The communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate real-time interactive communication between the at least two communication terminal devices regarding the program, the data, or combination of the program and data to support simultaneous interaction among a plurality of players executing the same program on the at least two communication terminal devices, each communication terminal device being associated with one of the plurality of players, and the communication terminal device displays a number of players who can participate in the real-time interactive communication between the at least two communication terminal devices.

45. (NEW) The communication system according to claim 45, wherein the data comprises map data.

46. (NEW) The communication system according to claim 8, wherein the communication terminal device further comprises a second clock means for keeping a second predetermined time period after said receiving means receives the transmission.

47. (NEW) The communication system according to claim 47, wherein the duration data further includes data indicative of the second predetermined time period.

48. (NEW) The communication system according to claim 8, wherein the communication terminal device further comprises an interference stop instruction means for instructing to stop the interference performed by said interference means in response to payment of an additional charge.

REMARKS

U.S. Patent 6,193,520 includes claims 1-21. Only claims 1, 2, 4, 5, 7-9, 11, 12, 14-16, 18, 19, and 21 of the '520 Patent were originally subject to the reexamination proceeding. The Examiner added claims 3, 6, 10, 13, 17, and 20 to the reexamination proceeding in the present Office Action dated October 13, 2010. Thus, claims 1-38 are subject to reexamination. All the claims that are subject to reexamination stand rejected either as anticipated or obvious in view of the art of record.

New claims 22-38 were added by amendment in a prior paper. In addition to claims 22-38, additional new claims 39-49 have been added by amendment in this paper. Support for the new claims is as set forth below.

No new independent claims have been added. After the addition of the new claims, the total number of claims exceeds the previous number, 38, of paid claims. Accordingly, an additional claims fee of \$26 per added new claim is owed for a total new claims fee of \$286. A check is attached to this paper for the new claims fee.

Rejections Under 35 U.S.C. § 112

Claims 35-38 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 35 and 37 have been amended to clarify the time period. Claims 36 and 38 depend from Claim 35 and 37, respectively.

Claims 33-38 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention. Claims 33, 35, and 37 have been amended. Claims 34, 36, and 38 depend from Claims 33, 35, and 37, respectively.

Rejections Under 35 U.S.C. § 102

Claims 8 and 11-13 were rejected as being anticipated by *Chernow* (USP 4,999,806). Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed below.

Claim 8

The Office Action erroneously stated that the *Chernow* reference teaches each limitation recited in Claim 8. Patent Owner contends that the *Chernow* reference fails to recite several limitations, such as "clock means for keeping a predetermined time period **after said executing means starts execution** of the program or data processing" (emphasis added). The Office Action indicates that this limitation is found in *Chernow* at column 2, lines 3-5 and column 5, lines 10-19. Both of these passages are copied below for convenience:

Another object of this invention is to permit the purchaser to rent the protected software for a period of
5 time after which it will self destruct.

The term of use for the leased software can either be 10
a period of time or a number of runs. The specific information can be encryptically stored within the leased software. When leased software is used, the number of runs remaining under lease or a periodic update of the time remaining under lease is encryptically recorded 15
within the program image in memory and on disk. At the conclusion of the term of use, the software renders itself unusable or erases itself from the user's disk.

In the first cited passage, *Chernow* discloses that a purchaser can rent protected software for a period of time after which it will self destruct. The second cited passage discloses that the term of use for the leased software can either be a period of time or a number of runs. The period of

time or number of runs can be encryptically stored within the leased software. At the conclusion of the term of use, the software renders itself unusable or erases itself from the user's disk. Neither cited passage in *Chernow* teaches or suggests "keeping a predetermined time period after said executing means starts execution". Instead, *Chernow* discloses that either a period of time or number of runs determines the term of use for the leased software. In contrast, in accordance with the Claim 8, the interference means would not interfere with execution of the program or data processing if execution was not started. This is not taught or suggested in *Chernow*. In fact, the general nature of the *Chernow* reference is toward a strict time period over which the purchaser has absolutely no control, which teaches away from a time period that is tolled until actual execution begins. In contrast, *Chernow* clearly discloses that the time period is based on a "time remaining under lease" or "the number of runs remaining under lease". The recited feature of Claim 8 enables the purchaser to retrieve the program yet not begin playing the program until a later time, without fear that the limited time period will expire before the purchaser can enjoy the program. See., e.g., '520 Patent at column 11, lines 36-41. Such a feature is nowhere taught or suggested by the art of record.

In the Office Action, the Examiner states that "*Chernow* further demonstrates running/executing software during the time period" and that because the time period covers both before and after the start of execution, *Chernow* teaches this element of the claimed invention. Office Action at page 41. Patent Owner strongly disagrees. The mere fact that the time period taught in *Chernow* covers both before and after the start of execution in no way teaches or suggests "keeping a predetermined time period **after said executing means starts execution** of the program or data." The limitation in Claim 8 measures a time period that begins when the software is first executed. This time period is quite different from the time period disclosed in *Chernow*. Indeed, there is no logical connection between initiating a measured time period

based on the execution of software and merely executing software during a time period. For at least this additional reason, the rejection is improper.

Therefore, for at least any one of the above reasons, *Chernow*, with any permissible combination of prior art of record, does not teach or suggest Claim 8.

Claims 11, 12, and 13

For at least any of the reasons discussed above for Claim 8, its dependent Claims 11-13, are patentable over the art of record, and Patent Owner respectfully requests withdrawal of the rejection. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*. For example, Claim 13 recites "wherein said interference means comprises means for invalidating the operation on said input device." The Office Action indicates that this limitation is found in *Chernow* at column 5, lines 16-19. For convenience, this passage is copied below:

runs remaining under lease or a periodic update of the time remaining under lease is encryptically recorded within the program image in memory and on disk. At the conclusion of the term of use, the software renders itself unusable or erases itself from the user's disk. 15

One will note that the cited passage discloses "the software renders itself unusable or erases itself from the user's disk." In contrast, amended Claim 13 recites "invalidating an operation on said input device." The Office Action states that the "**input device operation is invalidated** for the execution of the software as the software execution has been blocked, either deleted or unusable, thus **input** is invalid for the execution of the software." Patent Owner contends that the Office Action mistakenly associates "operation" with "execution" of the software, and then concludes that if execution is blocked, input to the blocked software is

invalid. However, Claim 13 has been amended to clarify what is invalidated, namely "an operation on said input device". Support for the amendment is found, at least, at column 10, lines 34-44 of the '520 Patent. An example of "invalidating an operation on said input device" is rejecting signals from the input device.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Tsumura*)

Claims 1, 4-6, 15, 18-20, and 22-26 were rejected as being unpatentable over *Chernow* in view of *Tsumura* (USP 5,547,202). Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed below.

Claim 1

Claim 1 has been amended to recite a first clock means and a second clock means. The first clock means for "keeping a first predetermined time period **after said receiving means receives the transmission**" and the second clock means for "keeping a second predetermined time period **after said executing means starts execution of the program or data processing.**" As discussed above for Claim 8, *Chernow* does not teach or suggest keeping a predetermined time period **after said executing means starts execution**. Instead, *Chernow* clearly discloses that the time period is based on a "time remaining under lease" or "the number of runs remaining under lease". Furthermore, none of the cited references teach or suggest evaluating the usable duration of the program or data against two different time periods based on two different initiating events.

Therefore, for at least any one of the above reasons, *Chernow*, with any permissible combination of prior art of record, including *Tsumura*, does not teach or suggest Claim 1.

Claims 4, 5, and 6

For at least any one of the reasons discussed above for Claim 1, its dependent Claims 4-6, are patentable over the art of record, and Patent Owner respectfully requests withdrawal of the rejection. In addition, both claims recite additional limitations that are not taught or suggested by *Chernow*. For example, Claim 6 recites "wherein said interference means comprises means for invalidating an operation on said input device." As discussed above for Claim 13, the Patent Owner contends that the Office Action mistakenly associates "operation" with "execution" of the software, and then concludes that if execution is blocked, input to the blocked software is invalid. However, Claim 13 has been amended to clarify what is invalidated, namely "an operation on said input device". Support for the amendment is found, at least, at column 10, lines 34-44 of the '520 Patent. An example of "invalidating an operation on said input device" is rejecting signals from the input device.

Claim 15

Claim 15, an independent claim, stands rejected under 35 U.S.C. § 103 as anticipated by *Chernow* in view of *Tsumura*. Claim 15 has been amended, and Patent Owner submits that Claim 15 is in patentable condition.

Claim 15 recites "a clock means for keeping **a predetermined time period after said execution means ends the execution** of the program or data processing **to count a time period during which** at least one of the program, the data, and a combination of the program and data is **continuously unused**." This time period, the specification describes, enables certain features that are nowhere taught or suggested by the cited art. For instance, by keeping the time that the program and/or data is continuously unused, the system could determine whether to automatically delete the program and/or data after the expiration of the rental period, but not

immediately after. Such a feature is nowhere taught or suggested by the cited art. As discussed above, *Chernow* only discloses a time period based on a "time remaining under lease" or "the number of runs remaining under lease". There is no teaching or suggestion in *Chernow* of a time period that is based on after execution ends and/or the program or data being continuously unused.

Claim 15 has also been amended to recite that the communication terminal device is further configured to facilitate **real-time interactive communication** with another communication terminal device to support **simultaneous interaction among a plurality of players executing the same program** on the at least two communication terminal devices. Support for the amendment is found, at least, at column 8, lines 7-38 of the '520 Patent. The real-time interactive communication between communication terminals, in contrast to communication between the communication terminal and the host facility, is nowhere taught or suggested by any of the art of record. The Office Action contends that *Tsumura* demonstrates multiple communication terminal devices communicating regarding software at column 3, lines 33-40; column 12, line 62 to column 13, line 22.

The Patent Owner contends that *Tsumura* does not teach or suggest "real-time interactive communication," but rather teaches non-real-time play where only one player plays at a time, saves the data for another player to later download and continue the game play. The following analysis of *Tsumura* supports this position.

Tsumura is directed at a receiving device on which computer games can be played. The receiving device accepts numerous game data **transmitted cyclically** by the transmission device, selects and stores specified game data and is used to play the game. The portions of *Tsumura* cited by the Examiner include column 3, lines 33-40, which states "a system whereby a plurality of players using mutually remote machines are each able to participate in the same game thereby

enabling the commercial use of RPG while at the same time extending the overall scope of computer games in general." However, *Tsumura* further describes what "participate in the same game" means starting at Col. 12, line 62 to Col. 13, line 42, as follows:

We will now describe a system whereby more than one player can take part in the same game. ... [t]he present embodiment does not assume simultaneous participation in the game but rather that the individual players' input will first be uploaded and stored in the host computer. When a player wants to play the game, he will then access the host computer and download everything that has been input up to that point by the other players to his own terminal. The player will then be called upon to enter his next move.

Tsumura further describes the "interactiveness" of the players at Col. 14, lines 15-62, as follows:

The player using terminal T1 can now carry on playing the game until he reaches the first point at which another player's contribution is required. Once it has been confirmed at terminal T1 that this point has definitely been reached, the appropriate program can then be executed to suspend the game and the participation of terminal T1 until further notice. Next, the host computer 112 will establish contact with the second terminal T2 and issue a message to notify the player at said second terminal T2 that the first player (terminal T1 in the present embodiment) has completed his part of the game for the time being. The player using the second terminal T2 will first confirm this by reference to the message on his visual display unit and then, as and when he is ready, he will access the host computer 112 and enter his identification number, after which the host computer 112 will download the necessary game program and data from its memory means 125 and the game will be reproduced on the basis of the instructions and other data input by the player using terminal T1. The player using terminal T2 can now continue to play the game, making selections in accordance with his role from lists of alternative options that can be called up onto the display as and when necessary. When the player using terminal T2 has gone as far as he can go without making reference to the other player, the game can be suspended by executing an appropriate termination command in the same way as described above, then withdrawing from the game until further notice. The participants in a game can in this way take part in line with the requirements of the program either alternately when there are just two players or one by one in order in cases in which there are more than two players.

Claim 15 has been amended to clarify the multi-player aspect of the interactive communication. Therefore, for at least any one of the above reasons, *Chernow*, with any permissible combination of prior art of record, including *Tsumura*, does not teach or suggest Claim 15. Patent Owner respectfully requests withdrawal of the pending rejections.

Claims 18-20 and 22-26

For at least any one of the reasons discussed above for independent Claims 1, 8, and 15, their respective dependent claims 23-24; claims 23, 25 and 26; and 18-20, are patentable over the art of record, and Patent Owner respectfully requests withdrawal of the rejection. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow* or *Tsumura*.

For example, Claim 20 recites "wherein said interference means comprises means for invalidating an operation on said input device." As discussed above for Claim 13, the Patent Owner contends that the Office Action mistakenly associates "operation" with "execution" of the software, and then concludes that if execution is blocked, input to the blocked software is invalid. However, Claim 20 has been amended to clarify what is invalidated, namely "an operation on said input device". Support for the amendment is found, at least, at column 10, lines 34-44 of the '520 Patent. An example of "invalidating an operation on said input device" is rejecting signals from the input device.

Claim 19 recites "said interference means comprises means for blocking the view of what is displayed on said screen." The Office Action indicates that this limitation is found in *Chernow* at column 5, lines 16-19. For convenience, this passage is copied below:

within the program image in memory and on disk. At the conclusion of the term of use, the software renders itself unusable or erases itself from the user's disk.

As one will note, there is no discussion of blocking the view of what is displayed on said screen. In fact, *Chernow* only discloses that the software erases itself from the user's disk or renders itself unusable. The Examiner is using the teachings in the '520 Patent to associate "blocking the view of what is displayed on said screen" with "software renders itself unusable." This is an impermissible hindsight reconstruction of the claimed invention based on the Patent Owner's own teachings. More specifically, the limitation recited in Claim 19 is quite different from rendering the software unusable and erasing the software from the disk. Instead, as shown in Figure 8B of the '520 Patent, a portion of the display (e.g., one of the opponents of a boxing game) may be blocked from the view on the screen. While blocking the view may be annoying, it still requires execution of the program or data processing, which can not happen if the software renders itself unusable or erases itself. Thus, *Chernow* fails to teach or suggest "blocking the view of what is displayed on said screen" as recited in Claim 19.

Claims 23 and 25 recite "real-time interactive communication" to support **simultaneous interaction among a plurality of players executing the same program** on the at least two communication terminal devices. The discussion above for Claim 15 is incorporated herein for Claims 23 and 25. Briefly, as discussed above for Claim 15, *Tsumura* does not teach or suggest "real-time interactive communication," but rather teaches non-real-time play where only one player plays at a time, saves the data for another player to later download and continue the game play.

Amended Claim 24 recites "the communication terminal device displays a number of players who can participate in the real-time interactive communication". None of the art on record discloses this limitation.

Therefore, for at least any one of the reasons discussed above, *Chernow*, with any permissible combination of prior art of record, including *Tsumura*, does not teach or suggest each of the limitations in Claims 18-20, and 22-26. Patent Owner respectfully requests withdrawal of the rejection.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Kato*)

Claims 9 and 14 were rejected as being unpatentable over *Chernow* in view of *Kato* (JP 04-10191). Claims 9 and 14 depend from independent Claim 8, and are therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Kato*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least any one of the reasons discussed.

For example, Claim 14 recites "interference means comprises means for preventing said sound generating means from generating the sound." The Office Action again indicates column 5, lines 16-19 in *Chernow* for this limitation. However, as explained above for Claim 19, *Chernow* only discloses that the software erases itself from the user's disk or renders itself unusable. The Examiner is again using the teachings in the '520 Patent to associate an interference means for "preventing sound generating means from generating the sound" with "software renders itself unusable." This is an impermissible hindsight reconstruction of the claimed invention based on the Patent Owner's own teachings. More specifically, the limitation recited in Claim 14 is quite different from rendering the software unusable and erasing the

software from the disk. Executing the program or data processing without sound may not be ideal, but it still requires execution of the program or data processing, which can not happen if the software is unusable or erased. Thus, *Chernow* fails to teach or suggest interference means for "preventing sound generating means from generating the sound" as recited in Claim 14.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Kato* in further view of *Tsumura*)

Claim 10 was rejected as being unpatentable over *Chernow* in view of *Kato* and in further view of *Tsumura*. Claim 10 depends from independent Claim 8, and is therefore, patentable for the reasons described above. In addition, the claim recites additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Kato* and *Tsumura*. Patent Owner submits that the rejection is improper, and the claim is patentable for at least any one of the reasons discussed.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Tsumura* in further view of *Kato*)

Claims 2, 3, 7, 16, 17 and 21 were rejected as being unpatentable over *Chernow* in view of *Tsumura* and in further view of *Kato*. Claims 2, 3, and 7 depend from independent Claim 1 and Claims 16, 17, and 21 depend from independent Claim 15, and are therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Kato* and *Tsumura*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed.

For example, Claim 7, 14, and 21 each recites "interference means comprises means for preventing said sound generating means from generating the sound." The Office Action again indicates column 5, lines 16-19 in *Chernow* for this limitation. However, as explained above for

Claim 19, *Chernow* only discloses that the software erases itself from the user's disk or renders itself unusable. The Examiner is again using the teachings in the '520 Patent to associate an interference means for "preventing sound generating means from generating the sound" with "software renders itself unusable." This is an impermissible hindsight reconstruction of the claimed invention based on the Patent Owner's own teachings. More specifically, the limitation recited in claims is quite different from rendering the software unusable and erasing the software from the disk. Executing the program or data processing without sound may not be ideal, but it still requires execution of the program or data processing, which can not happen if the software is unusable or erased. Thus, *Chernow* fails to teach or suggest interference means for "preventing sound generating means from generating the sound" as recited in the claims.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Tsumura* in further view of *Sanbe*)

Claims 27-29 and 35-36 were rejected as being unpatentable over *Chernow* in view of *Tsumura* and in further view of *Sanbe* (JP Patent Publication H04-32898). Claims 27-29 and 35-36 depend from independent Claim 1, and are therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested *Chernow*, with any permissible combination of prior art of record, including *Kato* and *Tsumura*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Sanbe*)

Claims 31-33 were rejected as being unpatentable over *Chernow* in view of *Sanbe*. Claims 31-33 depend from independent Claim 8, and are therefore, patentable for the reasons described above.

In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Sanbe*. Patent Owner submits that the rejection is improper, and the claims are patentable for at least one of the reasons discussed.

Rejections Under 35 U.S.C. § 103 (*Chernow* in view of *Sanbe* in further view of *Kaniwa*)

Claims 34 was rejected as being unpatentable over *Chernow* in view of *Sanbe* in further view of *Kaniwa*(USPN 5,699,370). Claim 34 depends from independent Claim 8, and is therefore, patentable for the reasons described above. In addition, the claims recite additional limitations that are not taught or suggested by *Chernow*, with any permissible combination of prior art of record, including *Sanbe* and *Kaniwa*. Patent Owner submits that the rejection is improper, and the claim is patentable for at least one of the reasons discussed.

Support for Amendments to Original Claims

Patent Owner has amended claims 1, 2, 3, 13, 15, and 20.

Claim 1

Claim 1 was amended to recite a second clock means for keeping a second predetermined time period after said executing means starts execution of the program or data processing. Support for this amendment is found, at least, at column 11, lines 36-41 of the '520 Patent.

Claims 2 and 3

Claims 2 and 3 were amended to provide consistent antecedent basis for the different clock means and predetermined time periods in the claims.

Claims 13 and 20

Claims 13 and 20 were amended to recite means for invalidating an operation on said input device. Support for this amendment is found, at least, at column 10, lines 34-44 of the '520 Patent.

Claim 15

Claim 15 was amended to recite wireless transmission and real-time interactive communication. Support for this amendment is found, at least, at column 11, lines 13-18, Fig. 10, and column 8, lines 7-38 of the '520 Patent.

Support for New Claims

Patent Owner has submitted new dependent claims to further distinguish the '520 Patent from the art of record.

New Claim 22

New claim 22 has been added to further recite that the receiving means of Claim 8 is configured for reception via wireless transmission. This additional limitation still further distinguishes the claimed invention. Support for new claim 22 is found, at least, at column 11, lines 13-18 of the '520 Patent.

New Claims 23 and 25

New Claims 23 and 25 have been added to further recite that the communication terminal device recited in Claims 1 and 8 are capable of facilitating real-time interactive communication between at least two communication terminal devices. Support for new Claims 23 and 25 is found, at least, at column 8, lines 7-37 of the '520 Patent.

New Claim 24

New Claim 24 has been added to further recite that the communication terminal device displays a number of players who can participate in the real-time interactive communication. Support for new Claim 24 is found, at least, at column 5, lines 53-54 of the '520 Patent.

New Claim 26

New Claim 26 has been added to further recite a second clock means for keeping a second predetermined time period after said receiving means receives the transmission and the interference means interferes with execution when respective clock means count the first predetermined time period or the second predetermined time period. Support for new Claim 26 is found, at least, at column 6, lines 19-22, column 4, lines 20-22, and column 2, lines 27-28 of the '520 Patent.

New Claims 27-34

New Claims 27-34 have been added to more distinctly claim that the program and/or data can be either karaoke data, a video game, or multimedia audio/visual content. Support for new Claims 27-34 is found, at least, at column 4, lines 5-19; column 5, lines 31-33; column 8, lines 39-45; column 10, lines 8-15; and Fig. 2 of the '520 Patent.

New Claims 35 and 37

New Claims 35 and 37 have been added to more distinctly claim that the interference means may cease blocking the display upon the payment of an additional charge. Support for new Claims 35 and 37 is found, at least, at column 1, lines 47-51 and column 10, lines 22-30 and lines 48-49 of the '520 Patent.

New Claims 36 and 38

New Claims 36 and 38 has been added to more distinctly claim that the communication system may facilitate real-time multiplayer interactions. Support for new Claims 36 and 38 is found, at least, at column 8, lines 7-38 of the '520 Patent.

New Claims 39 and 43

New claims 39 and 43 have been added to recite displaying one of the program and data via a scrollable list. This additional limitation still further distinguishes the claimed invention. Support for new claims 39 and 43 is found, at least, at column 5, lines 51-52 of the '520 Patent.

New Claims 40 and 45

New claims 40 and 45 have been added to recite the data comprising map data. This additional limitation still further distinguishes the claimed invention. Support for new claims 40 and 45 is found, at least, at column 8, lines 22-24 of the '520 Patent.

New Claims 41 and 47

New claims 41 and 47 have been added to recite the duration data includes data indicative of the second predetermined time period. This additional limitation still further distinguishes the claimed invention. Support for new claims 41 and 47 is found, at least, at column 2, lines 33-37 of the '520 Patent.

New Claims 42 and 48

New claims 42 and 48 have been added to recite an interference stop instruction means for instructing to stop the interference in response to payment of an additional charge. This additional limitation still further distinguishes the claimed invention. Support for new claims 42 and 48 is found, at least, at column 10, lines 48-49 of the '520 Patent.



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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

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Joseph T. Jakubek
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S. W. Salmon Street
Portland, Oregon 97204

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PATENT NO. 6193520.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,524	08/17/2009	6193520	ADC520	6819

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Whitaker Law Group
1218 Third Avenue
Suite 1809
Seattle, WA 98101

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 10/13/2010

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

Office Action in Ex Parte Reexamination	Control No. 90/010,666 + 90/009,524	Patent Under Reexamination 6193520	
	Examiner WILLIAM H. WOOD	Art Unit 3992	

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

- a ☒ Responsive to the communication(s) filed on 29 April 2010. b ☐ This action is made FINAL.
c ☐ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 1 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.	3. ☐ Interview Summary, PTO-474.
2. ☐ Information Disclosure Statement, PTO/SB/08.	4. ☐ _____.

Part II SUMMARY OF ACTION

- 1a. ☒ Claims 1-38 are subject to reexamination.
1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☐ Claims _____ are patentable and/or confirmed.
4. ☒ Claims 1-38 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ The drawings, filed on _____ are acceptable.
7. ☐ The proposed drawing correction, filed on _____ has been (7a) ☐ approved (7b) ☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have
 1 ☐ been received.
 2 ☐ not been received.
 3 ☐ been filed in Application No. _____.
 4 ☐ been filed in reexamination Control No. _____.
 5 ☐ been received by the International Bureau in PCT application No. _____.
 * See the attached detailed Office action for a list of the certified copies not received.
9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate 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.
10. ☐ Other: _____

cc: Requester (if third party requester)

DETAILED ACTION

Reexamination

This is an *ex parte* reexamination of U.S. Patent No. 6,193,520 (herein *Okamoto*) requested by both the patent owner and a third party. A substantial new question of patentability (SNQ) affecting claims 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19 and 21 is raised and a reexamination has been ordered in reexamination proceeding 90/010,666 (Decision on Request for Reexamination: 12/03/2009). A substantial new question of patentability (SNQ) affecting claims 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 19 and 21 is raised and a reexamination has been ordered in reexamination proceeding 90/009,524 (Decision on Request for Reexamination: 11/14/2009). Upon further consideration, a substantial new question of patentability with respect to issued claims 3, 6, 10, 13, 17 and 20 of U.S. Patent 6,193,520 (*Okamoto*) is found. Reexamination proceedings 90/010,666 and 90/009,524 are MERGED.

Request Established References

The request (90/010,666) argues the following patents and/or printed publications provide teachings relevant to the patent claims requested for reexamination:

- a) Okamoto (JP Laid-Open Patent Application 06-334780), published 12/02/1994. (herein *1994 Okamoto Japanese Application*)
- b) Chernow et al. (USPN 4,999,806), issued 03/12/1991, filed 09/04/1987. (herein *Chernow*)

- c) Kato (JP Laid-Open Patent Application 04-10191), published 01/14/1992.
(herein *Kato*)
- d) Nakagawa et al. (USPN 4,922,420), issued 05/01/1990, filed 07/23/1987.
(herein *Nakagawa*)
- e) Oseki (JP Laid-Open Patent Application 04-158441), published
06/01/1992. (herein *Oseki*)
- f) Bakoglu (USPN 5,632,681), issued 05/27/1997, filed 03/07/1995. (herein
Bakoglu)
- g) Garfinkle (USPN 5,400,402), issued 03/21/1995, filed 06/07/1993. (herein
Garfinkle)
- h) Griswold (USPN 5,940,504), issued 08/17/1999, filed 06/29/1992. (herein
Griswold)
- i) Hornbuckle (USPN 5,497,479), issued 03/05/1996, filed 02/28/1995.
(herein *Hornbuckle*)
- j) Kaniwa (USPN 5,699,370), issued 12/16/1997, filed 02/17/1995. (herein
Kaniwa)
- k) McCarten (USPN 5,959,596), issued 09/28/1999, filed 06/24/1993. (herein
McCarten)
- l) Tsumura (USPN 5,547,202), issued 08/20/1996, filed 12/30/1994. (herein
Tsumura)
- m) Cooper et al. (USPN 5,757,907), issued 05/26/1998, filed 04/25/1994.
(herein *Cooper*)

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- n) Sanyo (JP Laid-Open Patent Application 03-149693), published
06/26/1991. (herein *Sanyo*)
- o) Suzuki et al. (JP Laid-Open Patent Application 01-166218), published
06/30/1989. (herein *Suzuki*)
- p) Morales (USPN 5,291,554), issued 03/01/1994, filed 08/19/1992. (herein
Morales)
- q) Russo (USPN 5,619,247), issued 04/08/1997, filed 02/24/1995. (herein
Russo)

Request Established References

The request (90/009,524) argues the following patents and/or printed publications provide teachings relevant to the patent claims requested for reexamination:

- r) Kato (JP 04-10191), laid-open 01/14/1992. (herein *Kato*)
- s) Tsumura (USPN 5,547,202), issued 08/20/1996, filed 12/30/1994. (herein
Tsumura)
- t) Kaniwa (USPN 5,699,370), issued 12/16/1997, filed 02/17/1995. (herein
Kaniwa)
- u) Chernow et al. (USPN 4,999,806), issued 03/12/1991, filed 09/04/1987
(herein *Chernow*)
- v) Nakagawa et al. (USPN 4,922,420), issued 05/01/1990, filed 07/23/1987.
(herein *Nakagawa*)

w) Hornbuckle (USPN 5,497,479), issued 03/05/1996, filed 02/28/1995.

(herein *Hornbuckle*)

x) Bakoglu (USPN 5,632,681), issued 05/27/1997, filed 03/07/1995. (herein
Bakoglu)

Additional References

The following reference is added in response to newly added claim limitations:

y) Sanbe (JP Patent Publication H04-32898), published 02/04/1992. (herein
Sanbe)

Substantial New Question of the Request

Upon further consideration, a substantial new question of patentability with respect to issued claims 3, 6, 10, 13, 17 and 20 of U.S. Patent 6,193,520 (*Okamoto*) is found. Following is a discussion of the prior art:

Tsumura

Tsumura (USPN 5,547,202) is not new prior art. *Tsumura* discloses: remote distribution of computer game information (*Tsumura: column 1, lines 9-24*); counting a time period after interfering with execution of software (*Tsumura: column 9, line 56 to column 10, line 4*); and to block/interfere with software and then cease blocking/interfering (allow the resumption of the software execution, and which

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demonstrates an interference stop instruction) upon payment of an additional charge within the time period (*Tsumura*: column 9, line 56 to column 10, line 4).

In light of these teachings, *Tsumura* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of newly considered claims 3, 10 and 17. These teachings as specifically illustrated were not previously considered in the record of U.S. Patent 6,193,520 for claims 3, 10 and 17 and prior art already considered by the Office for the claims of U.S. Patent 5,775,995 is viewed in a new light in combination with *Tsumura*. Accordingly, *Tsumura* raises a substantial new question of patentability with respect to claims 3, 10 and 17.

