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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
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	09/24/2013	8540575	17791.3.1	9115

13588 7590 09/04/2013

David A. Jones
4532 Jupiter Drive
Salt Lake City, UT 84124

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 2275 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Athanasios Angelopoulos, San Diego, CA;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

OK to Enter

/DJP/

VIA *e*FILE

PATENT APPLICATION
Docket No. 17791.3.1

In re application of:		)
		)
	Athanasios Angelopoulos	)
		)
Serial No.:	10/266,795	) Art Unit
		) 3714
Filed:	October 8, 2002	)
		)
Conf. No.:	9115	)
		)
For:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES	)
		)
		)
Examiner:	DAMON J. PIERCE	)
		)
Customer No.:	022913	)

RESPONSE TO OFFICE COMMUNICATION

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

Dear Commissioner:

Please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper;

Remarks are presented on page 3 of this paper.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

13588 7590 08/26/2013

David A. Jones
4532 Jupiter Drive
Salt Lake City, UT 84124

EXAMINER	
PIERCE, DAMON JOSEPH	
ART UNIT	PAPER NUMBER
3718	

NOTIFICATION DATE	DELIVERY MODE
08/26/2013	ELECTRONIC

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

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

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

ahansen.invent@me.com
djones@mabr.com

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/266,795	08 October, 2002	ANGELOPOULOS, ATHANASIOS	17791.3.1

David A. Jones
4532 Jupiter Drive
Salt Lake City, UT 84124

EXAMINER	
DAMON PIERCE	
ART UNIT	PAPER
3718	20130821

DATE MAILED:

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

Commissioner for Patents

The specificaton amendment filed on 08/01/2013 is entered and approved by the Patent Office.

/Damon Pierce/
Primary Examiner, Art Unit 3718

PTO-90C (Rev.04-03)

VIA *e*FILE

PATENT APPLICATION
Docket No. 17791.3.1

In re application of:		)
		)
	Athanasios Angelopoulos	)
		)
Serial No.:	10/266,795	) Art Unit
		) 3714
Filed:	October 8, 2002	)
		)
Conf. No.:	9115	)
		)
For:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES	)
		)
		)
Examiner:	DAMON J. PIERCE	)
		)
Customer No.:	022913	)

RESPONSE TO OFFICE COMMUNICATION

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

Dear Commissioner:

Please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper;

Remarks are presented on page 3 of this paper.

AMENDMENTS TO THE SPECIFICATION

Please amend the specification as follows:

[44] In Fig. 9, a flowchart is shown for the play of the video game. At step 265, the game starts. Next, at step 270, the CPU loads the game engine 275 from the game medium 280 into RAM 285. Next, at step 290, the CPU loads the requested data ~~295~~ from local memory 300 into RAM 285. The requested data 295 is preferably the changed statistics requested by the user and stored in local memory as shown in Fig. 8. This way, updated statistics, such as new player performance parameters resulting from current, real professional games can be used to play a more realistic video game, as shown at step 305.

REMARKS

This amendment is in response the notice mailed July 25, 2013 in which the patent office requested that the amendment made to paragraph 44 (filed 10-12-2009) include all the text of paragraph [44] as filed. It appears that the amendment to paragraph [44] filed in 2009 inadvertently left out the reference number "300". Applicant has added the reference number. No markup is shown, because "300" was never deleted by amendment. The amendment to paragraph [44] was intended to delete the reference number "295." The marked up paragraph in this response includes the number "295" with strikethrough to reflect the intended change made in the amendment filed 10-12-2009.

DATED this 1st day of August, 2013.

Respectfully submitted,

/Andrew S. Hansen, Reg.# 56370/
Andrew S. Hansen
Registration No.: 56,370
Attorney for Applicant
Telephone No. 801.533.9800

ASH:mjs
4216758_1

Electronic Acknowledgement Receipt

EFS ID:	16473205
Application Number:	10266795
International Application Number:	
Confirmation Number:	9115
Title of Invention:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Customer Number:	13588
Filer:	Andrew S Hansen
Filer Authorized By:	
Attorney Docket Number:	17791.3.1
Receipt Date:	01-AUG-2013
Filing Date:	08-OCT-2002
Time Stamp:	10:07:05
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Post Allowance Communication - Incoming	17791-3-1_20130801_ResponseToOfficeCommunication.pdf	22650 fd4fb0841ad8c758aa292fe8357f59c9558b1ec4	no	3

Warnings:	
Information:	

Total Files Size (in bytes):	22650

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

13588 7590 07/25/2013

David A. Jones
4532 Jupiter Drive
Salt Lake City, UT 84124

EXAMINER	
PIERCE, DAMON JOSEPH	
ART UNIT	PAPER NUMBER
3718	

NOTIFICATION DATE	DELIVERY MODE
07/25/2013	ELECTRONIC

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

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

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

ahansen.invent@me.com
djones@mabr.com

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/266,795	08 October, 2002	ANGELOPOULOS, ATHANASIOS	17791.3.1

		EXAMINER	
David A. Jones 4532 Jupiter Drive Salt Lake City, UT 84124		DAMON PIERCE	
		ART UNIT	PAPER
		3718	20130722

DATE MAILED:

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

Commissioner for Patents

Amendments to the specification filed on 10/12/2009 requires proper matching text for paragraph 44. Please recite verbatim text from specification that is to be amended and replaced with new text. Please note, Applicant is given 30 days from the mailing date of this communication to respond or the application will result in abandonment. No extension of time may be purchased and no new matter may be added to the application.

/Damon Pierce/
Primary Examiner, Art Unit 3718

PTO-90C (Rev.04-03)

PART B - FEE(S) TRANSMITTAL

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

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

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

13588 7590 05/13/2013
David A. Jones
4532 Jupiter Drive
Salt Lake City, UT 84124

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

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

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

TITLE OF INVENTION: METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$890	$300	$0	$1190	08/13/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
PIERCE, DAMON JOSEPH	3718	463-001000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 Workman Nydegger
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: White Knuckle Gaming, LLC
(B) RESIDENCE: (CITY and STATE OR COUNTRY): Bountiful, Utah

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

4a. The following fee(s) are submitted:
☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☐ A check is enclosed.
☒ Payment by credit card. ~~Form PTO-2038 is attached.~~
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 23-3178 (enclose an extra copy of this form).

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

❑ Applicant certifying micro entity status. See 37 CFR 1.29	NOTE: Absent a valid certification of Micro Entity Status (see form PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
❑ Applicant asserting small entity status. See 37 CFR 1.27	NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
❑ Applicant changing to regular undiscounted fee status.	NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

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

Authorized Signature /Andrew S. Hansen, Reg.# 56370/ Date July 16, 2013

Typed or printed name Andrew S. Hansen Registration No. 56,370

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

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

Electronic Patent Application Fee Transmittal

Application Number:	10266795
Filing Date:	08-Oct-2002
Title of Invention:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Filer:	Andrew S Hansen/Misty Shupe
Attorney Docket Number:	17791.3.1

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	2501	1	890	890
Publ. Fee- Early, Voluntary, or Normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1190**

Electronic Acknowledgement Receipt

EFS ID:	16326797
Application Number:	10266795
International Application Number:	
Confirmation Number:	9115
Title of Invention:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Customer Number:	13588
Filer:	Andrew S Hansen/Misty Shupe
Filer Authorized By:	Andrew S Hansen
Attorney Docket Number:	17791.3.1
Receipt Date:	16-JUL-2013
Filing Date:	08-OCT-2002
Time Stamp:	12:31:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1190
RAM confirmation Number	11843
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Issue Fee Payment (PTO-85B)	17791-3-1_20130716_IssueFee Transmittal.pdf	223167 73fe5b5a9c252809d90926f458e22ccaf743 7a62	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32001 216a6e4e7a379bf36608468ee6d3ab4bd2e 91dbd	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	255168	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

13588 7590 05/13/2013

David A. Jones
4532 Jupiter Drive
Salt Lake City, UT 84124

EXAMINER
PIERCE, DAMON JOSEPH

ART UNIT	PAPER NUMBER
3718	

DATE MAILED: 05/13/2013

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

TITLE OF INVENTION: METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$890	$300	$0	$1190	08/13/2013

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

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

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

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

13588 7590 05/13/2013
David A. Jones
4532 Jupiter Drive
Salt Lake City, UT 84124

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

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

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

TITLE OF INVENTION: METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$890	$300	$0	$1190	08/13/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
PIERCE, DAMON JOSEPH	3718	463-001000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

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

4a. The following fee(s) are submitted:
- ❑ Issue Fee
- ❑ Publication Fee (No small entity discount permitted)
- ❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ❑ A check is enclosed.
- ❑ Payment by credit card. Form PTO-2038 is attached.
- ❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

❑ Applicant certifying micro entity status. See 37 CFR 1.29	NOTE: Absent a valid certification of Micro Entity Status (see form PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
❑ Applicant asserting small entity status. See 37 CFR 1.27	NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
❑ Applicant changing to regular undiscounted fee status.	NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

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

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

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

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

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

13588 7590 05/13/2013

David A. Jones
4532 Jupiter Drive
Salt Lake City, UT 84124

EXAMINER	
PIERCE, DAMON JOSEPH	

ART UNIT	PAPER NUMBER
3718	

DATE MAILED: 05/13/2013

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

The Patent Term Adjustment to date is 1430 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1430 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

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

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 10/266,795	Applicant(s) ANGELOPOULOS, ATHANASIOS	
	Examiner DAMON PIERCE	Art Unit 3718	AIA (First Inventor to File) Status No

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

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

1. ☒ This communication is responsive to *06/23/2011*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are *29-49,51-55,57-61 and 68-71*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov .
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   Certified copies:

   a) ☐ All b) ☐ Some *c) ☐ None of the:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

   Interim copies:

   a) ☐ All b) ☐ Some c) ☐ None of the: Interim copies of the priority documents have been received.

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

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

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

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

/Damon Pierce/
Primary Examiner, Art Unit 3718

Election/Restrictions

1. Claims 29-49, 51-55, 57-61, and 68-71 are allowable. The restriction requirement among, as set forth in the Office action mailed on 07/21/2009, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 37, 38, 43-45, and 49 directed to stadium parameters, football, and soccer are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Hall can be reached on 571-270-1814. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/Damon Pierce/
Primary Examiner, Art Unit 3718

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10266795	ANGELOPOULOS, ATHANASIOS
	Examiner	**Art Unit**
	DAMON PIERCE	3718

| CPC | | |

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10266795	ANGELOPOULOS, ATHANASIOS
	Examiner	**Art Unit**
	DAMON PIERCE	3718

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	35	
/DAMON PIERCE/ Primary Examiner.Art Unit 3718	05/02/2013	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1+5

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10266795	ANGELOPOULOS, ATHANASIOS
	Examiner	**Art Unit**
	DAMON PIERCE	3718

☐ 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	29	17	45	31	61										
2	30	18	46		62										
3	31	19	47		63										
4	32	20	48		64										
5	33	21	49		65										
6	34		50		66										
7	35	23	51		67										
8	36	24	52	32	68										
9	37	25	53	33	69										
10	38	26	54	34	70										
11	39	27	55	35	71										
12	40		56												
13	41	28	57												
14	42	29	58												
15	43	30	59												
16	44	22	60												

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	35	
/DAMON PIERCE/ Primary Examiner.Art Unit 3718	05/02/2013	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1+5

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	4	video same gam$3 same sport$3 same rule same character same parameter	US-PGPUB; USPAT	OR	ON	2013/05/02 16:09
L2	1	video same gam$3 same sport$3 same rule same character same parameter same season	US-PGPUB; USPAT	OR	ON	2013/05/02 16:12

5/2/2013 4:28:27 PM
C:\Users\dpierce\Documents\EAST\Workspaces\Workspaces\10-266,795.wsp

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BIB DATA SHEET

CONFIRMATION NO. 9115

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/266,795	10/08/2002	463	3718	17791.3.1

APPLICANTS
Athanasios Angelopoulos, San Diego, CA;

** **CONTINUING DATA** **********

** **FOREIGN APPLICATIONS** **********

** **IF REQUIRED, FOREIGN FILING LICENSE GRANTED** ** SMALL ENTITY **
11/07/2002

Foreign Priority claimed	35 USC 119(a-d) conditions met	Verified and Acknowledged	Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ Yes ☑ No	☐ Yes ☑ No	/DAMON PIERCE/ Examiner's Signature	☐ Initials	CA	14	28	2

ADDRESS

David A. Jones
4532 Jupiter Drive
Salt Lake City, UT 84124
UNITED STATES

TITLE

Method and system for increased realism in video games

FILING FEE RECEIVED		
676	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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10266795	ANGELOPOULOS, ATHANASIOS
	Examiner	Art Unit
	DAMON PIERCE	3714

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

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/28/2009	07/14/2009	08/12/2009	01/22/2010	02/25/2010	05/02/2013			
	1	-	-	-	-	-	-			
	2	-	-	-	-	-	-			
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	11	-	-	-	-	-	-			
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	30	✓	✓	✓	✓	✓	=			
	31	✓	✓	✓	✓	✓	=			
	32	✓	✓	✓	✓	✓	=			
	33	✓	✓	✓	✓	✓	=			
	34	✓	✓	✓	✓	✓	=			
	35	✓	✓	✓	✓	✓	=			
	36	✓	✓	✓	✓	✓	=			

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10266795	ANGELOPOULOS, ATHANASIOS
	Examiner	Art Unit
	DAMON PIERCE	3714

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

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/28/2009	07/14/2009	08/12/2009	01/22/2010	02/25/2010	05/02/2013			
	37	✓	✓	N	N	N	=			
	38	✓	✓	N	N	N	=			
	39	✓	✓	✓	✓	✓	=			
	40	✓	✓	✓	✓	✓	=			
	41	✓	✓	✓	✓	✓	=			
	42	✓	✓	✓	✓	✓	=			
	43	✓	✓	N	N	N	=			
	44	✓	✓	N	N	N	=			
	45	✓	✓	N	N	N	=			
	46	✓	✓	✓	✓	✓	=			
	47	✓	✓	✓	✓	✓	=			
	48	✓	✓	✓	✓	✓	=			
	49	✓	✓	N	N	N	=			
	50	✓	-	-	-	✓	-			
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	57		✓	✓	✓	✓	=			
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	66		✓	-	-	-	-			
	67		✓	-	-	-	-			
	68			✓	✓	✓	=			
	69			✓	✓	✓	=			
	70			✓	✓	✓	=			
	71			✓	✓	✓	=			

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10266795	ANGELOPOULOS, ATHANASIOS
	Examiner	Art Unit
	DAMON PIERCE	3714

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
463	1-4, 6-8, 30-33, 40-43	3/27/2009	DJP
700	90-93	3/27/2009	DJP

SEARCH NOTES		
Search Notes	Date	Examiner
Consulted John Hotaling and Dmitry Suhol	3/27/2009	DJP
Reviewed IDS references	3/27/2009	DJP
Backward and Forward searched most relevant art	3/27/2009	DJP
Internet search of sports game with player downloads	3/27/2009	DJP
See EAST search	3/27/2009	DJP
Reviewed IDS references	8/11/2009	DJP
NPL search for basketball video games with Internet access	8/11/2009	DJP
See updated EAST search	1/22/2010	DJP
Searched Internet for "dowloadable content related to video games"	1/22/2010	DJP

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
463	30, 42	5/2/2013	DJP
	Inventor searched	5/2/2013	DJP
	PGPub keyword search	5/2/2013	DJP

EA-1002, Page 033

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

13588 7590 05/02/2013

David A. Jones
4532 Jupiter Drive
Salt Lake City, UT 84124

EXAMINER	
PIERCE, DAMON JOSEPH	
ART UNIT	PAPER NUMBER
3718	

NOTIFICATION DATE	DELIVERY MODE
05/02/2013	ELECTRONIC

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

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

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

ahansen.invent@me.com
djones@mabr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ATHANASIOS ANGELOPOULOS

Appeal 2011-002241
Application 10/266,795
Technology Center 3700

Before MICHAEL C. ASTORINO, BENJAMIN D. M. WOOD, and MICHELLE R. OSINSKI, *Administrative Patent Judges*.

ASTORINO, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellant appeals under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 under 35 U.S.C. § 103(a) as unpatentable over NBA 2K1 Game Manual of Sega Dreamcast[1] (hereinafter NBA 2K1), NFL 2K1 GameFaqs on Sega Dreamcast[2] (hereinafter NFL 2K1), and NES Tecmo Super Bowl[3] (hereinafter Tecmo Super Bowl).[4] Claims 1-28, 50, 56, and 62-67 are canceled and claims 37, 38, 43-45, and 49 are withdrawn. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We REVERSE.

Claimed Subject Matter

Claims 29, 51, and 68 are the independent claims on appeal. Claim 29, reproduced below, with emphasis added, is illustrative of the subject matter on appeal.

> 29. A game medium configured to provide a sports video game in conjunction with a video game machine, the sports video game including video game rules and video game character parameters, the video game character parameters including video game character performance parameters associated with individual video game characters, the game medium being configured to cause the video game machine to perform a method comprising:
>
> loading video game data stored by the game medium into a random access memory of the video game machine for

[1] Sega Sports, © 2001

[2] Cherone, Version 3.2, http://www.gamefaqs.com/console/dreamcast/file /914206/10283 (2 of 44)3/28/20096:28:21 AM

[3] Software and Documentation © 1991, Nintendo Entertainment System

[4] The Amended Brief of Appellant, mailed June 23, 2011, at page 2 indicates that this appeal is related to Appeal 2011-011301 for Application 12/547,359.

playing the video game, the video game data including the video game rules and a particular video game character performance parameter associated with a particular individual video game character associated with a particular real-life sports athlete, wherein the particular video game performance parameter is based at least in part on a real-life performance of the particular real-life sports athlete playing in one or more real-life sporting events, the particular video game character performance parameter affecting the manner in which the particular individual video game character performs in the sports video game;

during a single sports season, receiving a series of updated video game character performance parameters from a data server via a network including the Internet, wherein each of the updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season;

updating the sports video game with each of the updated video game character performance parameters received, wherein each update changes the manner in which the particular individual video game character performs in the sports video game such that the particular individual video game character more closely simulates real-life performance attributes of the particular real-life athlete in the sports video game; and

enabling a user to control the particular individual video game character in the sports video game using a video game controller connected to the video game machine.

OPINION

The Examiner finds, at pages 4-7 of the Answer, that NBA 2K1 discloses most of the claimed features of independent claims 29, 51, and 68. Independent claims 29 and 68 call for updating video game character

performance parameters, wherein each update changes the manner in which the particular individual video game character performs in the sports video game.[5] Similarly, claim 51 calls for enabling a "video game machine to (i) receive the plurality of updated video game performance parameters . . . and (ii) change the sports video game play based on changes in the updated video game performance parameters." Regarding these limitations, the Examiner finds that:

(1) "NBA[]2K1 . . . explicitly discloses updating current rosters to the NBA game, where the updating of rosters are interpreted as a series of updated video game character performance parameters because each player in the video game has a set of attributes as related to playing the game of basketball" (Ans. 5, citing p. 25);

(2) "NFL[]2K1 . . . discloses connecting to the net to get the new update player rosters with new and improved stats, because each player in the video game has a set of attributes as related to playing the game of football, stats are interpreted as players attributes or performance parameters)" (Ans. 7); and

(3) "Tecmo Super Bowl explicitly disclose updated video game character performance parameters during a single sports season (see pg. 7, which discloses each team plays one game every week during the season and pg. 9-11, discloses a player's data that includes player's condition, record, and abilities)" (Ans. 8).

---

[5] Examples of "video game character performance parameters" include batting average for a baseball game, completion percentage for a football game, and field goal percentage, free throw percentage, and blocks per game for a basketball game. Spec. paras. [29], [38].

The Appellant persuasively contends that each of these findings do not correspond to changing the play of either the video game characters or the sports game due to updating video game character performance parameters. *First*, the Appellant correctly contends that a change in a roster does not correspond to a change in video game performance parameters because a roster is a list of video game characters on a team and has nothing to do with how the video game characters perform. App. Br. 11-12. However, the Examiner nonetheless finds that updating a roster corresponds to updating video game character performance parameters. Ans. 19-20. This finding is incorrect. Put simply, "there is no evidence of the alleged fact that merely because video game characters have attributes, as a result, the 'roster' update in NBA2Kl changes those attributes." App. Br. 12.

Moreover, the Examiner's application of a roster change corresponding to a video game character performance parameter logically fails due to the rule of claim differentiation. App. Br. 14-15. Claim 36, which depends from independent claim 29, recites "receiving a change in a video game *team parameter* from a data server via the network, wherein the video game *team parameter* corresponds to a real-life trade of a real-life athlete between two real-life teams during a single sports season." App. Br., Claims Appendix (emphasis added). The "video game team parameter" refers to a change in members of a team, i.e., a roster, which is understood as a "video game team parameter" rather than a "video game character performance parameter." App. Br. 14-15. *Compare* Ans. 5, 10 (the Examiner finds that a roster update would correspond to a "video game character performance parameter" as well as a "video game team parameter.").

Second, the Appellant correctly contends that the disclosure of NFL 2K1 concerning stats does not correspond to changing the play of either the video game characters or the sports game due to updating video game character performance parameters. *See* App. Br. 15-16. NFL 2K1 states "[f]rom this menu, you can download the updated roster for your team. This is useful if you do not want to buy NFL 2K2 and you would like to get the new updated rosters with new and improved stats." NFL 2K1 p. 9. As discussed above, updated rosters do not correspond to video game character performance parameters. Also, the Appellant contends that NFL 2K1 "provides no explanation whatsoever about how the 'stats' are to be used in the video game." App. Br. 16. In response, the Examiner determines that a person of ordinary skill in the art would recognize that "stats" from NFL 2K1, like the abilities disclosed in Tecmo Super Bowl discussed *infra,* are similar to a video game characters' abilities or attributes. Ans. 22. However, there is inadequate evidence that the incorporation of updated stats changes video game character performance parameters or the play of either the video game characters or the sports game. *See* App. Br. 16.

Third, the Appellant contends that Tecmo Super Bowl does not disclose video game character performance parameters that are updated and received during the single game sports season. *See* App. Br. 17. Tecmo Super Bowl includes abilities or attributes, such as "accuracy of passing" which is a type of video game character performance parameter. *See* Tecmo Super Bowl p. 9. However, there is no evidence that a video game character's abilities or attributes change. *See* App. Br. 21. Consequently, there is no evidence that a video game character performance parameter in Tecmo Super Bowl changes. Additionally, as the Appellant points out,

Tecmo Super Bowl at pages 7 and 9-11 does not disclose that the records and stats kept during the course of a season affect a video game character performance parameter. *Id*. *See* Ans. 23 (the "Examiner agrees that Tecmo Super Bowl fails to explicitly disclose [sic that its] records affect the manner in which individual characters perform in the video game.").

The Examiner also finds that Tecmo Super Bowl at page 9 discloses the use of recording "player conditions" which are described in five levels: Excellent: top condition; Good: good condition; Average: average condition; Bad: in a slump; and Injured: sidelined with an injury. *See* Ans. 22. The Examiner determines that the combined teachings of Tecmo Super Bowl's disclosure of player's conditions, player's abilities or attributes, and a 17-week season results in a video game character's play that changes or updates based on a player's physical condition during a 17-week season. Ans. 22-23. The Examiner also determines, at page 23 of the Answer, that:

> a person of ordinary skill in the art at the time of the invention would recognize the records of Tecmo Super Bowl corresponds to the performance and use of the athletes which affect their physical condition and abilities of Tecmo Super Bowl in order to provide a video game that stimulates real-life tendencies such as injuries, physical fitness, and fatigue. In addition, in Tecmo Super Bowl when a player performs what are considerate [sic] to be excellent records, the corresponding player may be in an "excellent" condition.

The Appellant correctly contends that "[t]here is no concrete evidence of record to show that this allegation of recognition in-fact existed at the time of the invention." Reply Br. 8. Indeed, the Examiner's determinations are speculative. Initially, it is not clear that changes in a game character's physical condition would necessarily affect the character's performance. For example, the change in physical condition may only cause an increase of

the chance of injury, and thus being sidelined for a game. Additionally, the Specification suggests that injuries, like roster changes due to athletes being traded from team to team, are different than athletes' performances, and similarly a video game character performance parameter. Spec. para. [07] (The Specification states that "Athletes' performances change over the course of a season, or even a day. Additionally, athletes may be traded from team to team, or become injured.").

Thus, for the foregoing reasons, the Examiner's rejection lacks rational underpinning. *See In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) ("[R]ejections on obviousness grounds [require] some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness") (cited with approval in *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007)). The Examiner has not adequately explained how modifying NBA 2K1 with the teachings of NFL 2K1 and Tecmo Super Bowl would result in a game medium or method satisfying the limitations of claims 29, 51, and 68 with respect to updating a video game to change the manner in which video game characters perform in the video game based on updated video game character performance parameters. Accordingly, the Examiner's rejection of claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 under 35 U.S.C. § 103(a) as unpatentable over NBA2K1, NFL2K1, and Tecmo Super Bowl is not sustained.

DECISION

We REVERSE the rejection of claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71.

REVERSED

Klh

ELECTRONICALLY FILED

PATENT APPLICATION
Docket No. 17791.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:		)
	Athanasios Angelopoulos	)
Serial No.:	10/266,795	) Art Unit 3714
Filed:	October 8, 2002	)
Conf. No.:	9115	)
For:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES	)
Examiner:	DAMON J. PIERCE	)
Customer No.:	022913	)

The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDED BRIEF OF APPELLANT

This amended appeal brief is being submitted to add a statement to identify a related appeal in the child divisional patent application to this patent application. The Commissioner is hereby authorized to charge any additional fees associated with this communication, or to credit any overpayment, to Deposit Account No. 23-3178.

C. RELATED PROCEEDING APPENDIX

Appeal: [unassigned] for Application 12/547,359.

CONCLUSION

Based on the foregoing, Applicant's submit a cross-reference to a related Appeal to the Board of Patent Appeals and Interferences.

DATED this 23rd day of June, 2011.

Respectfully submitted,

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Electronic Acknowledgement Receipt

EFS ID:	10376604
Application Number:	10266795
International Application Number:	
Confirmation Number:	9115
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Customer Number:	13588
Filer:	David Allan Jones
Filer Authorized By:	
Attorney Docket Number:	17791.3.1
Receipt Date:	23-JUN-2011
Filing Date:	08-OCT-2002
Time Stamp:	18:06:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Supplemental Appeal Brief	Amended_Appeal_Brief_Related_Appeal.pdf	21238 f1c07d452d01ab02f144ccedc24de96941cb24a6	no	3

Warnings:	
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Total Files Size (in bytes):	21238

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.

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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 NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
10/266,795		3718	37M1

OC000000047490532

Correspondence Address/Fee Address Change

The following fields have been set to Customer Number 13588 on 05/03/2011

- **Correspondence Address**
- **Maintenance Fee Address**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

22913 7590 11/26/2010

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EXAMINER	
PIERCE, DAMON JOSEPH	
ART UNIT	**PAPER NUMBER**
3718	
MAIL DATE	**DELIVERY MODE**
11/26/2010	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.

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Appeal: 2011-002241
Application: 10/266,795
Appellant: Athanasios Angelopoulos

Board of Patent Appeals and Interferences
Docketing Notice

Application 10/266,795 was received from the Technology Center at the Board on November 22, 2010 and has been assigned Appeal: 2011-002241.

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

The facsimile number of the Board is 571-273-0052. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 571-272-9797 and referencing the appeal number listed above.

By order of the Board of Patent Appeals and Interferences.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

22913 7590 11/17/2010

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EXAMINER	
PIERCE, DAMON JOSEPH	
ART UNIT	**PAPER NUMBER**
3718	

MAIL DATE	DELIVERY MODE
11/17/2010	PAPER

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

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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10266795	10/8/2002	ANGELOPOULOS, ATHANASIOS	17791.3.1

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EXAMINER	
DAMON PIERCE	
ART UNIT	**PAPER**
3718	20101115

DATE MAILED:

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

Commissioner for Patents

Acknowledgment of Reply Brief
The reply brief filed 11/10/10 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

/JAMES S. MCCLELLAN/
Primary Examiner, Art Unit 3718

ELECTRONICALLY FILED PATENT APPLICATION
Docket No. 17791.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:		)
	Athanasios Angelopoulos	)
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Examiner:	DAMON J. PIERCE	)
Customer No.:	022913	)

The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

REPLY BRIEF

Mail Stop: Appeal Brief–Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is being filed in response to the Examiner's Answer mailed September 10, 2009. The Applicant appeals the rejection of all the pending claims.

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I. Status of Claims 3

II. Grounds of Rejection to be Reviewed on Appeal 4

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I. STATUS OF CLAIMS

Claims 1-28, 50, 56, and 62-67 are canceled. Claims 29-49, 51-55, 57-61, and 68-71 are pending. Claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 were rejected in the Non-Final Office Action mailed March 1, 2010. Claims 37, 38, 43-45, and 49 are withdrawn as directed to a non-elected invention. Claims 29-49, 51-55, 57-61, and 68-71 are being appealed.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Issue 1: Whether claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 are unpatentable, under 35 U.S.C. §103(a), over *NBA2K1 Game Manuel of Sega Dreamcast* (hereinafter "NBA2K1") in view of *NFL 2K1 GameFaqs on Sega Dreamcast* (hereinafter "Cherone" aka *dirty2002@home.com*) and *NES Techmo Super Bowl* (hereinafter "Techmo Bowl").

III. ARGUMENT

The Patent Owner would like to emphasize a final important issue in addition to those issues previously discussed in the Applicant's Appeal Brief. That issue is, the Applicant cites to (A) multiple instances where the Patent Office continues to rely on creative interpretations and assumptions not based on concrete evidence of record to allege the existence of claimed elements at the time of the Applicant's invention. More specifically, the Applicant cites to (A1) an extensive list of examples of statements and positions by the Patent Office based on creative interpretations, assumptions, and speculations not supported by concrete evidence of record. Moreover, Applicant also points specifically to a lack of evidentiary support with regard to the allegations regarding (A2) the "roster updates" of NBA2K1, (A3) the "new and improved stats" of Cherone, (A4) the alleged performance parameters of Tecmo Bowl, and (A5) the alleged "series" of downloads of Cherone. Each issue is individually dispositive of this proceeding if found in the Appellant's favor insofar as a claimed element is not found, or the absence explained, by concrete evidence of record which existed at the time of the invention and has been provided by the Patent Office, as well as the additional dispositive issues and arguments previously outlined in the Applicant's Appeal Brief.

A. The Patent Office Provides No Concrete Evidence for Allegations of Critical Facts Relied Upon in the Rejections

"[The Patent Office] may **not** … resort to **speculation**, **unfounded assumptions or hindsight reconstruction** to supply deficiencies in its factual basis." *In re Warner*, 379 F.2d 1011 (CCPA 1967) (emphasis added). In other words, the Patent Office must actually provide evidence to show that its factual basis is in-fact true. And, in this case, there is a fundamental error in that the rejections are based on creative interpretations of the prior art, as well as assumptions based on conjecture without evidentiary support thereof.

1. Specific Examples of Statements and Positions Based on Creative Interpretations and Assumptions not Supported by Concrete Evidence

For first and second examples, the Patent Office states, "NBA2K1 discloses using a video game disc for the Dreamcast game console, pg. 25, explicitly discloses updating current rosters to the NBA game, [1] where the updating of rosters are **interpreted** as a series of updated video game

character performance parameters [2] **because** each player in the video game has a set of attributes as related to playing the game of basketball". *See Examiner's Answer* page 5, lines 9-11, page 5, lines 15-18, page 6, lines 4-7, page 19, lines 10-12 (emphasis and reference numbers added). Statement [1] is a creative interpretation not based on concrete evidence; and statement [2], which forms the basis for statement [1], is an assumption not based on concrete evidence to prove that the interpretation is in-fact true.

For a third example, the Patent Office states, "[2] **because** each player in the video game has a set of attributes as related to playing the game of football; [3] stats are **interpreted** as players attributes or performance parameters". *See* Examiner's Answer page 7, lines 14-16 (emphasis and reference numbers added.) Statement [2] is the same unsupported assumption as above; and statement [3] is another creative interpretation not based on evidence to prove that the interpretation is in-fact true. That is, there is no evidence that the "stats" discussed by Cherone (referred to as "NFL2K1" in the Examiner's Answer) are individual video game character performance parameters or that the "stats" update the NFL2K1 video game. In fact, on pages 16-43 of *Cherone* it is shown that some sports video games have team performance parameters (e.g. an offence parameter, a defense parameter and an overall parameter) instead of individual player performance parameters and there is no actual evidence of record that individual performance parameters exist in Cherone (NFL2K1) or that these parameters are actually downloaded or changed in response to a roster update as alleged by the Patent Office.

For a fourth example, the Patent Office states, "lacking distinguishing features, see pg. 9, which includes downloading improved player stats, [4] **where stats are based on players' performances**". *See Examiner's Answer* page 8, lines 15-18; page 21, lines 6-10; and page 30, lines 11-17 (emphasis and reference numbers added). Statement [4] also lacks evidentiary support and is another unfounded assumption of fact not supported by the record.

For a fifth example, the Patent Office states, "pg. 9 discloses connecting to the net to update player rosters and improved stats; for instance, when rosters updates are caused by a trade, [5] **team stats are reflected based on the trade**". See Examiner's Answer page 10, lines 21 and 22 (emphasis and reference numbers added). Statement [5] also lacks evidentiary support and is not based on concrete evidence to prove that the statement is in-fact true.

For a sixth example, the Patent Office states, "see pag. 9, which includes downloading improved player stats, [6] **where stats are based on players' tendencies**". *See Examiner's Answer* page 11, lines 5-6 (emphasis and reference numbers added). There is also no evidence that this statement [6] is in-fact true.

For seventh and eighth examples, the Patent Office states, "Therefore, [7] **each time a roster is updated the associated game character attributes which independently corresponds to each and every athlete in the video game are also updated, modified, or transferred along with those specific athletes associated with the roster update**, thus, [8] **each time a roster update occurs, corresponding game character attributes or video game character performance parameters are also updated**." *See Examiner's Answer* page 19, line 21 to page 20 line 2; page 28, line 17 to page 29, line 1; page 29, lines 4-10 (emphasis and reference numbers added). There is no evidence on record that statements [7] or [8] are in-fact true.

For a ninth example, the Patent Office states, "Thus, anytime an update (see NBA2K1 pg. 25, roster update) corresponding to an athlete within the video game occurs in relation to (1) a trade, or (2) a new player is added to a roster (such as signing a free agent), [9] **this update also includes (1) a player's abilities being transferred from one team to another, and (2) a player's abilities are generated from some source, typically, real life stats of the player**." *See Examiner's Answer* page 20, lines 9-11 (emphasis and reference number added). There is no concrete evidence of record to show that statement [9] is in-fact true.

For a tenth example, the Patent Office states, "the combination of references NBA2K1 (pg. 25, discloses roster updates associated with real-life), NFL2K1 (see pg. 9, discloses connecting to the net to get the new update[d] player rosters with new and improved stats), and Tecmo Super Bowl (pg. 9, discloses abilities associated with video game athletes) [10] **are evidence that game athletes contains associated attributes related to stats that are updated via an Internet connection**;" *See Examiner's Answer* page 20, lines 14-19; page 21, lines 2-5; page 21, lines 13-17. There is no concrete evidence of record that indicates that individual player performance parameters in a video game are in-fact updated over the Internet in the NBA2K1, Cherone (NFL2K1) or Tecmo Super Bowl references. Also, nothing in the record indicates that such a download of player performance

parameters in-fact occurs which effects how video game athletes (video game characters) play in the video game.

For an eleventh example, the Patent Office states, "the disclosure of NFL2K1 (pg. 9, improved stats) in view of Tecmo Super Bowl (pps. 9-10, abilities and records) are evidence that [11] **the stats of NFL2K1 are related to the claimed performance parameters**." *See* Examiner's Answer page 22, lines 12-13; page 22, lines 16-17. There is no evidence that this statement is true. In fact, pages 16-43 of Cherone ("NFL2K1") show team performance parameters, not individual character performance parameters, as alleged by the Patent Office.

For a twelfth example, on page 22, line 18 to page 23, line 3, the Patent Office refers to a video game season in Tecmo Super Bowl as the claimed real-life sports season. This is a mis-statement of material facts. A video game season in Tecmo Super Bowl is not a real-life sports season with real-life professional athletes where this distinction is clearly explained and understood in this application and clearly defined in the claims.

For a thirteenth example, the Patent Office states, "[13] a person of ordinary skill in the art at the time of the invention **would recognize** the records of Tecmo Super Bowl corresponds to the performance and use of the athletes which affect their physical condition and abilities of Tecmo Super Bowl in order to provide a video game that stimulates [sic] real-life tendencies such as injuries, physical fitness, and fatigue." *See Examiner's Answer* page 23, lines 14-19 (emphasis and reference number added). There is no concrete evidence of record to show that this allegation of recognition in-fact existed at the time of the invention.

For a fourteenth example, the Patent Office states, "[14] NFL2K1 [Cherone] discloses different real-life performances (pg. 9, discloses updated stats)". *See* Examiner's Answer page 24, lines 12-13 (reference number added). However, page 9 of Cherone (NFL2K1) actually says nothing about different real-life performances as alleged by the Patent Office.

For a fifteenth example, the Patent Office states, "[15] the downloading of new stats disclosed by NFL2K1 [15] **is interpreted as updates based on <u>different</u> performances by individual <u>real-life</u> athletes**...." *See* Examiner's Answer page 25, lines 1-3; page 25, pages 7-9

(emphasis and reference number added). There is no concrete evidence of record to support this interpretation or allegation by the Patent Office.

For a sixteenth example, the Patent Office argues that because real-life games and transitions of players happen on a daily basis or weekly, it would have been obvious to update a video game on the same basis. See page 26, lines 12-15. However, there is no concrete evidence of record that suggests this correlation between schedules and updates to a video game other than the Patent Office's written conclusion and the Applicant's specification and claimed invention.

The Examiner alleges that Cherone, and Tecmo Super Bowl both teach updating performance parameters and that the roster updates of NBA2K1 include performance parameters. Establishing these facts is critical to the Examiner's *prima facie* case. However, there is no evidence to support the allegations that the roster updates of NBA2K1 actually include individual video game character performance parameters or that either of Cherone or Tecmo Super Bowl teach updating such performance parameters such that video game characters more closely simulate real-life performance attributes of the particular real-life athlete that they represent in the video game.

2. There Is no Evidence that the "Roster Updates" Taught in NBA2K1 Include Performance Parameters as Alleged by the Patent Office.