Sanbe

Sanbe (JP Patent Publication H04-32898) is new prior art. *Sanbe* discloses Karaoke song data is initially stored in hard disk storage device provided in a central karaoke data transmission device (*Sanbe*: page 2); in response to a user request, the karaoke data transmission device transmits the requested karaoke song data to a karaoke reproduction device, where it is played back to the user (*Sanbe*: pages 4-5); and “determine the number of times each karaoke reproduction device is used, which ... makes the calculation of usage fees clear and easy ...” (*Sanbe*: pages 6 and 4).

In light of these teachings, *Sanbe* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of newly submitted claims 27-38. These teachings as specifically illustrated were not previously considered in the record of U.S. Patent 6,193,520 and prior art already

considered by the Office for the claims of U.S. Patent 6,193,520 is viewed in a new light in combination with *Sanbe*. Accordingly, *Sanbe* raises a substantial new question of patentability with respect to claims 27-38.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 35-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation, "wherein the predetermined time period comprises a rental period for the software program" (claims 35 and 37), is not found in the specification as originally filed. Therefore, the time period will be interpreted no further than what is required by the claim language of claim 1.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 33-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation, "like a movie" (claims 33, 35 and 37),

is vague. The limitation is interpreted as any audio and visual/video type representation is "like a movie" in that movies typically have audio and visual aspects.

Claim Rejections - 35 USC § 102

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.

Claims 8 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by *Chernow et al.* (USPN 4,999,806).

Claim 8

Chernow discloses a communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device (*Chernow: column 1, line 67 to column 2, line 2; column 2, lines 22-36*), said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data (*Chernow: column 2, lines 59-64, purchaser at terminal computer executes/enters commands, thus input device; also column 13, lines 10-11*), receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility (*Chernow: column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data*),

storage means for storing the program, the data, or a combination of the program and data received by said receiving means (*Chernow: column 3, lines 11-14*),
executing means for executing the program stored in said storage means or
executing data processing by using the data stored in said storage means, in
accordance with instructions from said input device (*Chernow: column 2, line 65 to column 3, line 14, load and execute means*),
clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing (*Chernow: column 2, lines 3-5; column 5, lines 10-19*), and
interference means for interfering with execution of said executing means when said clock means counts said predetermined time period (*Chernow: column 2, lines 3-5; column 5, lines 10-19*); and
said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means (*Chernow: column 2, lines 22-36; column 8, lines 6-61; column 10, lines 2-13; column 8, line 62 to column 9, line 12; demonstrate storage of host has both program/data and duration data*), and
sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data

stored in said storage means to said communication terminal device
(*Chernow: column 2, lines 22-36; column 10, lines 33-46*).

Claim 11

Chernow discloses the communication system according to claim 8, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means (*Chernow: column 5, lines 16-19*).

Claim 12

Chernow discloses the communication system according to claim 8, wherein said communication terminal device comprises display means having a screen on which the progress of execution of the program or data processing is displayed (*Chernow: column 5, lines 65-66*), and

said interference means comprises means for blocking the view of what is
displayed on said screen (*Chernow: column 5, lines 16-19*).

Claim 13

Chernow discloses the communication system according to claim 8, wherein said interference means comprises means for invalidating the operation of said input device (*Chernow: column 5, lines 16-19, input device operation is invalidated for the execution*

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of the software as the software execution has been blocked, either deleted or unusable, thus input is invalid for the execution of the software).

Claim Rejections - 35 USC § 103

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.

Claims 1, 4-6, 15, 18-20 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202).

Claim 1

Chernow discloses a communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device (*Chernow: column 1, line 67 to column 2, line 2; column 2, lines 22-36*), said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data (*Chernow: column 2, lines 59-64, purchaser at terminal computer executes/enters commands, thus input device; also column 13, lines 10-11*),

receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility (*Chernow: column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data*), storage means for storing the program, the data, or a combination of the program and data received by said receiving means (*Chernow: column 3, lines 11-14*), executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device (*Chernow: column 2, line 65 to column 3, line 14, load and execute means*), clock means for keeping a predetermined time period after said receiving means receives the transmission, and interference means for interfering with execution of said executing means when said clock means counts said predetermined time period (*Chernow: column 2, lines 3-5; column 5, lines 10-19*); and said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means (*Chernow: column 2, lines 22-36; column 8, lines 6-61; column 10, lines 2-13; column 8, line 62 to column 9, line 12; demonstrate storage of host has both program/data and duration data*), and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device (*Chernow: column 2, lines 22-36; column 10, lines 33-46*).

Chernow did not explicitly state wherein the receiving means for receiving via wireless transmission. *Tsumura* demonstrated that it was known at the time of invention to transmit information/data wirelessly (*Tsumura: figures 1-3; column 1, line to column 2, line 10; column 4, lines 13-63*). It would have been obvious to one of ordinary skill in the art at the time of invention to construct the software communication device of *Chernow* with protected wireless transmission and reception as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to: 1) prevent unnecessary traffic build up (*Tsumura: column 1, line 65 to column 2, line 2*); and 2) make use of known mechanisms in a known manner to produce predictable results (that is construct a secure software transmission system of *Tsumura*).

Claim 4

Chernow discloses the communication system according to claim 1, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means (*Chernow: column 5, lines 16-19*).

Claim 5

Chernow discloses the communication system according to claim 1, wherein said communication terminal device comprises display means having a screen on which the progress of execution of the program or data processing is displayed (*Chernow: column 5, lines 65-66*), and

said interference means comprises means for blocking the view of what is displayed on said screen (*Chernow: column 5, lines 16-19*).

Claim 6

Chernow discloses the communication system according to claim 1, wherein said interference means comprises means for invalidating the operation of said input device (*Chernow: column 5, lines 16-19, input device operation is invalidated for the execution of the software as the software execution has been blocked, either deleted or unusable, thus input is invalid for the execution of the software*).

Claim 15

Chernow discloses a communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device (*Chernow: column 1, line 67 to column 2, line 2; column 2, lines 22-36*), said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data (*Chernow: column 2, lines 59-64, purchaser at terminal computer executes/enters commands, thus input device*),

receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility (*Chernow: column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data*),

storage means for storing the program, the data, or a combination of the program and data received by said receiving means (*Chernow: column 3, lines 11-14*),

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device (*Chernow: column 2, line 65 to column 3, line 14, load and execute means*),

clock means for keeping a predetermined time period after said execution means ends the execution of the program or data processing to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused (*Chernow: column 13, lines 9-13; see also column 5, lines 10-19*), and

interference means for interfering with execution of said executing means when said clock means counts a predetermined time period (*Chernow: column 2, lines 3-5; column 5, lines 10-19*); and

said host facility comprising:

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storage means for storing at least one of the program, the data, and a combination of the program and data together with duration data indicative of the predetermined time period to be counted by said clock means (*Chernow: column 2, lines 22-36; column 8, lines 6-61; column 10, lines 2-13; column 8, line 62 to column 9, line 12; demonstrate storage of host has both program/data and duration data*), and sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device (*Chernow: column 2, lines 22-36; column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data; and column 10, lines 33-46*).

Chernow did not explicitly state wherein the receiving means for receiving via wireless transmission. *Tsumura* demonstrated that it was known at the time of invention to transmit information/data wirelessly (*Tsumura: figures 1-3; column 1, line to column 2, line 10; column 4, lines 13-63*). It would have been obvious to one of ordinary skill in the art at the time of invention to construct the software communication device of *Chernow* with protected wireless transmission and reception as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to: 1) prevent unnecessary traffic build up (*Tsumura: column 1, line 65 to column 2, line 2*); and 2) make use of known mechanisms in a

known manner to produce predictable results (that is construct a secure software transmission system of *Tsumura*).

Chernow did not explicitly state wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data. *Tsumura* demonstrated that it was known at the time of invention for multiple communication terminal devices to communicate regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple communication terminal devices to communicating as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*); and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 18

Chernow discloses the communication system according to claim 15, wherein said interference means comprises means for deleting at least one of the program, the data,

and a combination of the program and data stored in said storage means (*Chernow: column 5, lines 16-19*).

Claim 19

Chernow discloses the communication system according to claim 15, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed (*Chernow: column 5, lines 65-66*),

said interference means comprises means for blocking the view of what is displayed on said screen (*Chernow: column 5, lines 16-19*).

Claim 20

Chernow discloses the communication system according to claim 15, wherein said interference means comprises means for invalidating the operation of said input device (*Chernow: column 5, lines 16-19, input device operation is invalidated for the execution of the software as the software execution has been blocked, either deleted or unusable, thus input is invalid for the execution of the software*).

Claim 22

Chernow did not explicitly state the communication system according to claim 8, wherein the receiving means is configured for reception via wireless transmission.

Tsumura demonstrated that it was known at the time of invention to transmit

information/data wirelessly (*Tsumura: figures 1-3; column 1, line 10 to column 2, line 10; column 4, lines 13-63*). It would have been obvious to one of ordinary skill in the art at the time of invention to construct the software communication device of *Chernow* with protected wireless transmission and reception as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to: 1) prevent unnecessary traffic build up (*Tsumura: column 1, line 65 to column 2, line 2*); and 2) make use of known mechanisms in a known manner to produce predictable results (that is construct a secure software transmission system of *Tsumura*).

Claim 23

Chernow did not explicitly state the communication system according to claim 1, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data.

Tsumura demonstrated that it was known at the time of invention for multiple communication terminal devices to communicate regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple communication terminal devices to communicating as found in *Tsumura's* teaching. This implementation would have been

obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*); and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 24

Chernow and *Tsumura* disclose the communication system according to claim 23, wherein the interactive communication facilitated between the at least two communication terminal devices comprises real-time communication incident to the data processing of the program, the data, or the combination of program and data (*Tsumura: column 3, line 35-36, "same game"; column 12, line 63, "same game", shows real-time communication for the game; column 4, lines 13-63, shows real-time communication between machines*).

Claim 25

Chernow did not explicitly state the communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate interactive communication between the at least two communication terminal devices regarding the software program, the data, or the combination of program and data. *Tsumura* demonstrated that it was known at the time of invention for multiple

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communication terminal devices to communicate regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple communication terminal devices to communicating as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*); and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 26

Chernow and *Tsumura* disclose the communication system according to claim 25, wherein the interactive communication facilitated between the at least two communication terminal devices comprises real-time communication incident to the data processing of the program, the data, or the combination of program and data (*Tsumura: column 3, line 35-36, "same game"; column 12, line 63, "same game", shows real-time communication for the game; column 4, lines 13-63, shows real-time communication between machines*).

Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Kato* (JP 04-10191).

Claim 9

Chernow did not explicitly state the communication system according to claim 8, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

Kato demonstrated that it was known at the time of invention to count a short time period in order to provide an alarm before an action (*Kato*: page 28, last line to page 29, line 3). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the counting and interfering of program/data of *Chernow* with a second counting used to alarm a user of an upcoming action (*Chernow's* interference) as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep a user notified/informed of their current status so they can best make decisions regarding purchase or rental (*Chernow*: column 2, lines 2-9, 17-19; *Kato*: page 29, lines 1-3).

Claim 14

Chernow did not explicitly state the communication system according to claim 8, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (*Kato*: page 5, at least first full paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* with sound means according to the execution of the program/data as found in *Kato*'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to common and known mechanisms (sound) for the progress of execution of programs/data (*Kato*: page 5, at least first full paragraph). As such, *Chernow* and *Kato* disclose interference means preventing sound generating means from generating sound (*Chernow*: column 5, lines 16-19).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Kato* (JP 04-10191) in further view of *Tsumura* (USPN 5,547,202).

Claim 10

Chernow did not explicitly state the communication terminal device according to claim 9, further comprising:

third clock means for keeping a third predetermined time period after said
interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference
performed by said interference means, and

means for stopping the interference performed by said interference means and
thereby allowing resumption of execution of the program or data processing performed
by said executing means when said interference stop instruction means receives the
instruction before said third clock means counts said third predetermined time period.

Tsumura demonstrated that it was known at the time of invention to count a time period
after interfering with execution of software (*Tsumura: column 9, line 56 to column 10, line 4*) and to block/interfere with software and then cease blocking/interfering (allow the
resumption of the software execution, and which demonstrates an interference stop
instruction) upon payment of an additional charge within the time period (*Tsumura: column 9, line 56 to column 10, line 4*). It would have been obvious to one of ordinary
skill in the art at the time of invention to implement the software distribution system of
Chernow (and *Kato*) with blocking/interfering with software execution (by means other
than deletion) and then cease blocking/interfering upon payment of an additional charge
within a counted time period as found in *Tsumura's* teaching. This implementation
would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾

by the desirability to incorporate an additional charge facility (*Tsumura*: column 9, line 58); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura*: column 3, lines 26-40); ³⁾ to further the goals of selling and distributing software (*Tsumura*: column 1, line 65 to column 2, line 2); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 2, 3, 7, 16, 17 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) in further view of *Kato* (JP 04-10191).

Claim 2

Chernow did not explicitly state the communication system according to claim 1, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

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Kato demonstrated that it was known at the time of invention to count a short time period in order to provide an alarm before an action (*Kato*: page 28, last line to page 29, line 3). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the counting and interfering of program/data of *Chernow* with a second counting used to alarm a user of an upcoming action (*Chernow's* interference) as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep a user notified/informed of their current status so they can best make decisions regarding purchase or rental (*Chernow*: column 2, lines 2-9, 17-19; *Kato*: page 29, lines 1-3).

Claim 3

Chernow did not explicitly state the communication terminal device according to claim 2, further comprising:

third clock means for keeping a third predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed by said executing means when said interference stop instruction means receives the instruction before said third clock means counts said third predetermined time period.

Tsumura demonstrated that it was known at the time of invention to count a time period after interfering with execution of software (*Tsumura: column 9, line 56 to column 10, line 4*) and to block/interfere with software and then cease blocking/interfering (allow the resumption of the software execution, and which demonstrates an interference stop instruction) upon payment of an additional charge within the time period (*Tsumura: column 9, line 56 to column 10, line 4*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* (and *Kato*) with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge within a counted time period as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 7

Chernow did not explicitly state the communication system according to claim 1, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein

said interference means comprises means for preventing said sound generating means from generating the sound.

Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (*Kato*: page 5, at least first full paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* with sound means according to the execution of the program/data as found in *Kato*'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to common and known mechanisms (sound) for the progress of execution of programs/data (*Kato*: page 5, at least first full paragraph). As such, *Chernow* and *Kato* disclose interference means preventing sound generating means from generating sound (*Chernow*: column 5, lines 16-19).

Claim 16

Chernow did not explicitly state disclose the communication system according to claim 15, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by

said interference means with execution of said executing means will soon be performed.

Kato demonstrated that it was known at the time of invention to count a short time period in order to provide an alarm before an action (*Kato*: page 28, last line to page 29, line 3). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the counting and interfering of program/data of *Chernow* with a second counting used to alarm a user of an upcoming action (*Chernow's* interference) as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep a user notified/informed of their current status so they can best make decisions regarding purchase or rental (*Chernow*: column 2, lines 2-9, 17-19; *Kato*: page 29, lines 1-3).

Claim 17

Chernow did not explicitly state the communication terminal device according to claim 16, further comprising:

third clock means for keeping a third predetermined time period after said interference means interferes with execution of said executing means,

interference stop instruction means for instructing to stop the interference performed by said interference means, and

means for stopping the interference performed by said interference means and thereby allowing resumption of execution of the program or data processing performed

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by said executing means when said interference stop instruction means receives the instruction before said third clock means counts said third predetermined time period.

Tsumura demonstrated that it was known at the time of invention to count a time period after interfering with execution of software (*Tsumura: column 9, line 56 to column 10, line 4*) and to block/interfere with software and then cease blocking/interfering (allow the resumption of the software execution, and which demonstrates an interference stop instruction) upon payment of an additional charge within the time period (*Tsumura: column 9, line 56 to column 10, line 4*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* (and *Kato*) with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge within a counted time period as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 21

Chernow did not explicitly state the communication system according to claim 15, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (*Kato*: page 5, at least first full paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* and *Tsumura* with sound means according to the execution of the program/data as found in *Kato*'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to common and known mechanisms (sound) for the progress of execution of programs/data (*Kato*: page 5, at least first full paragraph). As such, *Chernow*, *Tsumura* and *Kato* disclose interference means preventing sound generating means from generating sound (*Chernow*: column 5, lines 16-19).

Claims 27-29 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) in further view of *Sanbe* (JP Patent Publication H04-32898).

Claim 27

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Chernow did not explicitly state the communication system according to claim 1, wherein the software program comprises karaoke data. *Sanbe* demonstrated that it was known at the time of invention to provide karaoke data via transmission (*Sanbe*: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with karaoke data as found in *Sanbe*'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: 1) to provided the advantages of no limitations on software or karaoke available and being able to support multiple accesses with a single piece of software or system (*Sanbe*: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph); and 2) by both *Chernow* and *Sanbe* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 28-29

The limitations of claims 28-29 are similar to the limitations of claim 27 and as such are rejected in a similar manner, such that a video game (claim 28) and multimedia audio/video data (claim 29) all read upon karaoke.

Claim 35

Chernow did not explicitly state the communication system according to claim 5, wherein the software program comprises either a video game, karaoke data, or

multimedia audio/video data like a movie, and further wherein the predetermined time period comprises a rental period for the software program, and still further wherein the interference means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

Sanbe demonstrated that it was known at the time of invention to provide karaoke data via transmission (*Sanbe: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with karaoke data as found in *Sanbe's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: 1) to provided the advantages of no limitations on software or karaoke available and being able to support multiple accesses with a single piece of software or system (*Sanbe: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph*); and 2) by both *Chernow* and *Sanbe* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results. As discussed above (section 112 Rejections), rental period is interpreted as the predetermined time period discussed in claim 1's language.

Tsumura demonstrated that it was known at the time of invention to block/interfere with software and then cease blocking/interfering upon payment of an additional charge (*Tsumura: column 9, line 65 to column 10, line 4*). It would have been obvious to one of

ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3, lines 26-40*); ³⁾ to further the goals of selling and distributing software (*Tsumura: column 1, line 65 to column 2, line 2*); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 36

Chernow and *Sanbe* did not explicitly state the communication system according to claim 11, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate interactive communication between the at least two communication terminal devices regarding the software program. *Tsumura* demonstrated that it was known at the time of invention for multiple communication terminal devices to communicate regarding software (*Tsumura: column 3, lines 33-40; column 12, line 62 to column 13, line 22*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple

communication terminal devices to communicating as found in *Tsumura's* teaching.

This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura: column 3, lines 33-40*); and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Sanbe* (JP Patent Publication H04-32898).

Claim 31

Chernow did not explicitly state the communication system according to claim 8, wherein the software program comprises karaoke data. *Sanbe* demonstrated that it was known at the time of invention to provide karaoke data via transmission (*Sanbe: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with karaoke data as found in *Sanbe's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: 1) to provided the advantages of no limitations on software or karaoke available and being able to support multiple accesses with a single piece of software or system (*Sanbe: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph*); and 2) by both *Chernow*

and *Sanbe* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claims 32-33

The limitations of claims 32-33 are similar to the limitations of claim 31 and as such are rejected in a similar manner, such that a video game (claim 32) and multimedia audio/video data like a movie (claim 33) all read upon karaoke.

Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Sanbe* (JP Patent Publication H04-32898) in further view of *Tsumura* (USPN 5,547,202).

Claim 37

Chernow did not explicitly state the communication system according to claim 12, wherein the software program comprises either a video game, karaoke data, or multimedia audio/video data like a movie, and further wherein the predetermined time period comprises a rental period for the software program, and still further wherein the interference means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

Sanbe demonstrated that it was known at the time of invention to provide karaoke data via transmission (*Sanbe*: page 2, right column, "Problem To Be Solved By The

Invention" section and following paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with karaoke data as found in *Sanbe's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: 1) to provided the advantages of no limitations on software or karaoke available and being able to support multiple accesses with a single piece of software or system (*Sanbe: page 2, right column, "Problem To Be Solved By The Invention" section and following paragraph*); and 2) by both *Chernow* and *Sanbe* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results. As discussed above (section 112 Rejections), rental period is interpreted as the predetermined time period discussed in claim 1's language.

Tsumura demonstrated that it was known at the time of invention to block/interfere with software and then cease blocking/interfering upon payment of an additional charge (*Tsumura: column 9, line 65 to column 10, line 4*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with blocking/interfering with software execution (by means other than deletion) and then cease blocking/interfering upon payment of an additional charge as found in *Tsumura's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ by the desirability to incorporate an additional charge facility (*Tsumura: column 9, line 58*); ²⁾ to make software or game usage commercially viable by used by terminals (*Tsumura: column 3,*

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lines 26-40); ³⁾ to further the goals of selling and distributing software (*Tsumura*: column 1, line 65 to column 2, line 2); and ⁴⁾ by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 38

Chernow and *Sanbe* did not explicitly state the communication system according to claim 37, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate interactive communication between the at least two communication terminal devices regarding the software program. *Tsumura* demonstrated that it was known at the time of invention for multiple communication terminal devices to communicate regarding software (*Tsumura*: column 3, lines 33-40; column 12, line 62 to column 13, line 22). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with multiple communication terminal devices to communicating as found in *Tsumura*'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to establish commercial success for a type of software, for example games (*Tsumura*: column 3, lines 33-40); and by both *Chernow* and *Tsumura* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Tsumura* (USPN 5,547,202) in view of *Sanbe* (JP Patent Publication H04-32898) and in further view of *Kaniwa* et al. (USPN 5,699,370).

Claim 30

Chernow did not explicitly state the communication system according to claim 29, wherein the multimedia audio/video data comprises a movie. *Kaniwa* demonstrated that it was known at the time of invention to distribute software such as MPEGs or motion images/pictures, movies (*Kaniwa: column 1, lines 43-50; figure 1, MPEG*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with movies/MPEGs as found in *Kaniwa's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ to make use of an efficient and therefore desirable type of software, MPEG (*Kaniwa: column 1, lines 43-50*); and ²⁾ by both *Chernow* and *Kaniwa* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow* et al. (USPN 4,999,806) in view of *Sanbe* (JP Patent Publication H04-32898) and in further view of *Kaniwa* et al. (USPN 5,699,370).

Claim 34

Chernow did not explicitly state the communication system according to claim 33, wherein the multimedia audio/video data comprises a movie. *Kaniwa* demonstrated that it was known at the time of invention to distribute software such as MPEGs or motion images/pictures, movies (*Kaniwa: column 1, lines 43-50; figure 1, MPEG*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software distribution system of *Chernow* with movies/MPEGs as found in *Kaniwa's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated: ¹⁾ to make use of an efficient and therefore desirable type of software, MPEG (*Kaniwa: column 1, lines 43-50*); and ²⁾ by both *Chernow* and *Kaniwa* teaching transmitting data from a distribution center with known elements being combinable in known ways to produce predictable results.

Response to Arguments

Patentee's arguments filed 04/29/2010 have been fully considered but they are not persuasive. Patentee argues: ¹⁾ *Chernow* fails to disclose that "duration data" is stored or sent from a host facility as in claim 1; ²⁾ *Chernow* fails to disclose "clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing" as in claim 8; ³⁾ *Chernow* fails to disclose "during which at least one of the program, the data, and a combination of the program and data is continuously unused" as in claim 15; ⁴⁾ the cited prior art fails to disclose interfering with

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execution of the executing means by blocking the view on the screen as in claims 5, 12 and 19; and ⁵⁾ the cited prior art fails to disclose the various new limitations or claims.

First, when reading the *Chernow* reference in its entirety, it is seen that *Chernow* does disclose "duration data" stored and sent from a host facility. *Chernow* demonstrates receiving the programs/data (column 2, line 65 to column 3, line 14). *Chernow* demonstrates renting a program/data for a period of time or "duration data" (column 2, lines 3-5; column 5, lines 10-19). *Chernow* demonstrates a host facility with both the programs and the lease information, which "duration data" is a part (column 2, lines 22-36; column 8, line 62 to column 9, line 12). *Chernow* demonstrates "duration data" or leasing information sent from host facility for storage/use on the terminal facility (column 8, lines 6-61; column 10, lines 33-46). Patentee's argument is not persuasive.

Second, as is demonstrated, in *Chernow* a predetermined time period is kept (*Chernow*: column 2, lines 3-5; column 5, lines 10-19). *Chernow* further demonstrates running/executing software during the time period (*Chernow*: column 5, lines 10-19). The time period covers both before and after the start of execution. Therefore, the broadest reasonable interpretation of the claim language reads upon *Chernow*.

Third, *Chernow* counts a time period of unuse (*Chernow*: column 13, lines 9-13). The program discussed is a part of the software distributed to the terminal computers in *Chernow*. Therefore, the broadest reasonable interpretation of the claim language reads upon *Chernow*.

Fourth, deleting a program both interferes with execution and blocks the view on a screen of that program. Patentee's newly proposed claim 12 language seems to

agree with the plausibility such a finding for the claim 1 language. Claims 4, 11 and 18 also confirm the claim language for interference is meant to read upon deletion.

Patentee's argument is not persuasive.

Fifth, all arguments to newly added claims or limitations are addressed by the above modified rejections.

Kato is not argued to fail for what it is cited to disclose. Patentee's arguments are therefore addressed and the rejections maintained.

Important Reexamination Notices

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Service of Papers

After filing of a request for *ex parte* reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. The

document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

Amendment To Reexamination Proceedings

Patent Owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c). See MPEP 2250.

In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced. See MPEP 2250 (IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Litigation Reminder

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,193,520 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,193,520 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Correspondence Information

All correspondence relating to this *ex parte* reexamination proceeding should be directed:

By Mail to: Mail Stop *Ex Parte* Reexam.
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding should be directed to the Central Reexamination Unit at telephone number (571)272-7705.

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 systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/William H. Wood/
Primary Examiner, Art Unit 3992
October 10, 2010

Conferees:
/Sam Rimell/
Primary Examiner, Art Unit 3992



ERIC S. KEASEL
CRU SPE-AU 3992

Notice of References Cited	Application/Control No. 90/010,666	Applicant(s)/Patent Under Reexamination 6193520	
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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
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	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	JP 4-32898	02-1992	Japan	Sanbe	
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

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

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(72) Inventor	Koji SANBE	% Taito Corporation, Taito Building, 5-3 Hirakawa-cho 2-chome, Chiyoda-ku, Tokyo-to
(72) Inventor	Shigeru KUROSAWA	% Taito Corporation, Taito Building, 5-3 Hirakawa-cho 2-chome, Chiyoda-ku, Tokyo-to
(72) Inventor	Satoshi IMAI	% Taito Corporation, Taito Building, 5-3 Hirakawa-cho 2-chome, Chiyoda-ku, Tokyo-to
(71) Applicant	Taito Corporation	Taito Building, 5-3 Hirakawa-cho 2-chome, Chiyoda-ku, Tokyo-to
(74) Agent	Patent attorney Shotaro MOGAMI	

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SPECIFICATION

1. TITLE OF THE INVENTION
Karaoke system
2. SCOPE OF PATENT CLAIMS

1) A karaoke system characterized in that it comprises a karaoke data transmission device and a plurality of karaoke reproduction devices connected thereto through digital communication lines,

wherein said karaoke data transmission device comprises the constitutive elements described under items (a) through (g) below, namely:

(a) a large hard disk storage device on which is recorded multiple song data, subtitle data and image data used for karaoke, as well as request information, the usage conditions of said karaoke reproduction devices, etc.;

(b) a host computer that controls the input and output of various types of data to and from said large hard disk storage device;

(c) interfaces that are provided for each of the aforementioned digital communication lines and which control the transmission and reception to and from the digital communication line;

(d) CPUs that are provided for each of the

aforementioned interfaces and which control the interface to perform automatic answering, and extract the necessary data from the large hard disk storage device via said host computer according to the request number;

(e) buffer RAMs that are provided for each of the aforementioned interfaces and which store data extracted from said large hard disk storage device and output said data to said digital communication line via said interface as instructed by said CPU;

(f) a common data bus that manages the exchange of data between said plurality of CPUs provided for each of the aforementioned interfaces and said host computer; and

(g) a printer that is connected to said host computer and print outs request information and the usage conditions of said karaoke reproduction devices and the like,

and said plurality of karaoke reproduction devices each comprises the constitutive elements described under items (h) through (q) below, namely:

(h) a CPU that controls the operation of the karaoke reproduction device as a whole;

(i) an interface that controls transmission and reception to and from said digital communication line;

(j) a buffer RAM that temporarily stores input data from said digital communication line and transfers it to said CPU when the data has reached a set quantity;

(k) a song selection device into which the user inputs karaoke request numbers;

(l) an image reproduction circuit that decodes image data contained in said input data transferred via said CPU;

(m) a music reproduction circuit that decodes the music data contained in said input data transferred via said CPU;

(n) a subtitle control circuit that decodes subtitle information contained in said input data transferred via said CPU and controls the change in subtitle color as the song progresses;

(o) a combining circuit that combines the video signal from said image reproduction circuit and the video signal from said subtitle control circuit;

(p) a display device that displays the image and subtitle video signals combined by said combining circuit; and

(q) a speaker that reproduces the music signal from said music reproduction circuit.

3. DETAILED DESCRIPTION OF THE INVENTION (FIELD OF INDUSTRIAL APPLICATION)

The present invention relates to a karaoke system.

(PRIOR ART)

So-called karaoke, wherein only the accompaniment of a popular song is reproduced and a person sings along to it, has become widespread, and karaoke devices have been installed in many restaurants, bars, taverns, inns, hotels, and the like.