The Examiner alleges that NBA2K1 "…explicitly discloses updating current rosters to the NBA game, where the updating of rosters are interpreted as a series of updated video game character performance parameters…" *See* Answer p. 5, ¶1. Applicant's Appeal brief establishes that a roster is merely a list of names on a team and that an update to a roster is just a rearrangement of the names of individuals on various teams. *See* Appeal Brief 1A.a (pp. 11-15).

The Examiner's Answer concedes that "NBA2K1 fails to explicitly go in to details of the associated game character attributes". (Answer p. 19, ¶ 3). The Examiner then cites to page 9 of Tecmo Super Bowl as evidence that the roster updates in NBA2K1 would inherently include an update to the performance parameters. (see Answer pp 19-20). While Applicants do not wish to stray from the main argument (which is that there is no evidence that performance parameters are downloaded with the roster update), Applicants note that the Examiner has failed to provide sufficient evidence that NBA2K1 even uses performance parameters for individual video game characters. The fact that Tecmo Super Bowl allegedly provides performance parameters for

individual characters is not sufficient to establish that NBA2K1 must operate that way. For example, again, it is possible that NBA2K1 uses other means for controlling game play such as the use of team attributes (as opposed to individual attributes). *See* pages 16-43 of *Cherone*. For this reason alone the Examiner has failed to make a *prima facie* case.

The reason why the Examiner must **first** find evidence that the "stats" downloaded along with the roster update of NBA2K1 are in-fact the Applicant's claimed performance parameters before the burden shifts to the Applicant to prove otherwise, is that there would not be any evidence that these stats are **not** such performance parameters if there was first no evidence that the stats **are** such performance parameters. In other words, if something was not known, or did not exist, at that time, there would not be written evidence records recording the lack of such knowledge, or the lack of existence. Rather, this is why it is the Patent Office's obligation to **first prove** that the roster update of NBA2K1 are in-fact the claimed performance parameters before a *prima-facie* case has been made and the burden shifts to the Applicant to prove otherwise.

Nevertheless, assuming arguendo that NBA2K1 has player performance parameters associated with individual video game characters, the Examiner has failed to establish that the alleged performance parameters are inherently downloaded with the roster update. To establish the inherency of a feature, the Examiner must show that the performance parameters are necessarily downloaded with the rosters. *See* MPEP 2112. The mere possibility or probability of a fact relied upon is not enough. *In re Robertson*, 169 F.3d 743, 745, (Fed. Cir. 1999) (citations omitted). And, the Examiner has failed to make such a showing.

The Examiner's Answer speculates that a roster update requires adding a player to a roster and that doing so requires "(1) a player's abilities being transferred from one team to another" and (2) a player's abilities are generated from some source, typically, real life stats of the player."

Applicants respectfully disagree with the assumption that adding a name to a roster (i.e., a roster update) requires "transferring a player's ability" or "generating a player's ability." Assuming arguendo that NBA2K1 utilizes individual player abilities, these "abilities" are most likely stored on the video game disc. Those skilled in the software arts will recognize that different data sets like "abilities" and "rosters" are usually associated using a reference name. As long as the updated rosters use a proper reference name, there is no need to transfer data sets together. The video game can generate a team using the list of names from the updated roster and then access the same

"abilities" stored on the video game disc. However, even this argument is speculation without concrete evidence in support to show that the references in-fact work in this manner.

Applicants also respectfully disagree that a roster update requires generating player abilities from somewhere. If NBA2K1 utilizes individual abilities, those abilities would most likely be provided on the video game disc. There is no need to generate new abilities.[1]

Therefore, Applicants submit that the Examiner has failed to establish that the roster updates in NBA2K1 must include performance parameters as alleged. And, consequently, that it would be obvious to modify the roster updates using the teachings of Cherone and Tecmo Super Bowl. As such, the Applicants respectfully request that the rejections be withdrawn.

3. There is No Evidence that the "new and improved stats" Taught in Cherone (aka dirty2002@home.com) are "performance parameters" as Alleged by the Patent Office.

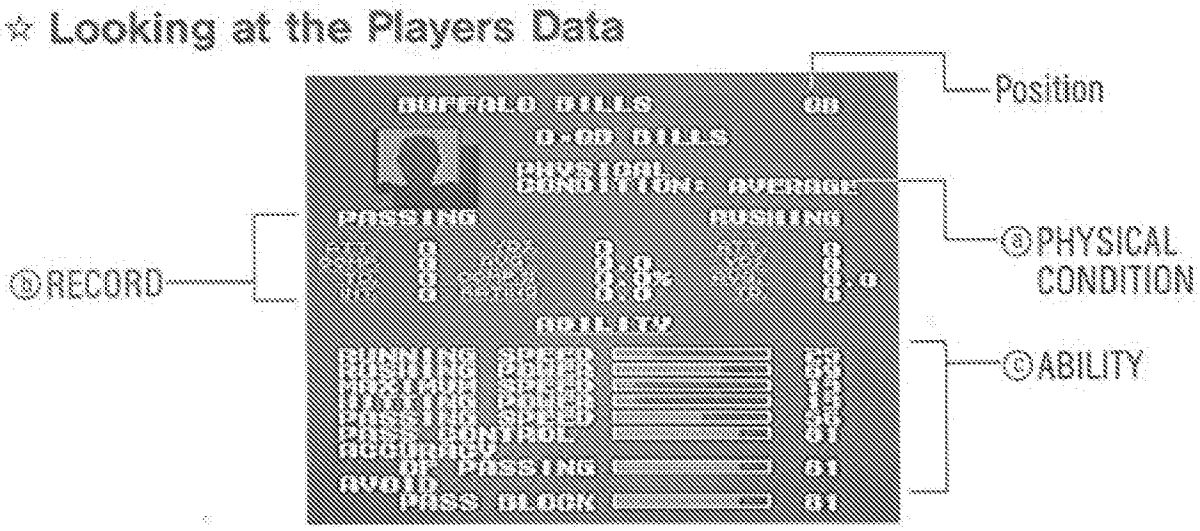
The meaning of the term "parameter" is well-known and understood in the software industry. Specifically, a "parameter" is "a value that is given to a variable, either at the beginning of an operation or before an expression is evaluated by a program.... Parameters are used as a means of customizing program operations".[2] (emphasis added). In short, a parameter is a component of the software that affects the operation of the software. In Applicants case, the claims require a "video game character performance parameter" and specify that this parameter "affect[s] the manner in which the particular individual video game character performs in the sports video game." Thus, a value such as a player "statistic" is not a video game performance parameter unless the video game is configured to use that value to affect how the video game characters perform in the video game.

The Examiner has not established with evidence that the "new and improved stats" mentioned in Cherone are performance parameters (i.e., that the stats affect the video game play of the video game characters). The Examiner's Answer proffers Tecmo Super Bowl as evidence that the stats of Cherone are performance parameters. The Examiner's Answer says "the stats of

[1] Applicants acknowledge that the addition of a completely new player (i.e., a player not previously existing in the video game) may require the addition of new performance parameters. However, neither NBA2K1 nor any of the other references teach or suggest adding a completely new player via a roster update. Updates that include "trades" or signing "free agents" utilizes players that are already members of a league and would thus be included in the video game as first constituted.

[2] Microsoft Press Computer Dictionary 3rd ed., p. 354 (1997)

NFL2K1 [i.e., Cherone] are similar to the abilities of Tecmo Super Bowl, which affect the records of video game athletes." Examiner's Answer p. 22, ¶ 2 (emphasis added). However, this statement is not supported by actual evidence. There is no evidence that the "stats" of "Cherone" are similar to the "abilities of Tecmo Super Bowl. If anything, the "stats" described in Cherone are similar to the "Record" in Tecmo Super Bowl, which does not include character performance parameters. The relevant portion of Tecmo Super Bowl is reproduced below.



The foregoing screen shot shows that individual players have "abilities" as provided in the "Ability" section" and performance stats as provided in the "Record" section. The Ability section includes a list of player abilities and what appear to be numerical values for those abilities. In this case, the QB of the Buffalo Bills has a "Running Speed" of 25 and a "Rushing Power" of 69, a Maximum Speed of 13, etc.

The Record section (shown in the middle of the screen shot) is a report of video game player performance (i.e., the video game results). The "record" includes statistics such as passing attempts, pass completions, number of touchdowns, number of interceptions, etc. The video game includes the Record so that players can make decisions about which video game characters to play. However, these stats are not used to control the performance of the video game characters. These stats simply list information for the video game player to look at. This fact is evident from the fact that the statistics are initially all **zeros** (see the screen shot above). Clearly the video game isn't using all zeros as parameters for controlling the video game characters. These facts suggest that the stats in the Record section are not performance parameters.

Tecmo Super Bowl therefore provides evidence that sports video games may use statistics for something other than controlling the performance of the video game characters. This alone shows that the Examiner has failed to make a *prima facie* case because the Examiner's rejection improperly assumes that stats are inherently performance parameters. *See* Examiner's Answer page 7, lines 14-16. Or in other words, the Examiner has failed to establish with evidence that the "statistics" disclosed in Cherone are "performance parameters" as required by the claims.

Importantly, Applicants wish to emphasize that the foregoing discussion of Cherone is not an assertion that the stats of Cherone must be similar to the "record" in Tecmo Super Bowl. Rather, this discussion is provided to illustrate that the Examiner has failed to first meet his burden for a *prima facie* case of obviousness. The fact is that Cherone **does not say** what he means by "updated rosters with new and improved stats." Cherone could be describing a mere "stat", a "performance parameter," a "team statistic," an "individual statistic", a "video game statistic", a "real-life statistic," a "roster statistic" or any number of things. The statistic could be used for informational purposes, controlling video game teams, individuals, or any number of potential uses, or even a combination thereof. There is simply no way to know from the teachings in Cherone, which form the basis for such allegations in the Office Action, whether the statistics are a performance parameter.

Applicants also submit that the circumstances surrounding Cherone suggest that a liberal interpretation of "stats" is **not** warranted. Applicants note that Cherone is ostensibly not suggesting how to change the NFL2K1 video game. Cherone is a **random online FAQ**, which is meant to be a "how to" guide for video game players written by an unknown author defined by the email ***dirty2002@home.com***. If the NFL2K1 video game actually operates as suggested by the Examiner, it would stand to reason that the prior art would provide a clear reputable teaching of this feature. The NFL2K1 video game is not an obscure product and its functionality was well known at the time of its release and use thereafter. A Google search for "NFL2K1" returns over 200,000 search results. A search for its sequel "NFL2K2" returns another 300,000+ search results. The software industry is notorious for publishing the details, describing features, and explaining inter-workings of its products (in many cases falsely or against the wishes of the product manufacturer). How is it possible that the acclaimed NFL2K1 video game provided "updated performance parameters based on different performances during the same sports season" and the best available evidence at the Patent Office's disposal is Cherone?

Thus, the Examiner has improperly placed the burden on the Applicant to prove that NFL2K1 doesn't do what the Examiner says it does without first finding legitimate explanatory evidence in support thereof. Alas, the Examiner has charged applicant with the nearly impossible task of proving a negative of a fact without first providing a positive teaching thereto. And, as such, a *prima facie* case of obviousness has not been made and the Applicants respectfully request that the rejections be withdrawn.

4. There is No Evidence that Tecmo Super Bowl Teaches Updated Video Game Performance Parameters During a Single Sports Season as Alleged by the Patent Office.

The Examiner's case relies, in part, on the combination of Tecmo Super Bowl and NBA2K1. The Examiner alleged that Tecmo Super Bowl teaches updating a performance parameter during a single sports season. The Applicants established in their Appeal Brief that Tecmo Super Bowl does not teach updating performance parameters. *See* Appeal Brief 1A.c., pp 17-21. The Examiner agreed in his Answer that "Tecmo Super Bowl fails to explicitly disclose records affect the manner in which individual characters perform in the video game." *See* Answer p. 23 ¶ 3. The Examiner then argues that that one of skill in the art would recognize that the performance and use of the athletes which affect their physical condition and abilities to simulate "real-life tendencies. *See Id.*

Applicants disagree that the performance and the use of the athletes affects the "physical condition" or "abilities" of the video game characters. The Examiner provides no evidence to support this allegation. There is simply no basis for saying that the video game play affects the "abilities" or "conditions" of the video game characters. If anything, Tecmo Super Bowl implies that the "condition" does not change. For example, page 14, which describes the Pro Bowl feature, says, "Even an injured player can participate in the Pro Bowl." From this statement it appears that the "physical condition" status of a player is static, hence the need to allow injured players (i.e. video game characters with an "injured" status) to play.

Moreover, Applicants respectfully disagree that using the "record" (i.e., the video game play) to modify the "physical condition" or "abilities" would make the game more life-like. The Examiner's argument lacks an explanation as to how the outcome of the video game could be used to make the game more life-like. The winning or losing abilities of the video game player are not indicative of the real-life performance of a sports athlete. Thus, the Examiner's argument that the

"abilities" and "conditions" of Tecmo Super Bowl are updated using the "record" are not supported by the evidence, and do not appear to actually do what the Examiner alleges.

As mentioned, the Examiner relies on Tecmo Super Bowl to show that the alleged updates to the performance parameter occur weekly during the sports season. Although the foregoing discussion disposes of Tecmo Super Bowl as a suitable reference for teaching this element (i.e., because Tecmo Super Bowl doesn't teach updating a performance parameter) Applicants submit that the "season" and "weeks" disclosed in Tecmo Super Bowl are non-analogous art for purposes of the "weeks" and "seasons" required by the claims. The "weeks" and "seasons" in Tecmo Super Bowl are **created by the video game as a video game season** and happen in a matter of minutes or hours (i.e., it lasts however long it takes to play a single sitting of the game).[3] In contrast, the present invention clearly relates to real-life sports seasons played by real-life sports athletes and real-life weeks, days, and seasons. Such seasons have weeks, days, and months that are understood to be "real" months, weeks, and days not "video game" months, weeks, and days.

Therefore, the Applicant respectfully requests that the rejections be withdrawn for these reasons as well.

5. There is No Evidence that Cherone Teaches Downloading a Series of Updated Performance Parameters Based on Different Real-Life Performances of Individual Athletes From the Same Sports Season as Alleged by the Patent Office.

Applicants claims require "receiving a series of updated video game character performance parameters from a data server via a network including the Internet, wherein each of the updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season." This limitation specifies the type of video game performance parameters that are received. Applicants submit that even if The Board determines that the "stats" of Cherone are "performance parameters", there is no evidence that they are the type of performance parameters required by the claims.

The Applicant has recited with particularity that the claimed performance parameters (i) are a series of updated video game performance parameters and that each parameter in the series is (ii)

[3] The Tecmo Super Bowl game can be played for free online at http://nintendo8.com/game/321/tecmo_super_bowl/

based on different real-life performances from the same sports season. This feature of the claimed invention provides variation in the performance of the video game characters that simulates the up and down performance of real-life players. This feature is in contrast to sports video games that use seasonal averages, which are good at simulating the real-life ability of a real-life player, but bad at simulating the real-life performance.

Regarding this argument, the Examiner's Answer provides the following response:

> the downloading of new stats disclosed by [Cherone] is interpreted as updates based on different performances by individual real-life athletes, and NFL 2K1 Review by Gamespot discloses that downloads updates [sic] are available throughout the season…which is evidence that the downloads of [Cherone] are capable of being received in a series during a single sports season;

Examiner's Answer, page 25 ¶1.

The Examiner's response fails to establish evidence that Cherone (i) teaches a series of updates, or (ii) that each update in the series is based on different performances of a particular athlete from the single sports season. With regard to the first issue, the Examiner's assertion that roster updates can be downloaded throughout the season does not dispose of the issue. Just because the roster update is available throughout the season doesn't mean that the roster updates included a series of different performance parameters. Even if the updates were available throughout the season and did include "new and improved stats" there is no evidence to show that the stats were different or the same as the new and improved stats taught in Cherone.

The Examiner has also failed to provide any evidence that Cherone teaches the second requirement, which is that each update in the series is based on different performances of a particular athlete from a single sports season. In this regard, the Examiner appears to make no attempt to resolve the issues raised by the Applicant. Rather the Examiner Appears content to rely on his "interpretation" of "stats" as recited in Cherone.

Applicants simply note that the claim requires more than just using a stat as a performance parameter. The claim requires providing a series of parameters based on different performances of a particular athlete from the same sports season. For example, a particular athlete may play in a first game one week, thereby generating a first parameter that reflects, at least in part, the performance in the first wee; and then during the next week the same player may play in a second game thereby

generating a second parameter that is based, at least in part, on the performance from the second game. That is, the claimed invention requires a serious of performance parameters updates to the video game characters' performance parameters to more closely reflect the recent performances of the real-life athletes throughout the sports season. The statement in Cherone to "download the latest roster with new and improved stats" can only be interpreted as teaching the claimed element if the Examiner engages in impermissible hindsight. Applicants respectfully submit that there is no evidence to support the allegation that the Cherone (NFL2K1) video game update included a series of updates or that the updates were based on different performances of a particular athlete from the same sports season.

As such, the Applicants respectfully request that the rejections be withdrawn for these reasons as well as those set forth in the Appeal Brief.

CONCLUSION

In conclusion, Appellant respectfully submits that the Examiner has failed to establish with evidence that NBA2K1, Cherone, or Tecmo Super Bowl teach each of the claimed elements. For at least the reasons discussed herein, as well as those in the Appeal Brief, Appellant respectfully submits that the Examiner's rejections of the claims are unsupported by the facts in the record and should be withdrawn. Accordingly, Appellant requests that the Board reverse the Examiner's rejections of Claims 29-49, 51-55, 57-61, and 68-71 and allow the claims to issue.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to **Deposit Account No. 23-3178**: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to **Deposit Account No. 23-3178**.

Respectfully submitted,

/David A. Jones/ Reg. 50,004

Dated: November 10, 2010

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Electronic Acknowledgement Receipt

EFS ID:	8812795
Application Number:	10266795
International Application Number:	
Confirmation Number:	9115
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Customer Number:	22913
Filer:	David Allan Jones
Filer Authorized By:	
Attorney Docket Number:	17791.3.1
Receipt Date:	10-NOV-2010
Filing Date:	08-OCT-2002
Time Stamp:	17:44:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Reply Brief Filed	ReplyBrief.pdf	615941 657e64842e33c1d7a28eb7da7d16728ff27d83e9	no	18

Warnings:	
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

22913 7590 09/10/2010

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EXAMINER	
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ART UNIT	PAPER NUMBER
3714	
MAIL DATE	DELIVERY MODE
09/10/2010	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/266,795
Filing Date: October 08, 2002
Appellant(s): ANGELOPOULOS, ATHANASIOS

David A. Jones
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/6/10 (with Amended/Supplemental Briefs filed on 7/27/10 and 8/3/10) appealing from the Office action mailed 3/1/10.

(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 examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and being appealed in the application: Claims 29-49, 51-55, 57-61, and 68-71 are pending and have been rejected are being appealed.

(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."

(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

NBA 2K1 Game Manual	Sega Dreamcast	11-01-2000
NFL 2K1 Game FAQ v3.2	Brad Cherone	09-08-2000
NES Tecmo Super Bowl Game Manual	Nintendo	1991
NFL 2K1 Review	Gamespot	09-08-2000

(9) Grounds of Rejection

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

Rejections under 35 USC 103

Claims 29-36,39-42,46-48,51-55,57-61 and 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over NBA2K1 Game Manuel of Sega Dreamcast (referred to as NBA2K1) in view of NFL 2K1 GameFaqs on Sega Dreamcast (referred to as NFL2K1) and NES Tecmo Super Bowl (herein referred to as Tecmo Super Bowl).

29, 33-35, 41-42, 46-48, 51, 55 ,57-61 and 68-69, **NBA2K1 discloses a game medium configured to provide a basketball sports video game in conjunction with a video game machine, the basketball sports video game including video game rules and basketball video game character parameters, the basketball video game character parameters including video game character performance parameters** (NBA2K1 is a video game disc made for the Dreamcast video game system containing National Basketball Association-NBA rules and athletes, where each athlete in the video game contains a specific set of skills relative to playing basketball), **the game medium being configured to cause the video game machine to perform a method comprising**:

loading video game data stored by the game medium into a random access memory of the video game machine for playing the basketball video game, the video game data including the video game rules and a particular basketball video game character performance parameter associated with a particular basketball

video game character associated with a particular real-life basketball sports athlete, wherein the particular basketball video game performance parameter is based at least in part on a real- life basketball performance of the particular real-life basketball sports athlete playing in one or more real-life basketball sporting events, the particular basketball video game character performance parameter affecting the manner in which the particular basketball video game character performs in the basketball sports video game (NBA2K1 discloses using a video game disc for the Dreamcast game console, pg. 25, explicitly discloses updating current rosters to the NBA game, where the updating of rosters are interpreted as a series of updated video game character performance parameters because each player in the video game has a set of attributes as related to playing the game of basketball);

receiving a series of updated video game basketball character performance parameters from a data server via a network including the Internet (NBA2K1 discloses using a video game disc for the Dreamcast game console, pg. 25, explicitly discloses updating current rosters to the NBA game, where the updating of rosters are interpreted as a series of updated video game character performance parameters because each player in the video game has a set of attributes as related to playing the game of basketball);

updating the basketball sports video game with each of the updated basketball video game character performance parameters received, wherein each update changes the manner in which the particular basketball video game character performs in the basketball sports video game such that the particular

basketball video game character more closely simulates real-life basketball performance attributes of the particular real- life basketball athlete in the sports video game (NBA2K1 discloses using a video game disc for the Dreamcast game console, pg. 25, explicitly discloses updating current rosters to the NBA game, where the updating of rosters are interpreted as a series of updated video game character performance parameters because each player in the video game has a set of attributes as related to playing the game of basketball); and

enabling a user to control the particular video game basketball character in the basketball sports video game using a video game controller connected to the basketball video game machine (see "Offensive Controls with the ball" section of pps. 7-10, which discloses how to play the game using game controllers), wherein:

the basketball sports video game includes video game basketball courts, video game basketball teams, and video game basketball characters associated with real-life basketball courts, real-life basketball teams, and real-life basketball athletes respectively (NBA2K1 is a basketball sports video game that includes real-life courts, teams, and athletes).

NBA2K1 fails to explicitly disclose during a single basketball sports season, wherein each of updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season;

at least one of the updated video game character performance parameters is associated with a free-throw completion percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season;

wherein at least one of the updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life basketball sports event during the single basketball sports season.

NFL2K1 discloses wherein each of updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season (NFLK1 discloses a using a video game disc for the Dreamcast game console, where NFL rules and athletes are loaded to the video game console, see pg. 9, discloses connecting to the net to get the new update player rosters with new and improved stats, because each player in the video game has a set of attributes as related to playing the game of football, stats are interpreted as players attributes or performance parameters). The video game play of NBA2K1 has motivation to use the updating feature of NFL2K1 in order to attract more players to subscribe to a game service that gives players the most updated version of a game.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the updating feature of NBA2K1 with the updating of stats of NFL2K1 in order to provide game players with the most accurate sports experience possible as disclosed by NBA2K1 (see pg. 3).

Tecmo Super Bowl explicitly disclose updated video game character performance parameters during a single sports season (see pg. 7, which discloses each team plays one game every week during the season and pg. 9-11, discloses a player's data that includes player's condition, record, and abilities), *except, a free-throw completion percentage or a shots average.* It is knowledge commonly known in the art that free-throw completion percentage and shots average are stats that are commonly tracked for basketball players. Thus, a game designer would have motivation to use the basketball game of NBA2K1 with the athlete performance parameter updating feature of Tecmo Super Bowl in order to add to the realism of a sports video game.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the video game system of NBA2K1 with the player's data of Tecmo Super Bowl in order to provide game players with the most accurate sports experience possible as disclosed by NBA2K1 (see pg. 3).

30, 52, 70, NFL2K1 discloses particular real-life athletes and real-life performance attributes (lacking distinguishing features, see pg. 9, which includes downloading improved player stats, where stats are based on players' performances).

However, fails to explicitly disclose wherein receipt of the updated video game performance parameters in the series at least weekly during at least a portion of the single sports season.

Tecmo Super Bowl discloses a game medium, wherein receipt of the updated video game performance parameters in the series at least weekly during at least a portion of the single sports season (see pg. 7, which discloses each team plays one game every week during the season and pg. 9-11, discloses a player's data that includes player's condition, record, and abilities). The gaming systems of NFL2K1 and NBA2K1 would have motivation to use a form players' data as disclosed in Tecmo Super Bowl in order to add to the realism of a sports video game.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the gaming systems of NFL2K1 and NBA2K1 with periodically changes to athletes as taught by Tecmo Super Bowl in order to give game players a more realistic video game.

31, 53, 71, NBA2K1 fails to explicitly disclose a method as in claim 29, wherein receipt of an updated video game performance parameters in the series occurs at least daily during at least a portion of the single sports season, such that the particular video game character simulates current real-life performance attributes of the particular real-life athlete on an at least daily basis. Examiner takes official that some sporting games have daily events, such as basketball, and baseball; thus, daily statistics are recorded and made available to the general public for these sporting events. In addition, it is would be obvious to one of ordinary skill in the art that since NBA2K1 is a basketball game, where roster changes are made at any given time and stat updates are typically after

the play of a game, such that roster moves occur on a daily basis such that acquiring and signing new players to a roster; players are traded; a player get injured; and players are released and signed on any given time. Thus, it would be a matter of game distributing and designer's choice to provide video gamers with the fresh new events of the week, day, hour, or minute.

32, NBA2K1 discloses a game medium according to claim 29, the video game medium being further configured to cause the video game machine to update visual aspects of the video game during a single sports season, wherein the updated visual aspects are based on a change in a real- life visual aspect of a real-life athlete, stadium, or field during a single sports season (being that roster changes offer include trades, some players require new jerseys for their new teams, where new jerseys are updated visual aspects of the athletes).

36, NFL2K1 discloses a game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method further comprising: receiving a change in a video game team parameter from a data server via the network, wherein the video game team parameter corresponds to a real-life trade of a real-life athlete between two real-life teams during a single sports season; and changing a video game team in the video game based on the video game team parameter received to reflect the trade of the real-life athlete in the sports video game (pg. 9, discloses connecting to the net to update player rosters and improved stats; for instance, when rosters updates are caused by a trade, team stats are reflected based on the trade).

39, 40, NFL2K1 discloses a game medium according to claim 29, wherein the updated video game character performance parameters are each associated with a real-life performance tendency of the particular real-life athlete in the real-life performances during the single sports season (see pg. 9, which includes downloading improved player stats, where stats are based on players' tendencies).

54, Examiner takes official notice that online video game play often times requires fees and/or payment prior to allowing the online video game service.

(10) Response to Argument

Response to appellant's arguments

The appellant has put forth the following arguments:

(1A) (Pps. 8-11 of appeal brief filed) All elements of claims 29-36, 49-42, 46-48, 51-55, and 68-71 have not been found in the references cited in the rejections;

(a) (Pps. 11-15 of appeal brief filed) The Patent Office has not established that the Roster update of NBA2K1 teaches the claimed video game character performance parameter as alleged;

(i) (Pps. 11-12 of appeal brief filed) states that a roster update is not the same as a video game player performance parameter update, in the context of a basketball video game, a roster is simply a list of video game characters on a team and has nothing to with how those individual video game characters perform, therefore, a downloaded new roster is just that – a change to that list of

video game characters on a video game team roster according to the plain meaning of the term “roster”;

(ii) (pg. 12 of appeal brief filed) states there is no evidence of the alleged fact that merely because video game characters have attributes, as a result, the “roster” update in NBA2K1 changes those attributes;

(iii) (pg. 13 of appeal brief filed) states there is no evidence that a roster update changes how they (athletes) play on either team;

(iv) (pg. 13 of appeal brief filed) states there is no evidence relied upon in the rejections that a change in a roster is based on real-life athletic performance by a particular real-life athlete;

(v) (pg. 13 of appeal brief filed) states nor is there any evidence that an update to a roster in the video game effects how individual video game characters perform in the video game;

(vi) (pg. 13 of appeal brief filed) no evidence to support allegation of inherency, "Each athlete in all references provided contains corresponding character performance parameters in order for an athlete to perform in his respective sport, therefore, an athlete roster update is inherently a character performance parameter update”.

(b) (Pps. 15-17 of appeal brief filed) The Patent Office has not Established that the “Stats” of Cherone Teach the claimed updates to player performance parameters as alleged;

(i) (Pg. 16 of appeal brief filed) Appellant traverse the Patent Office's mere assumption that such is the case (that the "stats" are performance stats of real-life players) and request evidence that the stats are indeed video game performance parameters as required by claims.

(c) (Pps. 17-21 of appeal brief filed) The Patent Office has not established that Tecmo Super Bowl updates video game character performance parameters during a single sports season;

(i) (Pg. 21 of appeal brief filed) states that Tecmo Super Bowl say nothing about updating a video game character performance as required by the claims;

(ii) (Pg. 21 of appeal brief filed) states there is no evidence that the records kept in Tecmo Super Bowl are anything beyond just that, records or stats, that do nothing to affect the manner in which individual characters perform in the video game such that the video game characters more closely simulate the real-life athletes which they represent in the video game;

(iii) (Pg. 21 of appeal brief filed) states Tecmo Super Bowl does not teach an update to the character performance parameter based on a real-life athlete "during a single sports season".

(d) (Pps. 22-23 of appeal brief filed) The Patent Office has failed to show where the cited references teach a series of updated video game performance parameters based on different real-life performances of the same athlete from a single sports season;

(i) (pg. 22 of appeal brief filed) states the reference (NFL2K1) clearly does not discuss receiving a series of updates based on different performances by an individual real-life athlete during a single sports season; there is nothing that says more than one update is received (i.e., not a series) or that the updates in the series are based on real-life performance of an "individual" athlete performing during the sports season; or that the performances are "different performances" from the single sports season;

(ii) (Pps. 22-23 of appeal brief filed) states the Patent Office has failed to show any concrete evidence that downloading an updated roster results in downloading a "series" of updated performance parameters or that updates in the series are based on different performances of an individual athlete from a single sports season;

(iii) (pg. 22 of appeal brief filed) states there is nothing of record that suggests that the performance parameters used in NBA 2K1, Cherone (NFL2K1), or Tecmo Bowl are anything but seasonal averages as was customary at the time this application was filed;

(iv) (pg. 22 of appeal brief filed) states the Patent Office has not established that this download occurred "during a season" as opposed to between seasons and the roster/stats were based on the previous season average as might well be typical in the 2001-2002 video game series.

(1B) (Pps. 23-24 of appeal brief filed) States All Elements of Claims 51-56 (which seems to be an error and should be Claims 51-55), 58-59, and 61 have not been found in the references cited;

(i) (pg. 23 of appeal brief filed) states the Patent Office fails to address "transmitting the plurality of updated video game performance parameters to the video game machine in a plurality of transmissions over the network" (emphasis added);

(ii) (pps. 23-24) states none of the reference discuss including performance parameters based on performances from the week (or day) prior to the transmission (as related to claims 52 and 53);

(2) (Pps. 24-27 of appeal brief filed) There is insufficient Motivation, or Suggestion, to combine the references;

(i) (pps. 25-26 of appeal brief filed) states no evidence is supplied in the Office Action that either of these motivations (see motivation basis listed 1 and 3 on pg. 25 of appeal brief filed) existed at the time of the invention; rather they are a conclusory statement not based on a proven fact of record other than the Applicant's teachings thereto; Thus, these two reasons are clearly impermissible hindsight, and as such, are against the express prohibition against such;

(i) (pg. 26 of appeal brief filed) states regarding the second and fourth (see motivation basis listed 2 and 4 on pg. 25 of appeal brief filed0 alleged basses for motivation the Patent Office improperly conflates motivation for a roster update

with motivation for updating a performance parameter; and updating a roster is simply not on-point to the reasons why one of ordinary skill would update a player performance parameter;

(iii) (pg. 26 of appeal brief filed) states since a performance parameter was already an average of many different values, there was no motivation to make the effort to provide another value because it will have little or no affect on the seasonal average (i.e. because the parameter was an average of a large number of performances that smoothed out variation);

(iv) (pg. 26 of appeal brief filed) states "The statement in NBA2K1 says nothing about an updated player performance parameter and provides no evidentiary basis for such as it only contemplates roster updates. And, such is the essence of impermissible hindsight compilation of information taken out of its context to recreate the claimed invention using the claim as a blueprint for such rejection. Applicants note that the Patent Office's error may be the result of improperly interpreting "roster" to be a "performance parameter" as discussed above. However, regardless of the source of the error, the combination of references is improper because the motivation to combine is based on a motivation for combining something entirely different than the element recited in the claims."

(v) (pps. 26-27 of appeal brief filed) states "So, regarding motivation for the combination of Cherone and Tecmo Super Bowl with NBA2K1, the Office Action first makes an unsubstantiated allegation with an evidentiary basis which

exists nowhere in the prior art. Rather, the first and third motivation basses exists solely in the Applicant's specification. And, the second and fourth motivation basses, having evidentiary support for only roster updates, but not for player performance parameter updates, cannot motivate something that it does not relate to. That is, one of ordinary skill in the art cannot be motivated by something that does not exist insofar as it relates to the claimed element. Therefore, motivation for a player performance parameter update at the time of the invention has no evidentiary basis of record that would have been available to one of ordinary skill at the time of the invention.

(3) (Pps. 27-31 of appeal brief filed) A reasonable expectation of success has not been shown;

(i) (pg. 27 of appeal brief filed) states "The Patent Office has failed to clearly establish which teachings of Cherone and which teachings of Tecmo Super Bowl are being combined with NBA2K1 to arrive at the claimed invention;

(ii) (on pg. 28 of appeal brief filed) states the Patent Office isn't clear as to the following:

(a) which elements of Cherone and which elements of Tecmo Super Bowl are being used to teach each of these missing elements (see pg. 27 of appeal brief filed listings A-C),

(b) how the elements from Cherone are functionally combined with NBA2K1 to create an operable video game, or

(c) how the combination reads on the claim language not taught by NBA2K1;

(iii) (pg. 30 of appeal brief filed) states “Applicants also submit that the combination of Cherone or Tecmo Bowl Super Bowl with NBA2K1 as obvious are also improper because the Patent Office attempts to combine parameters of a football video game with parameters of a basketball video game, which the Patent Office itself has already decided are non-obvious in view of one another. Thus this combination is vague due to two incompatible positions presented by the Patent Office itself. Also, football performance parameters are inoperable with basketball performance parameters and there is no explanation regarding this incompatibility as well."

(4) (Pps. 31-32 of appeal brief filed) Secondary considerations of non-obviousness:

(a) (Pps. 32-34 of appeal brief filed) Those of ordinary skill in the video game industry praise features practicing applicant’s claimed invention as New and innovative;

(b) (Pps. 34-36 of appeal brief filed) The invention as recited in the claims has been copied by large corporations with ample resources in the video game industry;

(c)

(i) (Pps. 36-37 of appeal brief filed) Both EA sports and take two have found commercial success and addressed a long felt but unsolved need in the sports video game industry using the applicant's claimed invention; and

(ii) (Pps. 37-39 of appeal brief filed) There is a Nexus between the applicant's claimed invention and the commercial success found by EA Sports and Take Two.

In response to issue (1A) (a) above, the updating of rosters of NBA2K1 are interpreted as a series of updated video game character performance parameters because each player in the video game has a set of attributes as related to playing a sports game, in this case the sports game is basketball (pg. 25, discloses updating rosters). Note, in reality the associated game character attributes of each game athlete of NBA2K1 are related to video game character performance parameters (although NBA2K1 fails to explicitly go in to details of the associated game character attributes of each game athlete, Tecmo Super Bowl reference, pg. 9, discloses "ability" which are the associated game character attribute's of a game athlete). Therefore, each time a roster is updated the associated game character attributes which independently corresponds to each and every athlete in the video game are also updated, modified, or transferred along with those specific athletes associated with the roster update,

thus, each time a roster update occurs, corresponding game character attributes or video game character performance parameters are also updated.

In response to issue (1A) (a) (i), again as stated above and for clarification the associated game character attributes of each and every game athlete of NBA2K1 (see Tecmo Super Bowl reference, pg. 9, discloses "ability" for details) are related to the video game player performance parameter. Thus, anytime an update (see NBA2K1pg. 25, roster update) corresponding to an athlete within the video game occurs in relation to (1) a trade, or (2) a new player is added to a roster (such as signing a free agent), this update also includes (1) a player's abilities being transferred from one team to another, and (2) a player's abilities are generated from some source, typically, real life stats of the player. In conclusion a roster update is related to game character attributes which are related to the claimed video game character performance parameters

In response to issue (1A) (a) (ii), the combination of references NBA2K1 (pg. 25, discloses roster updates associated with real-life), NFL2K1 (see pg. 9, discloses connecting to the net to get the new update player rosters with new and improved stats), and Tecmo Super Bowl (pg. 9, discloses abilities associated with video game athletes) are evidence that game athletes contains associated attributes related to stats that are updated via an Internet connection;

In response to issue (1A) (a) (iii), similarly to remarks above, the combination of references NBA2K1 (pg. 25, discloses roster updates associated with real-life), NFL2K1 (see pg. 9, discloses connecting to the net to get the new

update player rosters with new and improved stats), and Tecmo Super Bowl (pg. 9, discloses abilities and conditions associated with video game athletes) are evidence that game athletes contains associated attributes related to stats that are updated via an Internet connection which effects how athletes play in the video game;

In response to issue (1A) (a) (iv), the combination of references NBA2K1 (pg. 25, discloses roster updates associated with real-life), and NFL2K1 (see pg. 9, discloses connecting to the net to get the new update player rosters with new and improved stats) are evidence that roster updates are related to real-life athletes and stats are related to real-life performances;

In response to issue (1A) (a) (v), similarly to remarks above, the combination of references NBA2K1 (pg. 25, discloses roster updates associated with real-life), NFL2K1 (see pg. 9, discloses connecting to the net to get the new update player rosters with new and improved stats), and Tecmo Super Bowl (pg. 9, discloses abilities and conditions associated with video game athletes) are evidence that game athletes contains associated attributes related to stats that are updated via an Internet connection which effects how athletes play in the video game;

In response to issue (1A) (a) (vi), similarly to remarks above, the combination of references NBA2K1 (pg. 25, discloses roster updates associated with real-life), and Tecmo Super Bowl (pg. 9, discloses abilities associated with

video game athletes) are evidence that each game athlete contains associated attributes.

In response to issue (1A) (b) above, NFL2K1 (by Cherone) pg. 9, discloses stats which are interpreted as players attributes or performance parameters. According to Tecmo Super Bowl see pg. 9-10, discloses abilities and records, where the abilities and records of the athletes in the video game are correlated. Note, the NFL2K1 stats feature is related to real-life performances, and Tecmo Super Bowl features are related to performances in the video game. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to recognize the stats of NFL2K1 are similar to the abilities of Tecmo Super Bowl which effect the records of video game athletes. Therefore, the disclosure of NFL2K1 in view of Tecmo Super Bowl is evidence that the stats of NFL2K1 are related to claimed performance parameters.

In response to issue (1A) (b) (i), as mentioned above, the disclosure of NFL2K1 (pg. 9, improved stats) in view of Tecmo Super Bowl (pps. 9-10, abilities and records) are evidence that the stats of NFL2K1 are related to the claimed performance parameters.

In response to issue (1A) (c) above, Tecmo Super Bowl discloses a player's physical condition (including five levels with "excellent" to "injured"), and abilities on pg. 9, and each team plays one regular season game every week during the 17 week season on pg. 7, thus, the combination of teachings in Tecmo Super Bowl provides that during a 17 week NFL season a player's abilities are

changed/updated based on the player's physical condition. Also note, for evidentiary purposes, NFL 2K1 Review by Gamespot discloses that download updates are available throughout the season (on first page, 2nd paragraph).

In response to issue (1A) (c) (i), similarly to remarks above, Tecmo Super Bowl discloses a player's physical condition (including five levels with "excellent" to "injured"), and abilities on pg. 9, and each team plays one regular season game every week during the 17 week season on pg. 7, thus, the combination of teachings in Tecmo Super Bowl provides that during a 17 week NFL season a player's abilities are changed/updated based on the player's physical condition which reads on the updating a video game character performance as required by the claims.

In response to issue (1A) (c) (ii), Examiner agrees that Tecmo Super Bowl fails to explicitly disclose records affect the manner in which individual characters perform in the video game. However, a person of ordinary skill in the art at the time of the invention would recognize the records of Tecmo Super Bowl corresponds to the performance and use of the athletes which affect their physical condition and abilities of Tecmo Super Bowl in order to provide a video game that stimulates real-life tendencies such as injuries, physical fitness, and fatigue. In addition, in Tecmo Super Bowl when a player performs what are considerate to be excellent records, the corresponding player may be in an "excellent" condition.

In response to issue (1A) (c) (iii), similarly to remarks above, Tecmo Super Bowl discloses actual football players (see pg. 4), a player's physical condition (including five levels with "excellent" to "injured"), and abilities on pg. 9, and each team plays one regular season game every week during the 17 week season on pg. 7, thus, the combination of teachings in Tecmo Super Bowl provides that during a 17 week NFL season actual football players' abilities are changed/updated based on the player's physical condition which corresponds to an update to the character performance parameter based on a real-life athlete "during a single sports season". Also note, for evidentiary purposes, NFL 2K1 Review by Gamespot discloses that download updates are available throughout the season (on first page, 2nd paragraph).

In response to issue (1A) (d) above, NFL2K1 discloses different real-life performances (pg. 9, discloses updated stats), and Tecmo Super Bowl discloses a series of updated video game performance parameters based on performances of the same athlete from a single sports season (lacking clear distinguishing features, see pps. 7 and 9, discloses playing a NFL season using players' abilities based on corresponding players' physical condition which are based on the records, performance, and use of the players). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the downloading of information of NFL2K1 with the video game play of Temco Super Bowl in order increase the realism of a video game;

In response to issue (1A) (d) (i) similarly to above remarks, the downloading of new stats disclosed by NFL2K1 is interpreted as updates based on different performances by individual real-life athletes, and NFL 2K1 Review by Gamespot discloses that downloads updates are available throughout the season (on first page, 2nd paragraph), which is evidence that the downloads of NFL2K1 are capable of being received in a series during a single sports season;

In response to issue (1A) (d) (ii), again as stated in above remarks, the downloading of new stats disclosed by NFL2K1 is interpreted as updates based on different performances by individual real-life athletes, and NFL 2K1 Review by Gamespot discloses that downloads updates are available throughout the season (on first page, 2nd paragraph), which is evidence that the downloads of NFL2K1 are capable of being received in a series during a single sports season;

In response to issue (1A) (d) (iii) in a case where the performance parameters used in the applied references are seasonal averages, according to NFL2K1 and Tecmo Super Bowl they (performance parameters) are capable of being adjusted/updated based on new stats downloaded from the Internet (see NFL2K1) or players' conditions (see Temco Super Bowl);

In response to issue (1A) (d) (iv), again as stated in above remarks, NFL 2K1 Review by Gamespot discloses that download updates are available throughout the season (on first page, 2nd paragraph), however, in the above

rejection Tecmo Super Bowl is used to show that performance parameters may change during a (NFL) season.

In response to issue (1B) (i), again as stated in above remarks, the downloading of new stats via the Internet disclosed by NFL2K1 is interpreted as updated video game performance parameters, and NFL 2K1 Review by Gamespot discloses that downloads updates are available throughout the season (on first page, 2nd paragraph), which is evidence that the downloads of NFL2K1 are capable of a plurality of transmissions;

In response to issue (1B) (ii) NBA2K1 is related to actual occurrences during a NBA season, where games and transitions of players happen on a daily basis, similarly NFL2K1 is related to actual occurrences during a NFL season, where games are played on a weekly basis. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to recognize because NBA games are played daily, and NFL games are played weekly to provide stats of games performances on a daily or weekly basis.

In response to issue (2) above, pg. 25 of appeal brief filed listed as 1-4 provides reasons to combine references;

In response to issue (2) (i):

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized

that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, sports video games are modeled after real-life sports is knowledge generally available to one of ordinary skill in the art in order to give video games elements of realism.

Thus, to take the updating of rosters via Internet of NBA2K1 and updating of stats via Internet of NFL2K1, then combine the two references to provide a sports video game including new rosters where the players on the rosters includes updated stats would be obvious in order to add realism which would attract more game players because of the most updated version of video game.

In response to issue (2) (ii), again as stated in above remarks, sports video games are modeled after real-life sports is knowledge generally available to one of ordinary skill in the art in order to give video games elements of realism; thus, it would have been obvious to a person of ordinary skill in the art would have to combine the roster updates of NBA2K1 with updates of a player performance parameter (updated stats) of NFL in order to add more realism to a video game where the video game experience is accurate to the real-life experience;

In response to issue (2) (iii), again as stated in above remarks, sports video games are modeled after real-life sports is knowledge generally available to one of ordinary skill in the art in order to give video games elements of realism; thus, it would have been obvious to a person of ordinary skill in the art would have to combine the roster updates of NBA2K1 with updates of a player performance parameter (updated stats) of NFL2K1 in order to add more realism to a video game where the video game experience is accurate to the real-life experience;

In response to issue (2) (iv) , again as stated in above remarks, each time a roster is updated the associated game character attributes which independently corresponds to each and every athlete in the video game are also updated, modified, or transferred along with those specific athletes associated with the roster update, thus, each time a roster update occurs, corresponding game character attributes or video game character performance parameters are also

updated; and sports video games are modeled after real-life sports is knowledge generally available to one of ordinary skill in the art in order to give video games elements of realism;

In response to issue (2) (v), again as stated in above remarks, each time a roster is updated the associated game character attributes which independently corresponds to each and every athlete in the video game are also updated, modified, or transferred along with those specific athletes associated with the roster update, thus, each time a roster update occurs, corresponding game character attributes or video game character performance parameters are also updated; and sports video games are modeled after real-life sports is knowledge generally available to one of ordinary skill in the art in order to give video games elements of realism, therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the sporting elements of Cherone (NFL2K1) and Tecmo Super Bowl with NBA2K1 to closely stimulate real-life sports.

In response to issue (3) (i), similarly to remarks above, the combination of references NBA2K1 (pg. 25, discloses roster updates associated with real-life), NFL2K1 (Cherone) (see pg. 9, discloses connecting to the net to get the new update player rosters with new and improved stats), and Tecmo Super Bowl (pg. 9, discloses abilities and conditions associated with video game athletes, also see pps.4, 7, an 10 that discloses corresponding real-life players with

corresponding stats during a regular NFL season) are being used to arrive at the claimed invention;

In response to issue (3) (ii) (a), (b), and (c),

NBA2K1 discloses during a single basketball sports season (pg. 21, discloses a NBA regular season), and although not explicitly disclosed in NBA2K1 a free-throw completion percentage and shots average are stats (performance parameters) commonly associated with basketball players in order to measure how well a player shoots the basketball during basketball game play, which are interpreted as required performance parameters of each athlete in the video game of NBA2K1 in order to perform in the video game,

NFL2K1 (Cherone) discloses wherein each of [the] updated video game character performance parameters is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed (see pg. 9, discloses connecting to the net to get the new update player rosters with new and improved stats, where stats are interpreted as performance parameters based on how an athlete performed in real-life), and

Tecmo Super Bowl discloses updated video game character performance parameters is based at least in part on one or more different performances of the particular sports athlete in one or more sporting events performed during the single season (pg. 9, discloses abilities and conditions associated with video game athletes, also see pps.4, 7, an 10 that discloses corresponding real-life

players with corresponding stats during a regular NFL season); thus, it would have been obvious to a person of ordinary skill in the art would have to combine the roster updates of NBA2K1 with updates of a player performance parameter (updated stats) of NFL2K1 in order to add more realism to a video game where the video game experience is accurate to the real-life experience.

In addition, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the updates of a player performance parameter (updated stats) of NFL2K1 in accordance with the abilities and conditions associated with video game athletes of Tecmo Super Bowl in order to add more realism to a video game where the video game experience is accurate to the real-life experience;

In response to issue (3) (iii) it is recognized that basketball and football have different parameters, such that common stats for basketball are free-throw percentage and shots average, and common stats for football are rushing yards or pass completions; however, the stats of NFL2K1 as related to football stats are not used per se for use in NBA2K1, but as evidence that updating sports stats via the Internet was known at the time of the invention, thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the roster updates of NBA2K1 with sports stats updates of NFL in order to add more realism to a video game where the video game experience is accurate to the real-life experience.

In response to issue (4) (a) above, the weight attached to evidence of secondary considerations by the examiner will depend upon its relevance to the issue of obviousness and the amount and nature of the evidence. Note the great reliance apparently placed on this type of evidence by the Supreme Court in upholding the patent in United States v. Adams, 383 U.S. 39,148 USPQ 479 (1966). To be given substantial weight in the determination of obviousness or nonobviousness, evidence of secondary considerations must be relevant to the subject matter as claimed, and therefore the examiner must determine whether there is a nexus between the merits of the claimed invention and the evidence of secondary considerations. Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 305 n.42, 227 USPQ 657, 673-674n. 42 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986). The term "nexus" designates a factually and legally sufficient connection between the objective evidence of nonobviousness and the claimed invention so that the evidence is of probative value in the determination of nonobviousness. Demaco Corp. v. F. Von Langsdorff Licensing Ltd., 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir.), cert. denied, 488 U.S. 956 (1988).

Applicant present affidavits reflecting public feedback that the NBA Live 365 and Dynamic DNA features are new, ground breaking, fundamentally different, revolutionary, and innovative, however, applicant have not provided a nexus between their claimed product and purported novelty. There is no evidence that that the claimed features as recited by the applicant are the

reasons NBA Live 365 and Dynamic DNA are viewed by game players as new and innovative.

In response to issue (4) (b), another form of secondary evidence which may be presented by applicants during prosecution of an application, but which is more often presented during litigation, is evidence that competitors in the marketplace are copying the invention instead of using the prior art.

However, more than the mere fact of copying is necessary to make that action significant because copying may be attributable to other factors such as a lack of concern for patent property or contempt for the patentees ability to enforce the patent. Cable Electric Products, Inc. v. Genmark, Inc., 770 F.2d 1015, 226 USPQ 881(Fed. Cir. 1985). Evidence of copying was persuasive of nonobviousness when an alleged infringer tried for a substantial length of time to design a product or process similar to the claimed invention, but failed and then copied the claimed invention instead. Dow Chem. Co. v. American Cyanamid Co., **>816 F.2d 617<, 2 USPQ2d 1350 (Fed. Cir. 1987). Alleged copying is not persuasive of nonobviousness when the copy is not identical to the claimed product, and the other manufacturer had not expended great effort to develop its own solution. Pentec, Inc. v. Graphic Controls Corp., 776 F.2d 309, 227 USPQ 766 (Fed. Cir. 1985). See also Vandenberg v. Dairy Equipment Co., 740 F.2d 1560, 1568, 224 USPQ 195, 199 (Fed. Cir. 1984) (evidence of copying not found persuasive of nonobviousness) and Panduit Corp. v. Dennison Manufacturing Co., 774 F.2d 1082, 1098-99, 227 USPQ 337, 348, 349 (Fed. Cir. 1985), vacated

on other grounds, 475 U.S. 809, 229 USPQ 478 (1986), on remand, 810 F.2d 1561, 1 USPQ2d 1593 (Fed. Cir. 1987) (evidence of copying found persuasive of nonobviousness where admitted infringer failed to satisfactorily produce a solution after 10 years of effort and expense).

Although applicant present affidavits reflecting public feedback that EA Sports and Take Two companies have similar features, there is no evidence that that the claimed features as recited by the applicant are identical to the products of EA Sports and Take Two, and the other manufacturers had not expended great effort to develop its own solution the reasons.

In response to issue (4) (c)(i), an applicant who is asserting commercial success to support its contention of nonobviousness bears the burden of proof of establishing a nexus between the claimed invention and evidence of commercial success. The Federal Circuit has acknowledged that applicant bears the burden of establishing nexus, stating: In the ex parte process of examining a patent application, however, the PTO lacks the means or resources to gather evidence which supports or refutes the applicant's assertion that the sale constitute commercial success. C.f. Ex parte Remark, 15 USPQ2d 1498, 1503 (Bd. Pat. App. & Int. 1990)(evidentiary routine of shifting burdens in civil proceedings inappropriate in ex parte prosecution proceedings because examiner has no available means for adducing evidence). Consequently, the PTO must rely upon the applicant to provide hard evidence of commercial success.

In re Huang , 100 F.3d 135, 139-40, 40 USPQ2d 1685, 1689 (Fed. Cir. 1996). See also In re GPAC, 57 F.3d 1573, 1580, 35 USPQ2d 1116, 1121 (Fed. Cir. 1995); In re Paulsen, 30 F.3d 1475, 1482, 31 USPQ2d 1671, 1676 (Fed. Cir. 1994) (Evidence of commercial success of articles not covered by the claims subject to the 35 U.S.C. 103 rejection was not probative of nonobviousness). The term "nexus" designates a factually and legally sufficient connection between the evidence of commercial success and the claimed invention so that the evidence is of probative value in the determination of nonobviousness. Demaco Corp. v. F. Von Langsdorff Licensing Ltd., 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir. 1988).

In considering evidence of commercial success, care should be taken to determine that the commercial success alleged is directly derived from the invention claimed, in a marketplace where the consumer is free to choose on the basis of objective principles, and that such success is not the result of heavy promotion or advertising, shift in advertising, consumption by purchasers normally tied to applicant or assignee, or other business events extraneous to the merits of the claimed invention, etc. In re Mageli, 470 F.2d 1380, 176 USPQ 305 (CCPA 1973) (conclusory statements or opinions that increased sales were due to the merits of the invention are entitled to little weight); In re Noznick, 478 F.2d 1260, 178 USPQ 43 (CCPA 1973).

Establishing long-felt need requires objective evidence that an art recognized problem existed in the art for a long period of time without solution.

The relevance of long-felt need and the failure of others to the issue of obviousness depends on several factors.

First, the need must have been a persistent one that was recognized by those of ordinary skill in the art. In re Gershon, 372 F.2d 535, 539, 152 USPQ 602, 605 (CCPA 1967) ("Since the alleged problem in this case was first recognized by appellants, and others apparently have not yet become aware of its existence, it goes without saying that there could not possibly be any evidence of either a long felt need in the . . . art for a solution to a problem of dubious existence or failure of others skilled in the art who unsuccessfully attempted to solve a problem of which they were not aware."); Orthopedic Equipment Co., Inc. v. All Orthopedic Appliances, Inc., 707 F.2d 1376, 217 USPQ 1281 (Fed. Cir. 1983) (Although the claimed invention achieved the desirable result of reducing inventories, there was no evidence of any prior unsuccessful attempts to do so.).

Second, the long-felt need must not have been satisfied by another before the invention by applicant. Newell Companies v. Kenney Mfg. Co., 864 F.2d 757, 768, 9 USPQ2d 1417, 1426 (Fed. Cir. 1988) (Although at one time there was a long-felt need for a "do-it-yourself" window shade material which was adjustable without the use of tools, a prior art product fulfilled the need by using a scored plastic material which could be torn. "[O]nce another supplied the key element, there was no long-felt need or, indeed, a problem to be solved".) Third, the invention must in fact satisfy the long-felt need. In re Cavanagh, 436 F.2d 491, 168 USPQ 466 (CCPA 1971)

Although applicant present affidavits reflecting a positive public feedback of EA Sports and Take Two video gaming systems, applicant have not provided a nexus between their claimed product and purported commercial success. There is no evidence provided that the sales of applicant's product have out performed the sales of EA Sports or Take Two or that the claimed features as recited by the applicant are the reasons for the success; and

In response to issue (4) (c) (ii), as state in above remarks, although applicant present affidavits reflecting a positive public feedback of EA Sports and Take Two video gaming systems, applicant have not provided a nexus between their claimed product and purported commercial success. There is no evidence provided that the sales of applicant's product have out performed the sales of EA Sports or Take Two or that the claimed features as recited by the applicant are the reasons for the success.

(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.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Damon Pierce/, September 2, 2010,

Conferees,

/Dmitry Suhol/

Supervisory Patent Examiner, Art Unit 3714

/Peter DungBa Vo/
Supervisory Patent Examiner, Art Unit 3714

ELECTRONICALLY FILED

PATENT APPLICATION
Docket No. 17791.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:		)
		)
	Athanasios Angelopoulos	)
		)
Serial No.:	10/266,795	) Art Unit
		) 3714
Filed:	October 8, 2002	)
		)
Conf. No.:	9115	)
		)
For:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES	)
		)
Examiner:	DAMON J. PIERCE	)
		)
Customer No.:	022913	)

The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDED BRIEF OF APPELLANT

This is a response to the Notification of Non-Compliant Appeal Brief mailed July 14, 2010 (hereinafter the "Notice) relating to Applicant's Brief Filed July 6, 2010 (hereinafter the "Brief"). The Applicants also noticed errors in page numbering of the ARGUMENTS and APPENDIX sections of the Table of Contents. Therefore, submitted herewith is a replacement Table of Contents with corrected page numbering.

TABLE OF CONTENTS

U.S. Patent Documents..... 3

I. REAL PARTY IN INTEREST....4

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL 7

VII. ARGUMENTS 8

VIII. APPENDIX 41

CONCLUSION

Based on the foregoing, Appellant submits that the page numbering of the Table of Contents has been corrected in the version attached hereto.

DATED this 3rd day of August, 2010.

Respectfully submitted,

/David A. Jones/Reg. No. 50,004

DAVID A. JONES
Attorney for Appellant
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Customer No. 022913
Telephone No. (801) 533-9800

DAJ; AH

Electronic Acknowledgement Receipt

EFS ID:	8144508
Application Number:	10266795
International Application Number:	
Confirmation Number:	9115
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Customer Number:	22913
Filer:	David Allan Jones
Filer Authorized By:	
Attorney Docket Number:	17791.3.1
Receipt Date:	03-AUG-2010
Filing Date:	08-OCT-2002
Time Stamp:	14:45:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Supplemental Appeal Brief	SuppBrief.pdf	261043 3d8d0c89723951001678cb50decd2fc390928fee	no	3

Warnings:	
Information:	

Total Files Size (in bytes):	261043

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.

ELECTRONICALLY FILED

PATENT APPLICATION
Docket No. 17791.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:		)
		)
	Athanasios Angelopoulos	)
		)
Serial No.:	10/266,795	) Art Unit
		) 3714
Filed:	October 8, 2002	)
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Examiner:	DAMON J. PIERCE	)
		)
Customer No.:	022913	)

The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDED BRIEF OF APPELLANT

This is a response to the Notification of Non-Compliant Appeal Brief mailed July 14, 2010 (hereinafter the "Notice) relating to Applicant's Brief Filed July 6, 2010 (hereinafter the "Brief"). The Patent Office requires (i) correction of Section III of the Brief to properly state the status of the claims and (ii) correction of Section V of the Brief to indicate where the elements of the claims are taught in the specification and/or drawings. Corrections to Sections III and V begin on page 2 below.

III. STATUS OF CLAIMS

Claims 1-28, 50, 56, and 62-67 are canceled. Claims 29-49, 51-55, 57-61 and 68-71 are pending in this application. Claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 were rejected in the Non-Final Office Action mailed March 1, 2010. Claims 37, 38, 43-45, and 49 are withdrawn as directed to a non-elected invention. Claims 29-49, 51-55, 57-61 and 68-71 are being appealed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention (claim 29) relates to a game medium configured to provide a sports video game in conjunction with a video game machine. (*See* Application ¶¶ [0029], [0032]; Figure 3, elements 82, 90, and 103). The sports video game includes video game characters that represent real-life athletes in the sports video game. (*See* Application ¶ [0036]). The video game characters have video game character performance parameters that affect the manner in which the video game characters perform in the video game. (*See* Application ¶¶ [0008], [0030]). The video game performance parameters of the video game characters are based at least in part on real-life performances of the real-life athletes in real-life athletic sports events whom the video game characters represent in the sports video game (*See* Application ¶¶ [0024]-[0025]).

The invention allows the video game characters to more closely simulate the current real-life performance attributes of the real-life sports athletes which they represent in the video game. To do so, the game medium updates the video game character performance parameters contemporaneous with the corresponding athlete's real-life performances as a real-life sports season progresses. (*See* Application ¶¶ [0026], [0036]). The game medium and methods include sending and/or receiving a series of updates of the video game character performance parameters to the video game machine over the Internet where the updates are based at least in part on different real-life performances of the real-life athlete during the single sports season. (*See* Application ¶ [0029]; Figures 7-9)

As addressed by the invention, real-life sports athletes perform differently in different games **during** a sports season. (*See* Application ¶ [0009], [0051]). For example, the same real-life sports athlete's performance in one or more games at the beginning of the 2001-2002 season

may not have accurately reflected that same real-life sports athlete's performance in one or more games half way through the 2001-2002 season. (*See* Application ¶¶ [0036], [0037]). In fact, the same real-life sports athlete's performance in the first game of the 2001-2002 season may not have accurately reflected that same real-life sports athlete's performance in the second game of the 2001-2002 season, and so on. Therefore, according to the claimed invention, updating the video game performance parameters of a video game character representing this real-life sports athlete based on different performances during the single sports season changes the performance of the video game character to better simulate the current performance attributes of the real-life athlete. (*See* Application ¶¶ [0008]-[0009]).

The approach taken in the present invention is in direct contrast to sports video games that provide performance parameters by averaging a real-life player's performance over an entire sports season (e.g. the previous sports season). (*See* Application ¶ [0003]) Updates that utilize an average performance attribute over an entire season smooth out the natural variation that occurs in an athlete's different performances during the season. Video game performance parameters that are based on season averages result in video game play that is not life-like, despite being based on an entire season of real-life performances. Thus, the claimed invention, which requires a series of updates based on different performances during a single season, provides updates that are **different in kind**, in addition to different in time. (*See* Application Figures 4-6).

Independent claim 51 is similar to claim 29 but recites limitations of performing a method of updating a sports video game from the perspective of acts performed on a server. Claim 51 requires storing the performance parameters on a server and transmitting the performance parameters from the server to the game console over a network (Application ¶¶ [0042]-[0044]; Figures 7-9).

Independent claim 68 is similar to claim 29 except that it adds additional limitations related to a basketball sports video game, in particular. (*See* Application ¶¶ [0006], [0036]). For example, the invention recited in claim 68 specifies that the video game character performance parameters is associated with a free-throw completion percentage of a real-life performance of the real-life athlete. (*See* Application [0038]).

CONCLUSION

Based on the foregoing, Appellant submits that the statement of the status of the claims as set forth in Section III is correct and that the summary set forth in Section V includes a concise explanation of the subject matter claimed with reference to the specification and drawings.

DATED this 27th day of July, 2010.

Respectfully submitted,

/David A. Jones/Reg. No. 50,004

DAVID A. JONES
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DAJ; AH

Electronic Acknowledgement Receipt

EFS ID:	8096379
Application Number:	10266795
International Application Number:	
Confirmation Number:	9115
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Customer Number:	22913
Filer:	David Allan Jones
Filer Authorized By:	
Attorney Docket Number:	17791.3.1
Receipt Date:	27-JUL-2010
Filing Date:	08-OCT-2002
Time Stamp:	13:10:01
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Supplemental Appeal Brief	AmendedAppealBrief.pdf	306499 7837fb28c2f312e63ea627abe491f623b0e7d186	no	4

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Total Files Size (in bytes):	306499

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New Applications Under 35 U.S.C. 111
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National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

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.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

22913 7590 07/14/2010

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED: 07/14/2010

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

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/266,795	Applicant(s) Angelopoulos	
	Examiner Pierce	Art Unit 3714	

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

The Appeal Brief filed on *06 July 2010* is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file anamended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

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, 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. ☒ (a) The brief does not 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; and/or (b) the brief fails to: (1) 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 (2) 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 (37 CFR 41.37(c)(1)(v)).

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 copies of the evidence submitted under 37 CFR 1.130, 1.131, 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, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).

9. ☐ The brief does not contain 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 as an appendix thereto (37 CFR 41.37(c)(1)(x)).

10. ☐ Other (including any explanation in support of the above items):

Item 4: The summary of claimed subject matter section does not map the independent claim on appeal to the specification by page and line number and to the drawings, if any (claims 29, 51 and 68).

Item 2: The Appeal Brief do not give the correct status of all the claims filed. It incorrectly list claims 37, 38, 43-45, and 49 as being canceled.

The entire Appeal Brief is not required only the defective area.

Delores Lowe, Paralegal
571-272-4631
Supervisory Paralegal: Quita Gould
571-272-9797

ELECTRONICALLY FILED

PATENT APPLICATION
Docket No. 17791.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:		)
		)
	Athanasios Angelopoulos	)
		)
Serial No.:	10/266,795	) Art Unit
		) 3714
Filed:	October 8, 2002	)
		)
Conf. No.:	9115	)
		)
For:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES	)
		)
Examiner:	DAMON J. PIERCE	)
		)
Customer No.:	022913	)

The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

BRIEF OF APPELLANT

This is an appeal to the Board of Patent Appeals and Interferences (the "Board") from the Non-Final Office Action mailed March 1, 2010 wherein the Examiner rejected claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71. This Brief is being filed pursuant to the provisions of 37 C.F.R. § 41.37. This Brief is accompanied by the requisite fee of $270.00, as provided by 37 C.F.R. § 41.20(b)(2). The Commissioner is hereby authorized to charge any additional fees associated with this communication, or to credit any overpayment, to Deposit Account No. 23-3178.

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LIST OF REFERENCES

U.S. Patent Documents

None

Non-Patent Literature

NBA2K1 Game Manual of Sega Dreamcast

NFL 2K1 Game FAQ v3.2 by Brad Cherone (*dirty2002@home.com*)

NES Techmo Super Bowl Instructions

I. REAL PARTY IN INTEREST

The real party in interest comprises WHITE KNUCKLE GAMING, LLC, by way of assignment from the named inventor, Athanasios Angelopoulos, who is captioned in the present application. The corresponding assignment document was recorded in the United States Patent and Trademark Office at Reel/Frame 021801/0613 on November 7, 2008.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF CLAIMS

Claims 1-28, 37, 38, 43-45, 49, 50, 56, and 62-67 are canceled. Claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are pending in this application. Claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 were rejected in the Non-Final Office Action mailed March 1, 2010. Claims 37, 38, 43-45, and 49 are withdrawn as directed to a non-elected invention. Claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are being appealed.

IV. STATUS OF AMENDMENTS

The Appellant has not submitted any amendments subsequent to the Non-Final Rejection.

V. SUMMARY OF INVENTION

The claimed invention relates to a game medium, and method performed by a computer server, configured to provide a sports video game in conjunction with a video game machine. The sports video game includes video game characters that represent real-life athletes in the sports video game. The video game characters have video game character performance parameters that affect the manner in which the video game characters perform in the video game. The video game performance parameters of the video game characters are based at least in part on real-life performances of the real-life athletes in real-life athletic sports events whom the video game characters represent in the sports video game.

The invention allows the video game characters to more closely simulate the current real-life performance attributes of the real-life sports athletes which they represent in the video game. To do so, the game medium updates the video game character performance parameters contemporaneous with the corresponding athlete's real-life performances as a real-life sports season progresses. The game medium and methods include sending and/or receiving a series of updates of the video game character performance parameters to the video game machine over the Internet where the updates are based at least in part on different real-life performances of the real-life athlete during the single sports season.

As addressed by the invention, real-life sports athletes perform differently in different games **during** a sports season. For example, the same real-life sports athlete's performance in one or more games at the beginning of the 2001-2002 season may not have accurately reflected that same real-life sports athlete's performance in one or more games half way through the 2001-2002 season. In fact, the same real-life sports athlete's performance in the first game of the 2001-2002 season may not have accurately reflected that same real-life sports athlete's performance in the second game of the 2001-2002 season, and so on. Therefore, according to the claimed invention, updating the video game performance parameters of a video game character representing this real-life sports athlete based on different performances during the single sports season changes the performance of the video game character to better simulate the current performance attributes of the real-life athlete.

The approach taken in the present invention is in direct contrast to sports video games that provide performance parameters by averaging a real-life player's performance over an entire

sports season (e.g. the previous sports season). Updates that utilize an average performance attribute over an entire season smooth out the natural variation that occurs in an athlete's different performances during the season. Video game performance parameters that are based on season averages result in video game play that is not life-like, despite being based on an entire season of real-life performances. Thus, the claimed invention, which requires a series of updates based on different performances during a single season, provides updates that are **different in kind**, in addition to different in time.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Issue 1: Whether claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 are unpatentable, under 35 U.S.C. §103(a), over *NBA2K1 Game Manuel of Sega Dreamcast* in view of *NFL 2K1 GameFaqs on Sega Dreamcast* and *NES Techmo Super Bowl*.

VII. ARGUMENTS

A. Issue 1: Whether claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 are unpatentable, under 35 U.S.C. §103(a), over *NBA2K1* Game Manuel of Sega Dreamcast in view of NFL 2K1 GameFaqs on Sega Dreamcast and NES Techmo Super Bowl.

The Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 based upon *NBA2K1* Game Manuel of Sega Dreamcast in view of NFL 2K1 GameFaqs on Sega Dreamcast and NES Techmo Super Bowl and claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 are also patentable based on secondary considerations.

The Patent Office has failed to establish a *prima facie* case of obviousness as (1) each of the claimed elements has not been found in the prior art, (2) there is a lack of motivation, or suggestion, for the combination of claimed elements, and (3) a reasonable expectation of success has not been established. And, (4) the claimed invention is also patentable based on secondary considerations.

1A. All Elements of Claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 Have Not Been Found in the References Cited in the Rejections

It is well settled that in order to establish a *prima facie* case of obviousness, it is the initial burden of the Examiner to demonstrate that three criteria are met: first, the prior art reference (or references when combined) must teach or suggest all the claim limitations; second, there must be some suggestion, predictable reason, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; and third, there must be a reasonable expectation of success for such combination of teachings. *See* M.P.E.P. § 2143.

Section 103 denies patents to those devices where "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." The "person … of ordinary skill" is not the inventor but

rather someone "who … is not one who undertakes to innovate, whether by patient, and often expensive, systematic research or by extraordinary insights …." *Standard Oil Co. v. Am. Cyanamid Co.*, 774 F.2d 448, 454 (Fed. Cir. 1985). Obviousness must be evaluated not by reference to each individual part claimed, but rather by reference to the invention as a whole. *Gillette Co. v. S.C. Johnson & Son, Inc.*, 919 F.2d 720, 724 (Fed. Cir. 1990).

To avoid the temptation of what the Federal Circuit has termed the "hindsight trap," courts require some motivation or teaching that would lead a person of ordinary skill in the art to arrive at the claimed invention. *See In Re Rouffet*, 149 F.3d 1350 (Fed. Cir. 1998). And, "[a] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727 at 1740 (2007). Rather, the important inquiry is "whether the improvement is more than the predictable use of prior-art elements according to their established functions." *KSR*, 127 S.Ct. at 1740.

However, before the horse trips on the cart, the first inquiry is whether all of the elements of the claims have been found in the prior art. That is, the "KSR opinion only focused on the Federal Circuit's strict use of the TSM test in performing the obviousness analysis; it did not mention or affect the requirement that each and every claim limitation be found present in the combination of the prior art references before the analysis proceeds." *Abbott Labs v. Sandoz*, 500 F.Supp.2d 846, 852 (N.D. Ill. 2007)[1]. "In the KSR opinion, the Court mentioned two Federal Circuit opinions in which the Courts utilized broader, more flexible versions of the TSM test. 127 S. Ct. at 1743. In one of those opinions, the Federal Circuit again instructed that before inquiry into the teaching or motivation of the prior art, all claim limitations must be found in the prior art references. *DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir. 2006)." *Id.*

Claim 29 is directed to a game medium that causes a video game machine to perform a method that requires "**during** a single sports season, receiving a **series** of updated **performance** parameters from a network including the Internet." Claim 29 also requires that each updated performance parameter in the series be "based at least in part on one or more **different** real-life performances of the particular real-life sports athlete in one or more sporting events performed

[1] *see also Honeywell International, Inc. v. United States and Lockheed Martin*, No. 2008-5181 (Fed. Cir. May 25, 2010) (Government did not show that element (a)(3) was taught) and *Hearing Components, Inc. V. Shur, Inc.*, Decision 2009-1364, -1365 (Fed. Cir. April 1, 2010) (No ear piece inside the ear canal was found).

during the single sports season." And, each downloaded performance parameter is used to update the video game where "each update changes the manner in which the particular video game character performs in the sports video game such that the particular video game character more closely simulates real-life **performance attributes** of the particular real-life athlete in the sports video game…." (Emphasis added).

Thus, claim 29 requires (1) receiving video game character performance parameters, (2) in a series (i.e., multiple serial instances), (3) during the real-life sports season, that (4) the video game character performance parameters are based on different real-life performances of real-life athletes during the single real-life sports season, (5) the video game is updated with the character performance parameters, and (6) each update changes the manner in which the particular video game character performs in the sports video game so that the particular video game character more closely simulates the real-life performance attributes of the corresponding particular real-life athlete which it represents in the video game. And, it is important to remember that the time of this invention was **October 8, 2002 at the latest**, which is almost eight years prior to the time of filing of this appeal brief, and will likely be more than eight years prior to the time at which The Board hears this appeal.

For each of these elements, the Patent Office has the burden of providing a full and reasoned explanation as to all of the claimed elements, *See In re Lee*, 61 USPQ2d 1430, 1432-33 (Fed. Cir. 2002), that requires such full and reasoned explanations as follows:

> … the agency tribunal must present a full and reasoned explanation of its decision. The agency tribunal must set forth it's findings and the grounds thereof, as supported by the agency record, and explain its application of the law to the found facts. The Court has often explained:
>
> > The Administrative Procedure Act, which governs the proceedings of administrative agencies and related judicial review, establishes a scheme of "reasoned decision making." Not only must an agency's decreed result be within the scope of its lawful authority, but the process by which it reaches that result must be logical and rational.
>
> *Allentown Mack Sales and Service, Inc. v National Labor Relations Bd.*, 522 U.S. 59, 374 (1998) (citation omitted). This standard requires that the agency not only have reached a sound decision, but have articulated the reasons for that decision. The reviewing court is thus enabled to perform meaningful review within the strictures of the APA, for the court will have a basis on which to determine "whether the decision was based on the relevant factors and whether there has been

> a clear error of judgment." *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 416 (1971). Judicial review of a Board decision denying an application for patent is thus founded on the obligation of the agency to make the necessary findings and to provide an administrative record showing the **evidence** on which the findings are based, accompanied by the agency's reasoning in reaching its conclusions. See *In re Zurko*, 258 F 3d 1379, 1386, 59 USPQ2d 1693, 1697(Fed. Cir 2001) (review is on the administrative record); *In re Gartside,* 203 F.3d 1305, 1314, 53 USPQ2d 1769, 1774(Fed. Cir. 2000) (Board decision "must be justified within the four corners of the record").

(Emphasis added). "[T]he Board cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some **concrete evidence** in the record in support of these findings." *Id* at 1344-45 (Fed. Cir. 2002) (emphasis added). "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." 37 CFR 1.104 (emphasis added).

In rejecting claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71, the Patent Office alleges that certain elements of the claim are taught in the prior art references. As discussed in the sections that follow, the Patent Office has relied upon incorrect assumptions and conclusory interpretations of the teachings in the prior art. Specifically, the Patent Office has misinterpreted (a) the term "roster" from *NBA2K1*, (b) misinterpreted the term "stats" from *Cherone*, and (c) misinterpreted the term "records" from *Tecmo Super Bowl*. And, (d) the Patent Office has failed to show where the cited references teach character performance parameters "based on **different** real-life performances from the single sports season."

a. The Patent Office has Not Established that the Roster Update of *NBA2K1* Teaches the Claimed Video Game Character Performance Parameter as Alleged

The Patent Office has not provided evidence that *NBA2K1* teaches the claimed player performance parameter update. A roster update is not the same as a video game player performance parameter update. A roster is a "roll or list of personnel", "the persons listed on a

roster", or "an itemized list".[2] Thus, in the context of a basketball video game, a roster is simply a list of video game characters on a team and has nothing to do with how those individual video game characters perform. Therefore, a downloaded new roster is just that - a change to that list of video game characters on a video game team roster according to the plain meaning of the term "roster".

The Patent Office reaches its conclusions as to the meaning of a "roster update" by relying on its own "interpretation" of what a roster is. The Patent Office states, "NBA2K1…explicitly discloses updating current rosters to the NBA game, **where the updating of rosters are interpreted as a series of updated video game character performance parameters because each player in the video game has a set of attributes as related to playing the game of basketball**." March 2010 Office Action, pp. 3-4 (emphasis added).

Thus, the Patent Office believes that *NBA2K1* discloses the video game character performance parameters as defined in claim 29 because, according to the Patent Office, a "roster" is "a video game character performance parameter." The Patent Office's belief stems from the alleged fact that players in the video game have attributes. However, the Patent Office's rationale doesn't lead to the conclusion. Quite simply, there is no evidence of the alleged fact that merely because video game characters have attributes, as a result, the "roster" update in *NBA2K1* changes those attributes. Therefore, the Patent Office's definition of the meaning of the term "roster" is unsupported by the plain, ordinary, and unambiguous meaning of the term "roster."