Conventional karaoke devices have been provided in various formats, such as devices that utilize an 8-track music tape and reproduce only music, devices that reproduce simple still images and lyrics subtitles as well as high quality music using a CD, CDG, etc., as well as devices that display a moving picture and simultaneously display lyrics subtitles that change as the song progresses and also reproduce high quality music, using an LD, VHD, etc.

However, these conventional karaoke devices have had various problems, such as that ① as the quantity of music software increases, the installation footprint becomes larger, ② when a new song is released, since there are many songs recorded on a single medium (CD, etc.), the operation of adding a new songs thereto is complicated and so accommodation of new songs is delayed, ③ as the quantity of music software increase, the software preparation costs become greater, ④ it is not possible to accurately know the usage conditions of devices at businesses where the karaoke devices are installed, which may cause problems in charging rental lease fees.

(PROBLEM TO BE SOLVED BY THE INVENTION)

The present invention was made to resolve the aforementioned problems, its object being to provide a karaoke system that has many advantages, such as being able to support multiple accesses with a single piece of software, allowing new songs to be accommodated immediately, making it possible to accurately know the karaoke usage conditions, having a small installation footprint and low initial cost, and having no limitations on the number of songs made available.

(MEANS FOR SOLVING THE PROBLEM)

The aforementioned object can be achieved by means of a karaoke system characterized in that it comprises a karaoke data transmission device and a plurality of karaoke reproduction devices connected thereto through digital communication lines,

wherein said karaoke data transmission device comprises the constitutive elements described under items (a) through (g) below, namely:

(a) a large hard disk storage device on which is recorded multiple song data, subtitle data and image data used for karaoke, as well as request information, the usage conditions of said karaoke reproduction devices, etc.;

(b) a host computer that controls the input and output of various types of data to and from said large hard disk storage device;

(c) interfaces that are provided for each of the aforementioned digital communication lines and which control the transmission and reception to and from the digital communication line;

(d) CPUs that are provided for each of the aforementioned interfaces and which control the interface to perform automatic answering, and extract the necessary data from the large hard disk storage device via said host computer according to the request number;

(e) buffer RAMs that are provided for each of the aforementioned interfaces and which store data extracted from said large hard disk storage device and output said data to said digital communication line via said interface as instructed by said CPU;

(f) a common data bus that manages the exchange of data between said plurality of CPUs provided for each of the aforementioned interfaces and said host computer; and

(g) a printer that is connected to said host computer and print outs request information and the usage conditions of said karaoke reproduction devices and the like,

and said plurality of karaoke reproduction devices each comprises the constitutive elements described under items (h) through (q) below, namely:

(h) a CPU that controls the operation of the karaoke reproduction device as a whole;

(i) an interface that controls transmission and reception to and from said digital communication line;

(j) a buffer RAM that temporarily stores input data from said digital communication line and transfers it to said CPU when the data has reached a set quantity;

(k) a song selection device into which the user inputs karaoke request numbers;

(l) an image reproduction circuit that decodes image data contained in said input data transferred via said CPU;

(m) a music reproduction circuit that decodes the music data contained in said input data transferred via said CPU;

(n) a subtitle control circuit that decodes subtitle information contained in said input data transferred via said CPU and controls the change in subtitle color as the song progresses;

(o) a combining circuit that combines the video signal from said image reproduction circuit and the video signal from said subtitle control circuit;

(p) a display device that displays the image and subtitle video signals combined by said combining circuit; and

(q) a speaker that reproduces the music signal from said music reproduction circuit.

(OPERATION)

A configuration as described above makes it possible to connect karaoke reproduction devices installed at many businesses where karaoke is used and installed through digital communication lines to a single karaoke data transmission device provided at a center, thus making it possible to accommodate multiple accesses with a single piece of software recorded on the large hard disk storage device of the center's karaoke reproduction device and allowing new songs to be reproduced on all karaoke reproduction devices simply by recording them on the aforementioned large hard disk storage device when new songs are released, thus making it possible to provide a karaoke system with many advantages, such as being able to immediately accommodate new songs, having no restriction on the number of songs made available, requiring only a small installation footprint and having low initial cost, as well as allowing one to accurately know the karaoke usage conditions by recording the number of requests and the song numbers from each karaoke reproduction device on the center's large hard disk storage device.

(EMBODIMENTS)

The configuration of the present invention will be described specifically below while referring to the drawings.

Figure 1 is an illustration showing the installed state of the karaoke system of the present invention; Figure 2 is a block diagram showing the circuit configuration of the karaoke data transmission device in the karaoke system of the present invention; and Figure 3 is a block diagram showing the circuit configuration of the karaoke reproduction device in the karaoke system of the present invention.

As shown in Figure 1, the karaoke system of the present invention comprises one karaoke data transmission device A provided at a center, and multiple karaoke reproduction devices B₁, B₂, B₃, B₄, etc., installed at businesses where karaoke is used and installed at different locations and connected to the karaoke data transmission device A through digital communication lines C₁, C₂, C₃, C₄, for instance ISDN. The karaoke data transmission device A comprises a large hard disk storage device, host computer, buffer RAM, digital circuit interface, etc., and the karaoke reproduction

device B₁, B₂, etc. each comprises a digital circuit interface, buffer RAM, CPU, image reproduction device, music reproduction device, subtitle control circuit, song selection device, display device, speaker, etc.

In the present specification, "digital communication line" refers to an integrated network that performs, in integrated fashion, various services such as computer-to-computer communication, facsimile and videotex by transmission of digital signals, for example, ISDN (Integrated Service Digital Network), INS (Information Network System), DDX (Digital Data Exchange), etc.

In response to a call signal sent from karaoke reproduction device B₁, B₂, etc. through digital communication lines C₁, C₂, etc., the karaoke data transmission device A detects the number of the requested song and on that basis calls up the required data from the large hard disk storage device 2a and transfers it to the karaoke reproduction device B₁, B₂, B₃, etc.

The karaoke reproduction devices B₁, B₂, etc. have the function of automatically calling the center and transmitting the request number to the karaoke data transmission device A through digital communication lines C₁, C₂, C₃, etc. when the request number of the desired song has been selected by manipulating the song selection device, and then receiving the karaoke data extracted based on the request number, and reproducing the song and images.

First, the karaoke data transmission device A provided in the center will be described while referring to Figure 2.

The karaoke data transmission device comprises a large hard disk storage device 2a, host computer 2b, interface 2c, CPU 2d, buffer RAM 2e, common data bus 2f and printer 2g. An interface 2c, CPU 2d and buffer RAM 2e are provided for each of the digital communication lines C₁, C₂, C₃ and C₄.

The large hard disk storage device 2a is used to record multiple song data, subtitle data and image data used for karaoke, and also to record request information and usage conditions of the karaoke reproduction devices.

The host computer 2b controls the input and output of various types of data to and from the large hard disk storage device 2a, and has the function of extracting the necessary data from the large hard disk storage device 2a and transferring it to CPU 2d in response to requests from CPU 2d, and recording data such as request information, dates and times from the karaoke reproduction devices B₁, B₂, etc. on the large hard disk storage device 2a.

The interface 2c is provided for each of the digital communication lines C₁, C₂, C₃, etc., and is designed to control automatic answering of calls from the digital communication line, such as ISDN, and to control automatic transfer of data.

The CPU 2d controls the interface 2c to perform automatic answer, extracts the necessary data from the large hard disk storage device 2a via the host computer 2b according to the request number sent from the karaoke reproduction devices B₁, B₂, etc. and stores this data in buffer RAM 2e.

The buffer RAM 2e temporarily stores data such as song data and subtitle data extracted from the large hard disk storage device 2a as described above, and outputs the data via interface 2c to the digital communication line C₁ as instructed by the CPU 2d.

The common data bus 2f manages the exchange of data between a plurality of CPUs 2d, provided for each digital communication line, and a single host computer 2b, so as to allow the host computer 2b to be shared for multiple digital communication lines (20 to 100 lines).

The printer 2g is connected to the host computer and is used for printing out request information and the usage conditions of the karaoke reproduction devices and the like as necessary.

Next, the karaoke reproduction devices B₁, B₂, B₃, etc. installed at the businesses where karaoke is used and installed will be described while referring to Figure 3. The karaoke reproduction devices B₁, B₂, B₃, etc. all have the same configuration, so only one will be described here.

The karaoke reproduction device comprises a CPU 3h, interface 3i, buffer RAM 3j, song selection device 3k, image reproduction circuit 3l, music reproduction circuit 3m, subtitle control circuit 3n, combining circuit 3o, display device 3p and speaker 3q; the CPU 3h comprises a CPU main body 3h-1, program ROM 3h-2, program RAM 3h-3 and work RAM 3h-4, and the song selection device 3k and CPU 3h are connected via I/O circuit 3k'.

The CPU 3h plays the role of controlling the operation of the karaoke reproduction device as a whole, its principal functions being communications related control, music reproduction control, subtitle display and control, image reproduction control, request acceptance and display control.

The interface 3i controls transmission and reception to and from the digital communication line, and performs call placement to the telephone number for calling the karaoke transmission device and reception of data sent from the karaoke transmission device.

The buffer RAM 3j temporarily stores input data from the digital communication line and transfers the data to the CPU 3h once it has reached a set quantity.

The song selection device 3k is a device used by the user for inputting the desired karaoke request number; the request number inputted via I/O circuit 3k' to the CPU 3h is sent through interface 3i over the digital communication line to the karaoke transmission device.

The song selection device 3k and CPU 3h may be connected with a cable, or the song selection device 3k can be made into a remote control device and the song selection signals can be sent in wireless format.

The image reproduction circuit 3l decodes the image data contained in the input data from the karaoke transmission device transferred via CPU 3h after being stored temporarily in buffer RAM 3j, and converts it to a signal that can be displayed by the display device 3p.

The music reproduction circuit 3m decodes the music data contained in the input data transferred in a similar manner via CPU 3h, and converts it to an audio signal that can be reproduced by the speaker 3q.

The subtitle control circuit 3n decodes the lyrics subtitle information contained in the input data transferred in a similar manner via CPU 3h, converts it to a signal that can be displayed by the display device 3p, and controls the change in color of the subtitles so as to indicate the position in the lyrics to be sung as the song progresses by means of the color change.

The combining circuit 3o combines the video signal from the image reproduction circuit 3l and the video signal from the subtitle control circuit 3n and sends them to the display device 3p.

Next, the operation of the karaoke system of the present invention, configured as above, will be described.

When the user inputs the desired karaoke request number using the song selection device 3k of the karaoke reproduction device installed at a business where karaoke is used and installed, the corresponding signal is inputted via I/O circuit 3k' into CPU 3h. At this time, the interface 3i dials the telephone number for calling the center's karaoke transmission device based on instructions from the CPU 3h and, once the other party is ready to receive, transmits the request number through the digital communication line to the center's karaoke transmission device.

The aforementioned request number is brought to the CPU 2d through interface 2c on the karaoke transmission device side. At that time, CPU 2d extracts the required data, i.e. the image data, music data and subtitle data of the requested song, from the large hard disk storage device 2a via the host computer 2b according to the request number, and stores this data in the buffer RAM 2e.

The buffer RAM 2e transmits the data extracted from the large hard disk storage device 2a as above through interface 2c over the digital communication line to the karaoke reproduction device side, as instructed by the CPU 2d.

Here, since the host computer 2b is connected to multiple CPUs 2d via the common data bus 2f and can be shared for the digital communication lines of multiple karaoke reproduction devices, even when multiple requested songs from a

plurality of karaoke reproduction devices are contending at the same time, each karaoke reproduction device can be accommodated very quickly.

When the desired requested song data is delivered through the digital communication line to the karaoke reproduction device side as described above, the input data is temporarily stored in buffer RAM 3j, and once the data reaches a set quantity, that data is sent through the CPU 3h to the image reproduction circuit 3l, music reproduction circuit 3m and subtitle control circuit 3n.

At this time, the image reproduction circuit 3l decodes the image data contained in the input data and converts it to a signal that can be displayed by the display device 3p, the music reproduction circuit 3m similarly decodes the music data and converts it to an audio signal that can be reproduced by the speaker 3q, and the subtitle control circuit 3n similarly decodes the lyrics subtitle information and converts it to a signal that can be displayed by the display device 3p, and controls the change in subtitle color so as to indicate the position of the lyrics to be sung as the song progresses by means of the color change.

The video signals from the image reproduction circuit 3l and the subtitle control circuit 3n are combined in the combining circuit 3o and sent to the display device 3p, and the output of the music reproduction circuit 3m is inputted into the speaker 3q, the accompaniment of the desired requested song is reproduced along with images appropriate to that song, and at the same time the lyrics to be sung are displayed as subtitles on the screen of the display device while changing their color as the song progresses.

For the subtitle display, an arrangement whereby the subtitles are recorded together within the image data is also possible, in which case the subtitle control circuit 3h of the karaoke reproduction device may be omitted.

When a new song is to be employed in the karaoke system described above, by just recording the corresponding data on the large hard disk storage device 2a provided at the center, requests from the karaoke reproduction devices of all the businesses where karaoke is used and installed can be accommodated.

Furthermore, by recording the song number and frequency of requests on the large hard disk storage device whenever a request is made from a karaoke reproduction device to the karaoke data transmission device and printing out this

information as necessary on the printer 2g, it becomes possible to determine the number of times each karaoke reproduction device is used, which not only makes the calculation of usage fees clear and easy, but also makes it easy to discriminate between songs for which there are many and few requests, which can be made use of as reference information when changing software or the like.

Furthermore, since only the karaoke reproduction device needs to be placed at the business where karaoke is used and installed, without the need to prepare large amounts of software, storage devices, etc., the installation footprint and initial cost can be reduced.

Various modifications can also be made, as appropriate, to the design of the karaoke data transmission device installed at the center, making the data sent out from it into ① song data, ② song data and subtitle data, ③ song data, subtitle data and subtitle color change data, ④ color change data, subtitles and image data, and the like.

Moreover, various modifications can be made, as appropriate, to the design of the karaoke reproduction device installed at each business where karaoke is used and installed, whereby for instance ① song data and subtitle data are combined in the data sent from the center, and the device has a function that allows the subtitles and song to be reproduced simultaneously, ② song data, subtitle data and subtitle color change data are combined in the data sent from the center, and the device has a function that allows subtitles, song and subtitle color change to be reproduced simultaneously, ③ image data is also sent simultaneously, and the device has a function that allows the song, subtitles, subtitle color change and background image to be reproduced simultaneously, ④ the device can acquire image data from an external input terminal, and the like.

(EFFECT OF THE INVENTION)

Since the present invention is configured as discussed above, using the present invention makes it possible to provide a karaoke system having many advantages, such as being able to handle multiple accesses with a single piece of software, allowing new songs to be incorporated and requests for them to be accommodated immediately, making it possible to accurately know the karaoke usage conditions, having a small installation footprint and low initial cost, having no limitation on the number of songs made available, and the like.

The present invention is not limited to the embodiment discussed above, and encompasses all modified embodiments within the scope of the object of this invention that could be easily conceived of by a person skilled in the art based on the above description.

4. BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 is an illustration showing the installed state of the karaoke system of the present invention; Figure 2 is a block diagram showing the circuit configuration of the karaoke data transmission device in the karaoke system of the present invention; and Figure 3 is a block diagram showing the circuit configuration of the karaoke reproduction device in the karaoke system of the present invention.

A Karaoke data transmission device
 B₁ through B₄ Karaoke reproduction device
 C₁ through C₄ Digital communication line
 2a Large hard disk storage device
 2b Host computer
 2c Interface
 2d CPU
 2e Buffer RAM
 2f Common data bus

3h CPU
 3h-1 CPU main body
 3h-2 Program ROM
 3h-3 Program RAM
 3h-4 Work RAM
 3i Interface
 3j Buffer RAM
 3k Song selection device
 3k' I/O circuit
 3l Image reproduction circuit
 3m Music reproduction circuit
 3n Subtitle control circuit
 3o Combining circuit
 3p Display device
 3q Speaker

Patent applicant: Tatuo Corporation
 Agent: (7524) Shotaro MOGAMI

Figure 1

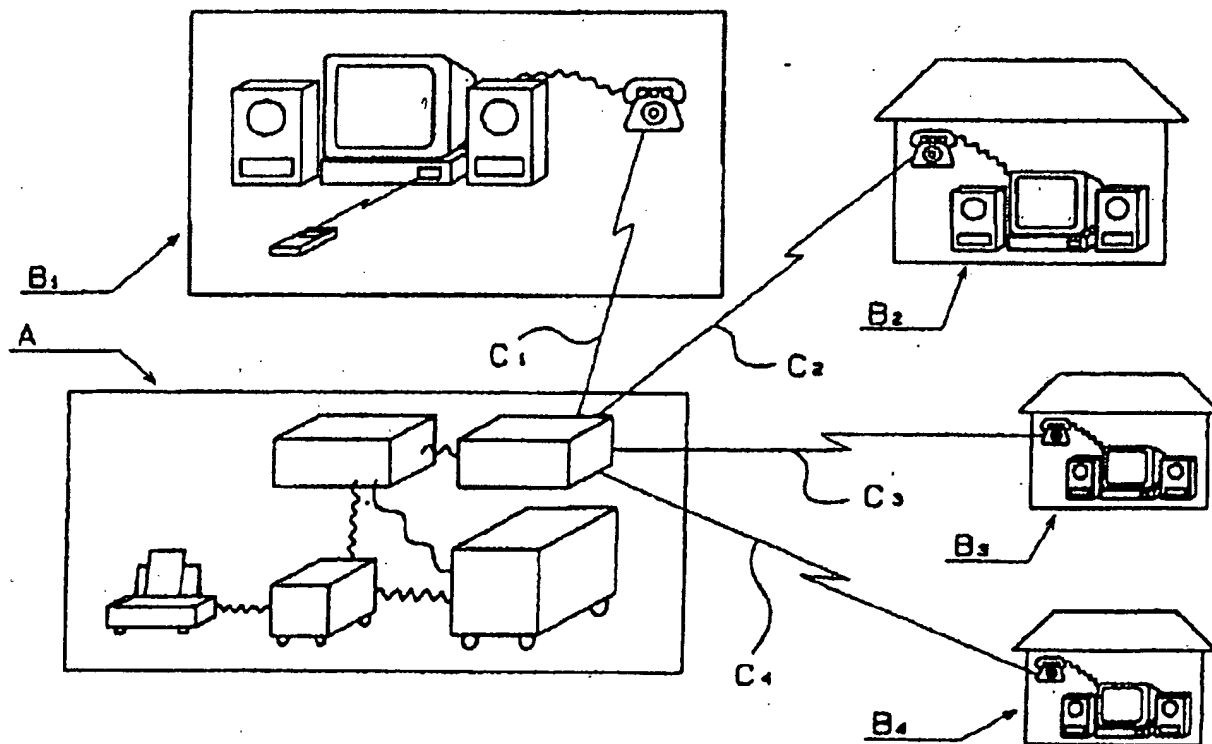


Figure 2

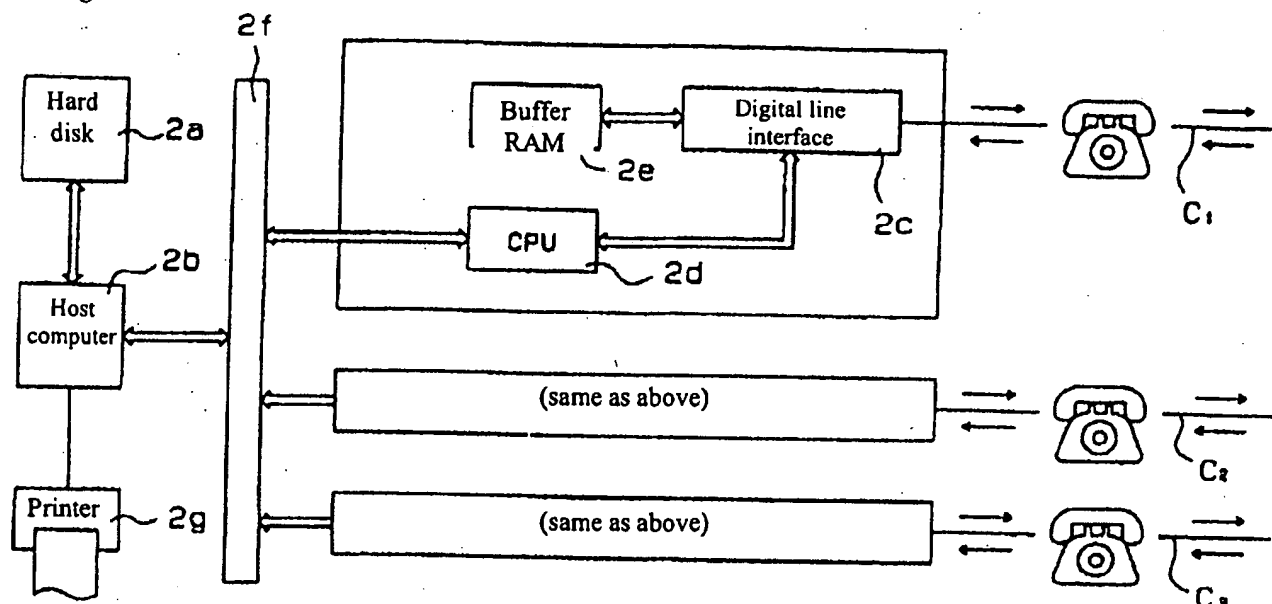
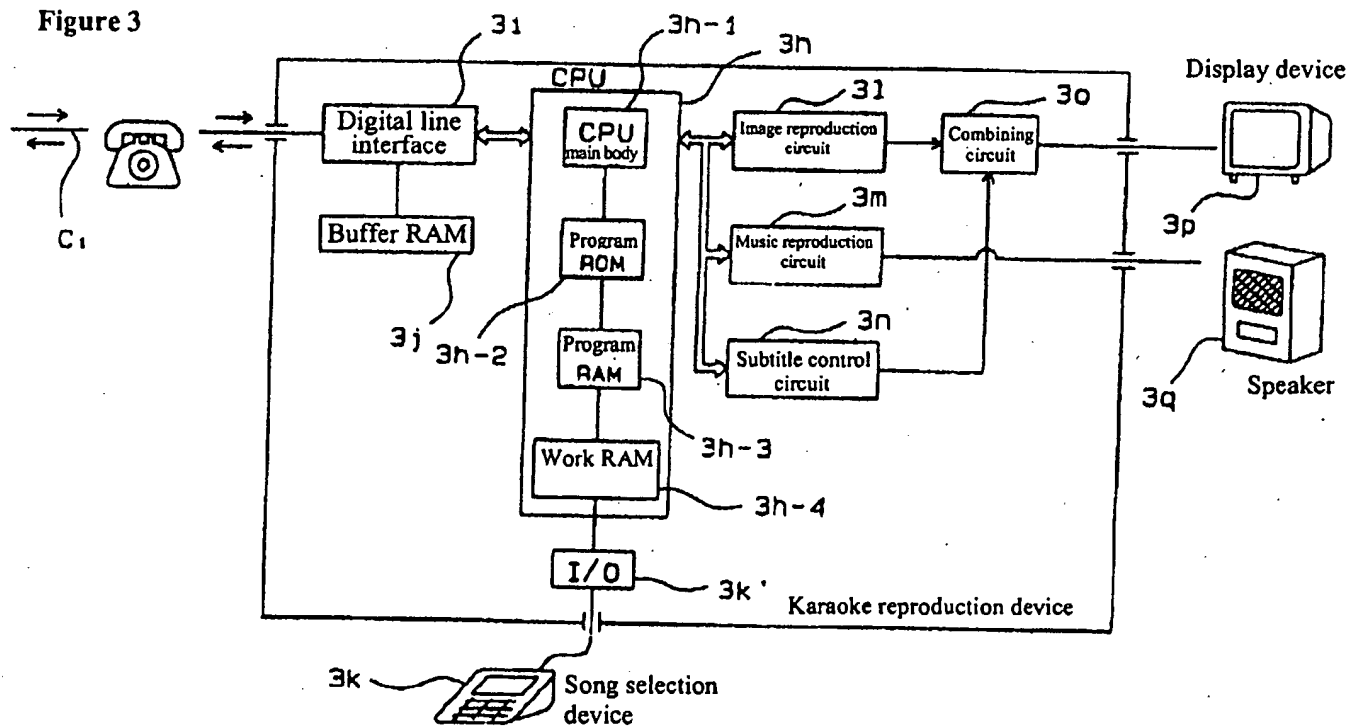


Figure 3



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(72) Inventor

Takuya SAKAI

% Taito Corporation, Taito Building,
5-3 Hirakawa-cho 2-chome, Chiyoda-ku, Tokyo-to

(72) Inventor

Ikuo SUDO

% Taito Corporation, Taito Building,
5-3 Hirakawa-cho 2-chome, Chiyoda-ku, Tokyo-to

⑩ 日本国特許庁(J P)

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⑱ 発 明 者 三 部 幸 治 東京都千代田区平河町2丁目5番3号 タイトービルデ
ィング 株式会社タイトー内
⑲ 発 明 者 麻 沢 茂 東京都千代田区平河町2丁目5番3号 タイトービルデ
ィング 株式会社タイトー内
⑲ 発 明 者 今 井 聡 東京都千代田区平河町2丁目5番3号 タイトービルデ
ィング 株式会社タイトー内
⑳ 出 願 人 株式会社タイトー 東京都千代田区平河町2丁目5番3号 タイトービルデ
ィング
㉑ 代 理 人 弁理士 最上 正太郎
最終頁に続く

6月 糸田 啓

1. 発明の名称

カラオケシステム

2. 特許請求の範囲

1) カラオケデータ送出装置と、デジタル通信回路を通じてこれに接続される複数のカラオケ再生装置とから成り、

上記カラオケデータ送出装置は、下記(1)項ないし(4)項記載の構成要素、即ち、

(1) カラオケに使用される多数の曲のデータ、テロップデータ、画像データが記録され、更にリクエスト情報及び上記カラオケ再生装置の利用状況等が記録される大型ハードディスク記憶装置と、

(2) 上記大型ハードディスク記憶装置への各種データの出し入れを制御するホストコンピュータと、

(3) 上記デジタル通信回路のそれぞれに対応して設けられ、デジタル通信回路への送受信を制御するインターフェイスと、

(4) 上記インターフェイスのそれぞれに対応して

設けられ、インターフェイスを制御して自動着信を行ない、リクエストナンバーに従い上記ホストコンピュータを介して大型ハードディスク記憶装置から必要なデータを取り出すCPUと、

(5) 上記インターフェイスのそれぞれに対応して設けられ、上記大型ハードディスク記憶装置から取り出されたデータをストアし、上記CPUの指令により当該データを上記インターフェイスを介して上記デジタル通信回路へ送出するバッファRAMと、

(6) 上記インターフェイスのそれぞれに対応して設けられた上記複数のCPUと、上記ホストコンピュータとの間のデータの授受を制御する共通データバスと、

(7) 上記ホストコンピュータに接続され、リクエスト情報及び上記カラオケ再生装置の利用状況等をプリントアウトするプリンタとを備え、

上記複数のカラオケ再生装置のそれぞれは、下記(1)項ないし(4)項記載の構成要素、即ち、

(1) カラオケ再生装置全体の作動を制御するCP

りと、

(1)上記デジタル通信回路への送受信を制御するインターフェイスと、

(2)上記デジタル通信回路からの入力データを一時的にストアし、データが一定量に達したときこれを上記CPUに転送するバッファRAMと、

(3)利用者がカラオケのリクエストナンバーを入力する選曲装置と、

(4)上記CPUを介して転送された上記入力データに含まれる画像データをデコードする画像再生回路と、

(5)上記CPUを介して転送された上記入力データに含まれる音楽データをデコードする音楽再生回路と、

(6)上記CPUを介して転送された上記入力データに含まれるテロップ情報をデコードすると共に、曲の進行に応じてその色の変化を制御するテロップ制御回路と、

(7)上記画像再生回路からの映像信号と上記テロップ制御回路からの映像信号とを合成する合成回

路と、

高音質の音楽が再現されるもの等々、様々な形態のものが提供されている。

然しながら、これらの従来のカラオケ装置においては、①音楽ソフトの増大に伴い、その設置面積が大きくなる、②新曲が出て1つのメディア(CDなど)には多くの曲が記録してあるため、これに新曲を追加する作業は複雑で、新曲への対応が遅れる、③音楽ソフトの増大に伴い、ソフトの集積コストが大きい、④カラオケ設置店における装置の利用状況が正確に把握できず、レンタルリースの誤差に問題の発生することがある、等々の問題点があった。

(発明が解決しようとする課題)

本発明は、上記の問題点を解決するためなされたものであり、その目的とするところは、1つのソフトで多くのアクセスに応じることができる、新曲に速に対応できる、カラオケの利用状況を正確に把握できる、設置面積が小さく、初期コストが低い、準備回数に制限がない等々、多くの利点を有するカラオケシステムを提供することにあ

る。

例上記合成回路により合成された画像及びテロップの映像信号を映し出すディスプレイ装置と、

例上記音楽再生回路からの音楽信号を再生するスピーカとを備えたこと、

を特徴とするカラオケシステム。

3. 発明の詳細な説明

(産業上の利用分野)

本発明は、カラオケシステムに関する。

(従来の技術)

歌謡曲等の伴奏のみが再生され、これに合わせて歌をうたう所謂カラオケは広く普及し、その設置は多くの飲食店、スナック、商場、旅館、ホテル等に設置されている。

而して、従来のカラオケ装置としては、8トラックの音楽テープを利用して音楽だけが再現されるもの、CD、CDGなどによる単純な静止画と歌詞テロップ及び高音質の音楽が再現されるもの、LD、VHDなどによる動画を映し出し、歌によって変化する歌詞テロップも同時に映し出され、

る。

(課題を解決するための手段)

上記の目的は、

カラオケデータ送出装置と、デジタル通信回路を通じてこれに接続される複数のカラオケ再生装置とから成り、

上記カラオケデータ送出装置は、下記何項ないし全部記載の構成要素、即ち、

(1)カラオケに使用される多数の曲のデータ、テロップデータ、画像データが記録され、更にリクエスト情報及び上記カラオケ再生装置の利用状況等が記録される大型ハードディスク記憶装置と、

(2)上記大型ハードディスク記憶装置への各種データの出し入れを制御するホストコンピュータと、

(3)上記デジタル通信回路のそれぞれに対応して設けられ、デジタル通信回路への送受信を制御するインターフェイスと、

(4)上記インターフェイスのそれぞれに対応して設けられ、インターフェイスを制御して自動着信を行ない、リクエストナンバーに従い上記ホスト

コンピュータを介して大型ハードディスク記憶装置から必要なデータを取り出すCPUと、

(e)上記インターフェイスのそれぞれに対応して設けられ、上記大型ハードディスク記憶装置から取り出されたデータをストアし、上記CPUの指令により当該データを上記インターフェイスを介して上記デジタル通信回線へ送出するバッファRAMと、

(f)上記インターフェイスのそれぞれに対応して設けられた上記複数のCPUと、上記ホストコンピュータとの間のデータの授受を制御する共通データバスと、

但上記ホストコンピュータに接続され、リクエスト情報及び上記カラオケ再生装置の利用状況等をプリントアウトするプリンタとを備え、

上記複数のカラオケ再生装置のそれぞれは、下記(1)ないし(4)項記載の構成要素、即ち、

(1)カラオケ再生装置全体の作動を制御するCPUと、

(2)上記デジタル通信回線への送受信を制御する

アップの映像信号を映し出すディスプレイ装置と、

(4)上記音楽再生回路からの音楽信号を再生するスピーカとを備えたこと、

を特徴とするカラオケシステムによって達成される。

(作 用)

上記の如き構成であると、多数のカラオケ利用設置店にそれぞれ設置されたカラオケ再生装置を、デジタル通信回線を通じて、センターに備えた1つのカラオケデータ送出装置に接続することにより、センターのカラオケ再生装置の大型ハードディスク記憶装置に記録した1つのソフトで多くのアクセスに応じることができ、新曲が出たときにはこれを上記大型ハードディスク記憶装置に記録するだけですべてのカラオケ再生装置で再生できるから、新曲に直ちに対応することができ、準備曲数に制限がなく、設置面積が小さくて済み、初期コストも低く、更には、各カラオケ再生装置からのリクエスト回数や曲目をセンターの大型ハードディスク記憶装置に記録することによりカラオ

キインターフェイスと、

(3)上記デジタル通信回線からの入力データを一時的にストアし、データが一定量に達したときこれを上記CPUに転送するバッファRAMと、

(4)利用者がカラオケのリクエストナンバーを入力する選曲装置と、

(5)上記CPUを介して転送された上記入力データに含まれる画像データをデコードする画像再生回路と、

(6)上記CPUを介して転送された上記入力データに含まれる音楽データをデコードする音楽再生回路と、

(7)上記CPUを介して転送された上記入力データに含まれるテロップ情報をデコードすると共に、曲の進行に応じてその色の変化を制御するテロップ制御回路と、

(8)上記画像再生回路からの映像信号と上記テロップ制御回路からの映像信号とを合成する合成回路と、

(9)上記合成回路により合成された画像及びテロ

ップの利用状況を正確に把握できる、等々、多くの利点を有するカラオケシステムを提供し得るものである。

(実 施 例)

以下、図面を参照しつつ本発明の構成を具体的に説明する。

第1図は本発明に係るカラオケシステムの設置状態を示す説明図、第2図は本発明に係るカラオケシステムにおけるカラオケデータ送出装置の回路構成を示すブロック図、第3図は本発明に係るカラオケシステムにおけるカラオケ再生装置の回路構成を示すブロック図である。

而して、本発明に係るカラオケシステムは、第1図に示すように、センターに備えた1つのカラオケデータ送出装置Aと、あちこちのカラオケ利用設置店に設置され、ISDN等のデジタル通信回線C₁、C₂、C₃、C₄を通じて上記カラオケデータ送出装置Aに接続された多数のカラオケ再生装置B₁、B₂、B₃、B₄等とから成り、カラオケデータ送出装置Aは大型ハードディスク記憶装置、ホ

ストコンピュータ、バッファRAM、デジタル画像インターフェイス等々により構成され、カラオケ再生装置B₁、B₂等はそれぞれ、デジタル画像インターフェイス、バッファRAM、CPU、画像再生装置、音楽再生装置、テロップ制御回路、選曲装置、ディスプレイ装置、スピーカ等々により構成されている。

なお、本明細書中において「デジタル通信回路」とは、デジタル信号の伝送によりコンピュータ間の通信、ファクシミリ、ビデオテックス等の各種サービスを統合的に行なう統合ネットワークのことを指し、ISDN(Integrated Service Digital Network)、INS(Information Network System)、DDX(Digital Data Exchange)等々を指すものである。

カラオケデータ送出装置Aは、カラオケ再生装置B₁、B₂等からデジタル通信回路C₁、C₂等を通じて送られてくる呼出信号に応じて、リクエスト曲のナンバーを檢知し、これに基づき所要のデータを大型ハードディスク記憶装置2aから呼出し

てカラオケ再生装置B₁、B₂等へ伝送する。

カラオケ再生装置B₁、B₂等は、その選曲装置を操作して所望の曲のリクエストナンバーを選定すると、自動的にセンターに電話をかけ、デジタル通信回路C₁、C₂、C₃等を通じてカラオケデータ送出装置Aへリクエストナンバーを送信し、これに基づき取り出されたカラオケデータを受信して曲や画像を再生する機能を有する。

まず、センターに備えられるカラオケデータ送出装置Aについて第2図を参照しつつ説明する。

カラオケデータ送出装置は、大型ハードディスク記憶装置2a、ホストコンピュータ2b、インターフェイス2c、CPU2d、バッファRAM2e、共通データバス2f、プリンタ2gとから成り、インターフェイス2c、CPU2d、バッファRAM2eについては各デジタル通信回路C₁、C₂、C₃、等に設けられている。

大型ハードディスク記憶装置2aには、カラオケに使用される多数の曲のデータ、テロップデータ、画像データが記録され、更にリクエスト情報及び

上記カラオケ再生装置の利用状況等が記録されるようになっている。

ホストコンピュータ2bは、上記大型ハードディスク記憶装置2aへの各種データの出し入れを制御するものであり、CPU2dからの要求に応じて大型ハードディスク記憶装置2aから必要なデータを取り出してCPU2dに転送したり、各カラオケ再生装置B₁、B₂等からのリクエスト情報、可降等々のデータを大型ハードディスク記憶装置2aに記録する機能を有している。

インターフェイス2cは、上記デジタル通信回路C₁、C₂、C₃等のそれぞれに対応して設けられ、ISDN等のデジタル通信回路からの自動着信の制御やデータの自動転送を制御するようになっている。

CPU2dは、インターフェイス2cを制御して自動着信を行ない、カラオケ再生装置B₁、B₂等から送られてくるリクエストナンバーに従い上記ホストコンピュータ2bを介して大型ハードディスク記憶装置2aから必要なデータを取り出し、このデ

ータをバッファRAM2eにストアする。

バッファRAM2eは、上記の如くして大型ハードディスク記憶装置2aから取り出された曲データ、テロップデータ等のデータを一時的にストアし、上記CPU2dからの指令により当該データを上記インターフェイス2cを介してデジタル通信回路C₁へ送出する。

共通データバス2fは、ホストコンピュータ2bを多数のデジタル通信回路(20~100回線)に共用するため、各デジタル通信回路ごとに設けられた複数のCPU2dと、1つのホストコンピュータ2bとの間のデータの授受を統御するようになっている。

プリンタ2gは、上記ホストコンピュータに接続され、リクエスト情報及び上記カラオケ再生装置の利用状況等を必要に応じてプリントアウトするために用いる。

次に、各カラオケ利用設備店に設置されるカラオケ再生装置B₁、B₂等について第3図を参照しつつ説明する。カラオケ再生装置B₁、B₂、

ものそれぞれはいずれも同一の構成を有するので、ここではその1つについてのみ説明する。

カラオケ再生装置は、CPU3h、インターフェイス3i、バッファRAM3j、選曲装置3k、映像再生回路3l、音楽再生回路3m、テロップ制御回路3n、合成回路3o、ディスプレイ装置3p、スピーカ3qから成り、CPU3hは、CPU本体3h-1、プログラムROM3h-2、プログラムRAM3h-3、ワークRAM3h-4から成り、選曲装置3kとCPU3hとはI/O回路3k'を介して接続されている。

CPU3hは、カラオケ再生装置全体の作動を制御する役割を果たし、その主な機能は、通信関係の制御、音楽の再生制御、テロップの表示と制御、画像の再生制御、リクエストの受付と表示制御である。

インターフェイス3iは、デジタル通信回路への送受信を制御するものであり、カラオケデータ送出装置を呼び出すための電話番号を発信並びにカラオケデータ送出装置から送られてくるデータの受信を行なう。

デコードし、スピーカ3qにより再生し得る音声信号に変換する。

テロップ制御回路3nは、同様にもCPU3hを介して転送されてくる入力データに含まれる歌詞のテロップ情報をデコードし、ディスプレイ装置3pにより表示し得る信号に変換すると共に、曲の進行に応じて歌うべき歌詞の位置をテロップの色の変化により表示するよう当該色の変化を制御する。

合成回路3oは、上記映像再生回路3lからの映像信号とテロップ制御回路3nからの映像信号とを合成してディスプレイ装置3pに送る。

次に、上記の如く構成された本発明に係るカラオケシステムの作用について説明する。

カラオケ利用設置店に設置されているカラオケ再生装置の選曲装置3kを用いて利用者が所望のカラオケのリクエストナンバーを入力すると、当該番号はI/O回路3k'を介してCPU3hに入力される。このときインターフェイス3iはCPU3hからの指令に基づき、センターのカラオケデータ送出装置を呼び出すための電話番号を発信すると共

バッファRAM3jは、デジタル通信回路からの入力データを一時的にストアし、データが一定量に達したときこれをCPU3hに転送する。

選曲装置3kは、利用者が所望のカラオケのリクエストナンバーを入力するための装置であり、I/O回路3k'を介してCPU3hに入力されたリクエストナンバーはインターフェイス3iを経てデジタル通信回路によりカラオケデータ送出装置に送られる。

なお、選曲装置3kとCPU3hはケーブルで接続してもよいが、選曲装置3kをリモコン装置としてワイヤレス形式で選曲信号を送るようにしてもよい。

映像再生回路3lは、バッファRAM3jに一時的にストアされた後CPU3hを介して転送されてくるカラオケデータ送出装置からの入力データに含まれる画像データをデコードし、ディスプレイ装置3pにより表示し得る信号に変換する。

音楽再生回路3mは、同様にもCPU3hを介して転送されてくる入力データに含まれる音楽データを

に、相手側の受信態勢が整った段階で上記リクエストナンバーをデジタル通信回路を通じてセンターのカラオケデータ送出装置に送出する。

上記リクエストナンバーは、カラオケデータ送出装置側のインターフェイス2cを経てCPU2dにもたらされる。然るときは、CPU2dは上記リクエストナンバーに従い上記ホストコンピュータ2bを介して大型ハードディスク記憶装置2aから必要なデータ、即ち、リクエスト曲の映像データ、音楽データ、テロップデータ等を取り出し、このデータをバッファRAM2eにストアする。

バッファRAM2eは、上記の如くして大型ハードディスク記憶装置2aから取り出されたデータを、CPU2dからの指令によりインターフェイス2cを経てデジタル通信回路を通じてカラオケ再生装置側へ送出する。

その場合、ホストコンピュータ2bは共通データバス2fを介して多数のCPU2dに接続され、多数のカラオケ再生装置のデジタル通信回路に共用できるようにになっているため、複数のカラオケ再生

装置から同時に多数のリクエスト曲が競合しても極めて短時間で各カラオケ再生装置に対応できるものである。

上記の如くして、デジタル通信回線を通じてカラオケ再生装置側へ所望のリクエスト曲のデータがもたらされると、当該入力データはバッファRAM31に一時的にストアされ、データが一定量に達すると、これらのデータはCPU3hを経て、画像再生回路31、音楽再生回路3a及びテロップ制御回路3nに送られる。

然るときは、画像再生回路31は、入力データに含まれる画像データをデコードしてディスプレイ装置3pにより表示し得る信号に変換し、音楽再生回路3aは、同時に音楽データをデコードしてスピーカ3qにより再生し得る音声信号に変換し、更に、テロップ制御回路3nは、同時に歌詞のテロップ情報をデコードし、ディスプレイ装置3pにより表示し得る信号に変換すると共に、曲の進行に応じて歌うべき歌詞の位置をテロップの色の变化により表示するよう当該色の变化を制御する。

しておき、必要に応じてプリンタ2gでこれをプリントアウトすることにより、各カラオケ再生装置の利用回数を知ることができ、使用料金の算出が明確かつ容易になるばかりでなく、リクエストの多い曲と少ない曲を判別することも容易となり、ソフトの交換等の場合にも参考資料として利用できる。

また、カラオケ利用設置店には、カラオケ再生装置を置くだけでよく、多数のソフトや記憶装置等を搭載する必要がないので、設置面積や初期コストは少なく済むものである。

而して、センターに設置されるカラオケデータ送出装置は、これから送り出すデータが、①曲のデータであるもの、②曲のデータとテロップデータであるもの、③曲のデータとテロップデータとテロップの色変わりデータであるもの、④色変わりデータであるものとテロップと画像データであるもの、等々に適宜設計変更できる。

また、各カラオケ利用設置店に設置されるカラオケ再生装置は、①センターから送られてくるデ

画像再生回路31及びテロップ制御回路3nからの映像信号は合成回路3eにおいて合成されてディスプレイ装置3pに送られると共に、音楽再生回路3aの出力はスピーカ3qに入力され、所望のリクエスト曲の演奏とその曲にふさわしい映像が再生され、またこれと同時にディスプレイ装置の画面上に歌うべき歌詞が曲の進行に応じて色変わりしながらテロップ表示されるものである。

なお、上記テロップ表示は、画像データと一緒に記録しておくように構成することも可能であり、その場合にはカラオケ再生装置のテロップ制御回路3nは省略しても差支えない。

而して、上記のカラオケシステムで新曲を採用する場合には、そのデータをセンターに取付けた大型ハードディスク記憶装置2aに記録するだけで、すべてのカラオケ利用設置店のカラオケ再生装置からのリクエストに対応できる。

また、各カラオケ再生装置からカラオケデータ送出装置へリクエストがもたらされる節度、大型ハードディスク記憶装置にその曲目や曲数を記録

データに、曲のデータとテロップのデータが合成されて送られ、テロップと曲を同時に再生することができる機能を持つもの、②センターから送られてくるデータに、曲のデータとテロップのデータとテロップの色わりのデータが合成されて送られ、テロップと曲とテロップの色わりを同時に再生することができる機能を持つもの、③画像のデータも同時に送られ、曲、テロップ、テロップの色変わり、背景画像を同時に再生することができる機能を持つもの、④画像データを外部入力端子から得るようにしたもの、等々に適宜設計変更できる。

(発明の効果)

本発明は以上の如く構成されるから、本発明によるときは、1つのソフトで多くのアクセスに応じることができ、新曲も速ちに採用してリクエストに対応でき、カラオケの利用状況を正確に把握でき、設置面積が小さく、初期コストも低く、準備曲数に制限がない等々、多くの利点を有するカラオケシステムを提供し得るものである。

なお、本発明は以上の実施例に限定されるものでなく、その目的の範囲内において上記の説明から当業者が容易に想到し得るすべての変更実施例を包摂するものである。

4. 図面の簡単な説明

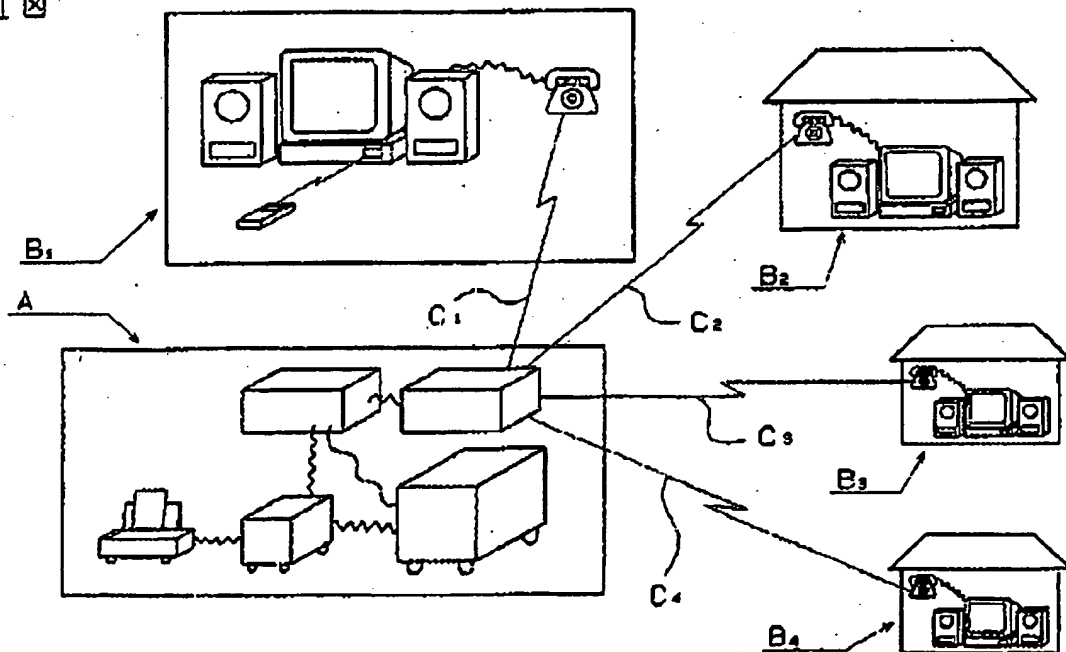
第1図は本発明に係るカラオケシステムの設置状態を示す説明図、第2図は本発明に係るカラオケシステムにおけるカラオケデータ送出装置の回路構成を示すブロック図、第3図は本発明に係るカラオケシステムにおけるカラオケ再生装置の回路構成を示すブロック図である。

- A.....カラオケデータ送出装置
- B₁、～B₄.....カラオケ再生装置
- C₁、～C₄.....デジタル通信回線
- 2a.....大型ハードディスク記憶装置
- 2b.....ホストコンピュータ
- 2c.....インターフェイス
- 2d.....CPU
- 2e.....バッファRAM
- 2f.....共通データバス

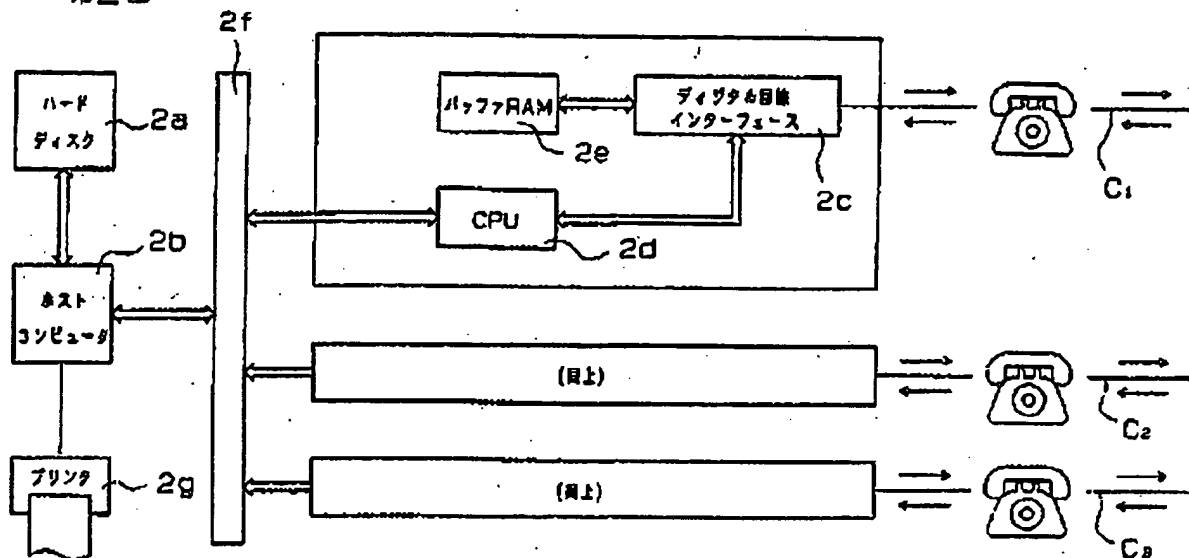
- 3h.....CPU
- 3h-1.....CPU本体
- 3h-2.....プログラムROM
- 3h-3.....プログラムRAM
- 3h-4.....ワークRAM
- 3j.....インターフェイス
- 3j.....バッファRAM
- 3k.....選曲装置
- 3k'.....I/O回路
- 3l.....画像再生回路
- 3m.....音楽再生回路
- 3n.....テロップ制御回路
- 3o.....合成回路
- 3p.....ディスプレイ装置
- 3q.....スピーカ

特許出願人 株式会社 タ イ ト ー
代 理 人 (7524) 最 上 正 太 郎

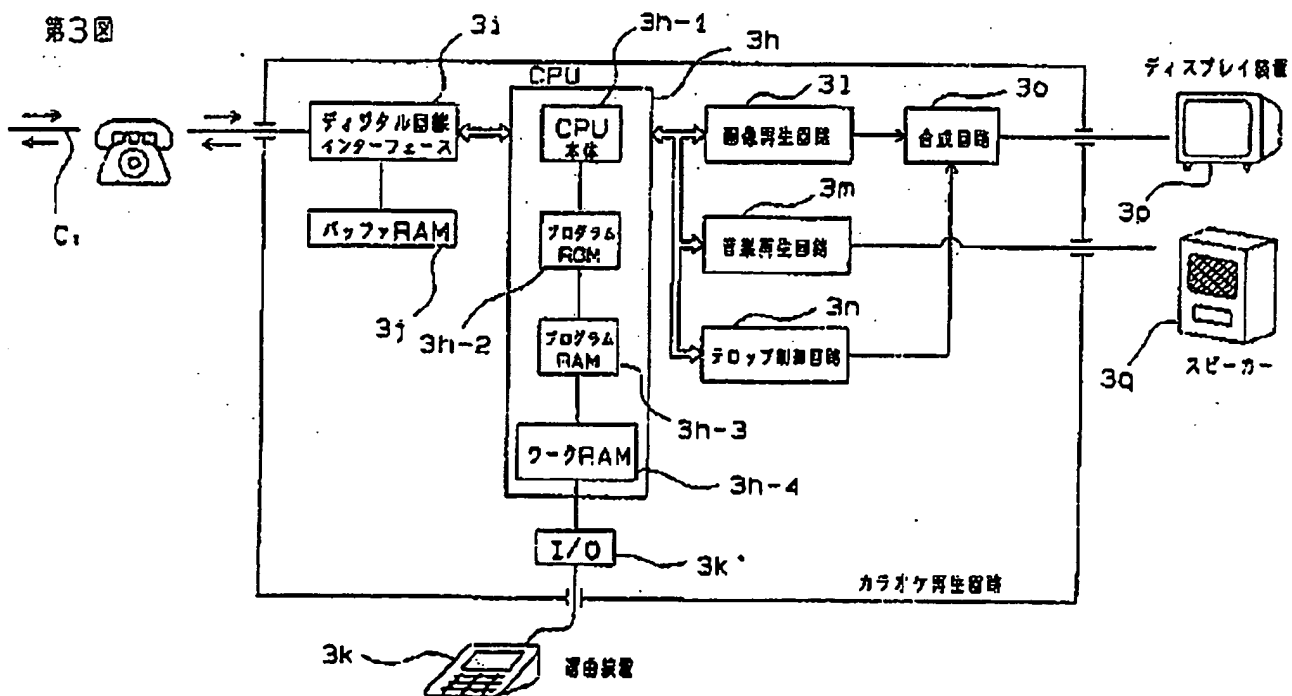
第1図



第2図



第3図



第1頁の続き

④Int.Cl.⁶

H 04 M 11/08

識別記号

庁内整理番号

7117-5K

⑦発明者	酒井	琢也	東京都千代田区平河町2丁目5番3号	タイトービルディング 株式会社タイトー内
⑦発明者	須藤	育生	東京都千代田区平河町2丁目5番3号	タイトービルディング 株式会社タイトー内



04/29/10

Attorney Docket No. ADC520

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	)	Title:	Interactive Communication System
Takeya Okamoto	)		for Communicating Video Game
	)		and Karaoke Software
Control Nos.: 90/009,524 &	)	Patent No.:	6,193,520
90/010,666	)	Art Unit:	3992
Reexam Filed: 08/17/2009	)	Examiner:	William H. Wood

AMENDMENT AND RESPONSE**Mail Stop "Ex Parte Reexam"**

Attn: Central Reexamination Unit
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This is an *ex parte* reexamination of U.S. Patent No. 6,193,520 (hereafter the '520 Patent). This proceeding has been merged with a third party reexamination request Control No. 90/010,666.

This paper is responsive to the Office Action issued on March 29, 2010. Please enter the following claim amendments and consider the appended remarks.

Claim amendments begin on Page 2 of this paper.

Remarks begin on Page 10 of this paper.

Certificate of Mailing:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop "Ex Parte Reexam"
 Attn: Central Reexamination Unit
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Signed: Anne Smith
 Anne Smith

Dated: April 26, 2010

IN THE CLAIMS

Please amend the claims as follows:

1. (ONCE AMENDED) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data, receiving means for receiving, via wireless transmission, one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

clock means for keeping a predetermined time period after said receiving means receives the transmission, and

interference means for interfering with execution of said executing means when said clock means counts said predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.

2. (ORIGINAL) The communication system according to claim 1, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and

alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

3. *(Not subject to reexamination).*
4. (ORIGINAL) The communication system according to claim 1, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.
5. (ORIGINAL) The communication system according to claim 1, wherein said communication terminal device comprises display means having a screen on which the progress of execution of the program or data processing is displayed, and said interference means comprises means for blocking the view of what is displayed on said screen.
6. *(Not subject to reexamination).*
7. (ORIGINAL) The communication system according to claim 1, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.
8. (ORIGINAL) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:
 - an input device for inputting instructions to execute the program or to process the data,
 - receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,
 - storage means for storing the program, the data, or a combination of the program and data received by said receiving means,
 - executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,
 - clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing, and

interference means for interfering with execution of said executing means when said clock means counts said predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.

9. (ORIGINAL) The communication system according to claim 8, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and

alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

10. *(Not subject to reexamination).*

11. (ORIGINAL) The communication system according to claim 8, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.

12. (ORIGINAL) The communication system according to claim 8, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed,

said interference means comprises means for blocking the view of what is displayed on said screen.

13. *(Not subject to reexamination).*

14. (ORIGINAL) The communication system according to claim 8, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

15. (ONCE AMENDED) A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data, receiving means for receiving, via wireless transmission, one of the program, the data, and a combination of the program and data as sent out from said host facility,

storage means for storing the program, the data, or a combination of the program and data received by said receiving means,

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

clock means for keeping a predetermined time period after said execution means ends the execution of the program or data processing to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused, and

interference means for interfering with execution of said executing means when said clock means counts a predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device, and

wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data.

16. (ORIGINAL) The communication system according to claim 15, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and

alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

17. *(Not subject to reexamination).*

18. (ORIGINAL) The communication system according to claim 15, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.

19. (ORIGINAL) The communication system according to claim 15, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed, said interference means comprises means for blocking the view of what is displayed on said screen.

20. *(Not subject to reexamination).*

21. (ORIGINAL) The communication system according to claim 15, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Please insert the following NEW claims:

22. (NEW) The communication system according to claim 8, wherein the receiving means is configured for reception via wireless transmission.

23. (NEW) The communication system according to claim 1, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data.

24. (NEW) The communication system according to claim 23, wherein the interactive communication facilitated between the at least two communication terminal devices comprises real-time communication incident to the data processing of the program, the data, or the combination of program and data.

25. (NEW) The communication system according to claim 8, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate interactive communication between the at least two communication terminal devices regarding the program, the data, or the combination of program and data.

26. (NEW) The communication system according to claim 25, wherein the interactive communication facilitated between the at least two communication terminal devices comprises real-time communication incident to the data processing of the program, the data, or the combination of program and data.

27. (NEW) The communication system according to claim 1, wherein the data comprises karaoke data.

28. (NEW) The communication system according to claim 1, wherein the program comprises a video game.

29. (NEW) The communication system according to claim 1, wherein the data comprises multimedia audio/video data.

30. (NEW) The communication system according to claim 29, wherein the multimedia audio/video data comprises a movie.

31. (NEW) The communication system according to claim 8, wherein the data comprises karaoke data.

32. (NEW) The communication system according to claim 8, wherein the program comprises a video game.

33. (NEW) The communication system according to claim 8, wherein the data comprises multimedia audio/video data like a movie.