The Patent Office's allegation that a roster update is a player performance parameter update is also unsupported by the *NBA2K1* manual, which states:

> One of the other benefits to going online with NBA 2K1 is picking up the latest rosters. Don't worry about any last minute trades in the NBA. Just go online and download the most current roster to instantly update your game.

NBA2K1, page 25. In other words, the purpose of the updated roster in *NBA2K1* is to keep the video game consistent with trades in the NBA. Thus, it is clear that the roster update relates to the organization of players on a team, but says nothing about a change to how well, or poorly, the individual players perform in the video game.

[2] Merriam-Webster's Collegiate Dictionary (11 ed. 2003).

The Patent Office's interpretation of "roster" update is also inconsistent with the claim language itself. As discussed above, claim 29 requires that the "video game character performance parameter **affecting** the **manner** in which the particular individual video game character **performs** in the sports video game…." Claim 29 (emphasis added). Moreover, updating the game with the updated performance parameter "changes the manner in which the particular **video game character performs in the sports video game** such that the video game character more closely **simulates real-life performance attributes of the particular real-life athlete** in the video game…." *Id.* (emphasis added). In direct contrast to the limitations of the claims, the evidence shows that a roster update affects who plays on which team, but there is no evidence that a roster update changes **how** they play on either team.

Thus, there is no evidence relied upon in the rejections that a change in a roster is based on a real-life athletic performance by a particular real-life athlete. Nor is there any evidence that an update to a roster in the video game affects how individual video game characters perform in the video game. For example, there is no evidence that a roster update to *NBA2K1* makes an individual video game character faster, slower, shoot the basketball differently or more accurately, so that the individual video game character more accurately simulates its current corresponding real life athlete in the video game.

The Patent Office also provides no evidence to support its allegation of inherency. In responding to the Applicants request for evidence on this point on page 10, lines 17-22 of the March 2010 Office Action, the Patent Office reiterated the unsubstantiated conclusion on an inherency basis by concluding:

> Each athlete in all references provided contains corresponding character performance parameters in order for an athlete to perform in his respective sport, therefore, an athlete roster update is **inherently** a character performance parameter update.

March OA p. 10, l. 13 (emphasis added).

Applicants submit that the Patent Office's conclusion, now based on inherency, remains clear error. "Inherency, however may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient"

Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1269 (Fed. Cir. 1991)[3]. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

In a roster update, the list of members of a team isn't necessarily used by the computer program to dictate the performance of the character as alleged by the Patent Office. Video game characters can be grouped into different teams (i.e. different rosters) and the individual character performance parameters can stay the same. To suggest otherwise is simply speculation.

To illustrate, consider the following example: Player X is on Team A and has a shooting performance parameter of 6 on a scale of 1-10. Player X is traded to Team B in a roster update. It is entirely possible for the video game to continue using a shooting performance parameter of 6 for player X while on Team B and make no change to this video game character performance parameter, or other, video game character performance parameters when updating a video game roster. In other words, a roster update changes the team but there is no evidence that this roster update has any effect on the performance parameters for the individual video game characters. Therefore, as the Patent Office has the burden of presenting evidence or detailed rationale to establish an inherent feature (MPEP 2112 IV), Applicants traverse the Patent Office's allegation that a "roster update is inherently a character performance parameter" as based on an unsupported conclusion.

Moreover, dependent claim 36 adds limitations that also include both roster updates and video game character performance parameter updates. According to the doctrine of claim differentiation, two claims in the same patent will not have the identical scope, but instead, that there is likely an intended difference in scope between the two.[4] Thus, by claim differentiation, a "performance parameter" update is different than a "roster" update as claims 36 and 29 do not have the same scope. Consequently, the Patent Office's interpretation of "performance

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[3] *See also In re Rijckaert*, 9 F.3d 1531, 1534 (Fed. Cir. 1993) (The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.) "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999) (citations omitted)

[4] *See Modine Mfg. Co. v. U.S. Int'l Trade Comm'n*, 75 F.3d 1545 (Fed. Cir. 1996), cert. denied, 518 U.S. 1005 (1996).

parameter" makes "team parameter" including a trade of a player (i.e. a roster update) duplicative in direct contrast to principals of claim differentiation.

For the reasons stated above, Applicants submit that the Patent Office's interpretation of "roster" is incorrect and that the Patent Office's failed to establish that *NBA2K1* teaches "video game performance parameters" as that term is defined in the claims. Thus, the Patent Office's rejections of claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are in clear error and Applicant respectfully requests that the rejections be withdrawn.

b. The Patent Office has Not Established that the "Stats" of *Cherone* Teach the Claimed Updates to Player Performance Parameters as Alleged

The Patent Office acknowledges that *NBA2K1* fails to teach:

> *...during a single basketball sports season, wherein each of updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season;*
>
> *at least one of the updated video game character performance parameters is associated with a free-throw completetion percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season;*
>
> *wherein at least one of the updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life basketball sports event during the single basketball sports season.*

March, 2010 OA, page 5, lines 6-17.

To provide these elements, the Patent Office cites an Internet post written by a self-proclaimed video game player named Brad Cherone (aka *dirty2002@home.com*) (the article is referred to by the Examiner as "NFL2K1" and referred to hereafter as "*Cherone*"). *Cherone* provides advice to other players about how to play the NFL 2K1 video game. Most of the *Cherone* reference relates to game settings that help a player win the game. However, the Patent Office relies on the following two sentences from *Cherone* to allegedly teach the above elements:

> "From this menu, you can download the updated roster for your team. This is useful if you do not want to buy NFL 2K2 and you would like to get the new updated rosters with new and improved stats."

According to *Cherone*, the NFL 2K1 video game has an online feature that allows updating the roster for your team. Allegedly, downloading the roster also brings with it "new and improved stats." However, *Cherone* doesn't say what the stats are, how the stats are used in the video game, or why they are included with the roster update. Quite simply *Cherone* provides no explanation whatsoever about how the "stats" are to be used in the video game. Nevertheless, the Patent Office makes the following assumption:

> …because each player in the video game has a set of attributes as related to playing the game of football, stats are **interpreted** as players attributes or performance parameters….

March 2010 Office Action, p. 6. (Emphasis added). Just as with the roster update, the Patent Office again concludes that because the players have attributes in the video game, the "stats" discussed in *Cherone* must be an update to those attributes. However, there is no evidence of record to support these assumptions.

Even if we assume, for arguments sake, that the "stats" are performance stats of real-life players, there is nothing in *Cherone* to suggest that these stats are video game character performance parameters which change the manner in which video game characters perform in the video game. As discussed above, a video game character performance parameter must be associated with a particular video game character and affect the manner in which the video game character performs in the video game. The Office Action fails to establish (beyond a conclusory statement) any connection whatsoever between the video game player attributes and the stats. And, the Applicants respectfully assert that these two sentences fail to provide the evidentiary support for an administrative proceeding to be reviewed on appeal. Applicants traverse the Patent Office's mere assumption that such is the case and request evidence that the stats are indeed video game performance parameters as required by the claims.[5] Thus, the Patent Office's

[5] Applicants note that in 2002 roster updates were known to be accompanied by stats that were not used as performance parameters. See for example, the Madden 2003 players manual (previously cited) which describes "Madden Online" See page 17. The online features allow players to download three things: News, Rosters, and

rejections of claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are in clear error and Applicant respectfully requests that the rejections be withdrawn.

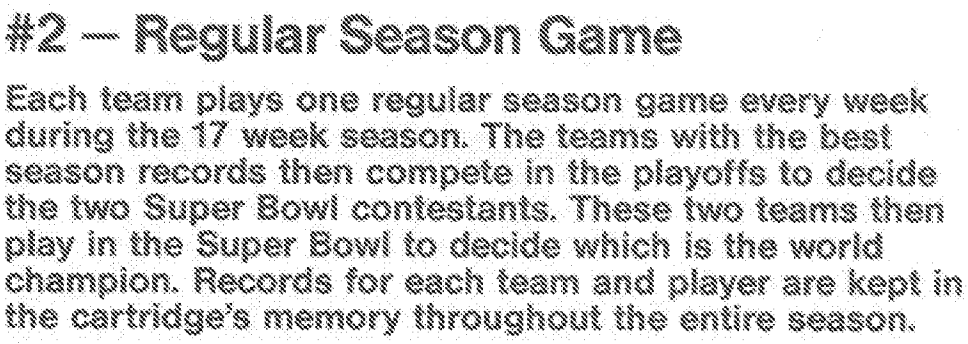
c. The Patent Office has Not Established that *Tecmo Super Bowl* Updates Video Game Character Performance Parameters During a Single Sports Season

Claim 29 also requires that the series of updated video game character performance parameters be received during the single sports season. The Patent Office acknowledges that *NBA2K1* does not teach this feature and cites the owner's manual for *Tecmo Super Bowl* for support. The Patent Office alleges:

> Tecmo Super Bowl explicitly disclose updated video game character performance parameters during a single sports season (see pg. 7, which discloses each team plays one game every week during the season and pg. 9-11, discloses a player's data that includes player's condition, record, and abilities)....

March 2010 Office Action, page 6, lines 11-14 (emphasis added).

Page 7 of *Tecmo Super Bowl* teaches the following:



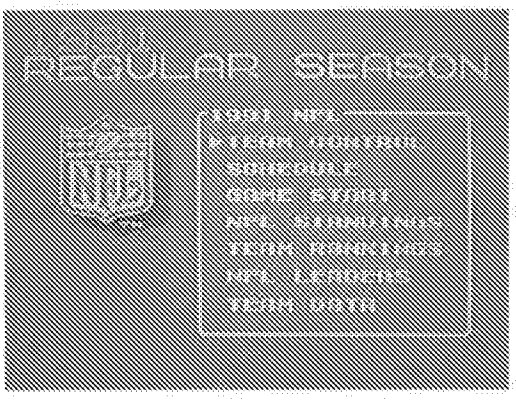
#2 – Regular Season Game

Each team plays one regular season game every week during the 17 week season. The teams with the best season records then compete in the playoffs to decide the two Super Bowl contestants. These two teams then play in the Super Bowl to decide which is the world champion. Records for each team and player are kept in the cartridge's memory throughout the entire season.

Stats. However, the stats are statistics about other players, not stats that would be used to update a performance parameter in the video game.

☆ Choose "Season" from the main menu and the options window will appear. While this screen is on you can confirm the game data and change the game settings. Then choose "Game Start" to begin the game (See the Regular Season Game Data section for more details — page 16).

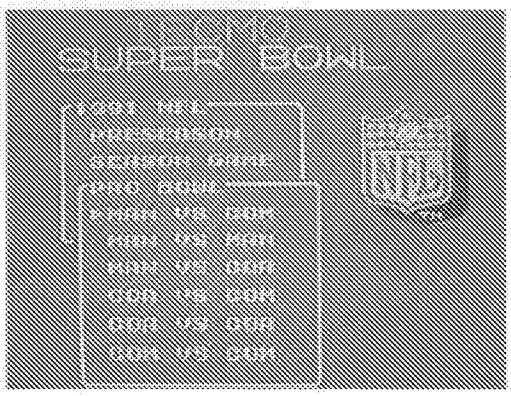
◆ Options Window



#3 — Pro Bowl Game

The Pro Bowl game is an all-star match-up between the best players in the AFC and NFC. The starting line-ups of the two all-star teams can be changed by using the Team Data mode (see page 8~15).

◆ Team Control Window



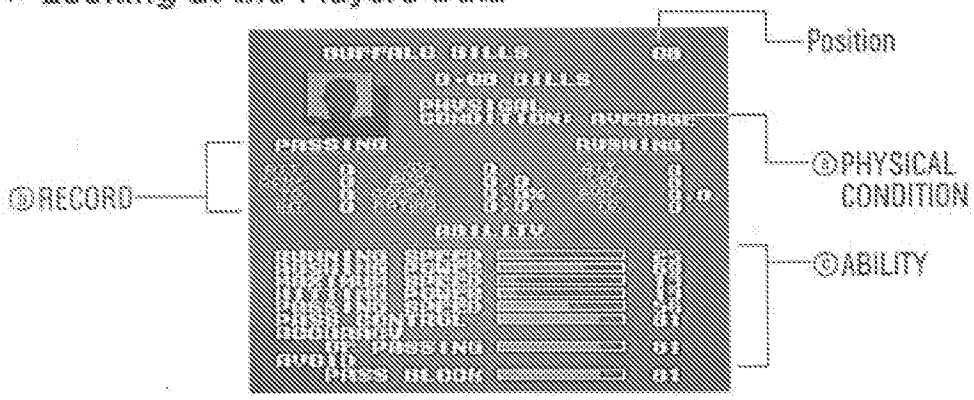
Choose "Pro Bowl" from the main menu and the Team Control Window will appear. After setting the game mode, choose either the AFC or NFC and the game will begin. (see page 15)

7
http://www.nesfiles.com/

Pages 9-11 of *Tecmo Super Bowl* teaches the following:

roster column. Use the ✣ Control Pad to select the player whose condition and data you want to see. The ✣ Control Pad can be used to move right or left in the roster column. Press the Ⓐ button to review Players Data.

☆ Looking at the Players Data



ⓔ... A player's condition is described in five levels.

Excellent : top condition.
Good : good condition.
Average : average condition.
Bad : in a slump
Injured : sidelined with an injury.

(page 9)

⑥... Record

Passing

ATT. : pass attempts.
YDS. : passing yards gained.
COMP. : pass completions.
AVG. : average yards gained per pass.
TD. : pass touchdowns.
COMP.% : pass completion percentage.
INT. : interceptions.
RATING : rating points.

RECEIVING

NO. : number of pass receptions.
YDS. : yards gained on pass receptions.
AVG. : average yards gained per reception.
TD. : pass reception touchdowns.

Interceptions

NO. : number of interceptions.
YDS. : yards gained on interception returns.
AVG. : average yards gained per interception.
TD. : interceptions returned for touchdowns.

QB Sacks

SACKS : number of quarterback sacks.

Rushing

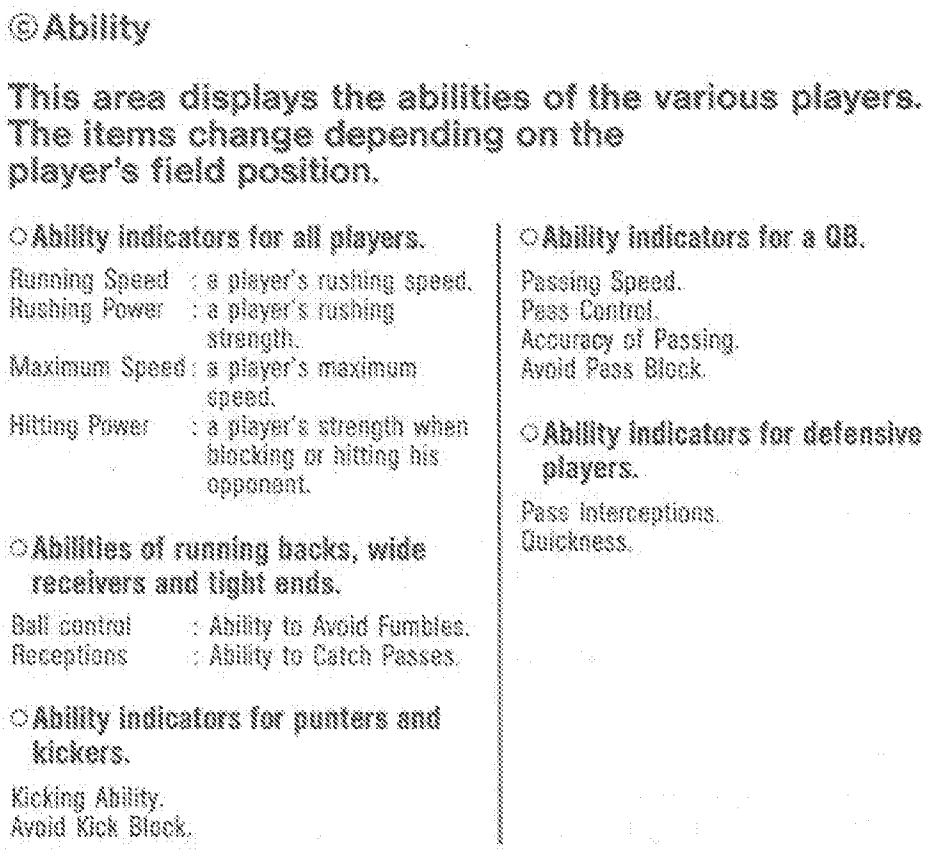
ATT. : number of runs.
YDS. : rushing yards gained.
AVG. : average yards gained per run.
TD. : rushing touchdowns.

Punt Returns

NO. : number of punt returns.
YDS. : yards gained on punt returns.
AVG. : average yards gained per punt return.
TD. : punt return touchdowns.

Kick Returns

NO. : number of kick-off returns.
YDS. : yards gained on kick-off returns.
AVG. : average yards gained per kick-off return.
TD. : kick-off return touchdowns.



© Ability

This area displays the abilities of the various players. The items change depending on the player's field position.

○ Ability indicators for all players.

Running Speed : a player's rushing speed.
Rushing Power : a player's rushing strength.
Maximum Speed : a player's maximum speed.
Hitting Power : a player's strength when blocking or hitting his opponent.

○ Abilities of running backs, wide receivers and tight ends.

Ball control : Ability to Avoid Fumbles.
Receptions : Ability to Catch Passes.

○ Ability indicators for punters and kickers.

Kicking Ability.
Avoid Kick Block.

○ Ability indicators for a QB.

Passing Speed.
Pass Control.
Accuracy of Passing.
Avoid Pass Block.

○ Ability indicators for defensive players.

Pass Interceptions.
Quickness.

(Page 11)

Page 7 of *Tecmo Super Bowl* appears to teach the recording of records (e.g. stats) from video game play, such as win-loss records possibly. Page 10 appears to show that records (e.g. stats) are recorded for individual players such as pass attempts and yards gained. Pages 9 and 11 appear to show that individual players have individual player attributes. But pages 7 and 9-11 of *Tecmo Super Bowl* say nothing about updating a video game character performance parameter as required by the claims. There is no evidence that the records kept in *Tecmo Super Bowl* are anything beyond just that, records or stats, that do nothing to affect the manner in which individual video game characters perform in the video game such that the video game characters more closely simulate the real-life athletes which they represent in the video game. And, most importantly, *Tecmo Super Bowl* does not teach an update to the character performance parameter based on a real-life athlete "during a single sports season" which is the element that the Patent Office alleges *Tecmo Super Bowl* explicitly teaches. Thus, the Patent Office's rejections of claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are in clear error for this reason as well and Applicant respectfully requests that the rejections be withdrawn.

d. The Patent Office has Failed to Show Where the Cited References Teach a Series of Updated Video Game Performance Parameters Based on Different Real-Life Performances of the Same Athlete From a Single Sports Season

As discussed above, claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 require the updates in the series to be based on **different performances** of a **particular** real-life athlete performing in sporting events from a **single sports season**. For example, a series of updates can relate to a particular individual basketball player's shooting average in different games during the NBA season. The patent Office alleges that this feature is taught in the *Cherone* reference. Again, the entire disclosure of *Cherone* as it relates to the downloading of rosters with stats is as follows:

> From this menu, you can download the updated roster for your team. This is useful **if you do not want to buy NFL 2K2** and you would like to get the new updated rosters with new and improved stats.

Cherone at page 9, lines 11-16 (emphasis added).

This reference clearly does not discuss receiving **a series of updates** based on **different performances** by an **individual** real-life athlete **during a single sports season**. Even assuming for arguments sake that the "rosters" and/or the "stats" discussed in *Cherone* are a "performance parameter", there is nothing that says more than one update is received (i.e., not a series) or that the updates in the series are based on real-life performance of an "**individual**" athlete performing during the sports season; or that the performances are "**different performances**" from the **single sports season**. *Cherone* simply says "you can download the updated roster." If "you do not want to buy NFL 2K2…." Therefore, it appears more likely that the update contemplated by Cherone is a one-time update to replace NFL 2K2 with NFL 2K1 to provide the rosters and stats from that video game (NFL 2k2) which is generally released prior to the beginning of the next NFL football season with rosters and stats as they exist at that "between-season" time. But, even this is mere speculation. Quite simply, the Patent Office has failed to show any concrete evidence that downloading an updated roster results in downloading a "series" of updated

performance parameters or that updates in the series are based on different performances of an individual athlete from a single sports season.

There is nothing of record that suggests that the performance parameters used in *NBA 2K1*, *Cherone*, or *Tecmo Super Bowl* are anything but seasonal averages as was customary at the time this Application was filed (see e.g., page 4 of *Tecmo Super Bowl*, which expressly teaches using player data from the 1990/1991 season). In fact, *Cherone* explicitly states that the purpose of the roster and stat download is "if you do not want to buy NFL 2K2". And, the Patent Office has not established that this download occurred "during a season" as opposed to between seasons and the roster/stats were based on the previous season average as might well be typical in the 2001-2002 video game series. Thus, the Patent Office's rejections of claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are in clear error for this reason as well and Applicant respectfully requests that the rejections be withdrawn.

1B. All Elements of Claims 51-56, 58-59, and 61 Have Not Been Found in the References Cited

Claim 51 is directed to a method performed on a server and requires "storing a plurality of updated video game character performance parameters on a storage medium of the computer server, wherein each of the updated video game character performance parameters is based at least in part on a performance of the particular real-life athlete performing in one or more real-life sporting events of the single sports season". Claim 51 further requires that within the single sports season, "transmitting the plurality of updated video game performance parameters to the video game machine in **a plurality of transmissions** over the network." The Patent Office fails to address these limitations of Claim 51. The Applicant cannot find anywhere in the outstanding Office Action mailed March 2010 where the Patent Office addresses the requirement that the plurality of updated video game performance parameters are transmitted in a plurality of transmissions. Therefore, the Patent Office has failed to make a *prima facie* case of obviousness for claim 51 for these reasons as well.

Dependent claim 52 further requires "at least a portion of the transmissions are carried out at least weekly during at least a portion of the single sports season; and the at least weekly transmissions include video game character performance parameters based at least in part on real-life performances of the particular real-life athlete **that occurred at least within the prior**

week." Dependent claim 53 includes similar language but requires "daily" transmissions for at least a portion of the season and that the transmissions include parameters based on performances that occurred within the prior day. Again, the Patent Office has simply neglected to establish where the cited references teach these elements of the claim. Moreover, none of the reference discuss including performance parameters based on performances from the week (or day) prior to the transmission. The Patent Office has failed to establish this element of the claims.

2. There is Insufficient Motivation, or Suggestion, to Combine the References

Even if the Patent Office had found all of the elements of claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 in the prior art, the Patent Office must establish that one of ordinary skill in the art at the time of the invention would have been motivated, or found a predictable reason, to combine all of those elements from that prior art to arrive at the claimed invention.

As discussed above, "[a] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KSR Int'l Co.*, 127 S.Ct. at 1740. Rather, the Patent Office must identify a predictable reason (such as motivation) why a person of ordinary skill in the art at the time of the invention would have combined the prior art elements in the manner claimed. *Id.* (emphasis added). "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006); *see also* MPEP 2142. A court should be wary of reasoning based on hindsight. *See Graham v. John Deere Co., 383 U.S. 1, 36 (1966).*

Therefore, assuming that the Patent Office was able to identify each element of the claims, the Patent Office still holds the burden of identifying evidence of a reason (such as motivation) that existed at least as early as October 8, 2002 for combining the references in the manner claimed.

NBA2K1 teaches a basketball video game. On page 5 of the Office Action, the Examiner admits that *NBA2K1* fails to explicitly disclose:

> A. During a single basketball sports season, wherein each of [the] updated video game character performance parameters in the series is based at

least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season;

B. At least one of the updated video game character performance parameters is associated with a free-throw completion percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season;

C. Wherein at least one of the updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life basketball sports event during the single basketball sports season.

Regarding motivation to combine *Cherone* with *NFL2K1*, the Office Action provides two rationale's:

1. "The video game play of NBA2K1 has motivation to use the updating feature of NFL2K1 in order to attract more players to subscribe to a game service that gives players the most updated version of the game." (March 2010 OA, page 6, lines 4-6)
2. "Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the updating feature of NBA2K1 with the updating of stats of NFL2K1 in order to provide game players with the most accurate sports experience possible as disclosed by NBA2K1 (see pg. 3)." (March 2010 OA, page 6, lines 7-10)

Regarding the further combination of *Tecmo Super Bowl*, the Patent Office provides two rationale's:

3. "Thus, a game designer would have motivation to use the basketball game of NBA2K1 with the athlete performance parameter updating feature of Tecmo Super Bowl in order to add to the realism of a sports video game." (March 2010 OA, page 6, lines 17-19)
4. "Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the video game system of NBA 2K1 with the player's data of Tecmo Super Bowl in order to provide game players with the most accurate sports experience possible as disclosed by NBA2K1 (see pg. 3)." (March 2010 OA, page 6, line 20 – page 7, line 2)

Regarding the first and third motivation basses, no evidence is supplied in the Office Action that either of these motivations existed at the time of this invention. Rather, both motivation basis 1 and 3 are a conclusory statement not based on a proven fact of record other

than the Applicant's teachings thereto. Thus, these two reasons are clearly impermissible hindsight, and as such, are against the express prohibition against such.

Regarding, the second and fourth alleged basses for motivation, the Patent Office improperly conflates motivation for a roster update with motivation for updating a performance parameter. Page 3 of *NBA2K1* refers to "updated rosters so you can have the most accurate basketball experience possible." (Emphasis added). As discussed above, a roster update is not the same as a player performance parameter update. Updating a roster is simply not on-point to the reasons why one of ordinary skill would update a player performance parameter.

Rosters are fundamentally different than player performance parameters because rosters are not an average of a statistic. When a player changes teams, there is substantial motivation to update the video game roster because a player trade is a singular event that renders the video game blatantly inaccurate and non-representative of real life. Player performance parameters are different. At the time this patent application was filed, player performances were a seasonal and/or lifetime average of many performances. The average smoothed out the month-to-month, week-to-week, and day-to-day natural variation in the performance of real-life sports athletes. Since a performance parameter was already an average of many different values, there was no motivation to make the effort to provide another value because it will have little or no affect on the seasonal average (i.e., because the parameter was an average of a large number of performances that smoothed out variation).

The statement in *NBA2K1* says nothing about an updated player performance parameter and provides no evidentiary basis for such as it only contemplates roster updates. And, such is the essence of impermissible hindsight compilation of information taken out of its context to recreate the claimed invention using the claim as a blueprint for such rejection. Applicants note that the Patent Office's error may be the result of improperly interpreting "roster" to be a "performance parameter" as discussed above. However, regardless of the source of the error, the combination of references is improper because the motivation to combine is based on a motivation for combining something entirely different than the element recited in the claims.

So, regarding motivation for the combination of *Cherone* and *Tecmo Super Bowl* with *NBA2K1*, the Office Action first makes an unsubstantiated allegation with an evidentiary basis which exists nowhere in the prior art. Rather, the first and third motivation basses exists solely in the Applicant's specification. And, the second and fourth motivation basses, having

evidentiary support for only roster updates, but not for player performance parameter updates, cannot motivate something that it does not relate to. That is, one of ordinary skill in the art cannot be motivated by something that does not exist insofar as it relates to the claimed element. Therefore, motivation for a player performance parameter update at the time of the invention has no evidentiary basis of record that would have been available to one of ordinary skill at the time of the invention. As such, the Patent Office's rejections of claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are in clear error for this reason as well and Applicant respectfully requests that the rejections be withdrawn.

3. A Reasonable Expectation of Success Has Not Been Shown

As discussed above, to establish a *prima facie* case of obviousness, the Patent Office must show a reasonable expectation of success. The Patent Office has failed to make this showing because the Patent Office doesn't describe exactly how the references are to be combined, and in some instances, the proposed combination appears to non-functional or unfit for its intended purpose.

The Patent Office has failed to clearly establish which teachings of *Cherone* and which teachings of *Tecmo Super Bowl* are being combined with *NBA2K1* to arrive at the claimed invention.

On page 5 of the Office Action, the Examiner admits that *NBA2K1* fails to explicitly disclose:

A. During a single basketball sports season, wherein each of [the] updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season;

B. At least one of the updated video game character performance parameters is associated with a free-throw completion percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season;

C. Wherein at least one of the updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life basketball sports event during the single basketball sports season.

However, the Patent Office isn't clear (i.e. is vague) as to (a) which elements of *Cherone* and which elements of *Tecmo Super Bowl* are being used to teach each of these missing elements, (b) how the elements from *Cherone* are functionally combined with *NBA2K1* to create an operable video game, or (c) how the combination reads on the claim language not taught by *NBA2K1*.

With respect to *Cherone,* the Patent Office alleges that it teaches "each of updated video game character performance parameter in the series is based at least in part on one or more different real-life performance of the particular real-life sports athlete in one or more sporting events performed during the single sports season." Following this statement, the Office Action attempts to establish that a "stat" is a "performance parameter" and then concludes that there is motivation to use the "updating feature of [*Cherone*] in order to attract more players to subscribe to a game service….". Continuing, the Office Action says, "[t]hus it would be obvious to a person of ordinary skill in the art at the time of the invention to modify the updating feature of *NBA2K1* with the updating of stats of [*Cherone*]…."

However, there is no explanation as to how this "modification" would be done or how this meets the limitation of the claims. In other words, how does one modify the roster of *NBA2K1* with the stats of *Cherone* and how does that modification result in teaching the elements recited in the claim? The claim language is directed at particular types of data used in an update to modify a performance parameter of the video game. The Office Action discusses modifying the "rosters" of *NBA2K1* with the "stats" of *Cherone*. Without further explanation from the Patent Office, it isn't clear what one would do with the "stats" of *Cherone* and the "rosters" of *NBA2K1* or how incorporating those into a roster update would affect the video game. The Patent Office has failed to make a *prima facie* case because it has failed to teach how *Cherone* is combined with *NBA2K1* and *Tecmo Super Bowl* to meet the limitation of the claim. Without such explanation, there cannot be a reasonable expectation of success to combine the references.

Even more troublesome is the combination of *Tecmo Super Bowl* with *NBA2K1* and *Cherone*, which fails to provide a sufficiently clear explanation as to what elements of *Tecmo Super Bowl* are being added to the combination, and how the combination of references results in a functional video game that reads on the claimed invention. The Patent Office alleges that *Tecmo Super Bowl* explicitly discloses "updating video game character performance parameters

during a single sports season." It appears as though *Tecmo Super Bowl* is being cited to support an alleged teaching of "during a single sports season". Tecmo Super Bowl relates to a video game season which operates entirely within the video game. However, there is no explanation by the Patent Office as to **how** the alleged updating during the video game season based solely on video game play would be used to modify *NBA2K1* or *Cherone* as it appears that *Tecmo Super Bowl* has nothing to do with real-life seasons, but rather, collects records/stats of video game play only. And, the Applicant is unable to find any update in *Tecmo Super Bowl* to the video game character performance parameters.

The Patent Office concludes, "a game designer would have motivation to use the basketball game of *NBA2K1* with the athlete performance parameter updating feature of *Tecmo Super Bowl* in order to add to the realism of a sports video game." However, this reference to an "updating feature" is impermissibly vague because it isn't clear what the "updating feature" is, whether an updating feature exists, and how exactly it would function when combined with an expectation of success in the context of how it is used in *Tecmo Super Bowl*. In other words, how is the *NBA2K1* game modified using what feature of *Tecmo Super Bowl*?

Moreover, the Office Action is vague as to why *Tecmo Super Bowl* is being cited. For example, it isn't clear if *Tecmo Super Bowl* is being cited to teach "during a single sports season" or to teach an "updated video game character performance parameter". This lack of clarity is created in part from the statement in the Office Action which says, "[t]herefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the video game system of *NBA2K1* with the player's data of *Tecmo Super Bowl* in order to provide game players with the most accurate sports experience possible as disclosed by *NBA2K1*." This statement would lead one to believe that *Tecmo Super Bowl* is being cited for its teaching of "player's data". However, the "player's data" refers to video game performance parameters of *Tecmo Super Bowl*, the video game. The player's data is unrelated to the seasons or "records" discussed on page 7 of *Tecmo Super Bowl*. Thus, the Patent Office initially leads one to believe that *Tecmo Super Bowl* is being cited for alleged teachings of "during a single sports season" yet "player's data" doesn't on its face appear to have anything to do with "seasons". The Office Action says *Tecmo Super Bowl* teaches "during a single season,"[6] but none of the discussion appears to relate to "during a single season". This lack of uncertainty about what is being cited

[6] March 2010 OA at page 6, line 12.

stems from the general failure of the Patent Office to provide any explanation as to which components of the various references would be successfully combined for a functional video game and how the combination reads on the claimed invention. Instead of relying on the plain language of the references and concrete evidence, the Patent Office merely provides conclusions and interpretations which lack clarity and a basis for review. The Patent Office's failure to describe how the specific components of the references would be combined, how they would functionally interoperate, and how those combinations read on the specific elements of the claimed invention is clear error. Thus, the Patent Office has failed to meet its initial burden of showing a likelihood of success for the combination of references. As such, the Patent Office's rejections of claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are in clear error for this reason as well and Applicant respectfully requests that the rejections be withdrawn.

Applicants also submit that the combination of *Cherone* or *Tecmo Super Bowl* with *NBA2K1* as obvious are also improper because the Patent Office attempts to combine parameters of a football video game with parameters of a basketball video game, which the Patent Office itself has already decided are **non**-obvious in view of one another. Thus this combination is vague due to two incompatible positions presented by the Patent Office itself. Also, football performance parameters are inoperable with basketball performance parameters and there is no explanation regarding this incompatibility as well.

Previous statements by the Patent Office support this position. On July 21, 2009, at page 2, lines 9-17, the Patent Office issued the following election of species requirement:

> 2. **If Species I is elected from above, the claims are also directed to the following patentably distinct species**:
>
> Species A of claims 30, 43-45, 52, directed to football
>
> Species B of claims 31, 46-48, 54, directed to basketball
>
> Species C of claim 49 directed to soccer
>
> The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Thus, the Patent Office has taken the explicit position that a basketball video game is patentably distinct from a football ball video game. The Patent Office explains on the record that a basketball video game is mutually exclusive from a football video game and that a basketball video game is a **non-obvious** variant from a football video game. *See* above. Therefore, the Applicant respectfully asserts that the combination of *Cherone* or *Tecmo Super Bowl* with *NBA2K1* is also void as the Patent Office has already taken the position that those two types of video games are mutually exclusive and **non-obvious** variants of one another. Therefore, the allegation that the combination of *Cherone* (football) or *Tecmo Super Bowl* (football) with *NBA2K1* (basketball) as obvious without any on-point evidentiary basis to suggest otherwise is incompatible with the previous position of the Patent Office. As such, the Patent Office's rejections of claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are in clear error for this reason as well and Applicant respectfully requests that the rejections be withdrawn.

4. Secondary Considerations of Non-Obviousness

Even though the claimed invention is patentable for the reasons set forth in sections VII A 1-3 of this paper, the claimed invention **is also nonobvious based on secondary considerations**. "Rebuttal evidence may include evidence of 'secondary considerations,' such as "commercial success, long felt but unsolved needs, [and] failure of others." *Graham*, 383 U.S. at 17." *See also* MPEP 2145. In fact, it is well established that "evidence of secondary considerations **must be considered** if present." *Trimed, Incorporated v. Stryker Corp. Decision* 2009-1423 (Fed. Cir. June 9, 2010) (emphasis added).

For example, the claimed invention is also non-obvious based on secondary considerations as (a) those of ordinary skill in the video game industry praise the Dynamic DNA and Living Roster features, which practice the Applicant's invention, as **new** and **innovative**, (b) the invention as recited in the claims has been copied by large corporations with ample resources in the video game industry, and (c) (i) the claimed invention has found **commercial success** and long felt but unsolved needs in the sports video game commercial market; and (ii) there is a clear **nexus** between the Applicant's claimed invention and the commercial success of EA Sport's Dynamic DNA feature and Take Two's Living Roster feature.

a. Those of Ordinary Skill in the Video Game Industry Praise Features Practicing Applicant's Claimed Invention as New and Innovative

As discussed above, the Applicant's claimed invention is directed to updating sports video game character performance parameters over the Internet during a single sports season. The Applicant's claimed invention has now been adopted by at least two video games. This feature has received recognition as the "Best Innovation" of 2008 by those of ordinary skill in the art almost six years after this application was filed. And, evidence of tribute and praise by those of ordinary skill in the art has been held to be evidence of patentability.[7]

In July of 2008, **almost six years after** the Applicant's filed this application for a patent, EA Sports announced a new feature for their NBA sports video game called Dynamic DNA at the video game industry's predominant video game convention, the Electronic Entertainment Expo (or "E3"). As described in the NBA Live 09 Review attached to Applicant's October 12, 2009 response as Exhibit C, "Dynamic DNA is the **biggest new feature** offered in NBA Live 09. Using the NBA Live 365 persistent online element, this **great new feature** allows players to have access to **constantly updating stats** for all of the players and teams in the game that **reflect their performance in the real-world and applies it to the game**." (Emphasis added).

In fact, as shown in Exhibit D attached to Applicant's October 12, 2009 response, Dynamic DNA won the "**Best of E3: Best Innovation**" awarded by X-Play's Best of E3 2008. (Emphasis added). In fact, NBA Live's Producer, Sean O'Brien, refers to Dynamic DNA as a "**groundbreaking idea**" as shown in his blog submitted with Applicant's October 12, 2009 response as Exhibit E (emphasis added). And, EA Sports announced on July 11, 2008 that "NBA Live 09 has **rewritten the rules** and **fundamentally shifted** the way you look at sports simulation games. Dynamic DNA emulates – with absolute precision – an NBA player in every sense of the word." *Applicant's October 12, 2009 Response, Exhibit F* (emphasis added). Thus, those of ordinary skill in the video game industry have recognized Applicants claimed feature, as implemented in Dynamic DNA, as new and innovative in 2008.

In addition, those who play sports video games clearly think Applicant's invention as implemented by Dynamic DNA is new and innovative. For Example, attached to Applicant's

[7] *See Litton Systems, Inc. v. Honeywell, Inc.*, 87 F.3d 1559 (Fed. Cir. 1996) (skilled scientists' tributes and infringer's praise was evidence of non-obviousness); *see also Allen Archery, Inc. v. Browning Manufacturing Co.*, 819 F.2d 1087 (Fed Cir. 1987) (The unobvousness of the patented invention of a compound bow was supported by the copying of and praise for the advantages of that bow by the infringer).