34. (NEW) The communication system according to claim 33, wherein the multimedia audio/video data comprises a movie.

35. (NEW) The communication system according to claim 5, wherein the program, the data, or the combination of program and data comprises either a video game, karaoke data, or multimedia audio/video data like a movie, and further wherein the predetermined time period comprises a rental period for the software program, and still further wherein the interference means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

36. (NEW) The communication system according to claim 35, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate interactive communication between the at least two communication terminal devices regarding the software program.

37. (NEW) The communication system according to claim 12, wherein the program, the data, or the combination of program and data comprises either a video game, karaoke data, or multimedia audio/video data like a movie, and further wherein the predetermined time period comprises a rental period for the software program, and still further wherein the interference

means is configured to cease blocking the view on the screen in response to a payment of an additional charge.

38. (NEW) The communication system according to claim 37, wherein the communication terminal device is further configured to connect over telecommunication lines to at least another communication terminal device to facilitate interactive communication between the at least two communication terminal devices regarding the software program.

REMARKS

U.S. Patent 6,193,520 includes claims 1-21. Only claims 1, 2, 4, 5, 7-9, 11, 12, 14-16, 18, 19, and 21 of the '520 Patent are subject to the present reexamination proceeding. All the claims that are subject to reexamination stand rejected either as anticipated or obvious in view of the art of record.

New claims 22-38 have been added by amendment in this paper. Support for the new claims is as set forth below.

No new independent claims have been added. After the addition of 17 new claims, the total number of claims exceeds 20. Accordingly, an additional claims fee of \$25 per added new claim is owed for a total new claims fee of **\$425**. A check is attached to this paper for the new claims fee.

Rejections Under 35 U.S.C. § 102

Claims 1, 8, and 15

Claims 1, 8, and 15 were rejected as being anticipated by *Chernow* (USP 4,999,806). Patent Owner submits that the rejection is improper, and the claims are patentable for at least the following reason. The Office Action erroneously stated that the *Chernow* reference teaches the limitation of Claims 1, 8, and 15 that the host facility includes sending out means for the storage of and sending out of duration data. The Office Action indicates that this limitation is found in *Chernow* at column 2, lines 22-36 and column 10, lines 33-46. However, a closer inspection of the cited passages reveals that in fact the *Chernow* reference nowhere teaches that “duration data” is stored at or sent from a host facility. Rather, the *Chernow* reference teaches merely that a Target Program, or other programs that play supporting roles, may be transferred to a computer. Absent from the cited passages of *Chernow* is any reference whatsoever to “duration data” being sent out as recited in Claims 1, 8, and 15 of the '520 Patent.

Claim 1

Claim 1 stands rejected under 35 U.S.C. § 102 as anticipated by *Chernow*. Claim 1 has been amended to recite that the “receiving means” of the communication terminal device is capable of receiving one of the program, the data, and a combination of the program and data via wireless transmission. Support for the amendment is found, at least, at column 11, lines 15-18 and Fig. 10 of the '520 Patent. This feature enhances the convenience of using the communication terminal device.

Nowhere do *Chernow* or *Kato* teach or suggest that the receiving device is capable of receiving data via wireless transmission. Moreover, given the degree with which both *Chernow* and *Kato* are focused on the security of the transmitted data and the fear of illegal copying of the transmitted data, the use of wireless transmission would not have come to mind because of the inherently inferior security of wireless transmission. See *Chernow* at column 4, lines 16-17 and elsewhere (“The present invention incorporates these as well as other methods for protecting the distributed software.”); *Kato* at page 27, lines 15-19 and elsewhere (“The computer interface 31 also has a capability of preventing the illegal use of the rental contract software . . .”). This is especially true in the late 1980s, the timeframe of both *Chernow* and *Kato*.

The added convenience of wireless transmission capability is neither taught nor suggested by the cited references. Accordingly, Patent Owner submits that these amendments still more clearly distinguish the invention of Claim 1 from the art of record.

Claim 8

Claim 8 stands rejected under 35 U.S.C. § 102 as anticipated by *Chernow*. The Office Action stated that the limitations of Claim 8 are the same as the limitations of Claim 1, and rejected Claim 8 on the same grounds as Claim 1. However, Patent Owner respectfully submits

that the Office Action is in error, and believes that the distinctions between Claim 1 and Claim 8 may be significant. In particular, one relevant comparison is presented here:

Language of Claim 1

clock means for keeping a predetermined time period after said receiving means receives the transmission

Language of Claim 8

clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing

Notice that Claim 8 recites that the predetermined time is measured “after said executing means starts execution” of the program or data processing. This is distinctly different from the language of Claim 1 which recites that the predetermined time is measured “after said receiving means receives the transmission.”

Chernow teaches a system that permits the purchaser to rent the protected software for a period of time after which it will self destruct. Nowhere does *Chernow* teach or suggest that a clock means does not start keeping time until an execution means starts execution of the program or data processing. Indeed, the general nature of the entire *Chernow* reference is toward a strict time period over which the purchaser has absolutely no control, which teaches away from a time period that is tolled until actual execution begins. The recited feature of Claim 8 enables the purchaser to retrieve the program yet not begin playing the program until a later time, without fear that the limited time period will expire before the purchaser can enjoy the program. See., e.g., '520 Patent at column 11, lines 36-41. Such a feature is nowhere taught or suggested by the art of record.

For at least these additional reasons, Claim 8 is patentable over the art of record, and Patent Owner respectfully requests withdrawal of the rejection.

Claim 15

Claim 15 stands rejected under 35 U.S.C. § 102 as anticipated by *Chernow*. Claim 15 has been amended, and Patent Owner submits that Claim 15 is in patentable condition.

Claim 15 has been amended to recite that the “receiving means” of the communication terminal device is capable of receiving one of the program, the data, and a combination of the program and data via wireless transmission. Support for the amendment is found, at least, at column 11, lines 15-18 and Fig. 10 of the '520 Patent. This feature enhances the convenience of using the communication terminal device in a way not foreseen by the art of record.

Claim 15 has also been amended to recite that the communication terminal device is further configured to facilitate interactive communication with another communication terminal device. Support for the amendment is found, at least, at column 8, lines 7-38 of the '520 Patent. The interactive communication between communication terminals, in contrast to communication between the communication terminal and the host facility, is nowhere taught or suggested by any of the art of record. Indeed, nothing in either the *Chernow* or the *Kato* reference remotely suggests that different users, such as game players, can collaborate with each other using their respective communication terminals. For at least this additional reason, Claim 15 is believed to be patentable.

Still further, Claim 15 recites that a time period is kept “during which at least one of the program, the data, and a combination of the program and data is continuously unused”. That time period, the specification describes, enables certain features that are nowhere taught or suggested by the cited art. For instance, by keeping the time that the program and/or data is continuously unused, the system could determine whether to automatically delete the program and/or data after the expiration of the rental period, but not immediately after. Such a feature is nowhere taught or suggested by the cited art.

Claim 15, as amended, is submitted as patentable. Patent Owner respectfully requests withdrawal of the pending rejections.

Claims 5, 12, and 19

Dependent claims 5, 12, and 19 of the '520 Patent were rejected under 35 U.S.C. § 102 as anticipated by *Chernow* (USP 4,999,806). In particular, the Office Action indicated that all the elements of those independent claims were present in the *Chernow* reference. Patent Owner respectfully disagrees.

The *Chernow* reference appears to disclose a system for securely installing software from a remote location using a telephone system. The thrust of the *Chernow* reference deals with mechanisms to install the software in such a manner that it is protected against copying or unauthorized access and use. See, e.g., *Chernow* at col. 1, lines 60-65. The system of *Chernow* appears focused, almost single-mindedly, on securing the downloaded software in such a way that it is destroyed or rendered useless if any copying or unauthorized use is detected. See, e.g., *Chernow* at col. 3, lines 18-20 (“... if not, terminate the transaction and render the Target Program unusable.”); col. 3, lines 48-51 (“the disk itself must be protected from a standard disk copy routine and the software programs themselves must be copy protected.”); col. 4, lines 38-40 (“failure of the Storing Program to properly operate will leave the software purchased inoperable.”). The system of *Chernow* is so aggressive it even envisions destroying all the programs on the receiving computer except the operating system. *Chernow* at col. 9, lines 40-43 (“It accomplishes this by writing over the entire memory save the operating system and itself.”). Thus, the problems being addressed by *Chernow* differ from the specific problems addressed by the '520 Patent.

The Office Action indicated that *Chernow*, at column 2, lines 3-5 and column 5, lines 10-19, discloses the recited claim element of:

“said interference means comprises means for blocking the view of what is displayed on said screen.”

However, a closer review of the *Chernow* reference reveals that the recited claim element is in fact not taught or disclosed. In fact, the *Chernow* reference teaches quite the opposite of the recited claim element.

Contrary to the position presented in the Office Action, *Chernow* does not teach or suggest interfering with execution of the executing means by blocking the view on the screen, which may be less destructive than rendering the software program unusable or deleting it. Rather, at column 2, lines 3-5, the *Chernow* reference teaches that the purchaser is permitted “to rent the protected software for a period of time after which it will self destruct.” Again, at column 5, lines 16-18, the *Chernow* reference teaches that the software, at the conclusion of the term of use, “renders itself unusable or erases itself from the user's disk.”

Moreover, throughout the *Chernow* reference it teaches that the the several programs that are downloaded using the system are destructively destroyed and erased from the hard disk of the receiving computer. See, e.g., “Erase the Control Transfer Program and the Storage Program from the customer's computer” (*Chernow* at col. 8, lines 49-51); “[t]he customer is requested to remove any programs that are resident in memory and running in a background mode (such as a calendar program) as they will be erased by the Primary Protection Program” (*id.* at col. 9, lines 21-24; “[i]t erases its own image on disk” (*id.* at col. 9, line 49); “ends by erasing its own image from memory or has its image in memory and on disk erased by the Interactive Program acting as the user” (*id.* at col. 10, lines 15-18) (emphasis added).

This distinction is important because the '520 Patent discloses that less destructive alternatives to erasing or deleting the data on disk are also available, such as blocking the view on the screen on which the progress of data processing is displayed. This enables, for example, the user to resume playing a game or watching a video by paying another charge. See '520

Patent at column 10, lines 22-30 and lines 48-49. Patent Owner was unable to find any such teachings in the art cited in the Office Action.

The *Kato* reference does not overcome the deficiencies of *Chernow*. More specifically, *Kato* appears to teach an online software automatic vending machine. See *Kato* at page 4, lines 22-24. However, exactly as with *Chernow*, the *Kato* reference is preoccupied with the problem of unauthorized use or copying of the software. See *Kato* at page 9, lines 3-20; page 11, lines 6-11; page 15, lines 9-18; page 25, lines 16-20; page 27, lines 22-25, and elsewhere. In addition, the *Kato* reference also teaches automatically deleting the downloaded software from the receiving machine at the expiration of a time period. More specifically, the *Kato* reference teaches a system including:

(d) a program for making the software be automatically deleted from a hardware disk unit 8 to be described later when the contract time stored in the data memory 52 expires in “rental mode” to be described later; and

(e) a program for making the software be automatically deleted from the hard disk unit 8 when the transmission of a software stored in the hard disk unit 8 has been complete in “purchase mode” to be described later.

See *Kato* at page 15, line 18 to page 16, line 3 (*emphasis added*). In contrast to the invention recited in Claim 2 of the '520 Patent, the *Kato* reference teaches “automatically deleting” software downloaded using the described vending machine system. Thus, the *Kato* reference does not overcome the deficiencies of the *Chernow* reference with respect to the “interference means” element of both Claim 1 and Claim 2 of the '520 Patent.

Neither the *Chernow* reference nor the *Kato* reference teaches or suggests, even in combination, every limitation recited in Claims 5, 12, and 19 as required by a proper rejection. Accordingly, Patent Owner submits that the rejection is improper and respectfully requests that it be withdrawn.

Remaining Dependent Claims

The remaining dependent claims (Claims 2, 4, 7, 9, 11, 14, 16, 18, 21) all depend on an independent claim addressed above. Accordingly, these dependent claims are submitted as allowable for at least the reasons given above.

Based on the foregoing, Applicant believes all the claim rejections of the existing claims have been overcome, and the claims subject to reexamination are in condition for allowance.

New Claims

Patent Owner has submitted new dependent claims to further distinguish the '520 Patent from the art of record.

New Claim 22

New claim 22 has been added to further recite that the receiving means of Claim 8 is configured for reception via wireless transmission. This additional limitation still further distinguishes the claimed invention. Support for new claim 22 is found, at least, at column 11, lines 15-17 of the '520 Patent.

New Claims 23-26

New Claims 23-26 have been added to further recite that the communication terminal device recited in Claims 1 and 8 are capable of facilitating interactive communication between at least two communication terminal devices. Support for new Claims 23-26 is found, at least, at column 8, lines 7-37 of the '520 Patent.

New Claims 27-34

New Claims 27-34 have been added to more distinctly claim that the program and/or data can be either karaoke data, a video game, or multimedia audio/visual content like a movie.

Support for new Claims 27-34 is found, at least, at column 4, lines 5-19; column 5, lines 31-33; column 8, lines 39-45; column 10, lines 8-15; and Fig. 2 of the '520 Patent.

New Claims 35 and 37

New Claims 35 and 37 have been added to more distinctly claim that the interference means may cease blocking the display upon the payment of an additional charge. Support for new Claims 35 and 37 is found, at least, at column 1, lines 47-51 and column 10, lines 22-30 and lines 48-49 of the '520 Patent.

New Claims 36 and 38

New Claims 36 and 38 has been added to more distinctly claim that the communication system may facilitate multiplayer interactions. Support for new Claims 36 and 38 is found, at least, at column 8, lines 7-38 of the '520 Patent.

Applicant believes that the new claims presented in this paper are separately patentable and fully supported by the specification of the '520 Patent. Accordingly, Patent Owner requests allowance of the new claims.

Service of Papers

A copy of this submission is being served today on Third Party Requester in accordance with 37 CFR 1.248 by first class mail addressed to:

Kinney & Lange, P.A.
The Kinney & Lange Building
312 South Third Street
Minneapolis, MS 55415-1002

Notice of Pending Litigation

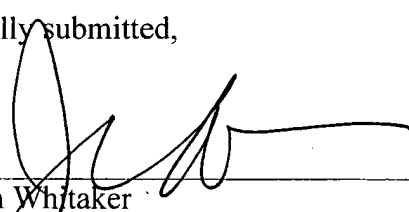
Patent Owner reminds the Patent Office of the current litigation matter, Case No. 2:08-CV-01579-RSM in the Western District of Washington, currently stayed, involving this patent.

Conclusion

Patent Owner respectfully asserts that the arguments and amendments overcome the rejections, and respectfully requests that the Patent Office withdraw those rejections. In addition, Patent Owner respectfully submits that the new claims, added by this paper, are also allowable over the art of record.

Respectfully submitted,

Dated: 04/26/10

By: 

John Whitaker
Reg. No. 42,222
Attorney of the Patent Owner
(206) 319-1575

04/30/2010 RBELL1 00000006 500531 90009524
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,666	09/04/2009	6193520	6620-82302-03	8556

164 7590 03/29/2010
KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 03/29/2010

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



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Joseph T. Jakubek
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

MAILED

MAR 29 2010

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/010,666 + 90/009,524

PATENT NO. 6193520.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Office Action in Ex Parte ReexaminationControl No.
90/010,666 & 90/009,524Patent Under Reexamination
6193520Examiner
WILLIAM H. WOODArt Unit
3992

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

- a ☐ Responsive to the communication(s) filed on _____. b ☐ This action is made FINAL.
c ☒ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 1 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892. 3. ☐ Interview Summary, PTO-474.
2. ☒ Information Disclosure Statement, PTO/SB/08. 4. ☐ _____

Part II SUMMARY OF ACTION

- 1a. ☒ Claims 1,2,4,5,7-9,11,12,14-16,18,19 and 21 are subject to reexamination.
1b. ☐ Claims 3, 6, 10, 13, 17 and 20 are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☐ Claims _____ are patentable and/or confirmed.
4. ☒ Claims 1,2,4,5,7-9,11,12,14-16,18,19 and 21 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ The drawings, filed on _____ are acceptable.
7. ☐ The proposed drawing correction, filed on _____ has been (7a) ☐ approved (7b) ☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have
1 ☐ been received.
2 ☐ not been received.
3 ☐ been filed in Application No. _____.
4 ☐ been filed in reexamination Control No. _____.
5 ☐ been received by the International Bureau in PCT application No. _____.
* See the attached detailed Office action for a list of the certified copies not received.
9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate 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.
10. ☐ Other: _____

cc: Requester (if third party requester)

DETAILED ACTION

Reexamination

This is an *ex parte* reexamination of U.S. Patent No. 6,193,520 (herein *Okamoto*) requested by both the patent owner and a third party. A substantial new question of patentability (SNQ) affecting claims 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19 and 21 is raised and a reexamination has been ordered in reexamination proceeding 90/010,666 (Decision on Request for Reexamination: 12/03/2009). A substantial new question of patentability (SNQ) affecting claims 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 19 and 21 is raised and a reexamination has been ordered in reexamination proceeding 90/009,524 (Decision on Request for Reexamination: 11/14/2009). Reexamination proceedings 90/010,666 and 90/009,524 are MERGED.

Request Established References

The request (90/010,666) argues the following patents and/or printed publications provide teachings relevant to the patent claims requested for reexamination:

- a) Okamoto (JP Laid-Open Patent Application 06-334780), published 12/02/1994. (herein *1994 Okamoto Japanese Application*)
- b) Chernow et al. (USPN 4,999,806), issued 03/12/1991, filed 09/04/1987. (herein *Chernow*)
- c) Kato (JP Laid-Open Patent Application 04-10191), published 01/14/1992. (herein *Kato*)

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- d) Nakagawa et al. (USPN 4,922,420), issued 05/01/1990, filed 07/23/1987.
(herein *Nakagawa*)
- e) Oseki (JP Laid-Open Patent Application 04-158441), published
06/01/1992. (herein *Oseki*)
- f) Bakoglu (USPN 5,632,681), issued 05/27/1997, filed 03/07/1995. (herein
Bakoglu)
- g) Garfinkle (USPN 5,400,402), issued 03/21/1995, filed 06/07/1993. (herein
Garfinkle)
- h) Griswold (USPN 5,940,504), issued 08/17/1999, filed 06/29/1992. (herein
Griswold)
- i) Hornbuckle (USPN 5,497,479), issued 03/05/1996, filed 02/28/1995.
(herein *Hornbuckle*)
- j) Kaniwa (USPN 5,699,370), issued 12/16/1997, filed 02/17/1995. (herein
Kaniwa)
- k) McCarten (USPN 5,959,596), issued 09/28/1999, filed 06/24/1993. (herein
McCarten)
- l) Tsumura (USPN 5,547,202), issued 08/20/1996, filed 12/30/1994. (herein
Tsumura)
- m) Cooper et al. (USPN 5,757,907), issued 05/26/1998, filed 04/25/1994.
(herein *Cooper*)
- n) Sanyo (JP Laid-Open Patent Application 03-149693), published
06/26/1991. (herein *Sanyo*)

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- o) Suzuki et al. (JP Laid-Open Patent Application 01-166218), published 06/30/1989. (herein *Suzuki*)
- p) Morales (USPN 5,291,554), issued 03/01/1994, filed 08/19/1992. (herein *Morales*)
- q) Russo (USPN 5,619,247), issued 04/08/1997, filed 02/24/1995. (herein *Russo*)

Request Established References

The request (90/009,524) argues the following patents and/or printed publications provide teachings relevant to the patent claims requested for reexamination:

- r) Kato (JP 04-10191), laid-open 01/14/1992. (herein *Kato*)
- s) Tsumura (USPN 5,547,202), issued 08/20/1996, filed 12/30/1994. (herein *Tsumura*)
- t) Kaniwa (USPN 5,699,370), issued 12/16/1997, filed 02/17/1995. (herein *Kaniwa*)
- u) Chernow et al. (USPN 4,999,806), issued 03/12/1991, filed 09/04/1987 (herein *Chernow*)
- v) Nakagawa et al. (USPN 4,922,420), issued 05/01/1990, filed 07/23/1987. (herein *Nakagawa*)
- w) Hornbuckle (USPN 5,497,479), issued 03/05/1996, filed 02/28/1995. (herein *Hornbuckle*)

- x) Bakoglu (USPN 5,632,681), issued 05/27/1997, filed 03/07/1995. (herein *Bakoglu*)

Claim Rejections - 35 USC § 102

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.

Claims 1, 4, 5, 8, 11, 12, 15, 18 and 19 rejected under 35 U.S.C. 102(b) as being anticipated by *Chernow et al.* (USPN 4,999,806).

Claim 1

Chernow discloses a communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device (*Chernow: column 1, line 67 to column 2, line 2; column 2, lines 22-36*), said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data (*Chernow: column 2, lines 59-64, purchaser at terminal computer executes/enters commands, thus input device; also column 13, lines 10-11*), receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility (*Chernow: column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data*),

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storage means for storing the program, the data, or a combination of the program and data received by said receiving means (*Chernow: column 3, lines 11-14*), executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device (*Chernow: column 2, line 65 to column 3, line 14, load and execute means*),

clock means for keeping a predetermined time period after said receiving means receives the transmission, and interference means for interfering with execution of said executing means when said clock means counts said predetermined time period (*Chernow: column 2, lines 3-5; column 5, lines 10-19*); and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means (*Chernow: column 2, lines 22-36; column 8, lines 6-61; column 10, lines 2-13; column 8, line 62 to column 9, line 12; demonstrate storage of host has both program/data and duration data*), and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device (*Chernow: column 2, lines 22-36; column 10, lines 33-46*).

Claim 4

Chernow discloses the communication system according to claim 1, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means (*Chernow: column 5, lines 16-19*).

Claim 5

Chernow discloses the communication system according to claim 1, wherein said communication terminal device comprises display means having a screen on which the progress of execution of the program or data processing is displayed (*Chernow: column 5, lines 65-66*), and

said interference means comprises means for blocking the view of what is displayed on said screen (*Chernow: column 5, lines 16-19*).

Claims 8, 11 and 12

The limitations of claims 8, 11 and 12 correspond to the limitations of claims 1, 4 and 5 and as such are rejected in a corresponding manner.

Claim 15

Chernow discloses a communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a

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communication terminal device (*Chernow: column 1, line 67 to column 2, line 2; column 2, lines 22-36*), said communication terminal device comprising:

an input device for inputting instructions to execute the program or to process the data (*Chernow: column 2, lines 59-64, purchaser at terminal computer executes/enters commands, thus input device*),

receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility (*Chernow: column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data*),

storage means for storing the program, the data, or a combination of the program and data received by said receiving means (*Chernow: column 3, lines 11-14*),

executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device (*Chernow: column 2, line 65 to column 3, line 14, load and execute means*),

clock means for keeping a predetermined time period after said execution means ends the execution of the program or data processing to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused (*Chernow: column 13, lines 9-13; see also column 5, lines 10-19*), and

interference means for interfering with execution of said executing means when said clock means counts a predetermined time period (*Chernow: column 2, lines 3-5; column 5, lines 10-19*); and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with duration data indicative of the predetermined time period to be counted by said clock means (*Chernow: column 2, lines 22-36; column 8, lines 6-61; column 10, lines 2-13; column 8, line 62 to column 9, line 12; demonstrate storage of host has both program/data and duration data*), and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device (*Chernow: column 2, lines 22-36; column 2, line 65 to column 3, line 14, demonstrating receiving the programs/data; and column 10, lines 33-46*).

Claim 18

Chernow discloses the communication system according to claim 15, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means (*Chernow: column 5, lines 16-19*).

Claim 19

Chernow discloses the communication system according to claim 15, wherein said communication terminal device comprises display means having a screen on which the

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progress of execution of program or data processing is displayed (*Chernow: column 5, lines 65-66*),

said interference means comprises means for blocking the view of what is displayed on said screen (*Chernow: column 5, lines 16-19*).

Claim Rejections - 35 USC § 103

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.

Claims 2, 7, 9, 14, 16 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over *Chernow et al.* (USPN 4,999,806) in view of *Kato* (JP 04-10191).

Claim 2

Chernow did not explicitly state the communication system according to claim 1, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by

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said interference means with execution of said executing means will soon be performed.

Kato demonstrated that it was known at the time of invention to count a short time period in order to provide an alarm before an action (*Kato*: page 28, last line to page 29, line 3). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the counting and interfering of program/data of *Chernow* with a second counting used to alarm a user of an upcoming action (*Chernow's* interference) as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep a user notified/informed of their current status so they can best make decisions regarding purchase or rental (*Chernow*: column 2, lines 2-9, 17-19; *Kato*: page 29, lines 1-3).

Claim 7

Chernow did not explicitly state the communication system according to claim 1, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (*Kato*: page 5, at least first full paragraph).

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It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* with sound means according to the execution of the program/data as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to common and known mechanisms (sound) for the progress of execution of programs/data (*Kato*: page 5, at least first full paragraph). As such, *Chernow* and *Kato* disclose interference means preventing sound generating means from generating sound (*Chernow*: column 5, lines 16-19).

Claims 9 and 14

The limitations of claims 9 and 14 correspond to the limitations of claims 2 and 7 and as such are rejected in a corresponding manner.

Claim 16

Chernow did not explicitly state disclose the communication system according to claim 15, said communication terminal device further comprising:

second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.

Kato demonstrated that it was known at the time of invention to count a short time period in order to provide an alarm before an action (*Kato*: page 28, last line to page 29, line 3). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the counting and interfering of program/data of *Chernow* with a second counting used to alarm a user of an upcoming action (*Chernow's* interference) as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep a user notified/informed of their current status so they can best make decisions regarding purchase or rental (*Chernow*: column 2, lines 2-9, 17-19; *Kato*: page 29, lines 1-3).

Claim 21

Chernow did not explicitly state the communication system according to claim 15, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.

Kato demonstrated that it was known at the time of invention to distribute computer software which operates using sound means (*Kato*: page 5, at least first full paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software and data of *Chernow* and *Tsumura* with sound means

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according to the execution of the program/data as found in *Kato's* teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to common and known mechanisms (sound) for the progress of execution of programs/data (*Kato*: page 5, at least first full paragraph). As such, *Chernow*, *Tsumura* and *Kato* disclose interference means preventing sound generating means from generating sound (*Chernow*: column 5, lines 16-19).

Information Disclosure Statement

MPEP 2256 states in pertinent part,

Where patents, publications, and other such items of information are submitted by a party (Patent Owner or Requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A and 08B or its equivalent, without an indication to the contrary in the record, do not signify that the information has been considered by the examiner any further than to the extent noted above. (emphasis added)

In concert with MPEP 2256, the references submitted in the Information Disclosure Statement (IDS) filed 01/26/2010 (in reexamination proceeding 90/009,524) have been considered only to the extent that Requester has "explained the content and relevance".

Important Reexamination Notices

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and

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not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Service of Papers

After filing of a request for *ex parte* reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. The document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

Amendment To Reexamination Proceedings

Patent Owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c). See MPEP 2250.

In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37

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CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced. See MPEP 2250 (IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Litigation Reminder

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,193,520 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,193,520 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Correspondence Information

All correspondence relating to this *ex parte* reexamination proceeding should be directed:

By Mail to: Mail Stop *Ex Parte* Reexam
 Central Reexamination Unit
 Commissioner for Patents
 United States Patent & Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450

Art Unit: 3992

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

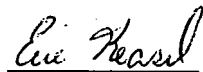
Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding should be directed to the Central Reexamination Unit at telephone number (571)272-7705.

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 systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/William H. Wood/
Primary Examiner, Art Unit 3992
March 23, 2010

Conferees:

/Sam Rimell/
Primary Examiner, Art Unit 3992



INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number	90009524
Filing Date	2009-08-17
First Named Inventor	Takeya Okamoto
Art Unit	3992
Examiner Name	William H. Wood
Attorney Docket Number	ADC520

U.S. PATENTS

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	5051822	US	1991-09-24	Donald E. Rhoades	
	2	5489103	US	1996-02-06	Okamoto	
	3	5273288	US	1993-12-28	Teshima	
	4	4789863	US	1988-12-06	Bush	
	5	5083800	US	1992-01-28	Lockton	
	6	4752068	US	1988-06-21	Endo	
	7	5497479	US	1996-03-05	Hornbuckle	
	8	4787050	US	1988-11-22	Suzuki	

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	90009524
Filing Date	2009-08-17
First Named Inventor	Takeya Okamoto
Art Unit	3992
Examiner Name	William H. Wood
Attorney Docket Number	ADC520

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	1	JP 6-334780	JP		1994-12-02	Takeya Okamoto		☒
	2	JP 62-286489	JP		1987-12-12	Omron Tateishi Electronics Co.		☒
	3	JP 2-188873	JP		1990-06-27	Tsumura Mimihoji		☒
	4	JP 2-267628	JP		1990-11-01	Shimohata Akihiko		☒
	5	JP 2-300823	JP		1990-12-13	Misumi Ikuyo		☒
	6	JP 58-151762	JP		1983-09-09	Hashimoto Masashi		☒
	7	JP 4-127762	JP		1992-04-28	Tooru Teshima		☒

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
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Application Number		90009524
Filing Date		2009-08-17
First Named Inventor	Takeya Okamoto	
Art Unit	3992	
Examiner Name	William H. Wood	
Attorney Docket Number	ADC520	

8	JP 1-166218	JP		1989-06-30	Suzuki Katsuki		☒
9	JP 4-158441	JP		1992-06-01	Ozeki Masayoshi		☒
10	JP 3-62222	JP		1991-03-18	Kawahara Akiyoski		☒
11	JP 4-032898	JP		1992-02-04	Sanbe Koji		☒
12	JP 63-308691	JP		1988-12-16	Matsushita Electric Industrial Co., Ltd.		☒
13	JP 3-500476	JP		1991-01-31	Thomas A. Bush		☒
14	JP 59-123328	JP		1984-07-17	Nakamura Shiyouchi		☒
15	JP 8-242314	JP		1996-09-17	Okamoto Takeya		☒
16	JP 4-156161	JP		1992-05-28	Maaku Sanii		☒
17	JP 5-30141	JP		1993-02-05	Fukumoro Keiko		☒
18	JP 2-234256	JP		1990-09-17	Kitami Toshiyuki		☒

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		90009524
Filing Date		2009-08-17
First Named Inventor	Takeya Okamoto	
Art Unit	3992	
Examiner Name	William H. Wood	
Attorney Docket Number	ADC520	

19	JP 4-96159	JP		1992-03-27	Saito Takahiro		☒
20	JP 2-123862	JP		1990-05-11	Ikeda Seiji		☒
21	JP 1-161958	JP		1989-06-26	Eda Osamu		☒
22	JP 3-103278	JP		1991-04-30	David B. Lockton		☒
23	JP 4-117548	JP		1992-04-17	Kurozumi Hiroaki		☒
24	JP 62-204783	JP		1987-09-09	Masanobu Endo		☒
25	JP 4-076750	JP		1992-03-11	Saito Tsutomu		☒
26	JP 4-188258	JP		1992-07-06	Sakakura Teruhiko		☒
27	JP 2-213374	JP		1990-08-24	Ichise Atsushi		☒
28	JP 4-504794	JP		1992-08-20	Gary D. Hornbuckle		☒
29	JP 62-113295	JP		1987-05-25	Takamitsu Suzuki		☒

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	90009524
Filing Date	2009-08-17
First Named Inventor	Takeya Okamoto
Art Unit	3992
Examiner Name	William H. Wood
Attorney Docket Number	ADC520

30	JP 63-9468	JP		1988-01-16	Kenjiro Tokuyama	☒
31	JP 58-171193	JP		1983-11-15	Masuda Toshiyuki	☒
32	JP 3-187794	JP		1991-08-15	Endo Yuichiro	☒
33	JP 3-80786	JP		1991-08-15	Yoshibiko Hasogawa	☒
34	JP 54-111005	JP		1979-08-04	Hanaoka Sharyo Co., Ltd.	☒
35	EPO Pub 0431723	EP		1991-06-12	Osaka	☐

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T5
	1	A view of Cyberspace, Gen SUZUKI with two others, ITEJ (The Institute of Image Information and Television Engineers) Technical Report, Japan, Institute of Television Engineers of Japan, Dec. 16, 1992, Vol. 16, No. 80, p. 31-36	☒
	2	Online Processing Technologies for Fujitsu Habitat Visual PC Communication System, Kazutomo FUKUDA, "FUJITSU", Japan, Fujitsu Companies, Sep. 10, 1992, Vol. 43, No. 6, p. 639-646	☒
	3	Sorcerian Scenario Vol. 4 - The Visitor from Outer Space, My Computer BASIC Magazine, Japan, Dempa Publications, Inc., Jul. 1, 1989, Vol. 8, No. 7, p.261	☒

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	90009524
Filing Date	2009-08-17
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Art Unit	3992
Examiner Name	William H. Wood
Attorney Docket Number	ADC520

4	NEW Column about Table Talk (tabletop) RPGs "Rune Quest" , Akira WAGURI, My Computer BASIC Magazine, Japan, Dempa Publications, Inc., May 1, 1991, Vol. 10, No. 5, p.306-309	☒
5	PC version authorized guidebook of Record of Lodoss War, Japan, Kadokawa Group Publishing Co., Ltd., Sep. 30, 1992, p. 133	☒

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/William Wood/	Date Considered	03/28/2010

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

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

Search Notes

Application/Control No.

90/010,666

Examiner

WILLIAM H. WOOD

Applicant(s)/Patent under
Reexamination

6193520

Art Unit

3992

SEARCHED

Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Reviewed IDS (01/26/2010) filed in reexamination 90/009,524	3/24/2010	WW



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,666	09/04/2009	6193520	6620-82302-03	8556

164 7590 03/12/2010

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 03/12/2010

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90/010,666	09/04/2009	6193520	6620-82302-03	8556

164 7590 03/12/2010

Joseph T. Jakubek
KLARQUIST SPARKMAN, LLP, ONE WORLD TRADE CENTER
121 S.W. Salmon Street
Portland, OR 97204

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 03/12/2010

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112 PLEASANT STREET
CONCORD NH 03301

(For Patent Owner)

MAILED

MAR 12 2010

CENTRAL REEXAMINATION UNIT

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

(For Third Party Requester)

In re Okamoto
Reexamination Proceeding
Control No. 90/009,524
For: U.S. Patent No. 6,139,520

: DECISION *SUA SPONTE*
: MERGING
: REEXAMINATION
: PROCEEDINGS

In re Okamoto
Reexamination Proceeding
Control No. 90/010,666
For: U.S. Patent No. 6,139,520

:
:
:
:
:

The above identified *ex parte* reexamination files are before the Director of the Central Reexam Unit for consideration of merger of proceedings under 37 CFR 1.565(c).

REVIEW OF RELEVANT FACTS

1. U.S. Patent No. 6,139,520 (hereinafter, the '520 patent), issued to Okamoto, on July 7, 1998.
2. On August 17, 2009, a corrected request for *ex parte* reexamination of the '520 patent was filed by Patent Owner. The reexamination proceeding was assigned Control No. 90/009,524 (hereinafter, the '9524 proceeding).
3. On November 14, 2009, the reexamination order granting the request in the '9524 proceeding was mailed indicating that claims 1, 2, 4, 5, 7-9, 11, 12, 14, 15, 19, and 21 would be reexamined.

Art Unit: 3992

4. On September 4, 2009, a third party deposited a request for *ex parte* reexamination of the '520 patent. The reexamination proceeding was assigned Control No. 90/010,666 (hereinafter, the '10666 proceeding).
5. On December 3, 2009, the reexamination order granting the request in the '10666 proceeding was mailed indicating that claims 1, 2, 4, 5, 7-9, 11, 12, 14-16, 19, and 21 would be reexamined.
6. The time period for a patent owner statement has expired in both proceedings.

DECISION

Under 37 C.F.R. § 1.565(c):

If *ex parte* reexamination is ordered while a prior *ex parte* reexamination proceeding is pending and prosecution in the prior *ex parte* reexamination has not been terminated, the *ex parte* reexamination proceedings will be consolidated and result in the issuance of a single certificate of a single certificate under § 1.570.

As noted in the above noted facts, reexamination has been ordered in the above-identified reexamination proceedings. Accordingly, merger of the proceedings under § 1.565(c) is appropriate.

I. Merger of Proceedings.

In accordance with 37 C.F.R. § 1.565(c), the '9524 and '10666 reexamination proceedings are **merged**. The merged proceeding will be conducted in accordance with the following guidelines and requirements.

II. Requirements for Same Amendments in All Proceedings.

Patent owner is required to maintain the same claims and specification in all files.

III. Conduct of Merged Proceeding.

All papers mailed by the Office will take the form of a single action which applies to all proceedings. All papers issued by the Office or filed by the patent owner will contain the identifying data for all files and will be physically entered in each reexamination file. All papers filed by the patent owner must consist of a single response, filed in duplicate, each bearing an original signature, for entry in each file. All papers filed by the patent owner must be served on the requesters and requesters will be sent copies of all papers mailed by the Office.

Art Unit: 3992

CONCLUSION

1. Reexamination Control Nos. 90/009,524 and 90/010,666 are MERGED.
2. The reexamination files are being forwarded to the examiner for issuing a first Office action.
3. All correspondence relating to this *ex parte* reexamination proceeding should be directed:

By EFS: Registered users may submit via the electronic filing system EFS-Web, at <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>.

By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

For EFS-Web transmissions, 37 CFR 1.8(a)(1)(i) (C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

4. Telephone inquiries related to this decision should be directed to Eric Keasel, at (571) 272-4929, Mark Reinhart, at (571) 272-1611, or Jessica Harrison, at (571) 272-4449.



Eric Keasel
SPE, AU 3992

MD.W7C89

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6193520

500 N Commercial Street
Manchester, NH 03101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
90/010,666	09/04/2009	6193520	6620-82302-03

DAVIS AND BUJOLD
4th Floor
500 N Commercial Street
Manchester, NH 03101

CONFIRMATION NO. 8556

POWER OF ATTORNEY NOTICE



Date Mailed: 12/03/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2008.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/jrmattews/

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



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90/010,666	09/04/2009	6193520	6620-82302-03

CONFIRMATION NO. 8556

POA ACCEPTANCE LETTER



164
KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

Date Mailed: 12/03/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2008.

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

/jrmatthews/

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



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90/010,666	09/04/2009	6193520	6620-82302-03

DAVIS AND BUJOLD
4th Floor
500 N Commercial Street
Manchester, NH 03101

CONFIRMATION NO. 8556
POWER OF ATTORNEY NOTICE



Date Mailed: 12/03/2009

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90/010,666	09/04/2009	6193520	6620-82302-03	8556

164 7590 12/03/2009

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 12/03/2009

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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Joseph T. Jakubek
KLARQUIST SPARKMAN, LLP, ONE WORLD TRADE CENTER
121 S.W. Salmon Street, Suite 1600
Portland, OR 97204

Date:

MAILED

DEC 03 2009

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. : 90010666
PATENT NO. : 6193520
ART UNIT : 3993

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/010,666	Patent Under Reexamination 6193520	
	Examiner WILLIAM H. WOOD	Art Unit 3992	

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

The request for *ex parte* reexamination filed 04 September 2009 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) ☐ PTO-892, b) ☐ PTO/SB/08, c) ☐ Other: _____

1. ☒ The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. ☐ The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) ☐ by Treasury check or,
b) ☐ by credit to Deposit Account No. _____, or
c) ☐ by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

/William H. Wood/ Examiner, Art Unit 3992	/Sam Rimell/ Primary Examiner, Art Unit 3992	

cc:Requester (if third party requester)

U.S. Patent and Trademark Office
PTOL-471 (Rev. 08-06)

Office Action in *Ex Parte* Reexamination

MARK J. REINHART
CRU SPE-AU 3992
Reexamination No. 20091201

DECISION ON REQUEST FOR REEXAMINATION

Reexamination (*Ex Parte*) has been requested by a third party for claims 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19 and 21 of U.S. Patent 6,193,520 to Okamoto (herein *Okamoto*) which issued on 02/27/2001.

A substantial new question of patentability affecting claims 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19 and 21 of U.S. Patent 6,193,520 to Okamoto is raised by the request for *Ex Parte* reexamination filed 09/04/2009.

Request Established References

The request argues the following patents and/or printed publications provide teachings relevant to the patent claims requested for reexamination:

- a) Okamoto (JP Laid-Open Patent Application 06-334780), published 12/02/1994. (herein *1994 Okamoto Japanese Application*)
- b) Chernow et al. (USPN 4,999,806), issued 03/12/1991, filed 09/04/1987. (herein *Chernow*)
- c) Kato (JP Laid-Open Patent Application 04-10191), published 01/14/1992. (herein *Kato*)
- d) Nakagawa et al. (USPN 4,922,420), issued 05/01/1990, filed 07/23/1987. (herein *Nakagawa*)
- e) Oseki (JP Laid-Open Patent Application 04-158441), published 06/01/1992. (herein *Oseki*)

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- f) Bakoglu (USPN 5,632,681), issued 05/27/1997, filed 03/07/1995. (herein *Bakoglu*)
- g) Garfinkle (USPN 5,400,402), issued 03/21/1995, filed 06/07/1993. (herein *Garfinkle*)
- h) Griswold (USPN 5,940,504), issued 08/17/1999, filed 06/29/1992. (herein *Griswold*)
- i) Hornbuckle (USPN 5,497,479), issued 03/05/1996, filed 02/28/1995.
(herein *Hornbuckle*)
- j) Kaniwa (USPN 5,699,370), issued 12/16/1997, filed 02/17/1995. (herein *Kaniwa*)
- k) McCarten (USPN 5,959,596), issued 09/28/1999, filed 06/24/1993. (herein *McCarten*)
- l) Tsumura (USPN 5,547,202), issued 08/20/1996, filed 12/30/1994. (herein *Tsumura*)
- m) Cooper et al. (USPN 5,757,907), issued 05/26/1998, filed 04/25/1994.
(herein *Cooper*)
- n) Sanyo (JP Laid-Open Patent Application 03-149693), published
06/26/1991. (herein *Sanyo*)
- o) Suzuki et al. (JP Laid-Open Patent Application 01-166218), published
06/30/1989. (herein *Suzuki*)
- p) Morales (USPN 5,291,554), issued 03/01/1994, filed 08/19/1992. (herein *Morales*)

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q) Russo (USPN 5,619,247), issued 04/08/1997, filed 02/24/1995. (herein
Russo)

Prosecution History Summary

The Okamoto patent (U.S. Patent 6,193,520) issued from U.S. Application 09/109,784 which was filed on filed 07/02/1998 as a continuation in part of U.S. Application 08/642,560 (now U.S. Patent 5,775,995) filed 05/03/1996 as a division of U.S. Application 08/555,400 (now U.S. Patent 5,735,744) filed 11/09/1995 as a continuation in part of U.S. Application 08/232,862 (now U.S. Patent 5,489,103) filed 04/25/1994 and which claims foreign priority to 5-108303 filed 05/10/1993. The following is a summary of relevant portions of the prosecution history of application 09/109,784.

The following summary is primarily focused on the claims relevant to the reexamination request.

Issued claim 1 is representative:

A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:
an input device for inputting instructions to execute the program or to process the data,
receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,
storage means for storing the program, the data, or a combination of the program and data received by said receiving means,
executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,

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clock means for keeping a predetermined time period after said receiving means receives the transmission, and interference means for interfering with execution of said executing means when said clock means counts said predetermined time period; and

said host facility comprising:

storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means, and

sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.

The subject matter of the patent under reexamination (*Okamoto* 6,193,520) claims 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19 and 21 is given priority back to the Japanese patent application 05-108303 with a critical date of May 10, 1993 (05/10/1993).

Prosecution of 6,193,520 (09/109,784). Non-Final Office Action (05/09/2000): rejected some application claims under doctrine of double patenting over claims 1-3 of patent 5,775,995; and objected to some application claims as being allowable if rewritten in independent form. A Terminal Disclaimer was filed 08/04/2000. Notice of Allowance (08/25/2000) allowed all the application claims.

Prosecution of 5,775,995 (08/642,560). Non-Final Office Action (02/26/1997) rejected the claims under 35 U.S.C. 112 and the doctrine of double patenting over claims 1-20 of copending Application 08/555,400. A Terminal Disclaimer was filed. Notice of Allowance (01/26/1998) allowed the three pending claims.

Prosecution of 5,735,744 (08/555,400). Non-Final Office Action (04/04/1997) rejected the claims under 35 U.S.C. 112. Notice of Allowance (10/30/1997) allowed the three pending claims.

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Prosecution of 5,489,103 (08/232,862). Non-Final Office Action (03/31/1995): rejected some of the claims under 35 U.S.C. 102(a) as being anticipated by *Teshima* (USPN 5,273,288); rejected some of the claims under 35 U.S.C. 102(b) as being anticipated by *Pearson* (USPN 5,018,726); and rejected some of the claims under 35 U.S.C. 103(a) as being unpatentable over *Teshima* or *Pearson*, either one taken in combination with *Tsumura* (USPN 5,250,747). Applicant's Response (06/22/1995): cancelled the pending claims and added new pending claims, including a limitation to a "charging means"; argued the claims recite a terminal device connected via communication lines to a host facility so that game data is transmitted from the host facility; argued the claims recite game data being deleted in a predetermined time after the game data was transmitted from the host facility to the terminal device (related to the limitation "interference means for interfering with the execution of said executing means by blocking"); argued *Teshima* disclosed game terminals communicating; argued in *Pearson* game data collected at a central controller; and argued *Tsumura* does not disclose deletion of data in a predetermined time period after the data was received from the host computer. Notice of Allowance (08/16/1995) allowed newly added pending claims.

Reexamination Proceeding 90/009,524 was filed 08/17/2009 for patent 5,775,995 and reexamination ordered 10/01/2009.

Substantial New Question of the Request

Art Unit: 3992

The requester asserts a substantial new question of patentability with respect to issued claims 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19 and 21 of U.S. Patent 6,193,520 (*Okamoto*).

Since Requester did not request reexamination of claims 3, 6, 10, 13, 17 and 20 and did not assert the existence of a substantial new question of patentability (SNQ) for such claims (see 35 U.S.C. § 311 (b)(2); see also 37 CFR 1.915b and 1.923), such claims will not be reexamined. This matter was squarely addressed in *Sony Computer Entertainment America Inc., et al. v. Jon W. Dudas*, Civil Action No. 1:05CV1447 (E.D. Va. May 22, 2006), Slip Copy, 2006 WL 1472462. The District Court upheld the Office's discretion to not reexamine claims in an *inter partes* reexamination proceeding other than those claims for which reexamination had specifically been requested. The Court stated:

"To be sure, a party may seek, and the PTO may grant, ... review of each and every claim of a patent. Moreover, while the PTO in its discretion may review claims for which review was not requested, nothing in the statute compels it to do so. To ensure that the PTO considers a claim for review, § 311 (b)(2) requires that the party seeking reexamination demonstrate why the PTO should reexamine each and every claim for which it seeks review. Here, it is undisputed that Sony did not seek review of every claim under the '213 and '333 patents. Accordingly, Sony cannot now claim that the PTO wrongly failed to reexamine claims for which Sony never requested review, and its argument that AIPA compels a contrary result is unpersuasive."

Only claims 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19 and 21 have been evaluated for this issue and only as the SNQ's specify (addressed in the below analysis of the prior art). Note MPEP 2243, which states:

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"The Office's determination in both the order for reexamination and the examination stage of the reexamination will generally be limited solely to a review of the claim(s) for which reexamination was requested. If the requester was interested in having all of the claims reexamined, requester had the opportunity to include them in its request for reexamination. However, if the requester chose not to do so, those claim(s) for which reexamination was not requested will generally not be reexamined by the Office. It is further noted that 35 U.S.C. 302 requires that "[t]he request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested." If the requester fails to apply the art to certain claims, then the requester is not statutorily entitled to reexamination of such claims."

Following is a discussion of the proposed prior art:

Chernow

Chernow (USPN 4,999,806) is new prior art. The requester asserts (Request: pages 32-38) *Chernow* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*Chernow*: column 2, lines 6-9, 23-30; column 5, lines 55-58); an input device (*Chernow*: column 6, lines 1-5); receiving means (*Chernow*: column 3, lines 9-11; column 8, lines 28-33); storage means at communication terminal and at host facility (*Chernow*: column 2, lines 30-36; column 3, lines 9-14; column 8, lines 63-68; column 10, lines 27-32; column 11, lines 1-4); executing means (*Chernow*: column 8, lines 53-57); clock means, timing from receipt (*Chernow*: column 4, lines 23-36); clock means, timing from start of execution (*Chernow*: column 5, lines 10-18; and column 14, lines 33-36); interference means (*Chernow*: column 2, lines 3-5; column 4, line 68 to column 5, line 2; column 9, lines 45-48; column 10, lines 3-12); deletion (column 5, lines 16-18); blocking view of display (*Chernow*: column 8, lines 52-57); preventing sound generation (*Chernow*: column 5,

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lines 16-18); and sending out means (*Chernow*: column 2, lines 37-40; column 3, lines 9-11).

Kato

Kato (JP 04-10191) is new prior art. The requester asserts (Request: pages 38-45) *Kato* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*Kato*: pages 5, 7); an input device (*Kato*: pages 11-12); receiving means (*Kato*: pages 13-14; figure 1); storage means at communication terminal and at host facility (*Kato*: pages 5, 8-9, 10, 16); executing means (*Kato*: pages 14, 16, 26-27; figure 1); clock means, timing from receipt (*Kato*: pages 25-26, 28-29, and 30-31); clock means, timing from start of execution (*Kato*: pages 30-31); second clock timing, shorter period, providing warning alarm (*Kato*: pages 28-29); interference means (*Kato*: pages 28-29 and 30-31); blocking view of display (*Kato*: pages 11-12; page 16; pages 28-29, 30-31; pages 7-8, 14-16, 37-38 and 38-39); preventing sound generation (*Kato*: page 5; page 11; page 6; figure 7; pages 28-29, 30-31; pages 7-8, 14-16, 37-38 and 38-39); and sending out means (*Kato*: pages 10-11; pages 8, 11, 13-14, 25, 36-37; figure 7).

Nakagawa

Nakagawa (USPN 4,922,420) is new prior art. The requester asserts (Request: pages 46-53) *Nakagawa* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*Nakagawa*: column

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1, lines 44-47; column 7, lines 15-18; column 11, lines 50-51, 57-59, 64-68); an input device (*Nakagawa*: column 2, lines 3-10; column 3, lines 34-37); receiving means (*Nakagawa*: column 12, lines 6-11); storage means at communication terminal and at host facility (*Nakagawa*: column 6, lines 23-32, 47-49; column 10, lines 44-47); executing means (*Nakagawa*: column 2, lines 3-10; column 12, lines 59-64); clock means, first clock (*Nakagawa*: column 2, lines 31-33; column 13, lines 60-68); clock means, second clock timing shorter period (*Nakagawa*: column 2, lines 34-40; column 13, lines 34-42); warning alarm (*Nakagawa*: column 2, lines 34-40; column 2, lines 41-48; column 12, lines 12-22; column 14, lines 29-35); interference means blocking display and/or preventing sound generation (*Nakagawa*: column 2, lines 3-10, 34-40; column 4, lines 22-27; column 5, lines 46-60; column 6, lines 16-20; column 9, lines 51-54; column 9, line 54 to column 10, line 2; column 11, lines 40-43, 50-55; column 14, lines 36-47; column 15, lines 2-4); and sending out means (*Nakagawa*: column 6, lines 37-43; column 11, lines 57-59, 64-68).

Oseki

Oseki (JP 04-158441) is new prior art. The requester asserts (Request: pages 53-57) *Oseki* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*Oseki*: page 5); an input device (*Oseki*: pages 4-5); receiving means (*Oseki*: page 7); storage means at communication terminal and at host facility (*Oseki*: pages 4, 5); executing means (*Oseki*: page 7); clock means timing from receipt (*Oseki*: page 7); clock means, timing from start of execution

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(*Oseki*: page 2); interference means (*Oseki*: pages 2, 5, 6-7); and sending out means (*Oseki*: page 6).

Bakoglu

Bakoglu (USPN 5,632,681) is new prior art. The requester asserts (Request: pages 57-61) *Bakoglu* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*Bakoglu*: column 1, lines 54-60, 61-67); an input device (*Bakoglu*: column 1, lines 54-60); receiving means (*Bakoglu*: column 2, lines 19-33; column 2, line 62 to column 3, line 6); storage means at communication terminal and at host facility (*Bakoglu*: column 2, line 62 to column 3, line 6; figures 1-2); executing means (*Bakoglu*: column 2, lines 8-18, 55-61); clock means (*Bakoglu*: abstract; column 3, lines 17-41); warning alarm (*Bakoglu*: column 4, lines 19-26); interference means (*Bakoglu*: abstract; column 2, lines 13-18, 26-33; column 3, lines 36-41); and sending out means (*Bakoglu*: column 2, lines 47-54; figures 1-2).

Garfinkle

Garfinkle (USPN 5,400,402) is new prior art. The requester asserts (Request: pages 62-67) *Garfinkle* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*Garfinkle*: abstract; column 1, lines 7-11, 13-19; column 2, line 66 to column 3, line 7); storage means at communication terminal and at host facility (*Garfinkle*: column 2, lines 54-63; column 3,

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lines 12-26); executing means (*Garfinkle*: column 3, lines 12-26; column 4, lines 25-29, 40-48); clock means timing from receipt or based on execution (*Garfinkle*: column 2, lines 18-36; column 3, lines 27-42; figure 3); interference means (*Garfinkle*: abstract; column 2, lines 18-36); deletion (*Garfinkle*: column 4, lines 25-29); blocking view of display or preventing sound generation (*Garfinkle*: column 3, line 43 to column 4, line 48); and sending out means (*Garfinkle*: column 2, line 66 to column 3, line 7).

Hornbuckle

Hornbuckle (USPN 5,497,479) is new prior art. The requester asserts (Request: pages 67-73) *Hornbuckle* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*Hornbuckle*: column 2, lines 52-56, 60-63; column 3, lines 23-26; figure 2); an input device (*Hornbuckle*: column 4, lines 13-21; column 14, line 67 to column 15, line 3); receiving means (*Hornbuckle*: column 2, line 64 to column 3, line 3; column 5, lines 9-16, 25-29); storage means at communication terminal and at host facility (*Hornbuckle*: column 4, lines 7-11; column 6, lines 24-31, 45-52; column 14, lines 56-59); executing means (*Hornbuckle*: column 6, lines 33-39; column 13, lines 19-24, 38-42); clock means (*Hornbuckle*: column 3, lines 4-8; column 6, line 59 to column 7, line 4; column 6, lines 24-31; figure 2); interference means, deletion and blocking view of display and/or preventing sound generation (*Hornbuckle*: column 13, lines 42-50; column 15, lines 3-7); and sending out means (*Hornbuckle*: column 9, lines 35-46; column 14, lines 49-56).

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Kaniwa

Kaniwa (USPN 5,699,370) is prior art relied upon in a related reexamination of patent 5,193,520 (90/009,524). The requester asserts (Request: pages 73-78) *Kaniwa* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*Kaniwa*: column 1, lines 9-19; column 7, lines 40-44); an input device (*Kaniwa*: column 8, lines 22-29); receiving means (*Kaniwa*: column 8, lines 30-40); storage means at communication terminal and at host facility (*Kaniwa*: column 7, lines 8-23; column 8, line 40 to column 9, line 11); executing means (*Kaniwa*: column 18, lines 53-59); clock means (*Kaniwa*: column 5, line 57 to column 6, line 3; column 20, line 63 to column 21, line 22; column 22, lines 19-25); interference means to cut off display, prevent sound generation (*Kaniwa*: column 7, lines 53-62; and column 19, lines 17-29); and sending out means (*Kaniwa*: column 7, lines 8-23).

McCarten

McCarten (USPN 5,959,596) is new prior art. The requester asserts (Request: pages 78-82) *McCarten* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*McCarten*: abstract; column 1, lines 27-32); an input device (*McCarten*: column 4, lines 46-54; column 6, lines 60-64); receiving means (*McCarten*: column 9, lines 14-17; column 15, lines 30-35); storage means at communication terminal and at host facility (*McCarten*: column 3, lines 6-10; column 8, lines 3-6, 10-18); executing means (*McCarten*: column 2, lines 7-9; column 4, lines 60-65); clock means (*McCarten*: column 10, line 66 to column 11, line

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5; column 9, lines 27-30; column 14, lines 19-24); interference means (*McCarten*: column 10, line 66 to column 11, line 5; column 9, lines 27-30; column 14, lines 19-24); and sending out means (*McCarten*: column 1, lines 53-54; column 2, lines 11-14).

Tsumura

Tsumura (USPN 5,547,202) is new prior art. The requester asserts (Request: pages 82-85) *Tsumura* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*Tsumura*: column 1, lines 9-10; column 4, lines 14-18); an input device (*Tsumura*: column 10, line 61 to column 11, line 4); receiving means (*Tsumura*: column 4, lines 40-50); storage means at communication terminal and at host facility (*Tsumura*: column 4, lines 18-26; column 5, line 54 to column 6, line 9); executing means (*Tsumura*: column 6, lines 33-51); clock means measuring time from first use, or from last use before discontinuing a game, and providing advance warning (*Tsumura*: column 4, lines 50-52; column 9, lines 56-65); and sending out means (*Tsumura*: column 4, lines 18-23).

Griswold

Griswold (USPN 5,940,504) is new prior art. The requester asserts (Request: pages 86-90) *Griswold* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*Griswold*: column 4, lines 6-8; column 5, lines 34-38); an input device (*Griswold*: column 4, lines 8-18); storage means at communication terminal and at host facility (*Griswold*: column 3, line

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62 to column 4, line 2; column 4, lines 55-57; column 11, lines 47-54); executing means (*Griswold*: column 4, lines 6-18); clock means measuring allowed usage period (*Griswold*: abstract; column 7, lines 3-26); warning alarm (*Griswold*: column 8, lines 40-67); interference means to interfere with display/sound generation (*Griswold*: abstract; column 4, line 6-18; column 3, line 62 to column 4, line 5); and sending out means (*Griswold*: column 11, lines 47-54).

Russo

Russo (USPN 5,619,247) is new prior art. The requester asserts (Request: pages 90-94) *Russo* discloses: a communication system for transmitting a program and/or data from a host facility to a communication terminal device (*Russo*: column 3, lines 24-28, 42-46); an input device (*Russo*: column 3, line 65 to column 4, line 5); receiving means (*Russo*: column 6, lines 54-62); storage means at communication terminal and at host facility (*Russo*: column 4, lines 10-38); executing means (*Russo*: column 9, lines 24-32); clock means (*Russo*: column 10, line 63 to column 11, line 4); warning alarm (*Russo*: column 10, line 63 to column 11, line 4); interference means (*Russo*: column 6, line 63 to column 7, line 3; column 11, lines 11-15); and sending out means (*Russo*: column 8, line 64 to column 9, line 11; column 6, lines 54-62).