October 12, 2009 response as Exhibit G is a blog posting available at www.operationsports.com in which video game players posted over 100 entries commenting on the Dynamic DNA feature of NBA Live 09. These blog posts were made in the weeks after Dynamic DNA was announced, but before 2K's Living Rosters was announced. As seen in the blog, the overall consensus was very positive. Several of the blog entries specifically point out the innovative nature of the Dynamic DNA feature; examples of which include the following:

Post #1

> "These are HUGE new features IMO. They put a big amount of pressure on 2K. Real-time updates on rosters, injuries, line-ups, statistics, AI, etc."

Post # 124

> "I haven't played Live since 2001, 2k ever since. But this stuff sounds down right revolutionary."

Post #144

> "This feature is revolutionary because it ties the game to the NBA. Not just code its ACTUAL tendencies. I personally never thought of that idea, great ADD EA… other basketball games gotta think outside the box…." (emphasis in original)

Post #146 (in response to Post #144)

> "Isn't it amazing what getting your butt kicked by another company for the past 5 years can do? Look at how the basketball games are progressing and pushing each other to grab the consumer, the hockey titles as well; and compare them to the snails pace that baseball and football have moved."

Subsequently, Take Two announced their competing feature to Dynamic DNA, which they call "Living Rosters," and which implements Applicants claimed invention as well.

Thus, those of ordinary skill in the art, including those who make sports video games and those who use sports video games both praise the claimed invention as implemented in Dynamic DNA as new and innovative. It logically follows, that the USPTO's position that such features set forth by the Applicant's claimed invention are old, obvious, or not innovative is in **direct**

contrast to the position of those of ordinary skill in the video game industry who identify such features as **new**, **ground breaking**, **fundamentally different, revolutionary,** and **innovative**. Therefore, the Applicant cites to the tribute and praise of those of ordinary skill in the sports video game industry as secondary evidence of patentability of the claimed invention. The Applicant also cites to the general consensus by those of ordinary skill in the industry that the features are new and innovative as additional evidence of patentability of claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71.

b. The Invention as Recited in the Claims has been Copied by Large Corporations with Ample Resources in the Video Game Industry

Both EA Sports and Take Two have implemented the Applicant's claimed invention in their video games. And, the industry, as well as EA Sports, has speculated as to which company came up with the idea first. However, it is clear that the Applicant's filed this patent application more than five years before EA Sports announced the Dynamic DNA feature and over five years before Take Two announced the Living Roster feature.

It has been held that copying by a large corporation with ample resources of a claimed invention rather than using a prior art device is ***strong evidence of nonobviousness***.[8] However, "it is not necessary for the patentee to prove that the customer knew of and desired every attribute set out in the patent document."[9]

As discussed above, in 2007 EA Sports first updated sports video game character performance parameters of video game characters during a single sports season in connection with their FIFA 08 video game. Subsequently, EA Sports came out with the feature Dynamic DNA in July of 2008. And, **only two months thereafter** Take Two announced an analogous feature called Living Roster for their NBA 2K9 sports video game. Similar to EA's references that Dynamic DNA is **new** and **innovative**, Take Two also referred to Living Roster as "**new**" and "**innovative**" as shown by their announcement attached to Applicant's October 12, 2009 response as Exhibit H.

[8] *Panduit Corp v. Dennison Mfg. Co.* 774 F.2d 1082 (Fed Cir. 1985) (emphasis added), remanded, 475 U.S. 809 (1986), on remand, 810 F.2d 1561 (Fed. Cir. 1987), cert denied, 481 U.S. 1052 (1987); *see also Windsurfing International, Inc. v. AMF Inc.*, 782 F.2d 995 (Fed. Cir. 1986, cert denied, 477 U.S. 905 (1986).
[9] *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675 (Fed. Cir. 1998).

Both EA Sports and Take Two have argued over who came up with the novel feature first. *See Applicant's October 12, 2009 Response, Exhibits E and H.* And, even "[t]he [video gaming] community is starting to wonder if the NBA 2K9 development team **copied** the idea from the NBA Live folks or if it was the other way around." *Applicant's October 12, 2009 Response, Exhibit I* (emphasis added). Whether EA Sports **copied** Take Two or vice-versa, **it is clear** that those skilled in the art believe the feature was copied by one of them. This belief is evident from the importance of the feature to the 2008 video game releases, the similarities in the features offered, and the closeness in time in which they were announced (i.e., less than two months).

Users of the video have also confirmed that, in their opinions, the features of the currently claimed invention were copied in 2008. For example, on an ign.com blog, a fan of NBA Live 09 that goes by the name "BBGamer24" accused Take Two of copying EA's Dynamic DNA feature, which implements the claimed invention. BBGAmer24 disparages Take Two's game for copying. BBGamer's post states the following:

> "I dont see how so many people love this game. How is it better than Live 09? 2K basically **copied EA** for a number of reasons. First of all, the Living Rosters feature sounds creepy and while its cool **its just a rip-off of NBA Live 09`s Dynamic DNA** and NBA 365 features. I mean **2K Sports shouldnt be copying EA**, thats just being stupid. And Live 09 has TMobile as a sponsor but so does 2K. The game has awful graphics except for the pre-game show and the fans. The dunk contest is fun but unrealistic. Really, if it werent for the game modes this game would be terrible, **although it isnt a bad game, just copy-catish**."

Applicant's October 12, 2009 Response, Exhibit J (emphasis added).

The public's alleged copying by either EA Sports or Take Two of updating sports video game character performance parameters during a single sports season such that the video game characters more closely simulate real life performance of the real life athletes is further evidence of nonobviousness of the claimed invention directed to this feature as described in Applicants patent application almost six years prior. Thus, claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are believed to be allowable based on these secondary considerations as well.

c. (i) Both EA Sports and Take Two have Found Commercial Success and Addressed a Long Felt but Unsolved Need in the Sports Video Game Industry Using the Applicant's Claimed Invention and (ii) There is a Nexus Between the Applicant's Claimed Invention and the Commercial Success found by EA Sports and Take Two

(i) *Both EA Sports and Take Two have Found Commercial Success and Addressed a Long Felt but Unsolved Need in the Sports Video Game Industry Using the Applicant's Claimed Invention*

Both the Dynamic DNA feature by EA Sports and the Living Roster feature by Take Two have found sweeping success and addressed a long felt need in the industry for sports video games to more closely simulate the real-life attributes of athletes during a sports season. And, both Dynamic DNA and Living Roster have been seen as an **overwhelming success** by those who design the sports video games, those who designate a video game feature as the Best Innovation of 2008, as well as their customers who play the sports video games.

As previously discussed, when introduced at the most prominent gathering for video game technology, the Electronic Entertainment Expo (or E3), the Dynamic DNA feature was recognized as the **best innovation of 2008**. And, within two months, the feature Living Roster was introduced such that Take Two's 2K9 basketball game could compete with the same feature of Dynamic DNA. The customer response to both features was extremely positive, and since, many comparative articles have been published indicating that the commercial success of the competing video games depends on the relative quality and implementation of the Living Roster and Dynamic DNA features. *See Applicant's October 12, 2009 Response, Exhibit K.* Moreover, the importance of the feature can be further realized through the posts that explain the relevant consumer market's interest in the Dynamic DNA and Living Roster features as shown in Exhibit L attached to Applicant's October 12, 2009 response. Examples of such posts include:

- "It seems like a **great feature** from last year and I am glad that they have improved on it" – Ronin893
- "dude that dynamic season **sounds awesome**!!! ☺" - NuKkU

- "I have always been a fan of NBA Live games, but stoped playing in 2004 or something like that. Now I've got PS3 and **I need a basketball game**. I see many comments about 2K beating EA – could someone briefly explain why is it better ? **Do they have something similar like Dynamic player updates?** Any interesting modes? Better multiplayer? What is it about?" –Kubilius

- "**This Dynamic DNA feature is quite interesting and makes me reconsider my pre-order of NBA 2K10 only for the fact that 2K9 lacked any real comprehensive feature such as this**. I'll end up going with 2k10 in the end probably but **if Live can really hit this one the spot then they may just be 'in the game'**" – pengselim

(Emphasis added).

In fact, it appears that the Dynamic DNA and Living Roster features are one of the most important features which form the **basis of consumer purchasing decisions** between the two competing video games. Other important features discussed in these blogs include the detail of the imagery depicting the players and the realistic movement of the characters in the video games. Therefore, the commercial success of both EA Sports and Take Two's use of the claimed invention is further secondary evidence of nonobviousness of the claimed invention.

(ii) *There is a Nexus Between the Applicant's Claimed Invention and the Commercial Success found by EA Sports and Take Two*

As discussed above, Dynamic DNA was recognized as the best video game innovation of 2008 when announced. As also discussed above, Living Roster was announced just two months after Dynamic DNA was announced and the two companies have argued over who came up with the "groundbreaking" idea first. However, the Applicant has been unable to find a clear dispute against the conclusion that the focus of both features is substantially the same. Simply stated, that focus is, updating sports video game character performance parameters over the Internet during a single sports season such that the sports video game characters more closely simulates real-life performance attributes of the respective real-life athletes in the sports video game.

According to a Gamestop description (*Applicant's October 12, 2009 Response, Exhibit L*), Dynamic DNA "takes data based on the real-world performance of individual NBA players and integrates it into the game. This means that in-game players benefit (or suffer, in some cases) from the performance of their real-life counterparts over the course of the actual NBA season, so if Kobe Bryant changes up his game and posts up more, taking fewer outside jumpers,

then the in-game Kobe reflects that change. … All of this should help reinforce that notion that while you're playing through the NBA schedule with realistic scenarios provided by DNA, stats, and rosters from actual games, you're still free to create your own version of the NBA season." And, according to Take Two, "[w]hen the Living Rosters feature is activated and a gamer signs in online, the game automatically checks for Living Roster updates in order to download the latest real-life player information in a seamless process behind the scenes." Thus, both features are directed to the updating over the Internet of sports video game character performance parameters during a single sports season such that the sports video game characters more closely simulates real-life performance attributes of the respective real-life athletes in the sports video game.

For example, as previously discussed in the prosecution of this application, according to the Applicant's claimed invention, the update to the video game characters representing Kobe Bryant and Shaquille O'Neal would make those video game characters more closely simulate the current "mid-season" performance attributes of the individual real-life Kobe and Shaq in the sports video game. The Dynamic DNA and Living Rosters features are **directed to the exact same concept** as the inventions presently claimed. However, this patent application was filed **five years prior** to the implementation of Dynamic DNA or Living Roster. Moreover, as cited by the posts by *Kubilius* and *pengselim* above, for example, consumers **clearly make a purchasing decision** between EA Sport video games and Take Two's video games based on the relative existence and quality of the Dynamic DNA and Living Roster features. Further evidence of such competition is evident from that fact that Take Two announced Living Roster **only two months after** EA Sports won Best Innovation of 2008 for Dynamic DNA.

Therefore, there is a nexus between the Applicant's claimed invention, implementation of this invention by Dynamic DNA and Living Roster, the **commercial success** of Dynamic DNA and Living Roster, and the clear position in the relevant market that the Dynamic DNA and Living Roster are new, innovative, and are important competitive features over previous video games. As such, the Applicant respectfully asserts that, notwithstanding the lack of a *prima facie* case of obviousness in the Office Action, there are also several grounds supported by clear evidence of secondary considerations of nonobviousness of the Applicant's claimed invention. Thus, claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are believed to be allowable based on these secondary considerations as well.

In Summary, the Patent Office has failed to establish a *prima facie* case of obviousness as (1) each of the claimed elements has not been found in the prior art, (2) there is a lack of motivation, or suggestion, for the combination of claimed elements, and (3) a reasonable expectation of success has not been established. And, (4) the claimed invention is also patentable based on secondary considerations. As such, the Applicant respectfully asserts that claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 are patentable.

CONCLUSION

Based on the foregoing, Appellant respectfully submits that a *prima facie* case of obviousness has not been set forward in the Office Action, and, the claims are allowable based on secondary considerations. Accordingly, Appellant respectfully requests that the Board reverse the Examiner's rejections of claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 pending in this application and thereby place this application in condition for allowance.

DATED this 6th day of July, 2010.

Respectfully submitted,

/David A. Jones/Reg. No. 50,004

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Attorney for Appellant
Registration No. 50,004
Customer No. 022913
Telephone No. (801) 533-9800

DAJ; AH

VIII. APPENDIX

A. CLAIMS ON APPEAL

1.-28. **(Cancelled)**

29. **(Previously Presented)** A game medium configured to provide a sports video game in conjunction with a video game machine, the sports video game including video game rules and video game character parameters, the video game character parameters including video game character performance parameters associated with individual video game characters, the game medium being configured to cause the video game machine to perform a method comprising:

loading video game data stored by the game medium into a random access memory of the video game machine for playing the video game, the video game data including the video game rules and a particular video game character performance parameter associated with a particular individual video game character associated with a particular real-life sports athlete, wherein the particular video game performance parameter is based at least in part on a real-life performance of the particular real-life sports athlete playing in one or more real-life sporting events, the particular video game character performance parameter affecting the manner in which the particular individual video game character performs in the sports video game;

during a single sports season, receiving a series of updated video game character performance parameters from a data server via a network including the Internet, wherein each of the updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season;

updating the sports video game with each of the updated video game character performance parameters received, wherein each update changes the manner in which the particular individual video game character performs in the sports video game such that the particular individual video game character more closely simulates real-life performance attributes of the particular real-life athlete in the sports video game; and

enabling a user to control the particular individual video game character in the sports video game using a video game controller connected to the video game machine.

30. **(Previously presented)** A game medium as in claim 29, wherein receipt of the updated video game performance parameters in the series occurs at least weekly during at least a portion of the single sports season, such that the particular video game character simulates current real-life performance attributes of the particular real-life athlete on an at least weekly basis.

31. **(Previously presented)** A game medium as in claim 29, wherein receipt of an the updated video game performance parameters in the series occurs at least daily during at least a portion of the single sports season, such that the particular video game character simulates current real-life performance attributes of the particular real-life athlete on an at least daily basis.

32. **(Previously presented)** A game medium according to claim 29, the game medium being further configured to cause the video game machine to update visual aspects of the video game during a single sports season, wherein the updated visual aspects are based on a

change in a real-life visual aspect of a real-life athlete, stadium, or field during a single sports season.

33. **(Previously presented)** A game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method further comprising:

receiving an input from the user using the video game controller, the input directing the video game machine to connect to the data server via the internet to receive the new video game character performance parameter.

34. **(Previously presented)** A game medium according to claim 29, wherein the video game enables a user to choose, or to not choose, a video game update that includes an updated video game character performance parameter.

35. **(Previously presented)** A game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method periodically and automatically in response to an input received from the user using the video game controller.

36. **(Previously presented)** A game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method further comprising:

receiving a change in a video game team parameter from a data server via the network, wherein the video game team parameter corresponds to a real-life trade of a real-life athlete between two real-life teams during a single sports season; and

changing a video game team in the video game based on the video game team parameter received to reflect the trade of the real-life athlete in the sports video game.

37. **(Withdrawn)** A game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method further comprising:

receiving an updated video game stadium parameter from a data server via the network including the Internet, wherein the video game stadium parameter corresponds to an attribute of a real-life stadium; and

changing a stadium parameter in the video game based on the updated video game stadium parameter received.

38. **(Withdrawn)** A game medium according to claim 37, wherein the updated video game stadium parameter is associated with an appearance of the stadium that has changed at least once during a single sports season.

39. **(Previously presented)** A game medium according to claim 29, wherein the updated video game character performance parameters are each associated with a real-life performance tendency of the particular real-life athlete in the real-life performances during the single sports season.

40. **(Previously presented)** A game medium according to claim 29, wherein at least one of the updated video game character performance parameters is associated with a performance of a real-life opponent of the real-life athlete in a real-life sports event during the single sports season.

41. **(Previously presented)** A game medium according to claim 29, wherein at least one of the updated video game character performance parameters is associated with a points scored average of a real-life performance of the real-life athlete in a real-life sports event during the single sports season.

42. **(Previously presented)** A game medium according to claim 29, wherein at least one of the updated video game character performance parameters is associated with a completion percentage of a real-life performance of the real-life athlete in a real-life sports event during a single sports season.

43. **(Withdrawn)** A game medium according to claim 29, wherein the sports video game is a football sports video game including video game football stadiums, video game football teams, and video game characters associated with real-life football stadiums, real-life football teams, and real-life football athletes respectively.

44. **(Withdrawn)** A game medium according to claim 43, wherein at least one of the updated video game character performance parameters is associated with a field goal percentage

of a real-life performance of the real-life athlete in a real-life sports event during the single sports season.

45. **(Withdrawn)** A game medium according to claim 43, wherein at least one of the updated video game character performance parameters is associated with rush yards of a real-life performance of the real-life athlete in a particular real-life sports event during a single sports season.

46. **(Previously presented)** A game medium according to claim 29, wherein the sports video game is a basketball sports video game including video game basketball courts, video game basketball teams, and video game basketball characters associated with real-life basketball courts, real-life basketball teams, and real-life basketball athletes respectively.

47. **(Previously presented)** A game medium according to claim 46, wherein at least one of the updated video game character performance parameters is associated with a free-throw completion percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season.

48. **(Previously presented)** A game medium according to claim 46, wherein at least one of the updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life sports event during the single sports season.

49. **(Withdrawn)** A game medium according to claim 29, wherein the sports video game is a soccer sports video game including video game soccer stadiums, video game soccer teams, and video game soccer characters associated with real-life soccer stadiums, real-life soccer teams, and real-life soccer athletes respectively.

50. **(Cancelled)**

51. **(Previously Presented)** A method performed by a computer server for updating a video game character parameter of an individual sports video game character in a sports video game played on a video game machine during a single sports season, the sports video game character representing a particular real-life athlete in the sports video game, the method performed by the computer server comprising the following acts:

during a single sports season, storing a plurality of updated video game character performance parameters on a storage medium of the computer server, wherein each of the updated video game character performance parameters is based at least in part on a performance of the particular real-life athlete performing in one or more real-life sporting events of the single sports season;

communicating with a video game machine to establish a network connection over the Internet; and

within the single sports season, transmitting the plurality of updated video game performance parameters to the video game machine in a plurality of transmissions over the network, thereby enabling the video game machine to (i) receive the plurality of updated video game performance parameters within the single sports season, and (ii)

change the sports video game play based on changes in the updated video game performance parameters, such that the particular individual video game character of the sports video game more closely simulates the real-life performance of the particular real-life athlete during the single sports season.

52. **(Previously presented)** A method as in claim 51, wherein,

at least a portion of the transmissions are carried out at least weekly during at least a portion of the single sports season; and

the at least weekly transmissions include video game character performance parameters based at least in part on real-life performances of the particular real-life athlete that occurred at least within the prior week.

53. **(Previously presented)** A method as in claim 51, wherein:

at least a portion of the updated transmissions are carried out at least daily during at least a portion of the single sports season; and

the at least weekly transmissions include video game character performance parameters based at least in part on real-life performances of the particular real-life athlete that occurred at least within the prior day.

54. **(Previously presented)** A method as in claim 51, wherein the server is further configured to receive a request for an updated video game character performance parameter originating at the video game machine and:

verify that a payment has been made for the requested updated video game character performance parameter; or

receive authorization to execute a payment for the transfer of the updated video game character performance parameter.

55. **(Previously presented)** A method as in claim 51, wherein each of the updated video game performance parameters is associated with a different real-life performance of the particular real-life athlete during a single real-life game of the single sports season.

56. **(Cancelled)**

57. **(Previously presented)** A method as in claim 51, wherein the updated video game performance parameters are each associated with the performance of:

a particular real-life basketball player;

a particular real-life football player; or

a particular real-life soccer player.

58. **(Previously presented)** A method as in claim 51, wherein the particular real-life athlete is a real-life professional athlete that plays for a real-life professional team.

59. **(Previously presented)** A method as in claim 51, wherein each of the updated video game character performance parameters are based at least in part on one or more

different real-life sporting events against different opponents by the particular real-life athlete during the single sports season.

60. **(Previously presented)** A game medium according to claim 29, wherein, wherein at least one of the plurality of updated video game character performance parameters is based on:

a current points scored average by the particular real-life athlete in a particular real-life sports event during the single sports season;

a field goal percentage of a real-life performance of the particular real-life athlete in a particular real-life sports event during the single sports season;

a rush yards of a real-life performance of the particular real-life athlete in a particular real-life sports event during a single sports season;

a free-throw completion percentage of the particular real-life athlete in a particular real-life sports event during the single sports season;

a shots average of the particular real-life athlete in a particular real-life sports event during the single sports season; or

a completion percentage of the particular real-life athlete in a particular real-life sports event during the single sports season.

61. **(Previously presented)** A method as in claim 51, further comprising:

storing a second plurality of updated video game character performance parameters, each of the second plurality of updated video game character performance parameters based at least in part on performance statistics of a second particular real-life

athlete performing in one or more real-life sporting events of the single sports season, each of the second updated video game character performance parameters being based at least in part on different performance statistics from the same second particular athlete and from the same single sports season; and

within the single sports season, transmitting the second plurality of updated video game character performance parameters to the video game machine in a plurality of transmissions over the network.

62. – 67. **(Cancelled)**

68. **(Previously Presented)** A game medium configured to provide a basketball sports video game in conjunction with a video game machine, the basketball sports video game including video game rules and basketball video game character parameters, the basketball video game character parameters including video game character performance parameters, the game medium being configured to cause the video game machine to perform a method comprising:

loading video game data stored by the game medium into a random access memory of the video game machine for playing the basketball video game, the video game data including the video game rules and a particular basketball video game character performance parameter associated with a particular basketball video game character associated with a particular real-life basketball sports athlete, wherein the particular basketball video game performance parameter is based at least in part on a real-life basketball performance of the particular real-life basketball sports athlete playing in one or more real-life basketball sporting events, the particular basketball video game

character performance parameter affecting the manner in which the particular basketball video game character performs in the basketball sports video game;

during a single basketball sports season, receiving a series of updated video game basketball character performance parameters from a data server via a network including the Internet, wherein each of the updated basketball video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life basketball sports athlete performed during the single sports season;

updating the basketball sports video game with each of the updated basketball video game character performance parameters received, wherein each update changes the manner in which the particular basketball video game character performs in the basketball sports video game such that the particular basketball video game character more closely simulates real-life basketball performance attributes of the particular real-life basketball athlete in the sports video game; and

enabling a user to control the particular video game basketball character in the basketball sports video game using a video game controller connected to the basketball video game machine, wherein:

the basketball sports video game includes video game basketball courts, video game basketball teams, and video game basketball characters associated with real-life basketball courts, real-life basketball teams, and real-life basketball athletes respectively; and

at least one of the updated video game character performance parameters is associated with a free-throw completion percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season.

69. **(Previously Presented)** A game medium according to claim 68, wherein at least one of the updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life basketball sports event during the single basketball sports season.

70. **(Previously Presented)** A game medium as in claim 68, wherein receipt of the updated basketball video game performance parameters in the series occurs at least weekly during at least a portion of the single basketball sports season, such that the particular basketball video game character simulates current real-life performance attributes of the particular real-life basketball athlete on an at least weekly basis.

71. **(Previously Presented)** A game medium as in claim 68, wherein receipt of an the updated basketball video game performance parameters in the series occurs at least daily during at least a portion of the single basketball sports season, such that the particular video game character simulates current real-life performance attributes of the particular real-life basketball athlete on an at least daily basis..

B. EVIDENCE APPENDIX

EXHIBITS A – L

Submitted with October 12, 2009 Amendment/Request for

Reconsideration Filed After Non-Final Rejection.

EXHIBIT A – Catch The NFL Fever.com – Your Football Gaming Complex

EXHIBIT B – FIFA Soccer 08 on Next-gen Blog 5

EXHIBIT C – NBA Live 09 Review – Xbox 360

EXHIBIT D – X-Play's Best of E3 Awards Tonight! | G4TV, pages 1-5 of 26

EXHIBIT E – NBA Live 09 News : EA Sports

EXHIBIT F – NBA Live 09 News : EA Sports

EXHIBIT G – E3: NBA Live 09 – Dynamic DNA & NBA 365 – Operation Sports Forums

EXHIBIT H – 2K Sports – NBA 2K9 Gets More Real with Living Rosters

EXHIBIT I – Reaction to NBA 2K9's Feature List – Operation Sports, pages 4 of 8

EXHIBIT J – IGN: NBA 2K9 Reader Review by BBGamer24

EXHIBIT K – NBA 2K9 Adds 'Living Rosters' | GameLife

EXHIBIT L – GameSpot: NBA Live 10 Dynamic Season Hands-On

EXHIBIT A

Catch The NFL Fever

Quote for 10/12/2009
You can go to the bank to borrow money, but you can't go to the bank and borrow a superbowl ring.
Mean Joe Green

Navigation

Born on: *9/23/99*
Updated
October 12, 2009
Part Of
- Sportplanet
- Gamespy
- CatchTheFever Main

News
- NFL Fever
- Madden
- Gaming News
- Console News
- NFL News
- College FB News
- XFL News

NFL Fever
- Official Site
- Redwest C
- MS Industry News
- Roster Updates
- Utilities
- Custom Art Vault
- FAQ's & Help
- Cheats/Codes
- CTF League
- Campus Fever
- USFL Fever
- Classic Fever
- Fever Draft
- NFL Fever Petition

Madden
- Official Site
- EA Net
- Tiburon
- CTF Madden
- XFL Madden
- MCF 2K1
- Madden College FB
- Madden College SEC
- Madden Central
- Madden2k1.com
- Madden World

Front Office FB
- Official Site
- FOFCentral
- FOF.com
- EA Net

Football Pro
- Official Site
- CTF FBPro Rosters

CFL Football
- Official Site
- Download Demo
- Download External Manager
- Download Source Code
- Order Today

NFL Fever Rosters

Home Of FeverMax
FEVER MAX
Our biggest and best yet!

For the latest 2000 season roster updates visit the Download Center HERE

CTF EOS 99/2000	This was our weekly roster build through the 99'/2000 season up to the very end. Some of the most noted updates include: Over 170 new player photos added to the matching mugshot.ff, play by play names for over 400 new players, special teams set, updated team mod numers redone, 2000 playoff tree and all draw and reverse plays deleted to aid the computer running attack. **IMPORTANT:**You **MUST** download both files for the mugshots to show up on the proper players. The base goes in the Fever\Data folder and the mugshot.ff in the Fever\Images folder. **CREATOR:** ***Catch The NFL Fever*** **FILE SIZE:** *376 Kb Roster, 4.8 Meg Mugshot.ff* **VERSION: EOS99'** **DOWNLOAD:** Roster File HERE **DOWNLOAD:** Matching Mugshot Art File HERE
ALL Fever Team 2000	The ALL FEVER TEAM 2000 was a Catch The Fever exclusive voted on by you the Fever fans during the month of January of 2000. Going over the roster limit to make sure all top vote getters were taken into consideration, we were proud to put your votes together all on the same team for your enjoyment. CTF proudly presents the ALL FEVER 2000 Team. **The AFT replace the Browns and play in warm weather of**

Extras

Voted Butkus All Pro 2001 Site

PC Gamer Magazine Sept 2000

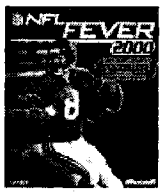
EBworld

NCAA Football 2002
NCAA College Football 2K2: Road to the Rose Bowl
NCAA GAMEBREAKER 2002 PS2
Madden NFL 2002 PS2
Madden NFL 2002 PS1
Madden NFL 2002
Prima Strategy Guide

CTF Rosters POWERED BY







The Mark Brunell Foundation
MS Sports Order TODAY
NFL Fever 2000
NBA Drive 2000
Links 2001
Links Courses 2001
MS Golf 2001

Official NFL Sites

Community
- Download Center
- Forums
- Chat Room
- NFL Fever EGroup

Links
- Football Jokes
- Moreover Jokes

Gaming Sites

Football Games On eBay

About
- Catch The NFL Fever
- Meet The Coaches

Contacts
- EMail Us
- Submit News
- Upload Files
- Privacy Policy

Microsoft fanstock MEMBER

- Fanstock 2000

PLAY CASINO

	course. There are new plays added to their playbook using Dave's Playbook Manager and over 300 Formation Substitutions giving you a number of various looks. **CREATOR: *Catch The NFL Fever*** **FILE SIZE:** *402 Kb Roster* **VERSION: AFT 2000** **DOWNLOAD:** Roster File HERE **UNIFORMS AVAILABLE:** HERE
2000 ProBowl Roster	The 1999-2000 ProBowl rosters are complete. The neat thing about this roster setup is the ProBowl Teams replace 2 existing teams and you can play a season with them. Here's the stats: • AFC Pro Bowl Team: Replaces the Cleveland Browns and plays all home games in Miami. • NFC Pro Bowl Team: Replaces the New Orleans Saints and plays it's home games in Tampa Bay. All the rosters are set and these teams will come after you. Pick one or play out a season against these powerhouse lineup's. A stadium surface using Rob Perini's blank field textures will be produced and the matching uniform's as well in version 2.0.(by then the new art program will be ready and tested). For now it's playable and will be upgraded with the artwork and changed, matching player numbers. Another Catch The Fever First! **IMPORTANT:** Remember to keep this file separate from the rosters you use and move it into the data folder to create a season (.SSG) file for play. From there you can either play the 99 season or create a random season to knock heads. (376 K) Includes html of both teams rosters. **CREATOR: *Catch The NFL Fever*** **FILE SIZE:** *370 Kb* **VERSION: 1.0** **DOWNLOAD:** HERE **UNIFORMS AVAILABLE:** HERE
NFLE SEASON Roster1	2000 NFL Europe training camp rosters. All 6 teams complete. Correct 10 week schedule in place. For use in SEASON play ONLY. **CREATOR: *Catch The Fever*** **FILE SIZE:** *360 Kb* **VERSION: 1.0 SEASON ONLY** **DOWNLOAD:** HERE **UNIFORMS AVAILABLE:** HERE

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EXHIBIT B

FIFA Soccer 08 on Next-gen Blog 5

Release Date: Sept. 19
Topic: Player Ratings

Joe Booth, Lead Producer

Creating and maintaining our FIFA 08 database is an enormous undertaking that requires coordinating researchers all over the world and organizing their information. This year FIFA 08 will has 30 leagues, more than 570 teams and more than 15,000 players – this represents more leagues, teams and players than all other EA SPORTS games combined.

In addition, a lot of player transfers happen during the first transfer window which is right when we are finalising our game so our database researchers work round the clock during this period to make sure we capture every move. Last year in FIFA 07 we provided two downloadable database updates: one in September and another one in February, following the closure of the transfer windows. This was the first time EA SPORTS has been able to update the content of one of its sports titles in the middle of the season and this new approach has enabled us to make a more realistic playing game. To give you some numbers: between September 2006 and February 2007, there were 75,000 player database updates and more than 4,300 transfers in the database.

Michael Müller-Möhring
Football Data Manager

The FIFA 08 database team is based in Vancouver, Canada where the FIFA franchise is developed for EA SPORTS but we have a community of database researchers stationed all over the world. The majority of the data is entered by these experts living in these countries. Our database researchers watch live football games to evaluate and rate the skills and abilities of each player. They also rely on television, internet, magazines and newspapers for information. As a team we then review all of the player ratings to make sure player attributes are as authentic and realistic as possible.

Every team and league in FIFA 08 is represented by at least one football expert working for EA SPORTS. Currently there are approximately 500 editors from Sweden, Argentina, Germany, Turkey, Czech Republic, Mexico, Switzerland, Scotland, South Africa, etc. working on collecting accurate data. We have about 20 researchers scouting and evaluating players just from the Spanish leagues. Our community of database researchers is constantly expanding and the database team is always looking for knowledgeable football supporters who would like to join our community. Anyone can apply by going to this website: www.eafootballtalentscout.com .

The data gets updated on a 24/7 basis throughout the year. Our editors are dedicated football supporters and they follow their teams and leagues every single day. We use an online database that they log in to and update the team and player data. This enables us to have constantly updated information and evaluations that reflect the real world. So when we notice that a player is performing better or worse than originally evaluated the database is edited to reflect the changing status of that player.

The same goes for the appearance of the players: if David Beckham gets a new look from his hairdresser, our editors go into the database and select his new hair style right away. All these changes happen frequently so the community of database researchers are always busy adjusting and tuning the ratings and rankings.

The database team works closely together with the producers, engineers and technical artists from the FIFA 08 game team. Together we decide which attributes and traits are added to the database, which attributes and traits are used by the AI of the game to determine decisions of the player or the CPU, which new data fields would be useful to support the manager mode part of the game and make it better

in general. We also work with the artists to create new hair styles and other assets the community can assign to the players later on.

The data plays an integral role in creating a dynamic and authentic gameplay experience. The data drives all of the decisions that are calculated by the game code. FIFA 08 features AI with a 35-point decision engine which enables players to process 1,000 potential options and reactions every second in real time -- more than 60,000 options every minute, They combine this new level of intelligence with a dynamic 'Threat Map' system to capture the excitement and realism of football.

The database drives these types of decisions. This includes things like how successful the gamer or the CPU opponent is when shooting, passing, tackling, or heading the ball, how a player reacts in a challenge or after losing a ball, what the goalkeeper does during a one-on-one situation, etc. The database describes the playing style, behaviour and characteristics of each player and distinguishes him from all the others. For example, the database tells the game engine that Steven Gerrard has a very powerful shot from long distance when in a good position. Also, Cristiano Ronaldo will rely on his speed and dribbling to get past the defender and attempt to score from inside the penalty box.

The database sets the customized formation of each team and determines the role of every single player, his exact position on the pitch, the defensive effort and the attacking movement. Furthermore, the playing style of the team is driven from the attack and defense tactics and the build-up play options that are edited in the database.

We currently use 35 attributes, 70 traits and more than 65 additional data fields to describe the characteristics and the abilities of every single player. For the teams it is between 60 and 90, depending on the size of the team. We are constantly evolving our database and game engine to provide our fans with the most realistic playing football experience in the world and I would expect that the way we evaluate players will continue to be refined in the future.

One of the most important aspects of creating an authentic football gameplay experience is to create players that look, move and play like their real-life counterparts. That's why the database and the overall ability or rating of each player is so important. We use 35 attributes to calculate the overall ability of a player and every position has its own formula. Each attribute is weighted and its importance is based on the player's position. For example, attributes like "Marking", "Tackling" and "Heading" are more important to the overall make up of a centre back than a winger.

In most cases this calculation is a mix of **physical attributes** (Strength, Speed, Stamina, Agility etc.), **mental attributes** (Positioning, Vision, Tactical Awareness etc.) and the **skill attributes** (Crossing, Dribbling, Short Passing, Tackling etc.).

When it comes to rating the players, we of course need to set some guidelines for the community: a player from Premiership who is known to be "very good" in heading should have a higher rating than a player from the third division of Norway who is known as a "very good" header in his league.

These guidelines are very important to make sure that all editors from the different countries (and with different football philosophies) are on the same page when it comes to the final ratings of the players and the teams – this is where the multinational database team in Canada comes in. The database producers are constantly monitoring and managing the updates and changes made by the community and we act as a filter to make sure that players are accurately evaluated. We also can react immediately to correct a player rating if we spot an overrated or underrated player.

Hopefully this gives you some insight into how we develop our player ratings and its impact on the game.

EXHIBIT C





NBA Live 09



Publisher: EA SPORTS™
Developer: EA Canada
# of Players: 1-4 offline; 2-10 online
Category: Sports
Release Dates
N Amer - 10/07/2008
Official Game Website
Also available on: PS2 PS3 PSP WII

GameStop
GAMEFLY

GameZone Review Detail

Gameplay	8
Graphics	8
Sound	8
Difficulty	Medium
Concept	8
Multiplayer	8.5
Overall	8.0

8.0
GZ Rating

While still not perfect, NBA Live's 09 outing offers some great improvements.
Reviewer: Steven Hopper
Review Date: 10/07/2008

Avg. Web Rating 7.7

NBA Live 09 Review

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NBA Live 09 represents the latest step for EA Sports' long-running basketball franchise. After some pretty dismal entries at the start of the high-def console generation, NBA Live seems to beginning to hit its stride. NBA Live 09 offers some pretty compelling updates for hoops fans, including the new Dynamic DNA updating system, which all but ensures that NBA Live 09 has some staying power. While there are still some problems plaguing the franchise, NBA Live 09 offers a few truly groundbreaking features to make it definitely compelling option for basketball fans.

NBA Live 09 adds some pretty nice updates over its predecessor. The on-court action has been cleaned up from previous entries and some great new moves have been added to the roster. New pick-and-roll controls let you control both your ball-handler and the screener for two-man plays, improved fake-out moves like quickstrike anklebreakers feel intuitive and help you get the drop on your opponents, and the new play-calling system is a great touch that allows you to tweak your offense as well as an easy and intuitive one for newcomers.



Dynamic DNA is the biggest new feature offered in NBA Live 09. Using the NBA Live 365 persistent online element, this great new feature allows players to have access to constantly updating stats for all of the players and teams in the game that reflect their performance in the real-world and applies it to the game. If one player is on a roll for a game or two, the game will update his stats, and adversely if he plays poorly, the game will reflect that. This is a great new feature that basically negates the concept of roster updates in future games, and will possibly give NBA Live 09 some serious legs in the postseason.

There is also a pretty solid online component in NBA Live 09. The online



ESRB Rating

Everyone
No Descriptors

Price Comparisons

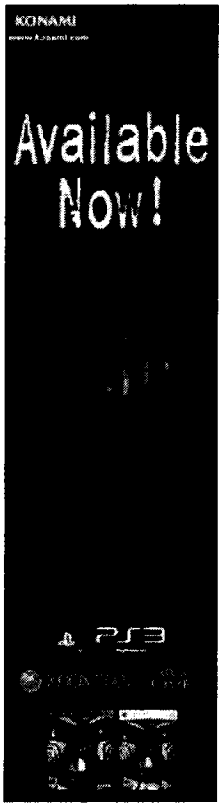
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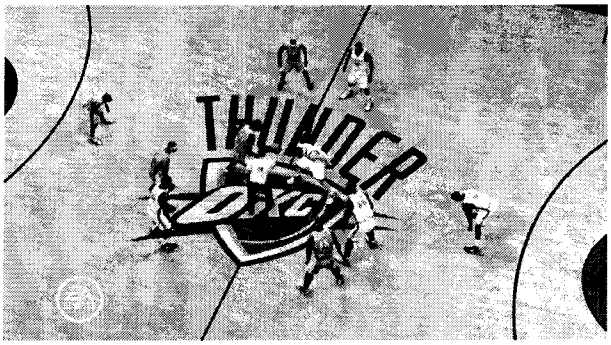
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Halo 3: ODST (8.8)
Pinball Hall of Fame: The Williams Collection (8.7)

team play element allowing for 10-player games online has returned, albeit with a pretty huge addition in clubs. Each club can have up to 50 different members, with five players from each club participating in online games, earning leaderboard points for their club, posting team blogs to announce upcoming games and so on. All in all, the community aspect is great in NBA Live 09, offering players a great platform to interact and play together.