Cooper

Cooper (USPN 5,757,907) is new prior art. The requester asserts (Request: pages 94-95) *Cooper* discloses: clock means (*Cooper*: column 8, lines 39-43; column 9, lines 27-38); interference means (*Cooper*: column 8, lines 39-43).

Sanyo

Sanyo (JP 3-149693) is new prior art. The requester asserts (Request: pages 95-96) *Sanyo* discloses: deleting the data (*Sanyo*: page 9 and pages 2-3).

Suzuki

Suzuki (JP 01-166218) is new prior art. The requester asserts (Request: pages 96-99) *Suzuki* discloses: first and second clock means – multiple time periods (*Suzuki*: pages 3, 4; figure 2); interference means (*Suzuki*: pages 3, 4); and warning alarm (*Suzuki*: page 3).

Morales

Morales (USPN 5,291,554) is new prior art. The requester asserts (Request: page 99) *Morales* discloses: deleting the data (*Morales*: column 6, lines 25-29; column 3, lines 12-23; column 4, lines 56-64; column 5, lines 33-37).

Following is a discussion of the proposed substantial new questions:

SNQ A.

The requester asserts a substantial new question of patentability is raised by *Chernow* as to claims 1, 4-5, 7-8, 11-12 and 14 of *Okamoto*.

Chernow is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Chernow* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1, 4-5, 7-8, 11-12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Chernow* raises a substantial new question of patentability with respect to claims 1, 4-5, 7-8, 11-12 and 14.

SNQ B.

The requester asserts a substantial new question of patentability is raised by *Kato* as to claims 1-2, 4-5, 7-9, 11-12 and 14 of *Okamoto*.

Kato is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Kato* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 4-5, 7-9, 11-12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Kato* raises a substantial new question of patentability with respect to claims 1-2, 4-5, 7-9, 11-12 and 14.

SNQ C.

The requester asserts a substantial new question of patentability is raised by *Nakagawa* as to claims 8-9, 12 and 14 of *Okamoto*.

Nakagawa is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted

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program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Nakagawa* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 8-9, 12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Nakagawa* raises a substantial new question of patentability with respect to claims 8-9, 12 and 14.

SNQ D.

The requester asserts a substantial new question of patentability is raised by *Oseki* as to claims 1, 4-5, 7-8, 11-12 and 14 of *Okamoto*.

Oseki is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution

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History Summary”, these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Oseki* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1, 4-5, 7-8, 11-12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Oseki* raises a substantial new question of patentability with respect to claims 1, 4-5, 7-8, 11-12 and 14.

SNQ E.

The requester asserts a substantial new question of patentability is raised by *Bakoglu* as to claims 8-9, 12 and 14 of *Okamoto*.

However, *Bakoglu* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Bakoglu* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 8-9, 12 and 14. Accordingly, *Bakoglu* does not raise a substantial new question of patentability with respect to claims 8-9, 12 and 14.

SNQ F.

The requester asserts a substantial new question of patentability is raised by *Hornbuckle* as to claims 8, 11-12 and 14 of *Okamoto*.

Hornbuckle is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Hornbuckle* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 8, 11-12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Hornbuckle* raises a substantial new question of patentability with respect to claims 8, 11-12 and 14.

SNQ G.

The requester asserts a substantial new question of patentability is raised by *Garfinkle* as to claims 1, 4-5, 7-8, 11-12 and 14 of *Okamoto*.

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However, *Garfinkle* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Garfinkle* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1, 4-5, 7-8, 11-12 and 14. Accordingly, *Garfinkle* does not raise a substantial new question of patentability with respect to claims 1, 4-5, 7-8, 11-12 and 14.

SNQ H.

The requester asserts a substantial new question of patentability is raised by *Kaniwa* as to claims 1, 5, 7-8, 12 and 14 of *Okamoto*.

Kaniwa is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Kaniwa* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1, 5, 7-8, 12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented

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were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Kaniwa* raises a substantial new question of patentability with respect to claims 1, 5, 7-8, 12 and 14.

SNQ I.

The requester asserts a substantial new question of patentability is raised by *McCarten* as to claims 1, 5, 7-8, 12 and 14 of *Okamoto*.

However, *McCarten* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *McCarten* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1, 5, 7-8, 12 and 14. Accordingly, *McCarten* does not raise a substantial new question of patentability with respect to claims 1, 5, 7-8, 12 and 14.

SNQ J.

The requester asserts a substantial new question of patentability is raised by *Tsumura* as to claims 1-2, 5, 7, 12, 14-15, 19 and 21 of *Okamoto*.

Tsumura is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering

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with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Tsumura* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 5, 7, 12, 14-15, 19 and 21. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Tsumura* raises a substantial new question of patentability with respect to claims 1-2, 5, 7, 12, 14-15, 19 and 21.

SNQ K.

The requester asserts a substantial new question of patentability is raised by *Bakoglu* as to claims 1-2, 5, 7, 12 and 14 of *Okamoto*.

However, *Bakoglu* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Bakoglu* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 5, 7, 12 and 14. Accordingly, *Bakoglu* does not raise a substantial new question of patentability with respect to claims 1-2, 5, 7, 12 and 14.

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SNQ L.

The requester asserts a substantial new question of patentability is raised by *Bakoglu* in view of *Cooper* as to claims 1-2, 5 and 7 of *Okamoto*.

However, *Bakoglu* in view of *Cooper* fails to overcome *Okamoto's* (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Bakoglu* in view of *Cooper* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 5 and 7. Accordingly, *Bakoglu* in view of *Cooper* does not raise a substantial new question of patentability with respect to claims 1-2, 5 and 7.

SNQ M.

The requester asserts a substantial new question of patentability is raised by *Bakoglu* in view of *Sanyo* as to claims 4 and 11 of *Okamoto*.

However, *Bakoglu* in view of *Sanyo* fails to overcome *Okamoto's* (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Bakoglu* in view of *Sanyo* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 4 and 11. Accordingly, *Bakoglu* in view of *Sanyo* does not raise a substantial new question of patentability with respect to claims 4 and 11.

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SNQ N.

The requester asserts a substantial new question of patentability is raised by *Bakoglu* in view of *Tsumura* as to claims 15-16, 19 and 21 of *Okamoto*.

However, *Bakoglu* in view of *Tsumura* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Bakoglu* in view of *Tsumura* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 15-16, 19 and 21. Accordingly, *Bakoglu* in view of *Tsumura* does not raise a substantial new question of patentability with respect to claims 15-16, 19 and 21.

SNQ O.

The requester asserts a substantial new question of patentability is raised by *Bakoglu* in view of *Tsumura* and in further view of *Sanyo* as to claim 18 of *Okamoto*.

However, *Bakoglu* in view of *Tsumura* and in further view of *Sanyo* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Bakoglu* in view of *Tsumura* and in further view of *Sanyo* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claim 18. Accordingly, *Bakoglu* in view of *Tsumura* and in further view of *Sanyo* does not raise a substantial new question of patentability with respect to claim 18.

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SNQ P.

The requester asserts a substantial new question of patentability is raised by *Bakoglu* as to claims 5, 7-8, 12 and 14 of *Okamoto*.

However, *Bakoglu* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Bakoglu* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 5, 7-8, 12 and 14. Accordingly, *Bakoglu* does not raise a substantial new question of patentability with respect to claims 5, 7-8, 12 and 14.

SNQ Q.

The requester asserts a substantial new question of patentability is raised by *Chernow* in view of *Suzuki* as to claims 2, 8-9, 11-12 and 14 of *Okamoto*.

Chernow in view of *Suzuki* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Chernow* in view of *Suzuki* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating

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the patentability of claims 2, 8-9, 11-12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Chernow* in view of *Suzuki* raises a substantial new question of patentability with respect to claims 2, 8-9, 11-12 and 14.

SNQ R.

The requester asserts a substantial new question of patentability is raised by *Garfinkle* as to claims 7-8, 11-12 and 14 of *Okamoto*.

However, *Garfinkle* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Garfinkle* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 7-8, 11-12 and 14. Accordingly, *Garfinkle* does not raise a substantial new question of patentability with respect to claims 7-8, 11-12 and 14.

SNQ S.

The requester asserts a substantial new question of patentability is raised by *Garfinkle* in view of *Suzuki* as to claims 2, 8-9 and 11-12 of *Okamoto*.

However, *Garfinkle* in view of *Suzuki* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Garfinkle* in view of *Suzuki* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 2, 8-9 and 11-12. Accordingly, *Garfinkle* in view of *Suzuki* does not raise a substantial new question of patentability with respect to claims 2, 8-9 and 11-12.

SNQ T.

The requester asserts a substantial new question of patentability is raised by *Griswold* as to claims 1-2, 5 and 7 of *Okamoto*.

Griswold is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Griswold* is found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 5 and 7. These teachings were not previously considered in the record of U.S. Patent 6,193,520 and are not merely cumulative to prior art already considered by the Office. Accordingly, *Griswold* raises a substantial new question of patentability with respect to claims 1-2, 5 and 7.

SNQ U.

The requester asserts a substantial new question of patentability is raised by *Griswold* in view of *Suzuki* as to claims 1-2, 5, 7-9 and 12 of *Okamoto*.

Griswold is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Griswold* in view of *Suzuki* is found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 5, 7-9 and 12. These teachings were not previously considered in the record of U.S. Patent 6,193,520 and are not merely cumulative to prior art already considered by the Office. Accordingly, *Griswold* in view of *Suzuki* raises a substantial new question of patentability with respect to claims 1-2, 5, 7-9 and 12.

SNQ V.

The requester asserts a substantial new question of patentability is raised by *Hornbuckle* as to claims 1, 4-5, 7, 12 and 14 of *Okamoto*.

Hornbuckle is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Hornbuckle* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1, 4-5, 7, 12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Hornbuckle* raises a substantial new question of patentability with respect to claims 1, 4-5, 7, 12 and 14.

SNQ W.

The requester asserts a substantial new question of patentability is raised by *Hornbuckle* in view of *Suzuki* as to claims 1-2, 4-5, 7 and 9 of *Okamoto*.

Hornbuckle in view of *Suzuki* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending

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the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Hornbuckle* in view of *Suzuki* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 4-5, 7 and 9. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Hornbuckle* in view of *Suzuki* raises a substantial new question of patentability with respect to claims 1-2, 4-5, 7 and 9.

SNQ X.

The requester asserts a substantial new question of patentability is raised by *Kaniwa* in view of *Suzuki* as to claims 2 and 9 of *Okamoto*.

Kaniwa in view of *Suzuki* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above

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"Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Kaniwa* in view of *Suzuki* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 2 and 9. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Kaniwa* in view of *Suzuki* raises a substantial new question of patentability with respect to claims 2 and 9.

SNQ Y.

The requester asserts a substantial new question of patentability is raised by *Kaniwa* in view of *Morales* as to claims 4 and 11 of *Okamoto*.

Kaniwa in view of *Morales* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Kaniwa* in view of *Morales* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 4 and 11. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Kaniwa* in view of *Morales* raises a substantial new question of patentability with respect to claims 4 and 11.

SNQ Z.

The requester asserts a substantial new question of patentability is raised by *Kato* as to claims 5, 7, 12 and 14 of *Okamoto*.

Kato is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Kato* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 5, 7, 12 and 14. Though these teachings are similar to the teachings presented

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in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Kato* raises a substantial new question of patentability with respect to claims 5, 7, 12 and 14.

SNQ AA.

The requester asserts a substantial new question of patentability is raised by *Kato* in view of *Kaniwa* as to claims 5, 7, 12 and 14 of *Okamoto*.

Kato in view of *Kaniwa* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Kato* in view of *Kaniwa* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 5, 7, 12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the

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claims of U.S. Patent 5,193,520. Accordingly, *Kato* in view of *Kaniwa* raises a substantial new question of patentability with respect to claims 5, 7, 12 and 14.

SNQ BB.

The requester asserts a substantial new question of patentability is raised by *Kato* in view of *Tsumura* as to claims 15-16, 18-19 and 21 of *Okamoto*.

Kato in view of *Tsumura* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Kato* in view of *Tsumura* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 15-16, 18-19 and 21. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Kato* in view of *Tsumura* raises a substantial new question of patentability with respect to claims 15-16, 18-19 and 21.

SNQ CC.

The requester asserts a substantial new question of patentability is raised by *Kato* in view of *Tsumura* and in further view of *Kaniwa* as to claims 19 and 21 of *Okamoto*.

Kato in view of *Tsumura* and in further view of *Kaniwa* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Kato* in view of *Tsumura* and in further view of *Kaniwa* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 19 and 21. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Kato* in view of *Tsumura* and in further view of *Kaniwa* raises a substantial new question of patentability with respect to claims 19 and 21.

SNQ DD.

The requester asserts a substantial new question of patentability is raised by *McCarten* in view of *Suzuki* as to claims 2 and 9 of *Okamoto*.

However, *McCarten* in view of *Suzuki* fails to overcome *Okamoto's* (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *McCarten* in view of *Suzuki* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 2 and 9. Accordingly, *McCarten* in view of *Suzuki* does not raise a substantial new question of patentability with respect to claims 2 and 9.

SNQ EE.

The requester asserts a substantial new question of patentability is raised by *McCarten* in view of *Morales* as to claims 4 and 11 of *Okamoto*.

However, *McCarten* in view of *Morales* fails to overcome *Okamoto's* (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *McCarten* in view of *Morales* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 4 and 11. Accordingly, *McCarten* in view of *Morales* does not raise a substantial new question of patentability with respect to claims 4 and 11.

SNQ FF.

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The requester asserts a substantial new question of patentability is raised by *McCarten* as to claims 5 and 12 of *Okamoto*.

However, *McCarten* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *McCarten* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 5 and 12. Accordingly, *McCarten* does not raise a substantial new question of patentability with respect to claims 5 and 12.

SNQ GG.

The requester asserts a substantial new question of patentability is raised by *McCarten* in view of *Kaniwa* as to claims 5 and 12 of *Okamoto*.

However, *McCarten* in view of *Kaniwa* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *McCarten* in view of *Kaniwa* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 5 and 12. Accordingly, *McCarten* in view of *Kaniwa* does not raise a substantial new question of patentability with respect to claims 5 and 12.

SNQ HH.

The requester asserts a substantial new question of patentability is raised by *Nakagawa* as to claims 1-2, 4-5, 7, 12 and 14 of *Okamoto*.

Nakagawa is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Nakagawa* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 4-5, 7, 12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Nakagawa* raises a substantial new question of patentability with respect to claims 1-2, 4-5, 7, 12 and 14.

SNQ II.

The requester asserts a substantial new question of patentability is raised by *Nakagawa* in view of *Suzuki* as to claims 1-2, 5 and 7 of *Okamoto*.

Nakagawa in view of *Suzuki* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Nakagawa* in view of *Suzuki* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 5 and 7. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Nakagawa* in view of *Suzuki* raises a substantial new question of patentability with respect to claims 1-2, 5 and 7.

SNQ JJ.

The requester asserts a substantial new question of patentability is raised by *Nakagawa* in view of *Sanyo* as to claim 4 of *Okamoto*.

Nakagawa in view of *Sanyo* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted

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from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Nakagawa* in view of *Sanyo* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claim 4. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Nakagawa* in view of *Sanyo* raises a substantial new question of patentability with respect to claim 4.

SNQ KK.

The requester asserts a substantial new question of patentability is raised by *Nakagawa* in view of *Suzuki* and in further view of *Sanyo* as to claim 4 of *Okamoto*.

Nakagawa in view of *Suzuki* and in further view of *Sanyo* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said

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executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Nakagawa* in view of *Suzuki* and in further view of *Sanyo* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claim 4. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Nakagawa* in view of *Suzuki* and in further view of *Sanyo* raises a substantial new question of patentability with respect to claim 4.

SNQ LL.

The requester asserts a substantial new question of patentability is raised by *Nakagawa* in view of *Kaniwa* as to claims 5, 7, 12 and 14 of *Okamoto*.

Nakagawa in view of *Kaniwa* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Nakagawa* in view of *Kaniwa* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 5, 7, 12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Nakagawa* in view of *Kaniwa* raises a substantial new question of patentability with respect to claims 5, 7, 12 and 14.

SNQ MM.

The requester asserts a substantial new question of patentability is raised by *Nakagawa* in view of *Suzuki* and in view of *Kaniwa* as to claims 5 and 7 of *Okamoto*.

Nakagawa in view of *Suzuki* and in view of *Kaniwa* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Nakagawa* in view of *Suzuki* and in view of *Kaniwa* is found to provide prior art teachings that would be considered important to a reasonable

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examiner in evaluating the patentability of claims 5 and 7. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Nakagawa* in view of *Suzuki* and in view of *Kaniwa* raises a substantial new question of patentability with respect to claims 5 and 7.

SNQ NN.

The requester asserts a substantial new question of patentability is raised by *Oseki* as to claims 5, 7, 12 and 14 of *Okamoto*.

Oseki is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Oseki* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 5, 7, 12 and 14. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented

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were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Oseki* raises a substantial new question of patentability with respect to claims 5, 7, 12 and 14.

SNQ OO.

The requester asserts a substantial new question of patentability is raised by *Oseki* in view of *Suzuki* as to claims 2 and 9 of *Okamoto*.

Oseki in view of *Suzuki* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Oseki* in view of *Suzuki* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 2 and 9. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S.

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Patent 5,193,520. Accordingly, *Oseki* in view of *Suzuki* raises a substantial new question of patentability with respect to claims 2 and 9.

SNQ PP.

The requester asserts a substantial new question of patentability is raised by *Oseki* in view of *Kaniwa* as to claims 5 and 12 of *Okamoto*.

Oseki in view of *Kaniwa* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Oseki* in view of *Kaniwa* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 5 and 12. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Oseki* in view of *Kaniwa* raises a substantial new question of patentability with respect to claims 5 and 12.

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SNQ QQ.

The requester asserts a substantial new question of patentability is raised by *Oseki* in view of *Tsumura* as to claims 15, 18-19 and 21 of *Okamoto*.

Oseki in view of *Tsumura* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Oseki* in view of *Tsumura* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 15, 18-19 and 21. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Oseki* in view of *Tsumura* raises a substantial new question of patentability with respect to claims 15, 18-19 and 21.

SNQ RR.

The requester asserts a substantial new question of patentability is raised by *Oseki* in view of *Tsumura* and in further view of *Suzuki* as to claim 16 of *Okamoto*.

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Oseki in view of *Tsumura* and in further view of *Suzuki* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Oseki* in view of *Tsumura* and in further view of *Suzuki* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claim 16. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Oseki* in view of *Tsumura* and in further view of *Suzuki* raises a substantial new question of patentability with respect to claim 16.

SNQ SS.

The requester asserts a substantial new question of patentability is raised by *Oseki* in view of *Tsumura* and in further view of *Kaniwa* as to claim 19 of *Okamoto*.

Oseki in view of *Tsumura* and in further view of *Kaniwa* is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving

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and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Oseki* in view of *Tsumura* and in further view of *Kaniwa* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claim 19. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Oseki* in view of *Tsumura* and in further view of *Kaniwa* raises a substantial new question of patentability with respect to claim 19.

SNQ TT.

The requester asserts a substantial new question of patentability is raised by *Russo* as to claims 1-2, 4-5, 7-9, 11-12 and 14 of *Okamoto*.

However, *Russo* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Russo* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating

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the patentability of claims 1-2, 4-5, 7-9, 11-12 and 14. Accordingly, *Russo* does not raise a substantial new question of patentability with respect to claims 1-2, 4-5, 7-9, 11-12 and 14.

SNQ UU.

The requester asserts a substantial new question of patentability is raised by *Russo* in view of *Suzuki* as to claims 1-2, 4-5, 7-9, 11-12 and 14 of *Okamoto*.

However, *Russo* in view of *Suzuki* fails to overcome *Okamoto*'s (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *Russo* in view of *Suzuki* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 4-5, 7-9, 11-12 and 14. Accordingly, *Russo* in view of *Suzuki* does not raise a substantial new question of patentability with respect to claims 1-2, 4-5, 7-9, 11-12 and 14.

SNQ VV.

The requester asserts a substantial new question of patentability is raised by *Tsumura* as to claims 1-2, 5, 7, 9, 14-16, 19 and 21 of *Okamoto*.

Tsumura is seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering

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with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Tsumura* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 5, 7, 9, 14-16, 19 and 21. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Tsumura* raises a substantial new question of patentability with respect to claims 1-2, 5, 7, 9, 14-16, 19 and 21.

SNQ WW.

The requester asserts a substantial new question of patentability is raised by *Tsumura* in view of *Suzuki* as to claims 1-2, 5, 7 and 9 of *Okamoto*.

Tsumura in view of *Suzuki* seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

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In light of these teachings, *Tsumura* in view of *Suzuki* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 1-2, 5, 7 and 9. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Tsumura* in view of *Suzuki* raises a substantial new question of patentability with respect to claims 1-2, 5, 7 and 9.

SNQ XX.

The requester asserts a substantial new question of patentability is raised by *Tsumura* in view of *Sanyo* as to claims 4, 11 and 18 of *Okamoto*.

Tsumura in view of *Sanyo* seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Tsumura* in view of *Sanyo* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 4, 11 and 18. Though these teachings are similar to the

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teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Tsumura* in view of *Sanyo* raises a substantial new question of patentability with respect to claims 4, 11 and 18.

SNQ YY.

The requester asserts a substantial new question of patentability is raised by *Tsumura* in view of *Suzuki* and in further view of *Sanyo* as to claim 4 of *Okamoto*.

Tsumura in view of *Suzuki* and in further view of *Sanyo* seen above to constitute teachings pertinent to claim limitations: a communication terminal receiving and storing a program transmitted from a host facility; communication terminal executing the program; host facility sending the transmitted program and predetermined usage duration data; and interference means for interfering with the execution of said executing means. As revealed in the above "Prosecution History Summary", these limitations were important to the allowance of *Okamoto* (USPN 5,193,520).

In light of these teachings, *Tsumura* in view of *Suzuki* and in further view of *Sanyo* is found to provide prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claim 4. Though these teachings are similar to the teachings presented in related reexamination 90/009,524, these specific teachings as presented were not previously considered in the record of U.S. Patent 5,193,520 and are viewed in a new light compared to prior art already

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considered by the Office for the claims of U.S. Patent 5,193,520. Accordingly, *Tsumura* in view of *Suzuki* and in further view of *Sanyo* raises a substantial new question of patentability with respect to claim 4.

SNQ ZZ.

The requester asserts a substantial new question of patentability is raised by *1994 Okamoto Japanese Application* in view of *Kaniwa* as to claims 8-9, 11-12 and 14 of *Okamoto*.

However, *1994 Okamoto Japanese Application* in view of *Kaniwa* fails to overcome *Okamoto's* (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *1994 Okamoto Japanese Application* in view of *Kaniwa* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 8-9, 11-12 and 14. Accordingly, *1994 Okamoto Japanese Application* in view of *Kaniwa* does not raise a substantial new question of patentability with respect to claims 8-9, 11-12 and 14.

SNQ AAA.

The requester asserts a substantial new question of patentability is raised by *1994 Okamoto Japanese Application* in view of *Tsumura* as to claims 15-16, 18-19 and 21 of *Okamoto*.

However, *1994 Okamoto Japanese Application* in view of *Tsumura* fails to overcome *Okamoto's* (USPN 5,193,520) priority date of 05/10/1993.

In light of these determinations, *1994 Okamoto Japanese Application* in view of *Tsumura* is not found to provide new prior art teachings that would be considered important to a reasonable examiner in evaluating the patentability of claims 15-16, 18-19 and 21. Accordingly, *1994 Okamoto Japanese Application* in view of *Tsumura* does not raise a substantial new question of patentability with respect to claims 15-16, 18-19 and 21.

Important Reexamination Notices

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Service of Papers

After filing of a request for *ex parte* reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are

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merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. The document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

Amendment To Reexamination Proceedings

Patent Owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c). See MPEP 2250.

In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to the first Office Action on the merits (which does not result in a close of prosecution). Submissions after the second Office Action on the merits, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced. See MPEP 2250 (IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Litigation Reminder

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent

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proceeding, involving Patent No. 6,193,520 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,193,520 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Art Unit: 3992

Correspondence Information

All correspondence relating to this *ex parte* reexamination proceeding should be directed:

By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding should be directed to the Central Reexamination Unit at telephone number (571)272-7705.

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 systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

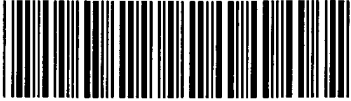
/William H. Wood/
Primary Examiner, Art Unit 3992
December 01, 2009

Conferees:

/Sam Rimell/
Primary Examiner, Art Unit 3992



MARK J. REINHART
CRU SPE-AU 3992

Reexamination 	Application/Control No. 90/010,666	Applicant(s)/Patent Under Reexamination 6193520
	Certificate Date	Certificate Number

Requester Correspondence Address: ☐ Patent Owner ☒ Third Party
One World Trade Center, Suite 1600 121 S.W. Salmon Street Portland, Oregon 97204

LITIGATION REVIEW ☐	WW (examiner initials)	11/20/2009 (date)
Case Name		Director Initials
ADC Technology Inc. V. Microsoft Corp. et al. 2:08cv1579 <stayed>		<i>MR for GUY</i>

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1. Reexamination	90/009,524
2.	
3.	
4.	



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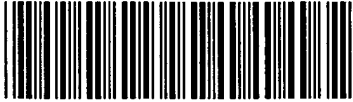
UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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Bib Data Sheet

CONFIRMATION NO. 8556

SERIAL NUMBER 90/010,666	FILING OR 371(c) DATE 09/04/2009 RULE	CLASS 434	GROUP ART UNIT 3992	ATTORNEY DOCKET NO. 6620-82302-03
APPLICANTS 6193520, Residence Not Provided; ADC TECHNOLOGY, INC.(OWNER), Aichi, JAPAN; Joseph T. Jakubek(3RD PTY REQ), Portland, OR; Joseph T. Jakubek, Portland, OR ** CONTINUING DATA ***** This application, is a REX of 09/109,784 07/02/1998 PAT 6,193,520 which is a CIP of 08/642,560 05/03/1996 PAT 5,775,995 ** FOREIGN APPLICATIONS ***** JAPAN 5108303 05/10/1993				
Foreign Priority claimed ☐ yes ☐ no 35 USC 119 (a-d) conditions ☐ yes ☐ no ☐ Met after met Allowance Verified and Acknowledged Examiner's Signature _____ Initials _____		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS 21 INDEPENDENT CLAIMS 3
ADDRESS 164				
TITLE Interactive Communication System for Communicating Video Game and Karaoke Software				
FILING FEE RECEIVED 2520	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	

Search Notes

Application/Control No.

90/010,666

Examiner

WILLIAM H. WOOD

Applicant(s)/Patent under
Reexamination

6193520

Art Unit

3992

SEARCHED

Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Review Prosecution History (patent 6,193,520; application 09/109,784)	12/1/2009	WW
Review Litigation Search (11/20/2009)	12/1/2009	WW

Litigation Search Report CRU 3999

Reexam Control No. 90/010,666

TO: William Wood
Location: CRU
Art Unit: 3992
Date: 11/20/09

From: Shanette Brown
Location: CRU 3999
MDW 07C71
Phone: (571) 272-6632
Shanett.Brown@uspto.gov

Search Notes

Litigation search for US Patent Number: **6,193,520**

Sources:

- 1) I performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.
- 2) I performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.
- 3) I performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.
- 4) I performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.
- 5) I performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.