Unfortunately, there are some plaguing issues that rear their ugly heads in NBA Live 09. There are still a couple of glitchy moments in the on-court play, including some framerate stutters that disrupt the flow of the game. While the animations boast modest improvements over previous versions of the game's engine, there are still some wonky looking moments that will pull you out of the game.

Secondly, the "Be A Pro" mode is nowhere near as fleshed out as it is in EA Sports' other offerings. Essentially, instead of taking you player through the motions of working up from a rookie to NBA stardom, you'll only be able to play as one existing NBA player for one game. The game will fix your control exclusively on your chosen player, but instead of really playing to the best of your on-court position, you're simply vying for the ball and trying to get the most points on the scoreboard. This mode lacks the depth and scope that it has in other sports titles launching this year, and feels like a pretty weak addition to the game's otherwise impressive formula.



Graphically, aside from the aforementioned glitches and framerate stutters, NBA Live 09 is a pretty good looking basketball game. The animations are generally very smooth and the character models look good without the creepy lifeless effect that often plagues sports titles.

Soundwise, the game also performs quite well, with a great commentary track and good court ambience. The soundtrack is the standard EA Sports' soundtrack that fans of the series (or any other EA Sports game, for that matter).

NBA Live 09 features some nice additions, but also boasts some shortcomings that keep it from truly hitting the mark. Still, the on-court game feels great and the online elements will certainly keep you busy for a long time.

Review Scoring Details for NBA Live 09

Gameplay: 8.0
The on-court action is very solid, and the new Dynamic DNA feature is a fantastic addition. The slim Be A Pro mode is pretty disappointing, unfortunately, and doesn't really offer much to the game.

Graphics: 8.0
While there is the occasional framerate stutter that can cause some gameplay problems, the animations are great and the character models are very detailed and look realistic without being creepy.

Sound: 8.0
NBA Live 09 features some pretty good commentary and a soundtrack that

7.0 **Game Spy**
7.8 **GameOver**

All Reviews for NBA Live 09

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Difficulty: Medi

Concept: 8.0
While some of th
should be, others like the Dynamic DNA system are excellent additions.

Multiplayer: 8.5
The new club-based online team play is a great touch and adds a great community element to the game and the franchise.

Overall: 8.0
NBA Live 09 is a solid step up for the franchise, adding a cool new online community element and the great NBA Live 365 element is a pretty revolutionary element not just for the franchise, but for the sports genre as a whole. Unfortunately, there are some shortcomings that hurt the overall experience, like a barebones Be A Pro mode and a few on-court technical issues.

NBA Live 09 Comments (0)

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NBA Live 09 Review

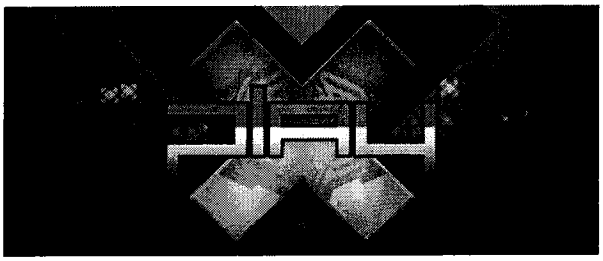
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EXHIBIT D



X-Play's Best Of E3 Awards Tonight!

Posted By: Jonathan Hunt - Friday, July 18, 2008 5:40 PM



E3 might be over, but we're not done by a longshot. Tonight, *X-Play* returned to the air to bring your their **Best of E3 Awards**. This year's E3 brought a list of titles of unprecedented quality, but only a few were able to garner our label of **Best of E3**.What did you think of the decisions? Did *LittleBigPlanet* really deserve the title of **E3 Best Of Show**? Or should it have gone to revolutionary first-person action title *Mirror's Edge*?

Also, be sure to check out our mountains of E3 videos, trailers, and screenshots !

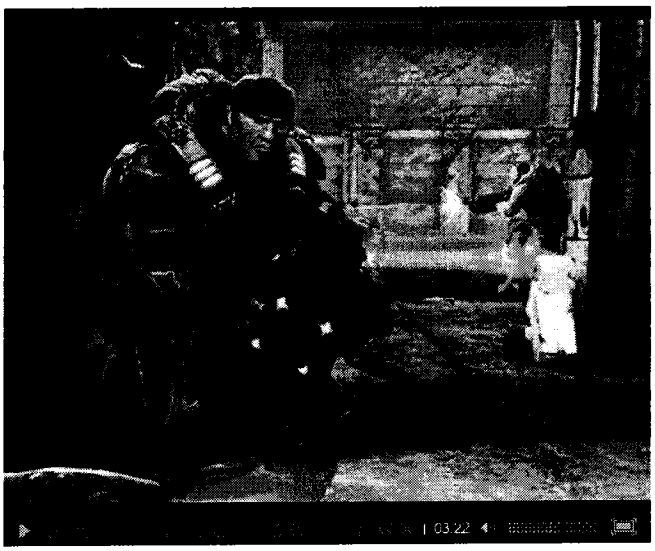
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Best of E3: Xbox 360

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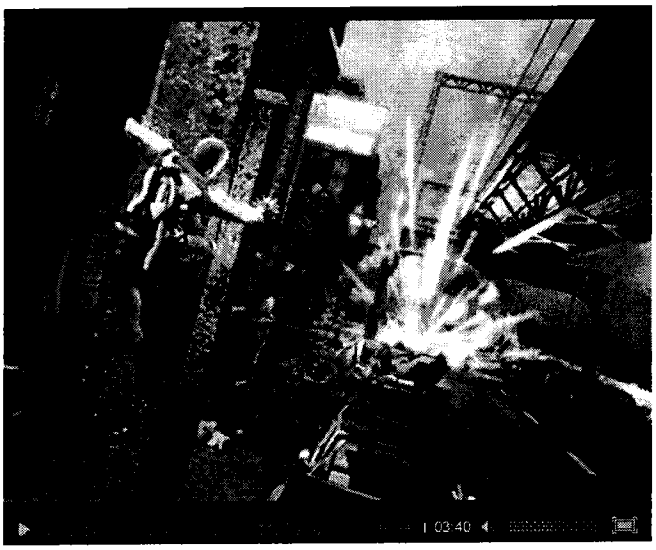


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Winner: *Gears of War 2* / Microsoft / Epic Games

- *Fable 2* / Microsoft / Lionhead Studios
- *Gears of War 2* / Microsoft / Epic Games
- *Halo Wars* / Microsoft / Ensemble Studios
- *Too Human* / Microsoft / Silicon Knights

Best of E3: PlayStation 3



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Winner: *Infamous* / SCEA / Sucker Punch

- *Infamous* / SCEA / Sucker Punch
- *Killzone 2* / SCEE / Guerilla Games
- *LittleBigPlanet* / SCEE / Media Molecule
- *Resistance 2* / SCEA / Insomniac Games

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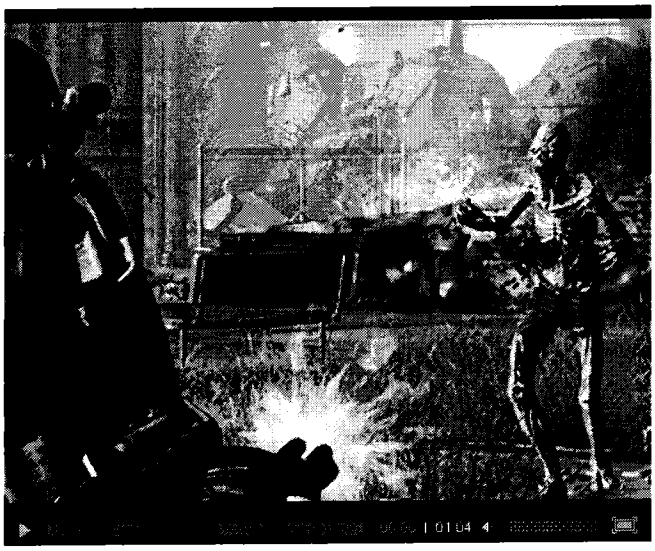


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Winner: ***Warhammer Online: Age of Reskoning*** / **Electronic Arts / Mythic Entertainment**

- *Dragon Age: Origins* / Electronic Arts / BioWare
- *Left 4 Dead* / EA / Valve / Turtle Rock Studios
- *Spore* / Electronic Arts / Maxis
- *Warhammer Online: Age of Reckoning* / Electronic Arts / Mythic Entertainment

Best of E3: Multiplatform



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Winner: ***Fallout 3*** / **Bethesda Softworks / Bethesda Game Studios**

- *Fallout 3* / Bethesda Softworks / Bethesda Game Studios
- *Far Cry 2* / Ubisoft / Ubisoft Montreal
- *Prince of Persia* / Ubisoft / Ubisoft Montreal
- *Star Wars: The Force Unleashed* / LucasArts

Best Of E3: Online Multiplayer

Winner: ***Left 4 Dead*** / **EA / Valve / Turtle Rock Studios**

- *Gears of War 2* / Microsoft / Epic Games
- *Left 4 Dead* / EA / Valve / Turtle Rock Studios
- *LittleBigPlanet* / SCEE / Media Molecule
- *Warhammer Online: Age of Reckoning* / Electronic Arts / Mythic Entertainment

Best of E3: Original Game

Winner: ***LittleBigPlanet*** / **SCEE / Media Molecule**

- *Deadly Creatures* / THQ / Rainbow Studios

- *Infamous* / SCEA / Sucker Punch
- *LittleBigPlanet* / SCEE / Media Molecule
- *Mirror's Edge* / Electronic Arts / EA Digital Illusions CE

Best of E3: Best Innovation

Winner: *NBA Live 09* / Electronic Arts

- *Dead Space* / Electronic Arts / EA Redwood Shores
- *LittleBigPlanet* / SCEE / Media Molecule
- *Mirror's Edge* / Electronic Arts / EA Digital Illusions CE
- *NBA Live 09* / Electronic Arts

Wii Considerations



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- *Deadly Creatures* / THQ / Rainbow Studios
- *Wii MotionPlus* / Nintendo
- *Mega Man 9* / Capcom

Best of E3: Game of Show



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Winner: *LittleBigPlanet* / SCEE / Media Molecule

- *Fallout 3* / Bethesda Softworks / Bethesda Game Studios
- *Gears of War 2* / Microsoft / Epic Games
- *LittleBigPlanet* / SCEE / Media Molecule

- *Mirror's Edge* / Electronic Arts / EA Digital Illusions CE
- *Resistance 2* / SCEA / Insomniac Games

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Comment(s)

CAMO_LIZARD - Friday, July 18, 2008 12:26 PM

id say that sony is better because iv been with sony since the original playstation and iv never been disapointed my fist game was jurassic park lost world and i think the reson that sony is so huge and has been around for quite a while and also that my online is free un less i buy packs or anyting from the store so i dont have to choose betwen my online gaming or buying the next best game on the shelf

BogusGnarly - Friday, July 18, 2008 12:27 PM

Why even mention things not even being released this year, let alone things still to be announced.

BogusGnarly - Friday, July 18, 2008 12:31 PM

Why even mention things not even being released this year, let alone things still to be announced.

blakseed - Friday, July 18, 2008 12:32 PM

I'm kinda sad that E3 is over, but G4 did a good job this year, like every year. Thanks for all the info.

Yodapollo - Friday, July 18, 2008 12:35 PM

@BogusGnarly

Which of these things are still to be announced?

blakseed - Friday, July 18, 2008 12:35 PM

And Little Big Plant must have impressed the hell out of G4.

BogusGnarly - Friday, July 18, 2008 12:37 PM

infamous

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blakseed - Friday, July 18, 2008 12:40 PM

And Halo Wars

unaturalx - Friday, July 18, 2008 12:42 PM

I agree with blackseed, I heard the event it self was not that exciting to go to, but G4 did a great job putting focus on the games themselves.

EXHIBIT E

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9.30.08

NBA LIVE 09 Producer Blog -- Sean O'Brien (NBA LIVE 365)

A lot of people have been asking us lately about competitors coming out with in-season updates to try and compete with **Dynamic DNA** and **NBA** LIVE 365. When we announced it at **E3** we knew it was such a groundbreaking idea that our competitors would try to come up with some kind of response or claim to have some kind of similar feature to this. But what we also knew is that given the amount of time left in the development cycle for this year, and the fact that we had an exclusive deal with Synergy Sports Technology, that there was no way they would be able to build anything close to this, and have it fully automated into the code in such a way that would allow for seamless, daily updates.

We were a little surprised when there was a BIG announcement from a competitor saying that they were going to have 'the human touch' - basically someone who will be updating the rosters, stats and ratings whenever it was felt it was meaningful to do so. There's just no way any one person, or even a team of people, could possibly keep up with the quality of data that Synergy are producing. It's one person with a pad and paper versus an entire team using the best technology ever created for this, no comparison. Needless to say, we were very confident that there was going to be nothing close to something that could compare in any meaningful way to **Dynamic DNA**.

For us to understand why the concept of **Dynamic DNA** is so powerful you have to go back to where the entire concept originated. I think it's a great example of the overlap between the worlds of sports and sports video games. Gone are the days of throwing some uniforms on some guys, putting a ball in play and AI that doesn't really care who passes the ball to who or who attempts to make plays at the basket. Our EA SPORTS games are so deep...from the nuts and bolts recreation of **NBA** arenas to the way a player sweats throughout the course of a game while he runs around in his special makeup Nike Hyperdunks to in this case, (and probably the coolest thing we've done to date) the tendencies that each player and team exhibits on the court every night. And at the end of the day we think the more realistic the game can be the more fun it will be for our fans.

I smile every time I think about how **NBA** LIVE 09 will change every day based on what's happening in the real **NBA** season. I mean, I'm going to be reading about something on espn.com or watching something on SportsCenter and then seeing that same thing in **NBA** LIVE and having the fun of actually play with teams and players that line up to what you see. Never have those mediums been more closely tied together and never has what happens during the real **NBA** season, or any professional sports season for that matter, had such an impact on what happens in a sports video game.

And not to mention, this has nothing to do with a designer or producer's subjective opinion as we've tried to do in years past with updating roster and ratings. The game is changing daily based on statistical information and tendencies being tracked and downloaded from Synergy Sports Technology. The same company that 23 **NBA** teams are using to scout their opponents and track their own progress throughout the season. Are you kidding me? The SAME information.

Oh ya...back to how this relationship began. Last summer, after the team finished 08, brainstorming began on what direction the 09 product should take. We were extremely focused on getting our basketball products as authentic as possible. I believe that we have an extremely savvy consumer that is craving depth with authenticity across the board. We have delivered that visually to a certain extent, but I (along with others) wanted gameplay to get to that next level as well.

I started speaking to a good friend of mine, Jay Triano, who is an assistant coach with the Toronto Raptors as well as the USAB Select team. I asked him to walk me through the process of how they prepare their players for games, what sort of things they focus on in scouting reports and how they obtain all of that information. Within those conversations he mentioned Synergy Sports Technology and went off on how great they were and the unbelievable depth that they are able to provide their clients. He said that they were the talk of the **NBA** and that I should speak with the Raptors video guy (who works with the coaches to put together scouting reports), Casey Whalen to learn more about them and get a contact at Synergy. After speaking with Casey, it quickly became apparent to me that we needed to work with these guys. This was starting to sound big.

I made initial contact with Andy Graham, Synergy's VP of Basketball, to discuss and learn more about Synergy. Andy is a great guy and an avid sports gamer so he got it right away. One of the first things that he said to me was that he had always felt that their data had an application with video games.

And so it began...we had numerous phone calls which lead to numerous brainstorming sessions with Andy, Garrick Barr (the founder and CEO of Synergy as well as a former assistant coach with the Phoenix Suns) and CTO, Nils Lahr (who is by the way...way too smart...) and the **NBA** LIVE design and production team.

These guys get it and it was (and will continue to be) a real pleasure working with them to figure out just what their company was all about, what sort of data they track and have, how they track it and compile it for their **NBA** clients and how we can get all of that fantastic data into **NBA** LIVE every single day throughout the **NBA** season and playoffs to provide our consumer with the most amazing basketball video game experience to date.

That experience is **Dynamic DNA** in **NBA** LIVE 09.

And you know what? This is currently a five year exclusive deal between **NBA** LIVE and Synergy Sports which means you can expect more **innovation** and gameplay that evolves daily throughout the **NBA** season mirroring what exactly what is actually happening for the next five years. So along with the rest of the GMs, coaches and scouts in the **NBA**, get used to Synergy Sports in your living room...only

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EA SPORTS...once again proving that if it's in the game, it's in the game.

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Dynamic DNA

NBA LIVE 09 has rewritten the rules and fundamentally shifted the way you look at sports simulation games. **Dynamic DNA** emulates - with absolute precision - an **NBA** player in every sense of the word.

NBA LIVE 365 takes the statistical data of **Dynamic DNA** and brings it to life. **NBA** LIVE 09 is now constantly evolving and authentically reflects what you see on the court in your virtual experience. Just like the real **NBA** game, players get injured, free agents sign late, great players go cold and no-names breakthrough. If you're a sports fan, this is a dream come true - **NBA** LIVE 09 is made fresh daily all season long.

• **Dynamic DNA** - The brain behind the game is powered by the premier analytics provider using **NBA** data for over 20 **NBA** teams, which evaluates Player **DNA** that breaks down how a player scores, Team **DNA** that rates how the players on the floor play as a unit and Tendencies that refer to the percentage a player drives left, right or shoots from each spot on the floor.

• Made Fresh Daily All Season Long - **NBA** LIVE 365 takes it to a whole new level of connectivity, providing you an unprecedented level of authenticity and realism. Now every game truly is different powered by **Dynamic DNA** data updating daily.

• **NBA** Rewind* - Think you can do it better? Rewrite history and replay last night's game with the updated statistical data that recreates identical conditions including injuries, hot/cold streaks, tendencies and player **DNA**.

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07-14-2008, 05:21 PM #1 (permalink)

Parasight
Pro

OVR: 11
Join Date: Aug 2006
Posts: 804

E3: NBA Live 09 - Dynamic DNA & NBA 365

http://ps3.ign.com/articles/889/889003p1.html

These are HUGE new features IMO. They put a big amount of pressure on 2K. Real-time updates on rosters, injuries, line-ups, statistics, AI, etc.

Quote

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07-14-2008, 05:25 PM #2 (permalink)

Supersonic_BR
Rookie

OVR: 4
Join Date: Apr 2007
Posts: 270

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I'm really looking foward to playing live 09.This seems VERY promissing.

Quote

07-14-2008, 05:36 PM #3 (permalink)

rockchisler
Come on Ms Hill



OVR: 35
Join Date: Oct 2002
Location: Rochester Hills , MI
Posts: 5,402

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

WoW.....

www.myspace.com/those70sguys

Follow me on www.Twitter/Rockchisler

Just type [SPOILER] and [/ SPOILER], without any spaces.

ROOKIE KILLER

Quote

07-14-2008, 05:43 PM #4 (permalink)

bateman11
MVP

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

That sounds crazy, but I am going to have to read that article 5 more times so I can understand it, lol.

But, for someone like me, I dont have PSN. So these features won't do one thing for



OVR: 14
Join Date: Jul 2004
Posts: 1,361

me.

PSN: rose2kobe24

Quote

07-14-2008, 05:46 PM #5 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Wow this is big I was just expecting the game to just update the players ratings but this even bigger than that. I hope something like this implemented in 2K9 because this seems like its going to be a great feature for sports games.

Quote

07-14-2008, 05:48 PM #6 (permalink)

blingballa333
Pro

OVR: 10
Join Date: Sep 2004
Location: Stayton, OR
Posts: 689

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Sounds cool, actually it sounds great. But enough with these new features, show us some GAMEPLAY!!!!!

Gamertag: RipCity71252

~Steelers Scoreba rd~
Steelers: 14 Bears: 17 F
Record: (1-1)

Proud to be a Blazer Fan

Great Northwest Baby!

Quote

07-14-2008, 05:58 PM #7 (permalink)

Stumbleweed
High Ya'll



OVR: 38
Join Date: Oct 2006
Location: Denver
Posts: 5,025

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Ahhhh, Synergy Sports. I was wondering where they were gonna get all of this meaningful data. It'll be insanely accurate if Synergy is involved. If you guys aren't aware, Synergy Sports is a buy-in database that teams, coaches, press, etc. pay for and it has every single play from every game of the season saved in video format and searchable. So if you wanted to see how Melo functions when on the left block shooting fadeaway jumpers, you can get video of all the times that happened during the season... pretty incredible.

Anyway, now that I know they're behind this, it makes it even more interesting simply because they track SO much data. If even half of it gets implemented into the game, this will be an amazing feature. I'm really impressed by EA's efforts so far this year -- now if the game plays well, then we'll really be in business.

Quote

07-14-2008, 06:33 PM #8 (permalink)

ezekiel55

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This Face Cashes Checks



OVR: 27
Join Date: Nov 2003
Location: Chi-Town
Posts: 2,186

This innovation needs to be in every sports game made from here on out...

Quote

07-14-2008, 06:54 PM #9 (permalink)

Parasight
Pro



OVR: 11
Join Date: Aug 2006
Posts: 804

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

They just showcased the game in EA's Press Conference @ E3.

It looks good. The up-and-under that KG executed looked smooth. I'm actually excited about this game. Let's see what 2K has up their sleeve. It's tough to top a game that updates DAILY!

Quote

07-14-2008, 06:59 PM #10 (permalink)

jewelz1132
MVP



OVR: 12
Join Date: Jun 2003
Posts: 1,169

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

man the stream I was looking at well not looking at was horrible..pink squares all over the screen..only thing I saw was the celtics court..it was like watching scrambled porn and you manage to get the screen clear for 2 quick seconds

07-14-2008, 07:00 PM #11 (permalink)

thmst30
My Sports Life

OVR: 29
Join Date: Mar 2005
Location: Beautiful Mountains of North Carolina
Posts: 3,740

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Its big, IF it works, and IF the gameplay is actually improved. If the game still plays like **** then these features are useless.

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07-14-2008, 07:03 PM #12 (permalink)

edubbs
MVP

OVR: 14
Join Date: Aug 2002
Posts: 1,931

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Let's see some 5 on 5 vids.

EA with these great sounding features as usual.

All I want to see is, if the AI is any good AND does the animations look closer to human beings playing instead of robots like previous years.

I know they have to promote/hype the game but, I'm anxious to see the AI in action. An improved feature list means nothing until I see improvements from the core game.

I also do not want injuries IRL to dictate what injuries will happen while playing my season. I'm glad you will have the option to disregard certain updates during the season.

I like the frequent roster updates though, and it 'sounds' like you will be able to mirror all of the team's depth charts throughout the season. Which is HUGE IMO.

I REALLY like the possibility of having current depth charts all season long.

07-14-2008, 07:08 PM #13 (permalink)

Jai-O
Pro

OVR: 13
Join Date: Jul 2007
Posts: 902

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Being able to have all those updates quickly (daily even) gives EA a huge advantage with their rosters. 2K has been notoriously slow with roster updates, so this is a huge feature for Live.

What is also nice is that the injuries/lineups/trades will get done quickly. I know there are a few people who play sports games and want to mirror the real life sport as accurately as possible (for example, starting the 2007 NBA season in a game with Oden injured for the year). This feature makes everything more realistic in that sense.

However, if the gameplay still sucks, it doesn't matter if you know what lineup the Nets

were using yesterday.

I know 2K uses STATS (http://www.stats.com) for their updates, never heard of synergy before.

Quote

07-14-2008, 07:10 PM #14 (permalink)

rockchisler
Come on Ms Hill



OVR: 35
Join Date: Oct 2002
Location: Rochester Hills , MI
Posts: 5,402

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **jewelz1132**
> *man the stream I was looking at well not looking at was horrible..pink squares all over the screen..only thing I saw was the celtics court..it was like watching scrambled porn and you manage to get the screen clear for 2 quick seconds*

I had the same problem my man, after refreshing about 9 million times I got to see a choppy version of Live 09 it looked sweet tho and I like the idea of 365 and DNA.

www.myspace.com/those70sguys

Follow me on www.Twitter/Rockchisler

Just type [SPOILER] and [/ SPOILER], without any spaces.

ROOKIE KILLER

Quote

07-14-2008, 07:38 PM #15 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I told the dev. team over and over: This was revolutionize sports gaming IF it works as advertised. The execution is the biggest thing I think we're all worried about.

Either way... this will be HUGE. The potential is off the charts.

[OS Vets NBA 2k7 Champion]

> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 07:48 PM #16 (permalink)

J_Posse512
Rookie



OVR: 9
Join Date: Jun 2005
Location: MD
Posts: 361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

If they can have 100% accurate rosters daily, up-to-date player tendencies and ratings with improved gameplay then 2K/VC may finally have some competition, again. I'll definitely give it a rental, probably during the regular season, but VC better have something huge up their sleeve.

San Antonio Spurs 4-Time ('99, '03, '05, '07) NBA Champions

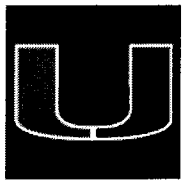
Official OS Bills Backers Club Member

Quote

07-14-2008, 08:06 PM #17 (permalink)

warnerwlf98
MVP

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365



OVR: 11
Join Date: Sep 2003
Location: Northern AZ
Posts: 1,779

Here's a vid showcasing the new features:

http://ps3.ign.com/dor/objects/14241...AL_071408.html

There's some more gameplay in the video as well. This takes drive/short/mid/long range tendencies to the Nth degree. I just wonder when it's combined with the actual gameplay if it'll work.

"A man doesn't know the size of the shadow he casts until he stands up."

- Gil Favor

Quote

07-14-2008, 08:13 PM #18 (permalink)

ethanlee29
Rookie

OVR: 2
Join Date: Jul 2005
Posts: 47

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

^wow that dunk by dirk looks LIGHTYEARS ahead of 08's dunk animations

Quote

07-14-2008, 08:20 PM #19 (permalink)

Jai-O
Pro

OVR: 13
Join Date: Jul 2007
Posts: 902

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **ethanlee29**

^wow that dunk by dirk looks LIGHTYEARS ahead of 08's dunk animations

Player movement looks so much better right now. I'm talking about the Shaq dunk/Dirk Dunk, and one of Kobe's jumpers.

Quote

07-14-2008, 08:35 PM #20 (permalink)

edubbs
MVP

OVR: 14
Join Date: Aug 2002
Posts: 1,931

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Yeah the dunks do not look as bad as 08. However, I see waaaay too many left handed dunks in those vids. The 2k series has the same problem.

07-14-2008, 08:37 PM #21 (permalink)

goldisheavy
Rookie

OVR: 1
Join Date: Oct 2003
Posts: 78

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

seems like three steps forward and one step back. at the end of the day, its two steps in the right direction.

"Allen, did fatigue play a part in your loss tonight (in reference to the Sixers going down 3-1 to the Lakers)?"
The Answer: "Thats army clothes"

Quote

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07-14-2008, 08:40 PM #22 (permalink)

BiggD
MVP

OVR: 14
Join Date: Sep 2003
Posts: 1,364

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

DAMMMMMMMM.....thats hot!!

can someone let me know whats with all the lines on the court?? (i've got no audio atm)

Randolph,Morrow,Curry = Run RMC

the new era in GSW BASKETBALL

Quote

07-14-2008, 08:44 PM #23 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Based off that video, I think Live will be better than 2k9.

Quote

07-14-2008, 08:47 PM #24 (permalink)

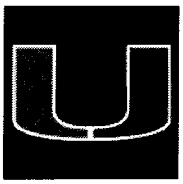
warnerwlf98
MVP

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **BiggD**

DAMMMMMMMM.....thats hot!!

can someone let me know whats with all the lines on the court?? (i've



OVR: 11
Join Date: Sep 2003
Location: Northern AZ
Posts: 1,779

got no audio atm)

It's the hot/cold shooting regions from last year's Live. Last year, you pressed a button to display a multi-color version - now it's just an transparent overlay and not so busy.

"A man doesn't know the size of the shadow he casts until he stands up."

- Gil Favor

Quote

07-14-2008, 08:47 PM #25 (permalink)

Jai-O
Pro

OVR: 13
Join Date: Jul 2007
Posts: 902

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **BiggD**
DAMMMMMMMM.....thats hot!!

can someone let me know whats with all the lines on the court?? (i've got no audio atm)

Player hotspots. Each coloured section is a spot on the floor. Think you can figure out the rest

Quote

07-14-2008, 08:48 PM #26 (permalink)

rockchisler
Come on Ms Hill



OVR: 35
Join Date: Oct 2002
Location: Rochester Hills , MI
Posts: 5,402

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

off subject, but in the video did anybody peep the crowd? looks like everyone is a individual, 1 person might stand up but others sit down, kinda sweet...

www.myspace.com/those70sguys

Follow me on www.Twitter/Rockchisler

Just type [SPOILER] and [/ SPOILER], without any spaces.

ROOKIE KILLER

Last edited by rockchisler; 07-14-2008 at 08:52 PM.

Quote

07-14-2008, 08:49 PM #27 (permalink)

jnb5001
Rookie

OVR: 2
Join Date: Sep 2006
Posts: 61

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This game may take the biggest leap forward of any sports game this year. This looks like a totally new game almost "dare i say" 2kish. Picking up Mike Wang is paying off, cant wait till October.

Quote

07-14-2008, 08:50 PM #28 (permalink)

Jai-O
Pro

OVR: 13
Join Date: Jul 2007
Posts: 902

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **EWRMETS**
Based off that video, I think Live will be better than 2k9.

Can't count 2K out yet. Still have to see what they will offer this year.

Quote

07-14-2008, 08:55 PM #29 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **EWRMETS**
> *Based off that video, I think Live will be better than 2k9.*

Without seeing what 2k9 has to offer?

Compared to Live 08 I can understand... but to compare it to a game we have absolutely no information on....?

[OS Vets NBA 2k7 Champion]

> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 08:57 PM #30 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Jai-O**
> *Can't count 2K out yet. Still have to see what they will offer this year.*

> Quote: Originally Posted by **Pared**
> *Without seeing what 2k9 has to offer?*
>
> *Compared to Live 08 I can understand... but to compare it to a game we have absolutely no information on....?*

Yeah but 2k's biggest flaws are that the pick and roll game is terrible and it's unnatural to drive and dish. Penetration is more realistic in Live and they look to have addressed the Pick and Roll game. I imagine that 2k will be more polished since they've gotten the game right over the past few years. 2k has a great ability to get realistic stats with 12 minute quarters but like most 2k games, the game is way too stiff.

07-14-2008, 09:01 PM #31 (permalink)

bateman11
MVP

OVR: 14
Join Date: Jul 2004
Posts: 1,361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Wow, just saw the vid, I am amazed at how sweet the crossovers look. SOOO fluid. I cant wait.

PSN: rose2kobe24

Quote

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07-14-2008, 09:07 PM #32 (permalink)

aholbert32
Ron Ron = Back 2 Back



OVR: 36
Join Date: Jul 2002
Posts: 11,479

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Pared**
> *Without seeing what 2k9 has to offer?*
>
> *Compared to Live 08 I can understand... but to compare it to a game we have absolutely no information on....?*

LOL. You gotta love OS. The 30 seconds of gameplay I saw looked good but its was only....30 seconds. I'm not about to say the game is good or better than 2k.

Dynamic DNA is a great idea but I hope its implemented well. EA struggles implementing new features the first year.

Quote

07-14-2008, 09:12 PM #33 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **aholbert32**
> *LOL. You gotta love OS. The 30 seconds of gameplay I saw looked good but its was only....30 seconds. I'm not about to say the game is good or better than 2k.*
>
> *Dynamic DNA is a great idea but I hope its implemented well. EA struggles implementing new features the first year.*

Maybe I should have said I'm looking more forward to Live. Dynamic DNA is an incredibly revolutionary feature.

Quote

07-14-2008, 09:14 PM #34 (permalink)

Ruff Ryder

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Howdy Neighbor.



OVR: 23
Join Date: Sep 2003
Location: Somewhere between the real and the fakeness, the red pill, blue pill, real and the matrix (VA)
Posts: 2,823

Man this sounds real interesting. I could see it becoming a standard for sports games in the future.

And the gameplay clips looked real good. Kobe's shot looked beautiful, all the way down to the flick of his wrist.

[NYK|DAL|VT]
All the bullsh in the game, only thing they wanna kill is f***in' autotune**
But before you gun it down
Know they only say hip hop is dead
Because the dope ish is underground!
Joe Budden
Twitter | Last.fm

Quote: Originally Posted by **DCAllAmerican**

How many brothers fell victim to the skeet.....

Quote

07-14-2008, 09:17 PM #35 (permalink)

Supersonic_BR
Rookie

OVR: 4
Join Date: Apr 2007
Posts: 270

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Here is the producer blog explaining with more details about the features in LIVE 365.

http://www.easports.com/nbalive09/ne...sId=pblog71108

Quote

07-14-2008, 09:18 PM #36 (permalink)

ThreeKing
Banned

OVR: 27
Join Date: Aug 2007
Location: Chicago, IL.
Posts: 2,768

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This game looks a ton better than previous versions.

But the ball and rim physics still look the same to me. It seems like the ball slows down a little at the last second before going in.

The one thing 2K has is sweet ball and rim physics. I'll wait for more videos as it is still early. But Live is looking really better this year. A lot smoother for sure.

Quote

07-14-2008, 09:19 PM #37 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **aholbert32**

LOL. You gotta love OS. The 30 seconds of gameplay I saw looked good but its was only....30 seconds. I'm not about to say the game is good or better than 2k.

Dynamic DNA is a great idea but I hope its implemented well. EA struggles implementing new features the first year.

Well guys have their preference and that's fine. I just think it's a bit much to proclaim a "better" game at this point.

For anyone that saw the video, you can see the improved score ticker I was referring to. It looks even better with items appearing next to it!

[OS Vets NBA 2k7 Champion]

Quote:

"Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 09:20 PM #38 (permalink)

23
23



OVR: 67
Join Date: Sep 2002
Location: Los Angeles
Posts: 29,397

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I REEEEEEEEALLLY wish they would fix those lower bodies. It makes their player models look like trash, especially how their legs from the waist down looks like they have down syndrome.

Other than that, the animations looked more fluid. Looks like they added that every player is ambidextrous(sp?) dunk with whichever hand is closest to the basket, which i hate.

Overall the clip looked good, more fluid than before, and as i said, i will wait to see how this feature turns out.

Quote

07-14-2008, 09:22 PM #39 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **ThreeKing**
> *This game looks a ton better than previous versions.*
>
> *But the ball and rim physics still look the same to me. It seems like the ball slows down a little at the last second before going in.*
>
> *The one thing 2K has is sweet ball and rim physics. I'll wait for more videos as it is still early. But Live is looking really better this year. A lot smoother for sure.*

Yeah, remember this most likely isn't a final build but that is pretty close to what I saw during my time at EA. Not very impressive and I'm still holding out hope that they are improved.

You can hear the improved crowd reactions slightly. They really shine in close games.

[OS Vets NBA 2k7 Champion]

> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 09:28 PM #40 (permalink)

DW3
Pro



OVR: 19
Join Date: Oct 2005
Location: Houston, Tx
Posts: 568

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

OMG!!!! That video is sick. Finally their players animate like humans!

Formally known as lilyo06

Michael Jordan is the G.O.A.T. and Dwade is his son!

October 6 cant come fast enough!! Cant wait to play NBA Live 10!!!

Great job Live Dev Team. You guys as a whole have just revived

07-14-2008, 09:31 PM #41 (permalink)

DueceDiggla
All Star

OVR: 23
Join Date: Aug 2002
Posts: 9,132

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

The few seconds of gameplay footage looked pretty impressive to me.

Is the DNA feature only for PS3?

Quote

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07-14-2008, 09:33 PM #42 (permalink)

shifty
Rookie

OVR: 3
Join Date: May 2007
Posts: 52

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

looks very nice, ill prob be getting both, no point in dissing ea or 2k. at the end of the day, its good for us if they step up their game.

Quote

07-14-2008, 09:36 PM #43 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

No Duece its also for 360 too.

Quote

07-14-2008, 09:36 PM #44 (permalink)

goldisheavy
Rookie

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **DueceDiggla**
> *Is the DNA feature only for PS3?*

no

"Allen, did fatigue play a part in your loss tonight (in reference to the Sixers going down 3-1 to the Lakers)?"
The Answer: "Thats army clothes"

OVR: 1
Join Date: Oct 2003
Posts: 78

07-14-2008, 09:54 PM #45 (permalink)

DueceDiggla
All Star

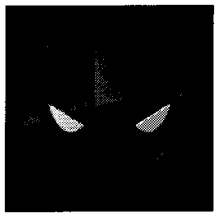
OVR: 23
Join Date: Aug 2002
Posts: 9,132

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Nice, I will most likely pick it up then. I just don't like the fact that if a guy gets hurt in real life, he gets hurt in my season. Doesn't seem right. And if thats the case, does that mean there will be no in game injuries?

07-14-2008, 09:56 PM #46 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **DueceDiggla**
> *Nice, I will most likely pick it up then. I just don't like the fact that if a guy gets hurt in real life, he gets hurt in my season. Doesn't seem right. And if thats the case, does that mean there will be no in game injuries?*

That's not what will happen. Your season is going to be specifically closed from this feature. When you start your dynasty, whatevery happens in the real NBA will not effect your dynasty.

[OS Vets NBA 2k7 Champion]

> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

07-14-2008, 10:01 PM #47 (permalink)

RubenDouglas
Robert Swift's Mentor



OVR: 26
Join Date: May 2003
Posts: 14,474

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

as always i OVER think things.

can someone break this down for me?

let me get this straight, you can sync this up for **EXHIBITION games** to have truely up to date ratings and lineups etc whether its 10 games into the real season, or in march of 2009 when you still want to play exhibition... correct?

then theres a DYNASTY mode dynamic which uses real dynasty games either simulated or played and updates the stats and ratings that way, correct? similiar to whats already happening in the 2k series for years now.

what aspect am i missing? these updated 365 things cant apply to dynasty, right, unless you play go through one game a day, in real time following along with the real nba, right?

honestly, it just doesnt seem like THAT big of a deal. great addition non the less, but is this the one great big feature they were holding out on giving us info about?

inside drive 2000 had a calendar feature where you could PLAY real games on that specified day... this seems to be taking one step further with the updated DAILY rosters and ratings

07-14-2008, 10:07 PM #48 (permalink)

jfsolo
Dragon Age: Origins- 11/3



OVR: 18
Join Date: May 2003
Location: Santa Clarita, CA
Posts: 4,020

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

As a Franchise only player I'm somewhat conflicted about the various features. I wouldn't mind the updating of DNA tendencies, DNA ratings, and Team DNA for my Franchise, but I don't want real life injuries, trades, or streaks to affect my Franchise.

I like that the blog says that you can edit Players DNA/tendencies at any time.

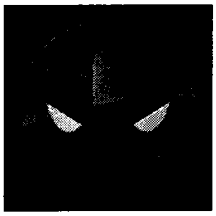
"There seems to be this weird idea that single-player games can get shorter. They can get more expensive and shorter. I don't understand that approach. It's not our approach."

Dan Houser- VP of creativity for Rockstar Games

Quote

07-14-2008, 10:09 PM #49 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **RubenDouglas**
> *as always i OVER think things.*
>
> *can someone break this down for me?*
>
> *let me get this straight, you can sync this up for **EXHIBITION games** to have truely up to date ratings and lineups etc whether its 10 games into the real season, or in march of 2009 when you still want to play exhibition... correct?*
>
> *then theres a DYNASTY mode dynamic which uses real dynasty games either simulated or played and updates the stats and ratings that way, correct? similiar to whats already happening in the 2k series for years now.*
>
> *what aspect am i missing? these updated 365 things cant apply to dynasty, right, unless you play go through one game a day, in real time following along with the real nba, right?*
>
> *honestly, it just doesnt seem like THAT big of a deal. great addition non the less, but is this the one great big feature they were holding out on giving us info about?*
>
> *inside drive 2000 had a calendar feature where you could PLAY real games on that specified day... this seems to be taking one step further with the updated DAILY rosters and ratings*

Much of the impact this will have will be focused in Exhibition play. Again, your dynasty will be closed to any updates that happen.

It actually IS a big deal, as this will be the first sports game to be updated daily... and that includes team lineups and tendencies. Unprecedented in any sports game.

The execution is where I can see some being wary... but the concept is something I've wanted in sports games forever.

Remember, this is a DB with all this information and it will culminate over time. As more games are played, your players should play more like their real counterparts.

A nice feature is you can always just play with the stuff that ships on the disc, which is all this information based on last season. So if you don't like the fact LeBron is passing too often because that is what he is doing next year, just use the stuff from the '07 season.

Lots of flexibility.

[OS Vets NBA 2k7 Champion]

> Quote:
>
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the

consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 10:15 PM #50 (permalink)

videobastard
MVP



OVR: 12
Join Date: Aug 2004
Posts: 2,025

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

They are finally getting some decent lookin animations in this series. It should not have taken this long though. Im lookin forward to more gameplay videos and of course a demo to play. We might actually have 3 solid basketball games this year.

07-14-2008, 10:19 PM #51 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Jano**
> *I thought dynasty mode was just going to use the rosters you began it with and then all the updates through live 365 wouldn't be used anymore.*

Winner winner chicken dinner...

[OS Vets NBA 2k7 Champion]

> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 10:21 PM #52 (permalink)

SageInfinite
OS Vet.....



OVR: 41
Join Date: Jul 2002
Location: NJ
Posts: 7,523

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I can't believe I'm saying this but Live looks good. I now know Pared is the truth without a doubt. This could also help teams play more like their real life counterparts now . I'm officially interested now. I'll keep my eye on live.

Player movement and court atmosphere definitely looks improved. The benches still look a little barren, but the baselines look good. If like could get the atmosphere down visually I really wouldn't have any complaints graphically speaking.

http://www.myspace.com/sagetheinfinite
http://www.myspace.com/phillthegenesis
http://www.sageinfinite.com
"I never brag, how real I keep it, cuz it's the best secret"
Nas

"They wonder why they can't touch it/cuz my **** stay over they heads, like carry on luggage"
Lupe Fiasco

KB24

Quote

07-14-2008, 10:23 PM #53 (permalink)

RubenDouglas
Robert Swift's Mentor



OVR: 26
Join Date: May 2003
Posts: 14,474

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

thanks guys. makes sense. this is dealing with strictly exhibition and possibly, online play ,right?

seeing as how I love to play real life matchups, this is really good news. as you were saying pared, its about the execution.

i can already see myself trying to replicate playing the knicks who had just lost by 50, trying to see if that will come true again. that whole nba rewind feature has me thinking extra hard at all of these potential scenarios that I might want to try to replicate. What if the suns get 50 fastbreak points one night in real life, and have 23 threes. when I play them on that rewind might, will a screen popup showing me what to focus on? are those 23 threes, GURANTEED?

that whole replaying the past has me questioning many aspects already. over analysis mode i tell you.

but for current DECEMBER 25th exhibition mode matchups where you want to play it out before it happens, would be fun.

or even doing a blind test with nba rewind on a random past game. after you play it, check the real stats to see just how close the guys were playing. the rewind mode would almost seem like if a team won in real life, how are the ratings affected? does that gurantee a win for them in their game logic, or catch up? does that team HAVE to attempt 20 threes since it happened in real life?

i can already see myself playing a rewind game where a team hit 15 of 20 threes. the difference will be in MY defense obviously, of the team that let them hit 15 threes in real life. I wont let that happen. Will the CPU force those threes up to get that quota regardless of the tougher D? will the CPU become invincable to meet that 3PM quota? rewind mode almost has you second guessing why even play the knicks when they lost by 48 to boston.. every players rating will be in the 20s lol. i guess we'll see how it turns out to be

fun and innovative. id love to see how that translates in dynasty mode. id go into test mode right away. id play 10-15 games against the suns, letting amare hit open JUMP shots. Then let it be seen if in a few games he does the same? does it become predictable.

I can now see how its a big feature, but its a big feat to get done properly.

Last edited by RubenDouglas; 07-14-2008 at 10:28 PM.

Quote

07-14-2008, 10:27 PM #54 (permalink)

stizz
Pro

OVR: 14
Join Date: Sep 2006
Location: New Zealand
Posts: 873

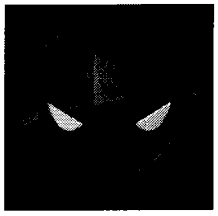
Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

There's some new images posted at IGN.

Quote

07-14-2008, 10:33 PM #55 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **SageInfinite**

I can't believe I'm saying this but Live looks good. I now know Pared is the truth without a doubt. This could also help teams play more like their real life counterparts now . I'm officially interested now. I'll keep my eye on live.

Player movement and court atmosphere definitely looks improved. The benches still look a little barren, but the baselines look good. If like could get the atmosphere down visually I really wouldn't have any complaints graphically speaking.

lol Hey I didn't work on the game; Just game my take on it. Lots of improvement from their camp and I'm certainly intrigued with how all this will work.

RD, you got it now. Lots of potential from this feature. As since it's player data, it can only get better as time goes on.

[OS Vets NBA 2k7 Champion]

Quote:

"Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 10:36 PM #56 (permalink)

jfsolo
Dragon Age: Origins- 11/3

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

If your Franchise isn't going to be updated, then it would seem like a good time to start your Franchise is about 3 or 4 weeks into the season. That way you can get all the updated



OVR: 18
Join Date: May 2003
Location: Santa Clarita, CA
Posts: 4,020

players, player ratings, players tendencies, and team tendencies thus creating a realistic jumping off point for your Franchise.

"There seems to be this weird idea that single-player games can get shorter. They can get more expensive and shorter. I don't understand that approach. It's not our approach."

Dan Houser- VP of creativity for Rockstar Games

Quote

07-14-2008, 10:40 PM #57 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I think another underrated feature of Dynamic DNA is that they actually will have tendencies of the moves players make based on where they are on the floor and will have dynamic playcalling. Unlike 2k8's playcalling which was based on positions, Live's playcalling is based on the player. So if I go big with the Nets and play Carter at PG, Douglas Roberts at SG, Ryan Anderson at SF, Yi at PF, and Lopez at C, the game will still focus on running plays for Carter. I wonder if the team DNA and updated rosters will also apply to rotations. Pared, did you get any insight into substitutions in Live?

Quote

07-14-2008, 10:47 PM #58 (permalink)

mrnoobie
MVP

OVR: 17
Join Date: Feb 2003
Posts: 3,550

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

up to date rosters? its already surpassed 2k lol

Quote

07-14-2008, 10:57 PM #59 (permalink)

jtdribbles25
Pro

OVR: 10
Join Date: Aug 2003
Location: los angeles
Posts: 941

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I like the fact that the dna should be able to update all the rookies and their stats as the year plays on instead of everyone having to moan about the ratings of "said player" who really is or isnt so good. Not to mention those 6 man candidates we didn't know about or some guy who's leading the league in 3's from out of the blue.

Quote

07-14-2008, 11:00 PM #60 (permalink)

slvicick
Rookie

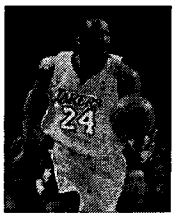
OVR: 5
Join Date: Aug 2003
Posts: 289

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

So could I start a dynasty 3 months into the season with up to date rosters, injuries, tendencies and everything?

07-14-2008, 11:10 PM #61 (permalink)

SageInfinite
OS Vet.....



OVR: 41
Join Date: Jul 2002
Location: NJ
Posts: 7,523

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Pared**
> *lol Hey I didn't work on the game; Just game my take on it.*

Yea but it proves you know what your talking about

---

http://www.myspace.com/sagetheinfinite
http://www.myspace.com/phillthegenesis
http://www.sageinfinite.com
"I never brag, how real I keep it, cuz it's the best secret"
Nas

"They wonder why they can't touch it/cuz my **** stay over they heads, like carry on luggage"
Lupe Fiasco

KB24

Quote

07-14-2008, 11:10 PM #62 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **slvicick**
> *So could I start a dynasty 3 months into the season with up to date rosters, injuries, tendencies and everything?*

Yeah.

Quote

07-14-2008, 11:18 PM #63 (permalink)

Moshood
Rookie

OVR: 6
Join Date: Jul 2007
Posts: 262

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I'm impressed.

Quote

07-14-2008, 11:19 PM #64 (permalink)

Klocker
MVP

OVR: 15
Join Date: Jul 2003
Location: Gilbert, AZ
Posts: 2,119

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote:
> NBA LIVE REWIND
>
> This is a feature we're calling NBA LIVE Rewind. By pressing the NBA LIVE Rewind button from this screen, I can go back into time and play a game based on the DNA, Tendency, and streak data for each player and each team that was relevant for that particular game. So as an example, I can go back and play a game between the Boston Celtics and LA Lakers from November of last year, before Pau was traded to the Lakers, and the way the Lakers and Celtics players played that game is the data that the game will be played with. It will also be played with the rosters that were played with during that game as well. And you will be able to access the Box Score for each NBA LIVE Rewind game to see how each player performed and what the score for the game was to determine whether or not you want to go and play that game again.

pretty cool too

Quote

07-14-2008, 11:22 PM #65 (permalink)

slvicick
Rookie

OVR: 5
Join Date: Aug 2003
Posts: 289

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote:
> Dynamic DNA - The brain behind the game is powered by the premier analytics provider using NBA data for over 20 NBA teams

I wonder why they say over 20 teams and not every team..

Quote

07-14-2008, 11:27 PM #66 (permalink)

bigeastbumrush



OVR: 35
Join Date: Feb 2003
Location: Queens
Posts: 8,181

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

In one word: Filthy

Quote

07-14-2008, 11:30 PM #67 (permalink)

Mintsa
MVP



OVR: 15
Join Date: Aug 2002
Posts: 2,146

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This is going to change online play not only for live but sports gaming as a whole when this feature is added to madden, NHL etc.

Good stuff.

Quote

07-14-2008, 11:37 PM #68 (permalink)

BiggD
MVP



OVR: 14
Join Date: Sep 2003
Posts: 1,364

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

E.A sports.... "it's in the game(finally)"

Randolph,Morrow,Curry = Run RMC

the new era in GSW BASKETBALL

Quote

07-14-2008, 11:45 PM #69 (permalink)

slpnsld23
Rookie



OVR: 4
Join Date: Aug 2005

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Uh-oh OS, this could wipe out 1,000 more posts in a month complaining about roster issues!

MLB - Detroit Tigers
NFL - Detroit Lions
NHL - Detroit Red Wings
NBA - Detroit Pistons
NCAAF - Michigan Wolverines
NCAAB - Kentucky Wildcats

Location: Michigan
Posts: 382

Quote

07-14-2008, 11:48 PM #70 (permalink)

RubenDouglas
Robert Swift's Mentor



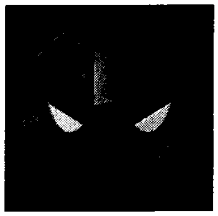
OVR: 26
Join Date: May 2003
Posts: 14,474

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

or increase it. the criticalness of us fans may skyrocket as they have to continually upgrade stuff. there job has gotten 100 times harder, unless they havea a computer handling it all, which without a human element could t

07-15-2008, 12:26 AM #71 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **slvicick**
> *So could I start a dynasty 3 months into the season with up to date rosters, injuries, tendencies and everything?*

That is correct, sir.

[OS Vets NBA 2k7 Champion]

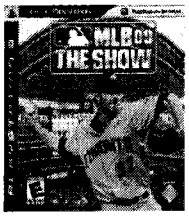
> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-15-2008, 12:35 AM #72 (permalink)

Peter_OS
All Star



OVR: 20
Join Date: Jul 2002
Location: Toronto, Canada
Posts: 8,489

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

k can someone please explain to me how this is going to be incorporated into franchise mode? Like someone said, I'm not huge on the multiplayer, and more into the single player experience. How is this "up to date" DNA going to help the gameplay in Franchise mode?

Quote

07-15-2008, 12:39 AM #73 (permalink)

donkey33
Pro



OVR: 5
Join Date: Aug 2002
Location: Melbourne, Australia
Posts: 501

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

The above is spot on.

Does this actually have any impact on Franchise mode? I'm not big on exhibition games or online and play Franchise mode.

If players are traded there, will each teams playbooks actually change? Will tendencies actually change?

A great addition for roster and tendency updates but would really only help me when I start a Franchise because that's the info that the game would take into it.

Quote

07-15-2008, 12:45 AM #74 (permalink)

Jano
Mr. Solo Dolo



Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

It won't affect dynasty mode except for the initial rosters you start it with. So if you start a dynasty mode three months into the actual NBA season it will only use the roster that you started it with, and from then on it won't use the Live 365 feature.

OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Quote

07-15-2008, 12:59 AM #75 (permalink)

blingballa333
Pro



OVR: 10
Join Date: Sep 2004
Location: Stayton, OR
Posts: 689

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

The only thing i'm really excited for are the constant updated rosters and how the dna will affect the AI'S play style.But the thought of having to stop, click the left stick to see wether your selected player is more comfortable going left or right, which in the game doesn't make the shot easier to make according to one of the nba live designers, seems terribly useless seeing that I would like to focus more on seeing the open man rather than deciding which way to go.
Going left with paul pierce should be natural, not just because he does it in real life or wether the info tells you too, it was also stated that if you go left with ray allen for example and that if you miss the shot or layup it will tell you in the ticker below that you shouldn't do that anymore because"allen doesn't do that in real life". IMO I think the dna will be overshadowed and unused while playing but will hopefully help the computer teams play more like themselves.
Another part of this "ground breaking" feature that I am seriously iffy about is the hot/cold streaks. It was stated that if say Rondo was averaging 20 points for his last few games in real life, he will magically play better in the game. And if brandon roy had 6 and 7 points in his last two games, he will play worse in the game. This sounds sort of corny and will sort of make the videogame a stress to play and will make if feel as if it's not even a videogame anymore. And another thing that was also stated was that if a player get's injured in real life,he will be injured in the game, i really dont want him injured in my videogame honestly. I know you can go back and load a previous roster to play without him being injured, but it really seems like it would be a hassle.
With all that being said these new features may sound great and exciting now, but later might end up being downright stupid and irritating. This is specualtion, but from what I have read, it doesn't seem like this will be incorporated into the game very well.

Gamertag: RipCity71252

~Steelers Scoreboard~
Steelers: 14 Bears: 17 F
Record: (1-1)

Proud to be a Blazer Fan

Great Northwest Baby!

Quote

07-15-2008, 01:20 AM #76 (permalink)

23
23



OVR: 67
Join Date: Sep 2002
Location: Los Angeles
Posts: 29,397

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I'm going to sticky this for now so if any other threads on the same topic pop up ill likely lock them.

Quote

07-15-2008, 01:44 AM #77 (permalink)

Chi Dynasty12
Pro

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

They copied NBA 08 lol They had this feature last year except nobody plays that game.

I like how rosters will be updated frequently, but I'm not liking how if someone has a bad game will they just suck? I want it to be MY game, not an exact replication of games from the night before, that's boring.

All in all, if game play still isn't fixed, none of these gimmicks will make up for it.



OVR: 10
Join Date: Jul 2007
Location: Chicago
Posts: 644

Quote

07-15-2008, 01:54 AM #78 (permalink)

EWRMETS
All Star



OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **Chi Dynasty12**

They copied NBA 08 lol They had this feature last year except nobody plays that game.

I like how rosters will be updated frequently, but I'm not liking how if someone has a bad game will they just suck? I want it to be MY game, not an exact replication of games from the night before, that's boring.

All in all, if game play still isn't fixed, none of these gimmicks will make up for it.

I don't get how you can call constantly updated rosters, player tendencies, and team tendencies a gimmick.

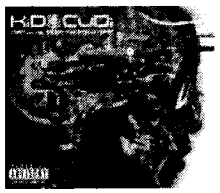
And I doubt Kobe or Lebron having one bad game will make them suck. If they go through a bad week of shooting, their shooting numbers will probably temporarily go down for play now and online, and you will have to penetrate and get to the foul line.

I agree that gameplay needs to be tightened up for this feature to be as good as it could possibly be. If there aren't a proper number of fouls or there's too many dunks, the player tendencies won't be able to shine.

Quote

07-15-2008, 02:04 AM #79 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Yep EWRMETS is right about the player ratings it won't be a significant drop if he has just one bad game.

And besides the hot and cold streaks are pulled from stats after 10 games which in real life is a while so I can see some players dropping in certain areas.

I for one think this is mostly going to effect role players and people coming of the bench more than anything because they are usually the players that can go through dramatic changes during the season in terms of their performance on the court.

Quote

07-15-2008, 02:06 AM #80 (permalink)

mvb34
Suicide Pool Co-Champion



OVR: 34
Join Date: Jul 2002

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Will this effect online rosters??

---

4 How can you think of saying to your friend, 'Let me help you get rid of that speck in your eye,' when you can't see past the log in your own eye? **5** Hypocrite! First get rid of the log in your own eye; then you will see well enough to deal with the speck in your friend's eye.

Location: Washington DC
Posts: 7,038

07-15-2008, 02:07 AM #81 (permalink)

mvb34
Suicide Pool Co-Champion



OVR: 34
Join Date: Jul 2002
Location: Washington DC
Posts: 7,038

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Will this effect online rosters??

---

4 How can you think of saying to your friend, 'Let me help you get rid of that speck in your eye,' when you can't see past the log in your own eye? **5** Hypocrite! First get rid of the log in your own eye; then you will see well enough to deal with the speck in your friend's eye.

Quote

07-15-2008, 02:15 AM #82 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Yes it will.

Quote

07-15-2008, 08:23 AM #83 (permalink)

PsychoBulk
OS Premier Guest Brit



OVR: 18
Join Date: May 2006
Location: UK
Posts: 1,940

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Ive heard all this bluster from Live before to fall for it so easily again.

Lets see some extended 5 v 5 gameplay vids before we start having online orgasms shall we?

"If I should die, think only this of me: that there's some corner of a foreign field that is for ever England"

Rupert Brooke

Quote

07-15-2008, 08:55 AM #84 (permalink)

Mintsa
MVP



OVR: 15
Join Date: Aug 2002
Posts: 2,146

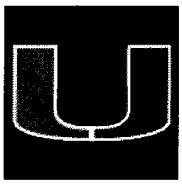
Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

The new vid of the actual press confrence has some actual gameplay footage for a couple of minutes and it looked improved.

Quote

07-15-2008, 09:06 AM #85 (permalink)

warnerwlf98
MVP



OVR: 11
Join Date: Sep 2003
Location: Northern AZ
Posts: 1,779

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Mintsa**
> *The new vid of the actual press confrence has some actual gameplay footage for a couple of minutes and it looked improved.*

At what time during the press conference does it show up? Thanks.

"A man doesn't know the size of the shadow he casts until he stands up."

- Gil Favor

Quote

07-15-2008, 09:13 AM #86 (permalink)

bateman11
MVP



OVR: 14
Join Date: Jul 2004
Posts: 1,361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

New vid looks decent to me. Net physics need the most work overall, and that damn up and under move still looks retarded lol.

PSN: rose2kobe24

Quote

07-15-2008, 10:23 AM #87 (permalink)

Mintsa
MVP



OVR: 15
Join Date: Aug 2002
Posts: 2,146

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **warnerwlf98**
> *At what time during the press conference does it show up? Thanks.*

I think the vid was on ign.

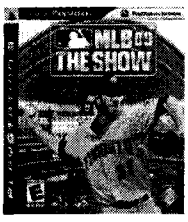
The movie is almost 5 mins long. The gameplay runs from about the halfway point until the end.

The animations looked alot better than 08. It was really cleaned up.

Quote

07-15-2008, 10:30 AM #88 (permalink)

Peter_OS
All Star



OVR: 20
Join Date: Jul 2002
Location: Toronto, Canada
Posts: 8,489

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Jano**
> *It won't affect dynasty mode except for the initial rosters you start it with. So if you start a dynasty mode three months into the actual NBA season it will only use the roster that you started it with, and from then on it won't use the Live 365 feature.*

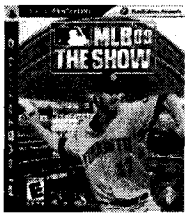
Don't get me wrong this is a nice feature, but a useless feature for me. I wont start a franchise mode 3 months into the season. I will do so within the first week of having the game.

Good for those who like to play exhibition and multiplayer games online, and have their rosters/tendencies up to date.

Quote

07-15-2008, 10:33 AM #89 (permalink)

Peter_OS
All Star



OVR: 20
Join Date: Jul 2002
Location: Toronto, Canada
Posts: 8,489

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

It looks like their main focus is on this feature, and less on actuall gameplay. They better focus on the gameplay this year. I wasn't happy with last year's outcome.

Btw, did you guys see the EA conference with Bill Walton? Funny stuff. He made a joke about the game, when Kobe tossed the ball inbounds after the opponent scored. He said, "First time Kobe has ever taken the ball out of bounds during his career." lol.. the crowd started laughing.

Last edited by Peter_OS; 07-15-2008 at 10:39 AM.

Quote

07-15-2008, 10:47 AM #90 (permalink)

Mintsa
MVP



OVR: 15
Join Date: Aug 2002
Posts: 2,146

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

That's the thing with this feature. Some people might never use it, some people (including myself) will use it every time I turn on my PS3. I'm not really a franchise/dynasty guy. I mainly play online 90 % of the time and exhibition matches offline for the other 10 %. So this feature really effects the way I play the game. But I can see how others who rarely play online or only play franchise mode might not care for this feature.

07-15-2008, 10:49 AM #91 (permalink)

Vince
Hall Of Fame



OVR: 26
Join Date: Aug 2002
Location: Montreal
Posts: 26,486

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

That Dirk dunk was really nice.

My Twitter

My pride and joy: Raptors, Jays, NY Rangers, NY Giants, Chelsea Blues

Raptors are making the playoffs, or I'm gone from O.S.

Quote

07-15-2008, 10:52 AM #92 (permalink)

Vince
Hall Of Fame



OVR: 26
Join Date: Aug 2002
Location: Montreal
Posts: 26,486

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

while it is crazy to say that this game is better than 2k9 already, can we at least give them some credit for a preety sick feature and also not assume that this is their main focus and that they have deserted improvement of gameplay?

My Twitter

My pride and joy: Raptors, Jays, NY Rangers, NY Giants, Chelsea Blues

Raptors are making the playoffs, or I'm gone from O.S.

Quote

07-15-2008, 11:57 AM #93 (permalink)

J_Posse512
Rookie



OVR: 9
Join Date: Jun 2005
Location: MD
Posts: 361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

The game is definitely headed in the right direction A.I., player and team tendencies-wise, hopefully they've made just as many strides with their gameplay.

I'm also hopeful that they'll do a better job of rating players as well.

San Antonio Spurs 4-Time ('99, '03, '05, '07) NBA Champions

Official OS Bills Backers Club Member

Quote

07-15-2008, 11:57 AM #94 (permalink)

RICH72601
Rookie



OVR: 3
Join Date: Sep 2004
Location: Philadelphia
Posts: 192

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Vince**
> *while it is crazy to say that this game is better than 2k9 already, can we at least give them some credit for a preety sick feature and also not assume that this is their main focus and that they have deserted improvement of gameplay?*

This is what always concerns me. With all the improvements that Live 09 will have, the gameplay needs to be day and night compared to Live 08. I pray that the developers have made the actual gameplay that much better so that the features will enhance my whole experience, but if not, Live 09 will just be another pretty-looking game with some nice features that will not hold the attention of a hardcore basketball fan.

As far as 2K goes, I think what separates them and puts them ahead of Live, other than the gameplay, is all the little things that makes the title so great. For example, when was the last time in Live could you throw a bad pass and as it's going towards half court, dive for the ball, and call a timeout before a backcourt violation is called? I love stuff like that.

In all, I'm excited for Live 09 this year and really hope it gives me the great basketball experience I need. Looks like things have been greatly improved, but I really wont know until I have it in my hands.

Quote

07-15-2008, 12:04 PM #95 (permalink)

J_Posse512
Rookie



OVR: 9
Join Date: Jun 2005
Location: MD
Posts: 361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Hopefully, something like this is a sign that these development teams are starting to hit their stride with these current-gen consoles. I'm also hopeful that this will lead to a truly real-time physics engine (Eupohria) being added to a sports title within the next two years. That will really be a revolutionary move for console sports gaming.

Imagine with me, your playing against the New Orleans Hornets and it's the 4th quarter of a tied ball-game. You're using the Phoenix Suns which gives you plenty of options, 1) throw it to Shaq in the left-block area, 2) play pick-and-roll with Amare and Steve or run Barbosa off a staggered screen. Well, since you're not Mike D'Antoni you inexplicably throw it to Shaq down-low, where Tyson Chandler is attempting to front him, and Steve throws the perfect lob pass over the top. But, here comes Peja to hack Shaq as he's going up for the monster finish. Shaq's played a total of 32 minutes tonight and his legs just aren't there, so he doesn't finish with a dunk but with a lay-up that rolls in. AND 1!!!!!!

He goes to the charity stripe and the camera pans in a shot of his sweat drenched mug. Shaq wipes his brow with his fingertips, hesitates and goes into his horrid shooting motion. You think you've the timing down (he's shooting a career best 61%), but you miss the free-throw!!!!! The ball ends up in Chris Paul's hands and he finds Peja wide-open with the corner three to win the game.....

.....imagine that

San Antonio Spurs 4-Time ('99, '03, '05, '07) NBA Champions

Official OS Bills Backers Club Member

Last edited by J_Posse512; 07-15-2008 at 12:22 PM.

Quote

07-15-2008, 12:11 PM #96 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Peter_OS**
>
> *Don't get me wrong this is a nice feature, but a useless feature for me. I wont start a franchise mode 3 months into the season. I will do so within the first week of having the game.*
>
> *Good for those who like to play exhibition and multiplayer games online, and have their rosters/tendencies up to date.*

Of course it will benefit you... the game will have the entire 2007 season's worth of data already on the disc.

So you can start your dynasty as soon as you get the game and players will have the same tendencies as last season.

Again, this is a feature that should get better over time as Synergy keeps collecting data...

[OS Vets NBA 2k7 Champion]

> Quote:
>
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

07-15-2008, 12:11 PM #97 (permalink)

bateman11
MVP



OVR: 14
Join Date: Jul 2004
Posts: 1,361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Maybe for next year: Updated hair styles/facial hair? Even accessories?

PSN: rose2kobe24

07-15-2008, 12:25 PM #98 (permalink)

J_Posse512
Rookie



OVR: 9
Join Date: Jun 2005
Location: MD
Posts: 361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **bateman11**
> *Maybe for next year: Updated hair styles/facial hair? Even accessories?*

I didn't play Live 08, but you think they've recycled alot of their facial models from last season? Are lot of the players the same or similar in appearance that they've shown in the (slim) video footage?

San Antonio Spurs 4-Time ('99, '03, '05, '07) NBA Champions

Official OS Bills Backers Club Member

07-15-2008, 12:54 PM #99 (permalink)

bateman11
MVP



OVR: 14
Join Date: Jul 2004
Posts: 1,361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

^ From what I have seen, the faces look MUCH improved. Last year players looked cross-eyed a lot. Looks great this year

PSN: rose2kobe24

07-15-2008, 02:12 PM #100 (permalink)

jorge380
Pro



OVR: 8
Join Date: Jun 2003
Location: SAN DIEGO
Posts: 590

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Its a great feature,but it would truly be awesome if this would work in season mode.Damn even real season injuries would be fun.This kinds of hurts us that play franchise or season,oh well maybe next year.I wonder if their will be more camera angles this year?

07-15-2008, 02:24 PM #101 (permalink)

Behindshadows
The Real Unbiased Gamer!



OVR: 54
Join Date: Nov 2004
Location: Lewisville, Texas
Posts: 5,357

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Faces are definitely different from 08. Game looks great! Can't wait.

Live Life Don't Let Life Live You!

Behindshadows - The Real Unbiased Gamer, sometimes speaking the truth hurts!

Only fanboys lie when things are definitely wrong!

Quote

07-15-2008, 03:01 PM #102 (permalink)

RubenDouglas
Robert Swift's Mentor



OVR: 26
Join Date: May 2003
Posts: 14,474

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Mintsa**
> *The new vid of the actual press confrence has some actual gameplay footage for a couple of minutes and it looked improved.*

you sure? one sequence, the user had the play calling menu up and NOONE WAS MOVING.. it doesnt seem as free flowing if thats the route theire taking. i may go with automatic playcalling

Quote

07-15-2008, 03:08 PM #103 (permalink)

bateman11
MVP

OVR: 14
Join Date: Jul 2004
Posts: 1,361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **RubenDouglas**
> *you sure? one sequence, the user had the play calling menu up and NOONE WAS MOVING.. it doesnt seem as free flowing if thats the route theire taking. i may go with automatic playcalling*

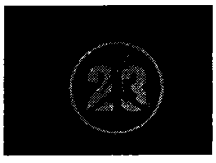
TBH, Im not sure Live has that feature where the CPU will call plays for you.

PSN: rose2kobe24

Quote

07-15-2008, 03:11 PM #104 (permalink)

23
23



OVR: 67
Join Date: Sep 2002
Location: Los Angeles
Posts: 29,397

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Check out tmac real good chasing the guy running around the screen and tell me what you notice

Quote

07-15-2008, 03:46

PM #105 (permalink)

DC
Hall Of Fame



OVR: 39
Join Date: Oct 2002
Location: DC
Posts: 15,106

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This ain't fair man!

You only get one body; take care of it. Here is a start (if you want to be educated) :

http://www.youtube.com/profile_video...ndWellness&p=v

Quote

07-16-2008, 04:15 PM #106 (permalink)

BigBR
Rookie

OVR: 4
Join Date: Apr 2005
Location: Baton Rouge, LA
Posts: 163

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I wish we had an option whether or not to use it for Franchise mode, I'd rather it be up to date, then maybe I'd play franchise mode more...

Quote

07-16-2008, 09:53 PM #107 (permalink)

Scoop 24
Sanchize



OVR: 23
Join Date: Aug 2002
Location: Long Island NY
Posts: 2,978

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

damn that was a thing of beauty.. nba live definetly have my attention now.

NFL: New York Jets
NBA: LA Lakers
NCAAB: Georgetown
NCAAF: Notre Dame
MLB: New York Mets

Quote

07-17-2008, 12:09 AM #108 (permalink)

HELLisFUN
Pro



OVR: 7
Join Date: Sep 2006
Posts: 639

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Oh boy EA at it again with their "New Feature" advertising gimmicks!

OMG Dynamic DNA, WHO CARES! Give me some real-time gameplay EA! Not some slowed down trailer that you edit to make look good. Every single year it's the same thing with you EA!

Why when the player dribbles the ball, the ball is going all the way up to their shoulders, I'm guessing I'll be getting 10 steals per game with the defender then?

Guys don't fall for this EA crap, they do this every year, lets wait for some real time gameplay with gameplay angels.

NO! I will not change this until Lakers get to Western Conference Finals!!! Friday, Oct 13, 2006 (It is raining hard) 8:14pm 30sec (Check)

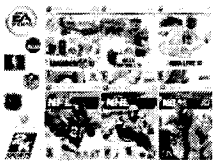
NO! I will not change this Until Lakers Are 2008-2009 Champs! Friday, Oct 3, 2008 (Check)

Quote

07-17-2008, 12:27 AM #109 (permalink)

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Behindshadows
The Real Unbiased Gamer!



OVR: 54
Join Date: Nov 2004
Location: Lewisville, Texas
Posts: 5,357

Quote: Originally Posted by **HELLisFUN**

Oh boy EA at it again with their "New Feature" advertising gimmicks!

OMG Dynamic DNA, WHO CARES! Give me some real-time gameplay EA! Not some slowed down trailer that you edit to make look good. Every single year it's the same thing with you EA!

Why when the player dribbles the ball, the ball is going all the way up to their shoulders, I'm guessing I'll be getting 10 steals per game with the defender then?

Guys don't fall for this EA crap, they do this every year, lets wait for some real time gameplay with gameplay angels.

The have two gameplay videos on Gamespot, maybe you should do some research before dissing the game. They have a full 9 mins of gameplay on Gamespot, go see for yourself, its not a gimmick. Its a feature, and it looks great in motion.

Lakers vs Celtics 9mins worth!

Live Life Don't Let Life Live You!

Behindshadows - The Real Unbiased Gamer, sometimes speaking the truth hurts!

Only fanboys lie when things are definitely wrong!

Quote

07-18-2008, 09:57 PM #110 (permalink)

Chi Dynasty12
Pro



OVR: 10
Join Date: Jul 2007
Location: Chicago
Posts: 644

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

DNA=TENDENCIES

...wow...

How exciting...? Hasn't 2k had that since 2k6?

07-19-2008, 12:37 AM #111 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **jorge380**
> *Its a great feature,but it would truly be awesome if this would work in season mode.Damn even real season injuries would be fun.This kinds of hurts us that play franchise or season,oh well maybe next year.I wonder if their will be more camera angles this year?*

I agree. I asked an EA producer on the EA forums if you could edit DNA for your own franchise and here was his response.

> Quote: Originally Posted by **iminurbase**
> *Yes you can. That's the cool think about Edit Player this year; you can create your own Player DNA and Tendencies for your Dynasty players.*

This is pretty awesome. Assuming you can make trades with every team, you could manually do it if you want to.

Quote

07-19-2008, 12:39 AM #112 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Chi Dynasty12**
> *DNA=TENDENCIES*
>
> *...wow...*
>
> *How exciting...? Hasn't 2k had that since 2k6?*

EA is giving us daily updated rosters and tendencies that are based on real life stats. 2k had Gabe Pruitt better than Rondo all season, had like 2 roster updates, and never created rotation players like Jamario Moon because they claimed they didn't have the capabilities. I think there's a big difference.

Quote

07-20-2008, 12:51 PM #113 (permalink)

BigO32
Rookie

OVR: 8
Join Date: May 2008
Location: Decatur, Georgia
Posts: 395

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Did EA put Moon in their game? I didnt update my roster off EA since the March update and I didn't see moon anywhere so both games didn't have moon

How many times have I told you, you better not even dream about tellin' white folk the truth! You understand me? Shoot! Makin' White people riot! You better learn how to lie like me! I'm gonna find me a white man and lie to him right now!

Quote

07-21-2008, 08:10 PM #114 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Hey guys - I'm a producer on Live (Matt) and we've finally been given the go-ahead to post on this site. I've been reading this for years now so it's great to be able to finally answer questions and ask you guys your thoughts on the game.

It's awesome to see everyone pretty excited about Dynamic DNA so far. Our partnership with Synergy should allow us to continue to build on this aspect of our game over the next couple of years. So, ideas like allowing this in Dynasty mode are definitley things we'll be discussing in the very near future.

I know a bunch of you guys are commenting on gameplay, and there are some concerns that we haven't done much with it this year. A lot of the talk for us is around Dynamic DNA now because it is new and no other game is doing anything like this. However, I can assure you that gameplay has been our top priority this year. If it wasn't, there's no way I would

have played the game live at our recent demos at E3. We probably would have just done a video. But, the game is a huge step up from last year, both from an AI side of things and an animation side of things. Continuing to work on 'core' basketball is where the majority of our effort has gone as we've overhauled our defensive AI, dunks, blocks, rebounds, etc. We've added thousands of animations in this year and really focused on making sure there is a nice balance between offense and defense. Dynamic DNA is the whole authenticity aspect of our game that we've (and other sports games) have been lacking. Usually it's producers like me who make up ratings based on our opinions. Now, our opinions are thrown out the door as our partnership with Synergy gives us the data and we get it daily.

Also, a few comments on this thread so far:

bateman11: Crossed eyes are fixed. It took a couple of days to track it down, but we got it looking right a couple of weeks ago.

rockchisler: Good eye on the crowd. The visuals team re-worked it this year so that they are all 3-D and look much more alive.

Anyways, now that we're on here now, feel free to start asking questions.

Quote

07-21-2008, 08:38 PM #115 (permalink)

edubbs
MVP

OVR: 14
Join Date: Aug 2002
Posts: 1,931

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Matt, could you talk about how many of the league's team styles and tendacies you guys were able to capture for Live09.

Previous versions had most of the teams playing alike in terms of tempo, strategy, tendacies, and playsets.

Will we 'finally' see EVERY team utilzing their specific playsets and playstyles this year?

Quote

07-21-2008, 08:43 PM #116 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Its great to see that more NBA Live producers will be on this site. I've got a few questions though.

Will dynamic DNA be effecting all of the player ratings aside from just obvious ones like 3pt shooting and rebounding?

For example lets say if Andrew Bynum starts to become a better scorer in the post will that be modified with dynamic DNA feature too?