Date of Printing: Nov 20, 2009

KEYCITE

C US PAT 6193520 INTERACTIVE COMMUNICATION SYSTEM FOR COMMUNICATING VIDEO GAME AND KARAOKE SOFTWARE, Assignee: Yugengaisha Adachi International (Feb 27, 2001)

History**Direct History**

=> **1 INTERACTIVE COMMUNICATION SYSTEM FOR COMMUNICATING VIDEO GAME AND KARAOKE SOFTWARE, US PAT 6193520, 2001 WL 187600 (U.S. PTO Utility Feb 27, 2001) (NO. 09/109784)**

Patent Family

2 INTERACTIVE COMMUNICATION SYSTEM FOR VIDEO GAME AND KARAOKE SOFTWARE - INCLUDES REQUEST TRANSMITTER SENDING IDENTIFYING INFORMATION TO HOST FACILITY TO PROVIDE CORRESP. GAME DATA AND CONTROL GAME DATA STORAGE, Derwent World Patents Legal 1995-056401

Assignments

3 ACTION: RE-RECORD TO CORRECT THE ASSIGNEE'S ADDRESS. DOCUMENT PREVIOUSLY RECORDED ON REEL 011741 FRAME 0837. (ASSIGNOR HEREBY CONFIRMS THE ASSIGNMENT OF THE ENTIRE INTEREST.), (DATE RECORDED: Oct 03, 2002)
4 ACTION: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS). NUMBER OF PAGES: 002, (DATE RECORDED: Apr 23, 2001)
5 ACTION: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS). NUMBER OF PAGES: 002, (DATE RECORDED: Jul 02, 1998)

Patent Status Files

.. Request for Re-Examination, (OG DATE: Nov 02, 2009)
 .. Certificate of Correction, (OG DATE: May 06, 2008)
 .. Certificate of Correction, (OG DATE: Apr 15, 2008)

Docket Summaries

9 ADC TECHNOLOGY INC v. MICROSOFT CORPORATION ET AL, (W.D.WASH. Oct 27, 2008) (NO. 2:08CV01579), (35 USC 271 PATENT INFRINGEMENT)

Litigation Alert

10 Derwent LitAlert P2009-04-27 (Oct 27, 2008) Action Taken: Complaint

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Prior Art (Coverage Begins 1976)

- C** 11 COMMUNICATION TERMINAL USED AS A GAME MACHINE, US PAT 5273288 Assignee: Fujitsu Limited, (U.S. PTO Utility 1993)
- C** 12 INTERACTIVE COMMUNICATION SYSTEM FOR COMMUNICATING VIDEO, US PAT 5775995 (U.S. PTO Utility 1998)
- C** 13 INTERACTIVE GAME SYSTEM AND METHOD, US PAT 5018736 Assignee: Wakeman & deForrest Corporation, (U.S. PTO Utility 1991)
- C** 14 INTERACTIVE MEDIA SYSTEM AND TELECOMPUTING METHOD USING TELEPHONE KEYPAD SIGNALLING, US PAT 5236199 (U.S. PTO Utility 1993)
- C** 15 KARAOKE MUSIC REPRODUCTION DEVICE, US PAT 5250747 Assignee: Ricos Co., Ltd., (U.S. PTO Utility 1993)

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Pro Hac Vice
Email: KLAUS.HAMM@KLARQUIST.COM

Salumeh R Loesch
[COR LD NTC]
Klarquist Sparkman (Or)
121 SW Salmon St
Ste 1600
Portland , OR 97204-2988
USA
503-595-5300
Pro Hac Vice
Email: SALUMEH.LOESCH@KLARQUIST.COM

J Christopher Carraway
[COR LD NTC]
Klarquist Sparkman (Or)
121 SW Salmon St
Ste 1600
Portland , OR 97204-2988
USA
503-595-5300
Fax: Fax 1-503-228-9446
Email: Chris.carraway@klarquist.com

Stacy Quan
[COR LD NTC]
Microsoft Corp
One Microsoft Way
Redmond , WA 98052
USA
425-882-8080
Email: STACY.QUAN@MICROSOFT.COM

Nintendo of America Inc
Defendant

Matthew J Brigham
[COR LD NTC]
Cooley Godward Kronish LLP (Palo Alto)
3000 El Camino Real
Five Palo Alto SQ, Ste 400
Palo Alto , CA 94306
USA
650-843-5000
Pro Hac Vice
Email: MBRIGHAM@COOLEY.COM

Matthew P Gubiotti
[COR LD NTC]
Cooley Godward Kronish LLP (Palo Alto)
3000 El Camino Real
Five Palo Alto SQ, Ste 400
Palo Alto , CA 94306
USA
650-843-5000
Pro Hac Vice
Email: MGUBIOTTI@COOLEY.COM

Michael J Shea
[COR LD NTC]
Nixon & Vanderhye
901 N Glebe Rd
11TH Floor
Arlington , VA 22203
USA
703-816-4000
Pro Hac Vice
Email: MJS@NIXONVAN.COM

Robert W Faris
[COR LD NTC]
Nixon & Vanderhye
901 N Glebe Rd

11TH Floor
Arlington , VA 22203
USA
703-816-4000
Pro Hac Vice
Email: RWF@NIXONVAN.COM

Thomas J Friel
[COR LD NTC]
Cooley Godward Kronish LLP (Palo Alto)
3000 El Camino Real
Five Palo Alto SQ, Ste 400
Palo Alto , CA 94306
USA
650-843-5000
Pro Hac Vice
Email: TFRIEL@COOLEY.COM

Timothy S Teter
[COR LD NTC]
Cooley Godward Kronish LLP (Palo Alto)
3000 El Camino Real
Five Palo Alto SQ, Ste 400
Palo Alto , CA 94306
USA
650-843-5000
Pro Hac Vice
Email: TETERTS@COOLEY.COM

Christopher B Durbin
[COR LD NTC]
Cooley Godward Kronish LLP
719 Second Ave
Ste 900
Seattle , WA 98104-1732
USA
206-452-8700
Email: CDURBIN@COOLEY.COM

Kevin Francis Kelly
[COR LD NTC]
[Term: 04/10/2009]
Cooley Godward Kronish LLP (Wa)
719 Second Ave
Ste 900
Seattle , WA 98104-1732
USA
206-452-8758
Email: KKELLY@COOLEY.COM

Sony Corporation of America
Defendant
[Term: 03/23/2009]

Sony Computer Entertainment America Inc
Defendant

Abran J Kean
[COR LD NTC]
Shook Hardy & Bacon (Mo)
2555 Grand Blvd
Kansas City , MO 64108-2613
USA
816-474-6550
Pro Hac Vice
Email: AKEAN@SHB.COM

Eric A Buresh
[COR LD NTC]
Shook Hardy & Bacon
1200 Main St
Kansas City , MO 64105-2118
USA
816-474-6550

Pro Hac Vice
Email: EBURESH@SHB.COM

Megan J Redmond
[COR LD NTC]
Shook Hardy & Bacon (Mo)
2555 Grand Blvd
Kansas City , MO 64108-2613
USA
816-474-6550
Pro Hac Vice
Email: MREDMOND@SHB.COM

Douglas Anderson Grady
[COR LD NTC]
Black Lowe & Graham
701 5TH Ave
Ste 4800
Seattle , WA 98104-7009
USA
206-957-2470
Email: Grady@blacklaw.com

Lawrence D Graham
[COR LD NTC]
Black Lowe & Graham
701 5TH Ave
Ste 4800
Seattle , WA 98104-7009
USA
206-381-3300
Fax: Fax 381-3301
Email: Graham@blacklaw.com

Microsoft Corporation
Counter Claimant

J Christopher Carraway
[COR LD NTC]
Klarquist Sparkman (Or)
121 SW Salmon St
Ste 1600
Portland , OR 97204-2988
USA
503-595-5300
Fax: Fax 1-503-228-9446
Email: Chris.carraway@klarquist.com

Adc Technology Inc
Counter Defendant

John E Whitaker
[COR LD NTC]
Whitaker Law Group
755 Winslow Way E
Ste 100
Bainbridge Is , WA 98110
USA
206-319-1575
Email: DOCKET@WLAWGRP.COM

Philip P Mann
[COR LD NTC]
Mann Law Group
1420 Fifth Ave
Ste 2200
Seattle , WA 98101
USA
206-274-5100
Email: MANNLAW@COMCAST.NET

Nintendo of America Inc
Counter Claimant

Matthew J Brigham
[COR LD NTC]
Cooley Godward Kronish LLP (Palo Alto)
3000 El Camino Real

Sony Computer Entertainment America Inc
Counter Claimant

Philip P Mann
[COR LD NTC]
Mann Law Group
1420 Fifth Ave
Ste 2200
Seattle , WA 98101
USA
206-274-5100
Email: MANNLAW@COMCAST.NET

Adc Technology Inc
Counter Defendant

Douglas Anderson Grady
[COR LD NTC]
Black Lowe & Graham
701 5TH Ave
Ste 4800
Seattle , WA 98104-7009
USA
206-957-2470
Email: Grady@blacklaw.com

John E Whitaker
[COR LD NTC]
Whitaker Law Group
755 Winslow Way E
Ste 100
Bainbridge Is , WA 98110
USA
206-319-1575
Email: DOCKET@WLAWGRP.COM

Philip P Mann
[COR LD NTC]
Mann Law Group
1420 Fifth Ave
Ste 2200
Seattle , WA 98101
USA
206-274-5100
Email: MANNLAW@COMCAST.NET

Date	#	Proceeding Text
10/27/2008	1	COMPLAINT FOR PATENT INFRINGEMENT - DEMAND FOR JURY TRIAL against all defendants (Summons(es) issued)(Receipt # SEA 21477), filed by ADC Technology Inc. (Attachments: # 1 Exhibit A-C, # 2 Exhibit D-E, # 3 Civil Cover Sheet, # 4 Transmittal Email)(MKB) (Entered: 10/28/2008)
10/28/2008	2	REPORT on the filing or determination of an action. E-mailed to the US Patent Office. (Attachments: # 1 Copy of Complaint, # 2 Exhibit A-C of Complaint, # 3 Exhibit D-E of Complaint) (MKB) (Entered: 10/28/2008)
01/16/2009	3	MOTION to Dismiss Party Pursuant to Fed.R.Civ.P 41(a) by Plaintiff ADC Technology Inc. Noting Date 1/16/2009, (Whitaker, John) (Entered: 01/16/2009)
02/05/2009	4	ANSWER to 1 Complaint, with JURY DEMAND, COUNTERCLAIM against plaintiff ADC Technology Inc by Microsoft Corporation.(Carraway, J) (Entered: 02/05/2009)
02/06/2009	5	STATEMENT Microsoft Corporations Corporate Disclosure Statement by Defendant Microsoft Corporation. (Carraway, J) (Entered: 02/06/2009)
02/11/2009	6	APPLICATION OF ATTORNEY Matthew J. Brigham FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 0981000000001669852. (Attachments: # 1 ECF Registration Form)(Kelly, Kevin) (Entered: 02/11/2009)
02/11/2009	7	APPLICATION OF ATTORNEY Thomas J. Friel, Jr. FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 0981000000001669869. (Attachments: # 1 ECF Registration Form) (Kelly, Kevin) (Entered: 02/11/2009)
02/11/2009	8	APPLICATION OF ATTORNEY Timothy S. Teter FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 0981000000001669879. (Attachments: # 1 ECF Registration Form) (Kelly, Kevin) (Entered: 02/11/2009)
02/11/2009	9	APPLICATION OF ATTORNEY Matthew P. Gubiotti FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 0981000000001669882. (Attachments: # 1 ECF Registration Form)(Kelly, Kevin) (Entered: 02/11/2009)

<https://w3.courtlink.lexisnexis.com/ControlSupport/UserControls/ShowDocket.aspx?Kee#602108120101P202672>

02/25/2009	32	REPLY by Plaintiff ADC Technology Inc to 18 Answer to Complaint, Counterclaim of Defendant Nintendo. (Whitaker, John) (Entered: 02/25/2009)
02/25/2009	33	REPLY by Plaintiff ADC Technology Inc to 19 Answer to Complaint, Counterclaim of Defendant Sony. (Whitaker, John) (Entered: 02/25/2009)
03/06/2009	34	NOTICE of Appearance by attorney Lawrence D Graham on behalf of Defendant Sony Computer Entertainment America Inc. (Graham, Lawrence) (Entered: 03/06/2009)
03/23/2009	35	ORDER granting 3 Motion to dismiss dft Sony Corporation of America by Judge Ricardo S Martinez.(RS) (Entered: 03/23/2009)
04/06/2009	36	JOINT STATUS REPORT signed by all parties estimated Trial Days: 10.. (Whitaker, John) (Entered: 04/06/2009)
04/10/2009	37	NOTICE of Appearance by attorney Stacy Quan on behalf of Defendant Microsoft Corporation. (Quan, Stacy) (Entered: 04/10/2009)
04/10/2009	38	NOTICE of Appearance by attorney Christopher B Durbin Kevin Francis Kelly on behalf of Defendant Nintendo of America Inc, Counter Claimant Nintendo of America Inc. (Kelly, Kevin) Modified on 4/10/2009 (ELS). (Entered: 04/10/2009)
04/10/2009	39	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Kevin Francis Kelly for Defendant Nintendo of America Inc, Counter Claimant Nintendo of America Inc. (Kelly, Kevin) (Entered: 04/10/2009)
04/10/2009	--	NOTICE of Docket Text Modification re 38 Notice of Appearance : amended text to correct the name of attorney filing an appearance. (ELS) (Entered: 04/10/2009)
04/15/2009	40	APPLICATION OF ATTORNEY Robert W. Faris FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 09810000000001725840. (Attachments: # 1 Attorneys Registration Form) (Durbin, Christopher) (Entered: 04/15/2009)
04/15/2009	41	APPLICATION OF ATTORNEY Michael J. Shea FOR LEAVE TO APPEAR PRO HAC VICE for Defendant Nintendo of America Inc (Fee Paid) Receipt No. 09810000000001725894. (Attachments: # 1 Attorney Registration Form) (Durbin, Christopher) (Entered: 04/15/2009)
04/16/2009	42	ORDER re 40 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Robert W. Faris for Nintendo of America Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 04/16/2009)
04/16/2009	43	ORDER re 41 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Michael J. Shea for Nintendo of America Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 04/16/2009)
04/27/2009	--	Set Hearings: Telephonic Scheduling Conference set for 5/11/2009 at 10:00 AM before Judge Ricardo S Martinez. (LC) (Entered: 04/27/2009)
05/11/2009	44	MINUTE ENTRY for proceedings held before Judge Ricardo S Martinez- Dep Clerk: Laurie Cuaresma; Pla Counsel: Philip Mann, John Whitaker; Def Counsel: Chris Carraway, Chris Durbin, Matt Brigham,, Eric Buresh; Time of Hearing: 10:00 AM; Telephone Conference held on 5/11/2009. Parties agree to 9/20/2010 for jury trial. Court reviews Joint Status Report with counsel to address any areas of concern/disagreement. Parties agree to 10 depositions per side (not per party); concerns re discovery and early mediation discussed. Parties will continue to negotiate proposed Protective Order for Court's consideration. Court will enter Scheduling Order as soon as possible.(LC) (Entered: 05/11/2009)
05/11/2009	45	MINUTE ORDER SETTING TRIAL DATE AND RELATED DATES by Judge Ricardo S Martinez. Length of Trial: *10 days*. Jury Trial is set for 9/20/2010 at 09:00 AM before Judge Ricardo S Martinez. Statement of asserted claims and preliminary infringement contentions due 5/26/2009, Statement of preliminary invalidity contentions due 6/25/2009, Reports from expert witnesses regarding Markman issues due 9/28/2009, Joinder of Parties due by 7/31/2009, Proposed terms and Claim Elements and Preliminary Claim Chart due 8/14/2009, Joint claim chart due 9/28/2009, Opening claim construction briefs due 11/23/2009, Responsive claim construction briefs due 12/8/2009, Markman Hearing set for 3/4/2010 at 09:00 AM before Judge Ricardo S Martinez, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 3/25/2010, Rebuttal Expert Disclosure/Reports due by 4/23/2010, Motions due by 4/30/2010, Discovery completed by 5/24/2010, Dispositive motions due by 6/18/2010, 39.1 mediation to be completed by 5/5/2010, Motions in Limine due by 8/23/2010, Pretrial Order due by 9/8/2010, Trial briefs to be submitted by 9/15/2010, Proposed voir dire/jury instructions due by 9/15/2010. (LC) (Entered: 05/11/2009)
06/25/2009	46	NOTICE of Disclosure of Defendants' Joint Invalidity Contentions ; filed by Defendant Sony Computer Entertainment America Inc. (Buresh, Eric) (Entered: 06/25/2009)
06/25/2009	47	NOTICE of Disclosure of Sony Computer Entertainment America Inc.'s Non-Infringement Contentions ; filed by Defendant Sony Computer Entertainment America Inc. (Buresh, Eric) (Entered: 06/25/2009)
06/25/2009	48	NOTICE of Disclosure of Microsoft Corporation's Non-Infringement Contentions ; filed by Defendant Microsoft Corporation. (Carraway, J) (Entered: 06/25/2009)
07/09/2009	49	MOTION to Stay Litigation Pending Reexamination by Plaintiff ADC Technology Inc. (Attachments: # 1 Exhibit A - Requests for Reexamination, # 2 Proposed Order Granting Stay) Noting Date 7/24/2009, (Whitaker, John) (Entered: 07/09/2009)
07/20/2009	50	STIPULATION by parties re 49 MOTION to Stay Litigation Pending Reexamination. (Buresh, Eric) (Entered: 07/20/2009)

		07/20/2009)
07/20/2009	52	MINUTE ORDER directing plaintiff to file status reports by Judge Ricardo S Martinez. (RS) (Entered: 07/21/2009)
07/21/2009	51	STIPULATION AND ORDER granting 49 Motion to Stay by Judge Ricardo S Martinez.(RS) (Entered: 07/21/2009)

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109784 (09) 6193520 February 27, 2001 ,

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

6193520

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February 27, 2001 ,

Interactive communication system for communicating video game and karaoke software

REEXAM-LITIGATE:

Reexamination requested August 17, 2009 by Patent Owner, Reexamination No. 90/009,524 (O.G. November 3, 2009) Ex. Gp.: 3992 August 17, 2009

NOTICE OF LITIGATION

ADC Technology Inc v. Microsoft Corporation et al, Filed October 27, 2008, D.C. W.D. Washington, Doc. No. 2:08cv1579

CERT-CORRECTION:

March 25, 2008 - a Certificate of Correction was issued for this patent (O.G. April 15, 2008) ,
April 15, 2008 - a Certificate of Correction was issued for this patent (O.G. May 6, 2008) ,

APPL-NO: 109784 (09)

FILED-DATE: July 2, 1998

GRANTED-DATE: February 27, 2001 ,

ASSIGNEE-PRE-ISSUE:

July 2, 1998 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., YUGENGAISHA ADACHI INTERNATIONAL NAGOYASENI BLDG., 9-27, NISHIKI 2-CHOME, NAKA-KUNAGOYA, 460-0003, (1), Reel and Frame Number: 009330/0641

ASSIGNEE-AT-ISSUE:

Yugengaisha Adachi International, Nagoya, Japan (JP)

ASSIGNEE-AFTER-ISSUE:

April 23, 2001 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., ADC TECHNOLOGY INC. 16-8, SAKE 4-CHOME, NAKA-KU, NAGOYA-SHIAICHI, 460-0008, (1), Reel and Frame Number: 011741/0837

CORE TERMS: game, terminal, karaoke, host, video, player, communication system, communicator, video game, transmission ...

Segments: Appl-no, Assignee, Assignee-iid, Cert-correction, Lit-reex, Reexam-cert, Reexam-litigate, Reissue, Reissue-comment
Date/Time: Friday, November 20, 2009 - 8:52 AM EST

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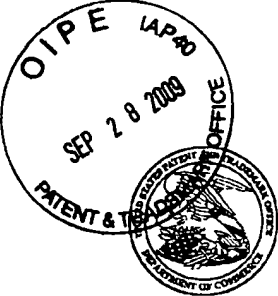
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90/010,666	09/04/2009	6193520

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121 S.W. Salmon Street
Portland, OR 97204

/jcmcdougald/

Legal Instruments Examiner
Central Reexamination Unit 571-272-7705; FAX No. 571-273-9900



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Patent Assignment Abstract of Title

Total Assignments: 3

Application #: 09109784

Filing Dt: 07/02/1998

Patent #: 6193520

Issue Dt: 02/27/2001

PCT #: NONE

Publication #: NONE

Pub Dt:

Inventor: TAKEYA OKAMOTO

Title: INTERACTIVE COMMUNICATION SYSTEM FOR COMMUNICATING VIDEO GAME AND KARAOKE SOFTWARE

Assignment: 1

Reel/Frame: 009330 / 0641 Received: 07/24/1998 Recorded: 07/02/1998 Mailed: 10/06/1998 Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: OKAMOTO, TAKEYA

Exec Dt: 06/26/1998

Assignee: YUGENGAISHA ADACHI INTERNATIONAL

NAGOYASENI BLDG., 9-27, NISHIKI 2-CHOME, NAKA-KU
NAGOYA, 460-0003, JAPAN

Correspondent: DAVIS AND BUJOLD

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Assignment: 2

Reel/Frame: 011741 / 0837 Received: 05/03/2001 Recorded: 04/23/2001 Mailed: 07/16/2001 Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: YUGENGAISHA ADACHI INTERNATIONAL

Exec Dt: 04/12/2001

Assignee: ADC TECHNOLOGY INC.

16-8, SAKE 4-CHOME, NAKA-KU, NAGOYA-SHI
AICHI, 460-0008, JAPAN

Correspondent: DAVIS & BUJOLD, P.L.L.C.

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4TH FLOOR
500 NORTH COMMERCIAL STREET
MANCHESTER NH 03101-1151

Assignment: 3

Reel/Frame: 013343 / 0325 Received: 10/07/2002 Recorded: 10/03/2002 Mailed: 01/10/2003 Pages: 3

Conveyance: RE-RECORD TO CORRECT THE ASSIGNEE'S ADDRESS. DOCUMENT PREVIOUSLY RECORDED ON REEL 011741 FRAME 0837. (ASSIGNOR HEREBY CONFIRMS THE ASSIGNMENT OF THE ENTIRE INTEREST.)

Assignor: YUGENGAISHA ADACHI INTERNATIONAL

Exec Dt: 04/12/2001

Assignee: ADC TECHNOLOGY INC.

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Web interface last modified: October 18, 2008 v.2.0.1

Electronic Patent Application Fee Transmittal

Application Number:

Filing Date:

Title of Invention:

Interactive Communication System for Communicating Video Game and Karaoke Software

First Named Inventor/Applicant Name:

Takeya Okamoto

Filer:

Joseph T. Jakubek/Natalie Hatfield

Attorney Docket Number:

6620-82302-03

Filed as Large Entity

ex parte reexam Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Request for ex parte reexamination	1812	1	2520	2520

Pages:

Claims:

Miscellaneous-Filing:

Petition:

Patent-Appeals-and-Interference:

Post-Allowance-and-Post-Issuance:

Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				2520

Electronic Acknowledgement Receipt

EFS ID:	6009131
Application Number:	90010666
International Application Number:	
Confirmation Number:	8556
Title of Invention:	Interactive Communication System for Communicating Video Game and Karaoke Software
First Named Inventor/Applicant Name:	Takeya Okamoto
Correspondence Address:	Joseph Jakubek Klarquist Sparkman, LLP 121 SW Salmon, Suite 1600 - Portland OR 97204 US 503-595-5300 joseph.jakubek@klarquist.com
Filer:	Joseph T. Jakubek/Natalie Hatfield
Filer Authorized By:	Joseph T. Jakubek
Attorney Docket Number:	6620-82302-03
Receipt Date:	04-SEP-2009
Filing Date:	
Time Stamp:	15:49:42
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$2520

RAM confirmation Number		11223			
Deposit Account					
Authorized User					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_A_CHERNO W.pdf	110115	no	20
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Information:					
2	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_B_KATO. pdf	391364	no	22
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Warnings:					
Information:					
3	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_C_NAKAGA WA.pdf	113116	no	20
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Information:					
4	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_D_OSEKI. pdf	149284	no	27
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5	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_E_BAKOGL U.pdf	181128	no	33
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Warnings:					
Information:					
6	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_F_GARFINK LE.pdf	149208	no	26
			7052e4ac4ebf83fe94e4eb290f4060d085d08b1e		
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Information:					
7	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_G_HORNB UCKLE.pdf	173850	no	30
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Warnings:					
Information:					
8	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_H_KANIWA .pdf	261621	no	26
			35b526aec827007d0e6cbc8e01d90d97e88b1c19		

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9	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_I_MCCARTE N.pdf	99550	no	19
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11	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_K_COOPER. pdf	89390	no	18
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13	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_M_SUZUKI. pdf	151267	no	23
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Information:					
17	Receipt of Orig. Ex Parte Request by Third Party	520_Rx_APPENDIX_O_MORALE S.pdf	106401	no	17
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Information:					
18	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_2_520_File_History.pdf	6077731 6c3a64053a2a771249e2c81bfd95ac306e6db48	no	128
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19	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_7_JP_6334780A_Okamoto.pdf	2347443 afb5a999a607766703185586c3849565db0f0839	no	34
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Information:					
20	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_20_JP_3149693_Sanyo.pdf	447865 39331baa7a500f65761c8d7f5b000331ce6fc2d1	no	17
Warnings:					
Information:					
21	Copy of patent for which reexamination is requested	Exhibit_1_6193520.pdf	1340384 d9621856a87e53dd2f2fc5b643862232158313f2	no	25
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22	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_3_520_PICs_MS.pdf	812383 20b8a7a7206b76f7de9d80221fc623beaedf0f30	no	21
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23	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_4_995_Patent_Application.pdf	1952586 ccacba078c5fd50764ecd06913e2acc1db99dafa	no	59
Warnings:					
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24	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_5_744_Patent_Application.pdf	1691508 c5b131edf34866898a9777f2177bbf157be869c	no	46
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25	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_6_103_Patent_Application.pdf	1287469 6157ae41959e581cbe342c456d29424096215440	no	42
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26	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_9_JP_410191_Kato.pdf	2371440 ee3e602f4507e5d69e50590874b80781c80a322b	no	79

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27	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_10_4922420_Nakagawa.pdf	1507896	no	25
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28	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_11_JP_4158441_Oseki.pdf	912162	no	22
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29	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_13_5400402_Garfinkle.pdf	370450	no	7
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30	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_15_5497479_Hornbuckle.pdf	1702256	no	26
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31	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_16_5699370_Kaniwa.pdf	2274462	no	30
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32	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_17_5959596_McCarten.pdf	1829716	no	37
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Warnings:					
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33	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_19_5757907_Cooper.pdf	2439039	no	44
			46e8c30124169346f538e4b2b5c317b2b7d2d2e0		
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34	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_21_JP1_166218_Suzuki.pdf	292964	no	13
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35	Reexam - Info Disclosure Statement Filed by 3rd Party	Exhibit_24_IDS_1449.pdf	82530	no	3
			035ca98bdf5b83991aab5dadbe41c2d6fb2fd41f		

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36	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_23_5619247_Russo.pdf	904829 10c6b63cfdff38e817fc7821cc8d6b0d3677c eae	no	11
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37	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_8_4999806_Chernow.pdf	989884 f161d76cd505a9abc9ef509888da36cb1433 1ba2	no	15
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38	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_12_5632681_Bakoglu.pdf	367514 437861d62e6a597e3d13d1b50dd4f23d18 8fb7dc	no	7
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39	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_14_5940504_Griswold.pdf	1332198 8702324423664af82ebe175fbec1c04926c4 3f8d	no	22
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40	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_18_5547202_Tsumura.pdf	1062173 e26e08e9459fbbd316c25c8de2822a68dc8 d749b	no	21
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41	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Exhibit_22_5291554_Morales.pdf	689706 4a8e5e1aac9e3eb30f374f0865f9511a0f895 ad7	no	12
Warnings:					
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42		520_Patent_Reexam.pdf	1542101 240136c5116b4975b6a1c9f05777970c7ca 10785	yes	238
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Receipt of Orig. Ex Parte Request by Third Party		1	237	
	Reexam Certificate of Service		238	238	
Warnings:					
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43	Fee Worksheet (PTO-875)	fee-info.pdf	29866 36986ee7140072928a9233930533ec6b2c92dce3	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				39642053	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Application Number 	Application/Control No. 90/010,666 Examiner	Applicant(s)/Patent under Reexamination 6193520 Art Unit 3993	

Index of Claims 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	90/010,666	6193520	
	Examiner	Art Unit	
		3993	

√	Rejected	—	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date											
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Issue Classification 	Application/Control No. 90/010,666	Applicant(s)/Patent under Reexamination 6193520
	Examiner	Art Unit 3993

ISSUE CLASSIFICATION											
ORIGINAL						INTERNATIONAL CLASSIFICATION					
CLASS			SUBCLASS			CLAIMED			NON-CLAIMED		
434			370					/			/
CROSS REFERENCES								/			/
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)							/			/
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(Assistant Examiner) (Date) (Legal Instruments Examiner) (Date)						(Primary Examiner) (Date)		Total Claims Allowed:			
								O.G. Print Claim(s)		O.G. Print Fig.	

☐ Claims renumbered in the same order as presented by applicant												☐ CPA		☐ T.D.		☐ R.1.47	
Final	Original		Final	Original		Final	Original		Final	Original		Final	Original		Final	Original	
	1			31			61			121			151			181	
	2			32			62			122			152			182	
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	29			59			89			149			179			209	
	30			60			90			150			180			210	

Reexamination 	Application/Control No. 90/010,666	Applicant(s)/Patent Under Reexamination 6193520
	Certificate Date	Certificate Number

Requester Correspondence Address: ☐ Patent Owner ☒ Third Party
Joseph T. Jakubek KLARQUIST SPARKMAN, LLP ONE WORLD TRADE CENTER 121 S.W. Salmon Street, Suite 1600 Portland, OR 97204

LITIGATION REVIEW ☐	(examiner initials)	(date)
Case Name	Director Initials	

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1.	
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Search Notes

Application/Control No.

90/010,666

Examiner

Applicant(s)/Patent under
Reexamination

6193520

Art Unit

3993

SEARCHED

Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR



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Bib Data Sheet

CONFIRMATION NO. 8556

SERIAL NUMBER 90/010,666	FILING OR 371(c) DATE 09/04/2009 RULE	CLASS 434	GROUP ART UNIT 3993	ATTORNEY DOCKET NO. 6620-82302-03
APPLICANTS 6193520, Residence Not Provided; ADC TECHNOLOGY, INC.(OWNER), Aichi, JAPAN; Joseph T. Jakubek(3RD PTY REQ), Portland, OR; Joseph T. Jakubek, Portland, OR				
** CONTINUING DATA ***** This application is a REX of 09/109,784 07/02/1998 PAT 6,193,520 which is a CIP of 08/642,560 05/03/1996 PAT 5,775,995				
** FOREIGN APPLICATIONS ***** JAPAN 5108303 05/10/1993				
Foreign Priority claimed ☐ yes ☐ no 35 USC 119 (a-d) conditions ☐ yes ☐ no ☐ Met after Allowance Verified and Acknowledged _____ Examiner's Signature Initials		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS 21 INDEPENDENT CLAIMS 3
ADDRESS DAVIS AND BUJOLD 4th Floor 500 N Commercial Street Manchester, NH03101				
TITLE Interactive Communication System for Communicating Video Game and Karaoke Software				
FILING FEE RECEIVED 2520	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	