Quote

07-21-2008, 08:58 PM #117 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I just talked to Jeff our AI producer, and he'll hop on here to go into more detail.

What I can tell you is that teams will run authentic sets, and will have multiple options within each set, which is something new for us. So, if I'm trying to get the ball to Kobe on the wing with an Iso in the triangle, I may be able to choose to start my offense through different guys on the court. It means that a Triangle Iso for Kobe can be differnet each time down the court.

With Dynamic DNA we'll be able to run the appropriate number of plays and the appropriate play for each player on the court. With Synergy we get data on how often guys run Isos vs Post Ups vs Pick & Rolls, etc. We take a look at these values and then weight them based on who is on the court. So, you'll see a lot of Isos with the Lakers because of Kobe and a lot of Pick & Rolls for the Suns because on Nash and Amare. If Nash goes out and Barbosa comes in, the style will change, since Barbosa isn't as much of a Pick & Roll guy. They may decide to go through Shaq in the post more and get more offense off of cuts and off-ball screens.

Jeff will be able to explain more when he gets a chance. He can also talk about team tempo

and how we differentiate teams with this.

Quote

07-21-2008, 09:00 PM #118 (permalink)

rockchisler
Come on Ms Hill



OVR: 35
Join Date: Oct 2002
Location: Rochester Hills , MI
Posts: 5,402

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **ml9**
>
> *Hey guys - I'm a producer on Live (Matt) and we've finally been given the go-ahead to post on this site. I've been reading this for years now so it's great to be able to finally answer questions and ask you guys your thoughts on the game.*
>
> *It's awesome to see everyone pretty excited about Dynamic DNA so far. Our partnership with Synergy should allow us to continue to build on this aspect of our game over the next couple of years. So, ideas like allowing this in Dynasty mode are definitley things we'll be discussing in the very near future.*
>
> *I know a bunch of you guys are commenting on gameplay, and there are some concerns that we haven't done much with it this year. A lot of the talk for us is around Dynamic DNA now because it is new and no other game is doing anything like this. However, I can assure you that gameplay has been our top priority this year. If it wasn't, there's no way I would have played the game live at our recent demos at E3. We probably would have just done a video. But, the game is a huge step up from last year, both from an AI side of things and an animation side of things. Continuing to work on 'core' basketball is where the majority of our effort has gone as we've overhauled our defensive AI, dunks, blocks, rebounds, etc. We've added thousands of animations in this year and really focused on making sure there is a nice balance between offense and defense. Dynamic DNA is the whole authenticity aspect of our game that we've (and other sports games) have been lacking. Usually it's producers like me who make up ratings based on our opinions. Now, our opinions are thrown out the door as our partnership with Synergy gives us the data and we get it daily.*
>
> *Also, a few comments on this thread so far:*
>
> *bateman11: Crossed eyes are fixed. It took a couple of days to track it down, but we got it looking right a couple of weeks ago.*
>
> *rockchisler: Good eye on the crowd. The visuals team re-worked it this year so that they are all 3-D and look much more alive.*
>
> *Anyways, now that we're on here now, feel free to start asking questions.*

Get with Steve or one of the mods so your name appears in a redish, pink color so it shows you are a game designer, besides that, I am looking forward to the game.

---

www.myspace.com/those70sguys

Follow me on www.Twitter/Rockchisler

Just type [SPOILER] and [/ SPOILER], without any spaces.

ROOKIE KILLER

Quote

07-21-2008, 09:08 PM #119 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Jano - DNA will effect the appropriate ratings. Things like speed, fatigue, etc. will have to be manually updated by us if we get them wrong, since Synergy can't provide any sort of data for those. However, we'll make sure that we're on top of these ones. Especially since we'll be updating every day.

To speak to your Bynum example, if he starts to play better in the post in real life, the Lakers will probably run more offense through him. That will definitely be reflected in our game. Hot and cold streaks will also effect this, so if he's playing well, he's more likely to be hot and the ratings will slowly increase.

I think that's what's so unique about this feature. It's not just a ratings update. If we just boosted ratings our AI wouldn't change too much. But, since we're looking at things like

what plays guys are running and how often they run them our AI actually changes. So, Bynum will play better and get more touches in our game if that's what's happening in reality.

Make sense?

Quote

07-21-2008, 09:10 PM #120 (permalink)

23
23



OVR: 67
Join Date: Sep 2002
Location: Los Angeles
Posts: 29,397

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **ml9**

Hey guys - I'm a producer on Live (Matt) and we've finally been given the go-ahead to post on this site. I've been reading this for years now so it's great to be able to finally answer questions and ask you guys your thoughts on the game.

HI Matt... I'll ask the staff to give you the developers colored name and profile

Thanks for chiming in

07-21-2008, 09:17 PM #121 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Awesome. Thanks.

Quote

07-21-2008, 09:31 PM #122 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Alright then that make sense, I can't wait to to play this game and see all of this stuff in action. Hopefully everything works out good with this feature because it will definately be a good addition to the game.

Quote

07-22-2008, 01:47 PM #123 (permalink)

BigO32
Rookie

OVR: 8
Join Date: May 2008
Location: Decatur, Georgia
Posts: 395

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I got a question...

Other than making teams play differently in terms of tempo and stragety, will you guys have a seperate rating, such as a team rating that is editable?

How many times have I told you, you better not even dream about tellin' white folk the truth! You understand me? Shoot! Makin' White people riot! You better learn how to lie like me! I'm gonna find me a white man and lie to him right now!

Quote

07-23-2008, 03:09 AM #124 (permalink)

razcan
Rookie

OVR: 7
Join Date: Jul 2006
Location: Houston, (Spring Branch)
Posts: 261

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **ml9**

Jano - DNA will effect the appropriate ratings. Things like speed, fatigue, etc. will have to be manually updated by us if we get them wrong, since Synergy can't provide any sort of data for those. However, we'll make sure that we're on top of these ones. Especially since we'll be updating every day.

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I think that's what's so unique about this feature. It's not just a ratings update. If we just boosted ratings our AI wouldn't change too much. But, since we're looking at things like what plays guys are running and how often they run them our AI actually changes. So, Bynum will play better and get more touches in our game if that's what's happening in reality.

Make sense?

I haven't played Live since 2001. 2K ever since. But this stuff sounds down right

revolutionary.

PSN:RAZCAN
-22 Wins in a Row-

07-23-2008, 12:29 PM #125 (permalink)

Da_Czar
MVP

OVR: 55
Join Date: Jul 2002
Location: Sim Citi
Posts: 2,843

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **ml9**
> *Hey guys - I'm a producer on Live (Matt) and we've finally been given the go-ahead to post on this site. I've been reading this for years now so it's great to be able to finally answer questions and ask you guys your thoughts on the game.*

ml9 welcome to the OS baby ! Its great that you guys finally have a presence here. I for one have been very critical of your series. The initial gameplay videos show a marked improvement so far and the whole dna thing seems extremely promising. What was the catalyst for the direction of the game this year ? I mean for the past few years we have been told your getting basic gameplay down but this year so far it actually appears your making definite progress in that area.

The Genius only emerges through **intense** desire to master one's craft.

Dick Russell

07-23-2008, 01:29 PM #126 (permalink)

bizcanos
MVP

OVR: 10
Join Date: Mar 2003
Location: Griffith, IN & Chi-Town baby !
Posts: 1,245

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I have one question, will there be an online dynasty mode like NCAA 09 has?

ALso, the DNA thing is something that basketball needed. We'll see where it goes from here.

NBA 2K9 Sliders (360)

" Watch out here she comes, she's a biscuit eater "

07-23-2008, 02:32 PM #127 (permalink)

Klocker
MVP

OVR: 15
Join Date: Jul 2003
Location: Gilbert, AZ
Posts: 2,119

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

DEVS.... I was wondering last night, since this DNA/365 is built to be used in the Play Now games what are the chances of having that mode be a "True Season". where the real NBA season is represented as part of the Play Now screens showing (based on console date) the NBA schedule in real time along with all the updated daily stats.

that way when you pick up a play now game you have the option of playing any game of that night in the NBA? Like an alive season? Obviously after the season, it would be moot but you could have it be a season mode for 2008 that you could go back and play

Last edited by Klocker; 07-23-2008 at 02:34 PM.

07-23-2008, 05:59 PM #128 (permalink)

EWRMETS
All Star

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Matt,

Will there be an accurate number of turnovers if playing 12 minute quarter games? Also are there an appropiate number of off ball fouls? If you guys don't want tons of off ball fouls because it's out of the user's control, could you try to make sliders that can get realistic turnover and foul numbers.

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Quote

07-24-2008, 12:23 AM #129 (permalink)

BigO32
Rookie

OVR: 8
Join Date: May 2008
Location: Decatur, Georgia
Posts: 395

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

WHere is he?

How many times have I told you, you better not even dream about tellin' white folk the truth! You understand me? Shoot! Makin' White people riot! You better learn how to lie like me! I'm gonna find me a white man and lie to him right now!

Quote

07-24-2008, 06:20 PM #130 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

EWRMETS: We've tried to tune steals and turnovers the best we could this year. We dropped the steal likelihood so that it's not a stealfest. But, we increased the amount of interceptions because a) we've added in a ton of animations and b) want to make sure you think about where you're passing. In the past you can just skip the ball around the court without any risk of turning the ball over. This year you shouldn't be able to do that.

Klocker: There are a ton of different things we've talked about doing with Dynamic DNA over the next couple of years. I like your idea a lot.

bizcanos: No online dynasty for us this year. It's a sweet feature and a bunch of guys on our team are setting theirs up as I type this. But, we wanted to make sure we put the majority of our effort into gameplay this year and this wasn't something we would have had time to do.

BigO32: We have team ratings, but these aren't editable. This value is calculated based on the players on your team. What's nice is that these will be changing throughout the year based on how their players are performing in real life. So, last year we had Miami pretty high, but with the injury to Wade and the trade of Shaq we saw what happened to their team. Their number should have been dropped dramatically. This year it will.

07-24-2008, 06:43 PM #131 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Da_Czar: Tough question. A lot of things helped drive our direction this year. But, when it comes down to it, we have a team of people that are super passionate about this game and really want it to be fun and authentic. A bunch of us grew up on Live, much like most of you. I remember camping out in front of my PC back in the day and dominating with Haley and Cartwright on the Bulls vs AC Green on the Lakers.

The big thing for us this year was to build on our game and make sure it was fun. In the past we had too many frustrating moments that overshadowed some of the cool stuff we had done. We wanted to eliminate those as much as possible (ie. rebounds hitting the floor) so that our cooler moments would be at the forefront.

With the work we've done on our game foundation over the past couple of years it's allowed us to start pumping in a ton of animations so that you see fresh stuff all the time. This has given us a whole new looking game. From signature animations, to highlight animations, to subtle animations - Just watching our game compared to last year is a huge difference.

And lastly, game balance was a big one for us. I really wanted to focus on the concept of a "game within the game" this year so that there was always a defensive counter to utilize and be successful with. We've added in lockdown defense so you can try to stop penetration and force tough shots. We've added tons of interceptions to try and stop passes. We've overhauled blocks so that you can stop shots, dunks and lay-ups. And we've added defensive hops so that you can jump in front of a player trying to freestyle around you. We're finally at a point where the game is a lot of fun, and the Dynamic DNA has added that bit of authenticity on top.

Hopefully that answers your question. If there's something more specific you wanted to know let me know.

Quote

07-24-2008, 07:11 PM #132 (permalink)

Da_Czar
MVP

OVR: 55
Join Date: Jul 2002
Location: Sim Citi
Posts: 2,843

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **ml9**

> *Da_Czar: Tough question. A lot of things helped drive our direction this year. But, when it comes down to it, we have a team of people that are super passionate about this game and really want it to be fun and authentic. A bunch of us grew up on Live, much like most of you. I remember camping out in front of my PC back in the day and dominating with Haley and Cartwright on the Bulls vs AC Green on the Lakers.*
>
> *The big thing for us this year was to build on our game and make sure it was fun. In the past we had too many frustrating moments that overshadowed some of the cool stuff we had done. We wanted to eliminate those as much as possible (ie. rebounds hitting the floor) so that our cooler moments would be at the forefront.*
>
> *With the work we've done on our game foundation over the past couple of years it's allowed us to start pumping in a ton of animations so that you see fresh stuff all the time. This has given us a whole new looking game. From signature animations, to highlight animations, to subtle animations - Just watching our game compared to last year is a huge difference.*
>
> *And lastly, game balance was a big one for us. I really wanted to focus on the concept of a "game within the game" this year so that there was always a defensive counter to utilize and be successful with. We've added in lockdown defense so you can try to stop penetration and force tough shots. We've added tons of interceptions to try and stop passes. We've overhauled blocks so that you can stop shots, dunks and lay-ups. And we've added defensive hops so that you can jump in front of a player trying to freestyle around you. We're finally at a point where the game is a lot of fun, and the Dynamic DNA has added that bit of authenticity on top.*
>
> *Hopefully that answers your question. If there's something more specific you wanted to know let me know.*

Thanks, that definitely answers my question. All that work seems to be translating very well in the early videos. Thanks again.

The Genius only emerges through **intense** desire to master one's craft.

Dick Russell

Quote

07-24-2008, 07:15 PM #133 (permalink)

BigO32
Rookie



OVR: 8
Join Date: May 2008
Location: Decatur, Georgia
Posts: 395

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

My bad I didn't mean ratig I meant slider ha ha....

How many times have I told you, you better not even dream about tellin' white folk the truth! You understand me? Shoot! Makin' White people riot! You better learn how to lie like me! I'm gonna find me a white man and lie to him right now!

Quote

07-24-2008, 08:55 PM #134 (permalink)

bigeastbumrush



OVR: 35
Join Date: Feb 2003
Location: Queens
Posts: 8,181

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

What has been done about what I'd like to call the "super PGs" where everytime the CPU PG had the ball and had an ounce of space, he either drove the lane or took a long range jumper?

Is there some sort of collapsing defense logic when an offensive player gets into the lane?

Quote

07-24-2008, 08:58 PM #135 (permalink)

23
23



OVR: 67
Join Date: Sep 2002
Location: Los Angeles
Posts: 29,397

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I remember that from back in Live 04. I hated that where the PG would score the ball no matter who it was if you gave him room. That's not basketball

Quote

07-24-2008, 09:59 PM #136 (permalink)

truth393
Rookie

OVR: 2
Join Date: Nov 2007
Posts: 38

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

How are the draft classes in the franchise mode? In the past they been unrealistic. I was thinking EA should put a feature in the game like create draft class, or create a prospect. That will make the franchise alot better.

Quote

07-25-2008, 12:41 AM #137 (permalink)

RubenDouglas
Robert Swift's Mentor

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

one question for ml9.. first off thanks for coming here and interacting.



OVR: 26
Join Date: May 2003
Posts: 14,474

my question revolves around nba 365 feature and if there is a PLAY NOW CALENDAR MODE, where you can select to play realtime games based on the calendar day. Nba inside drive 2000 on pc had that feature in, but of course they didnt have realtime lineups, tendencies, and ratings in effect, so this would push it to a whole other level.

Maybe this isnt so simple, but im talking about a basic exhibition mode screen with the realtime matchups already set in place.. I would also love to GO BACK in time, maybe two weeks and replay a game. I know the basis of this is in the game, but it would take the hassle out of trying to figure out who played who if there was a calendar mode. but thats just me.

Im talking exactly what dynasty/franchise mode has to offer, but being in there for exhibition.

Inside drive had it to where it would look at the PC clock and change around realtime schedules. Setting up matchups isnt too hard to do but that would be cool if it was in there.

"Play Now. Todays Matchups"

Last edited by RubenDouglas; 07-25-2008 at 12:44 AM.

Quote

07-25-2008, 03:35 AM #138 (permalink)

Klocker
MVP



OVR: 15
Join Date: Jul 2003
Location: Gilbert, AZ
Posts: 2,119

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **RubenDouglas**

"Play Now. Todays Matchups"

Quote: Originally Posted by **Klocker**

DEVS.... *I was wondering last night, since this DNA/365 is built to be used in the Play Now games what are the chances of having that mode be a "True Season". where the real NBA season is represented as part of the Play Now screens showing (based on console date) the NBA schedule in real time along with all the updated daily stats.*

that way when you pick up a play now game you have the option of playing any game of that night in the NBA? Like an alive season? Obviously after the season, it would be moot but you could have it be a season mode for 2008 that you could go back and play

great minds although I do not remember that being in Inside Drive 2000

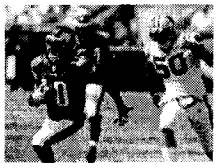
Quote:
ml9

Klocker: There are a ton of different things we've talked about doing with Dynamic DNA over the next couple of years. I like your idea a lot.

Quote

07-25-2008, 08:31 AM #139 (permalink)

JBH3
Best WR in the NFC East



OVR: 48
Join Date: Jan 2007
Location: Northern VA
Posts: 6,685

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Sounds promising...But is the 09 version going to actually call the CPU out of bounds when they are clearly out of bounds. Are we actually going to be able and hire/fire a head coach? Will the player models NOT look like vampires?

Quote: Originally Posted by **Chris Martin**

When the future's architectured by a carnival of idiots on show, you'd better lie low...

OS Working Mans On-Line Franchise Blog
2009 Philadelphia Iggles (4-1)

Four for the Price of One - A Madden10 4-Team Dynasty

07-26-2008, 08:05 AM #140 (permalink)

trobinson97
Gametime



OVR: 48
Join Date: Oct 2004
Posts: 9,341

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Hey Matt. What's the average size of these regular updates? I heard it asked on the Gamespot video but it wasn't really answered.

Gamertag - Depotboy.

Not changing this sig til the Tide win another Championship or the world ends, whichever comes first. Dec, 7 2006.

07-27-2008, 01:13 PM #141 (permalink)

KofiJamal
Rookie



OVR: 3
Join Date: Mar 2004
Posts: 52

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I have a question about this. I'm looking at this and it sound very cool. I like to create a player and play with that team, making trades and letting the cpu make trades. Will this llow me to play as I normally do or when "player a" is traded to another team, and I traded for him, will the game automatcally remove him from my roster? Sorry if I overlooked this answer.

I'll admit I'm more of a 2KSports NBA fan than a Live one, but this feature is just incredible to me. Live is on the radar more so than ever this year.

Quote

07-27-2008, 01:21 PM #142 (permalink)

mikenoob
Pro



OVR: 8
Join Date: Oct 2007
Posts: 532

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **KofiJamal**
> *I have a question about this. I'm looking at this and it sound very cool. I like to create a player and play with that team, making trades and letting the cpu make trades. Will this llow me to play as I normally do or when "player a" is traded to another team, and I traded for him, will the game automatcally remove him from my roster? Sorry if I overlooked this answer.*
>
> *I'll admit I'm more of a 2KSports NBA fan than a Live one, but this feature is just incredible to me. Live is on the radar more so than ever this year.*

I'm sure the roster updates does not update during your franchise/season, but only online or exhibition games offline. Correct me if I'm wrong.

Quote

07-27-2008, 09:40 PM #143 (permalink)

Klocker
MVP



OVR: 15
Join Date: Jul 2003
Location: Gilbert, AZ
Posts: 2,119

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **mikenoob**
> *I'm sure the roster updates does not update during your franchise/season, but only online or exhibition games offline. Correct me if I'm wrong.*

yes it updates all season long but will not effect a franchise mode in process, only when you start a franchise it will start with the newly updated data (if you WANT it to). you can also choose custom rosters and original shipping rosters
(based on 08 season) or any 365 updated roster that you may have saved.

Quote

08-12-2008, 01:22 AM #144 (permalink)

ai2k2
Pro



OVR: 8
Join Date: Aug 2002
Location: Brooklyn, New York
Posts: 675

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This feature is revolutionary because it ties the game to the NBA. Not just code its ACTUAL tendencies. I personally never thought of that idea, great ADD EA... other basketball games gotta think outside the box. Im excited mostly for Live 2010 when everything is in and the new team is settled.

Quote

08-12-2008, 11:12

PM #145 (permalink)

Swag.So.Official
Rookie

OVR: 3
Join Date: Aug 2008
Location: detroit,mi
Posts: 43

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

i lost my little internet cord thing i was wondering where can i get another one

Sincerly,Swag.So.Official

Live.For.Life

Quote

08-14-2008, 03:30 PM #146 (permalink)

sportyguyfl31
MVP

OVR: 16
Join Date: Nov 2005
Posts: 2,124

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **ai2k2**
> *This feature is revolutionary because it ties the game to the NBA. Not just code its ACTUAL tendencies. I personally never thought of that idea, great ADD EA... other basketball games gotta think outside the box. Im excited mostly for Live 2010 when everything is in and the new team is settled.*

Isnt it amazing what getting your butt kicked by another company for the past 5 years can do?

Look at how the basketball games are progressings and pushing each other to grab the consumer, the hockey titles as well; and compare them to the snails pace that baseball and football have moved.

Competition works.

Quote

08-15-2008, 02:25 PM #147 (permalink)

marquiece
Rookie

OVR: 5
Join Date: May 2003
Location: Charlotte
Posts: 430

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **sportyguyfl31**
> *Isnt it amazing what getting your butt kicked by another company for the past 5 years can do?*
>
> *Look at how the basketball games are progressings and pushing each other to grab the consumer, the hockey titles as well; and compare them to the snails pace that baseball and football have moved.*
>
> *Competition works.*

Yeah I really think that EA is motivated this year in terms of the NBA, NHL, & FIFA titles. This is the most they have done in a while with each of these titles. I"m really only a football and basketball guy, but I'm considering picking up the NHL & FIFA titles as well.

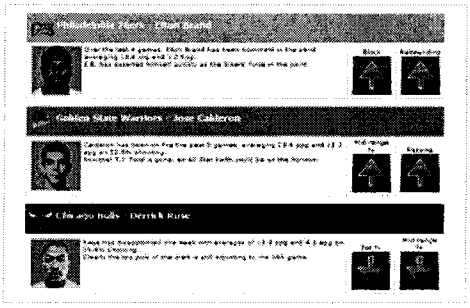
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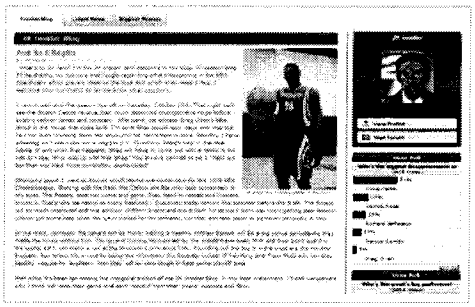
NBA 2K9

NBA 2K9 Gets More Real with Living Rosters

09/22/08

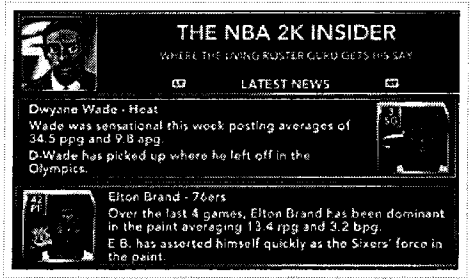


2K Sports today announced details on Living Rosters, an exciting new innovative online feature for this season's highly anticipated basketball title, NBA 2K9. Living Rosters will ensure dedicated fans are playing with the most up-to-date and complete basketball experience ever available in the NBA 2K franchise. In addition to delivering constant updates to player ratings and player tendencies, Living Rosters will also offer exclusive access to unlockable animation packages for players in the game. When a player starts to heat up and takes his game to the next level on the real courts, new animation packages will unlock for that player in the video game. As the NBA season progresses, so will NBA 2K9, as players will have the ability to pull off new moves never seen before in the video game, adapt their offensive and defensive rotations, and shift starting lineups as they occur. If it happens during the regular NBA season, it will happen in NBA 2K9 thanks to Living Rosters.



When the Living Rosters feature is activated and a gamer signs in online, the game automatically checks for Living Roster updates in order to download the latest real-life player information in a seamless process behind the scenes. Gamers will have an option to either have Living Rosters automatically update their in-game roster information, or they can choose to download new roster data manually.

Once Living Rosters has successfully completed an update, NBA 2K9 fans can then review the different player and gameplay updates from the NBA 2K Insider – a real person working behind the scenes, pouring over the stats and spreadsheets, and who is ultimately responsible for the content and accuracy of the Living Rosters updates. However, the Insider's job is much more than just crunching numbers - they will interact with the community and listen to roster update suggestions to determine what the fans really want in each update. The NBA 2K Insider's analysis and commentary will be available in-game and on the 2K Sports website, www.2ksports.com.





06/14/09
Konsole Kingz NBA 2K9 Playdate

Take part in the Konsole Kingz NBA 2K9 community playdate for a chance to win a G-Shock.



02/18/09 - 02/18/09
Play NBA 2K9 with Jadakiss...

Legendary rapper Jadakiss will play NBA 2K9 with Xbox LIVE® Gold members February 18.



11/21/08 - 11/21/08
NBA 2K9 Game with Developers

Got game? Put your NBA 2K9 skills to the real test - against the guys who made it.



11/13/08 - 12/06/08
2K Sports Bounce Tour 2008

4th annual music and videogame tour, featuring Q-Tip and The Cool Kids.



11/10/08 - 11/21/08
2008 2K Sports Classic

The field of teams for the 2008 tournament has been announced. Get tickets to a game in your region, or catch the action on ESPN.



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Got skillz? Sign up now for the NBA 2K9 All-Star Challenge and see if you can grab the $25,000 Grand Prize.



09/25/08 - 09/26/08
NBA 2K9 VIP Launch Party

KG is celebrating the launch of NBA 2K9 with fellow stars Andre Iguodala, Danilo Gallinari and others in an all-out Big Apple blowout.

NBA 2K9 is the latest edition of NBA 2K, the series that has been the #1 rated NBA simulation for seven years in a row* and is back for its 10th season. NBA 2K9 is the premier basketball game for serious players, and will deliver the most realistic and feature-rich simulation experience ever available in the NBA 2K franchise - from gameplay and graphics to presentation and online features. NBA 2K9 is rated E for Everyone by the ESRB and will be available on October 7 for Xbox 360® video game and entertainment system from Microsoft, and PLAYSTATION®3 and PlayStation®2 computer entertainment systems.



For more game info, check out www.2ksports.com/games/nba2k9.

**The NBA 2K series developed by Visual Concepts outranked competitors based on GameRankings.com average scores of 2001-2007 NBA video games.*

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NBA 2K9
Rating: E (Everyone)
Price: $19.99 - $59.99
Platform(s): Xbox 360®, PlayStation®2, PLAYSTATION®3, PC DVD



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EXHIBIT I

End-of-quarter highlights displaying the quarter's best plays have been added as well. This feature adds more of a TV-presentation style to the fold, similar to what you would see during an ESPN or TNT broadcast. The championship celebration is said to be better as well. Do we get cut-scenes of the guys standing on the podium accepting the trophy from the commissioner? How about the presentation of the MVP trophy? And is Cheryl Miller going to have cut-scenes showing her interviewing the top performer of the half?

Online Features

Here is where things get a little hairy. As most of you already know, NBA Live 09 announced that it will have a featured called "365" that will update player tendencies and ratings daily based on current performance. There will also be player-specific DNA that takes into account the different styles of NBA players and that will be reflected in the 365 updates as well.

> The community is starting to wonder if the NBA 2K9 development team copied the idea from the NBA Live folks or if it was the other way around.

Now we get a chance to look at the features list for NBA 2K9 and we see that it too has a feature with player-specific DNA. The community is starting to wonder if the NBA 2K9 development team copied the idea from the NBA Live folks or if it was the other way around. Some skeptics think that EA Sports decided to capitalize on the well-known fact that 2K Sports does not release many early details about the upcoming NBA 2K game. So by holding an event and press conference before 2K Sports at E3, NBA Live 09 could announce the feature first and make it appear that NBA 2K9 is copying the idea.

The common theme seems to be that the die-hard NBA 2K fans know the series is light-years ahead of NBA Live so the thinking is that Live is piggy backing off of NBA 2K. The sentiment is that NBA 2K is always the best basketball game on the market so naturally the player-specific DNA was 2K Sports' idea in the beginning. Some are optimistic and truly feel that NBA 2K9 development team listened to the cries and provided a way to update things daily. In actuality we may never know who came up with the concept first. The only thing that's clear is that NBA Live's DNA feature has a real-life license that feeds the game the real NBA data, whereas 2K's feature probably works via its own engine and doesn't take into account real-life happenings.

There are still users sounding off about what changes they hope to see in the upcoming game. The banter back and forth becomes mundane because 2K Sports has usually done a good job at making the NBA 2K series a thing of beauty. You will always see users complaining about the accuracy of the passes through the lane to cutters or the effectiveness of the pick-and-roll, but for the most part there really isn't anything gameplay-related that should make you raise a stink.

> I too hoped for NBA Live to overthrow the ruler but I have now come to my senses.

The humorous thing about the previous lack of information is found when perusing the message boards at Operation Sports and the forums over at the 2K Sports site. There are always people claiming to love the previous installment of NBA 2K, but those same people are always saying that they heard NBA Live was working to close the gap. I have to laugh when I read those posts because they are reminiscent of my glory days long ago. I too hoped for NBA Live to overthrow the ruler (if you don't believe me then check my open letter to 2K Sports) but I have now come to my senses.

Everyone has heard the saying that there are no sure things. Most people believe that there are no absolutes in life; and those of us that do, know that when the dust settles and the smoke clears NBA 2K9 will absolutely be the last one standing. I know that regardless of the amount of information that is presented beforehand, there is no need to lose patience and start resigning yourself to only purchasing NBA Live when the season rolls around. I know which game reigns supreme, so stand firm and know that 2K Sports will not let everyone down.

EXHIBIT J

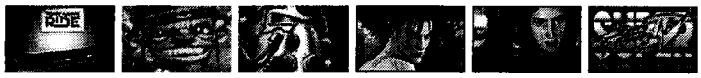
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NBA 2K9 (PS3)



NBA 2K9

Live 09 is better.

by BBGamer24

This Review's Trust Rating: 0 4

February 5, 2009 - I dont see how so many people love this game How is it better than Live 09?2K basically copied EA for a number of reasons.First of all,the Living Rosters feature sounds creepy and while its cool its just a rip-off of NBA Live 09's Dynamic DNA and NBA 365 features.I mean 2K Sports shouldnt be copying EA,thats just being stupid. And Live 09 has TMobile as a sponsor but so does 2K.The game has awful graphics except for the pre-game show and the fans.The dunk contest is fun but unrealistic.Really,if it werent for the game modes this game would be terrible,although it isnt a bad game,just copy-catish.

Reader's Ratings for NBA 2K9

Rating	Description
out of 10	click here for ratings guide
8.0	**Presentation** The presentation is actually good.
5.0	**Graphics** Fans look good but the player faces look nowhere close to what they look like in real life.Live 09 has WAY better face graphics.
5.5	**Sound** Average soundtrack and the new commentary presentation is ok but Kenny Smith sounds annoying in the game.
6.0	**Gameplay** The Living Rosters feature doesnt even get the player tendencies right and its rediculously hard to make a shot.And the free-throws are unrealistic.
5.0	**Lasting Appeal** No way this is better than Live 09.Online gameplay sucks and the gameplay itself is horrible.
4.9	**OVERALL** (out of 10 / not an average)

Do you trust this reader review?: 0 4

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Game Details for NBA 2K9



Published by: 2K Sports
Developed by: Visual Concepts / Kush Games
Genre: Sports
Number of Players: 1-4
Release Date:
US: October 7, 2008
Europe: October 10, 2008
Australia: October 10, 2008
MSRP: $59.99
Also Available On: Xbox 360, PlayStation 2, PC

EVERYONE E ESRB

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8.6

8.5
Great

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NBA 2K9 Adds 'Living Rosters'

By Earnest Cavalli ✉ September 22, 2008 | 1:25 pm | Categories: Console Games



NBA 2K9 creator 2KSports has finally revealed its answer to *NBA Live '09's* dynamically updated player stats: A near-doppelganger of Electronic Arts' system dubbed "Living Rosters."

"When the Living Rosters feature is activated and a gamer signs in online, the game automatically checks for Living Roster updates in order to download the latest real-life player information in a seamless process behind the scenes," the official description states.

Like EA's system, the game will automatically use this data to alter player attributes and tendencies within the game.

With "Living Rosters" and EA's "Dynamic DNA" being the most important additions to a sports game in years, the (critical) success of each basketball title will almost certainly come down to the quality of their dynamic roster system. Honestly I don't care who wins, I just hope either company implements a system as useful as the one I'm envisioning based on what we've been promised.

Image courtesy 2KSports

See Also:

- *NBA Live 09's* 'Dynamic DNA' Alters Players on the Fly
- Gilbert Arenas Lands *NBA Live 08* Cover
- LiveVideo.com Launches: Yet Another Video-Sharing Site, Plus an NBA Star

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Comments (2)

Posted by: Sarkazein | 09/22/08 | 9:07 pm

To show street cred, the Mavericks' Josh Howard has already come out and rolled both games into a joint, smoked it while singing "Oh, Canada!" in front of WW2 veterans, and then kicked David Stern in the nuts. The league is expected to "frown upon" such practices.

Posted by: leolion | 03/18/09 | 1:14 am

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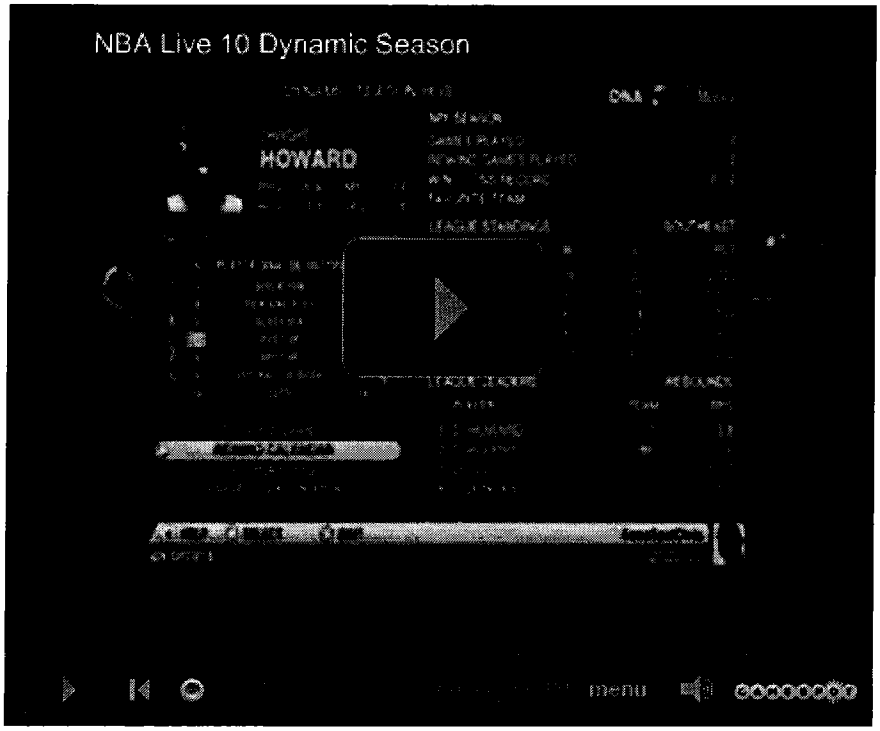
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NBA Live 10 Dynamic Season Hands-On



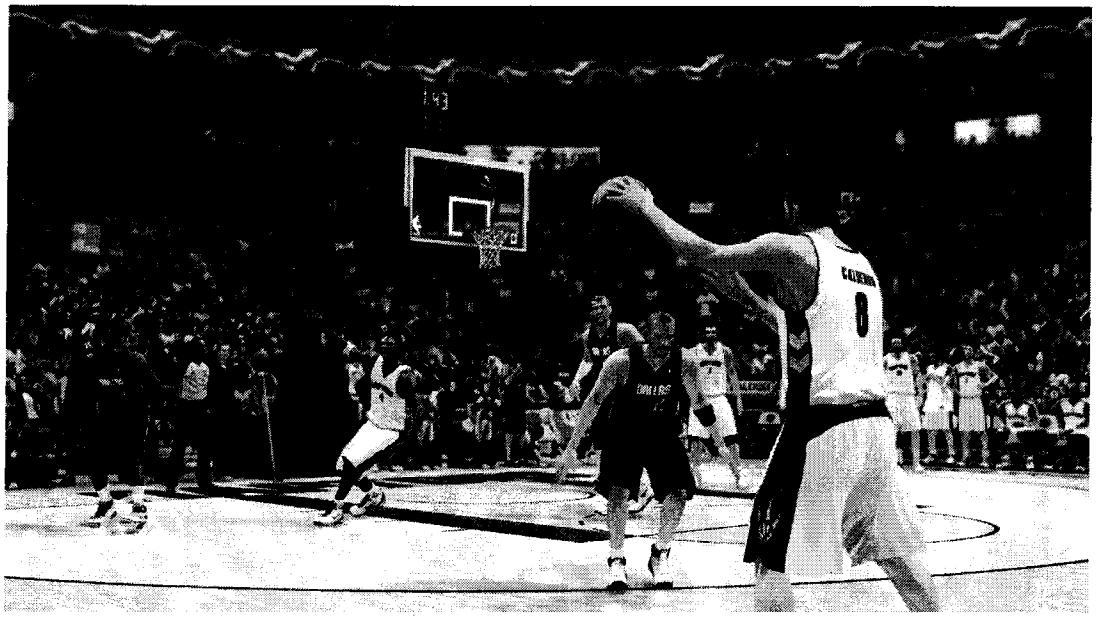
One of the standout features in NBA Live 09 is its Dynamic DNA system, which takes data based on the real-world performance of individual NBA players and integrates it into the game. This means that in-game players benefit (or suffer, in some cases) from the performance of their real-life counterparts over the course of the actual NBA season, so if Kobe Bryant changes up his game and posts up more, taking fewer outside jumpers, then the in-game Kobe reflects that change. It's an interesting feature and one that's begging for greater integration in the NBA Live series, which is exactly what EA Sports is doing with NBA Live 10 and the new Dynamic Season mode. But the impetus for creating Dynamic Season also stems from watching how people play NBA Live. "Dynasty modes have been a part of sports games for a long time. We've found there's a percentage of people who play Dynasty mode and focus on year one, or focus on keeping their team up with real life," says Garreth Reeder, producer on NBA Live 10. "Our goal was to create a connected, solo mode that used the daily DNA feature and would allow you to play along with the real NBA season with an up-to-date, daily roster."

"There are people who really like to be the GM, do drafts, sim ahead, and do all of these things," he adds. "But there's a huge part of our consumer base that are solely focused on the real NBA season. They're either following their team or just the NBA in general. That's who we're targeting with this mode."



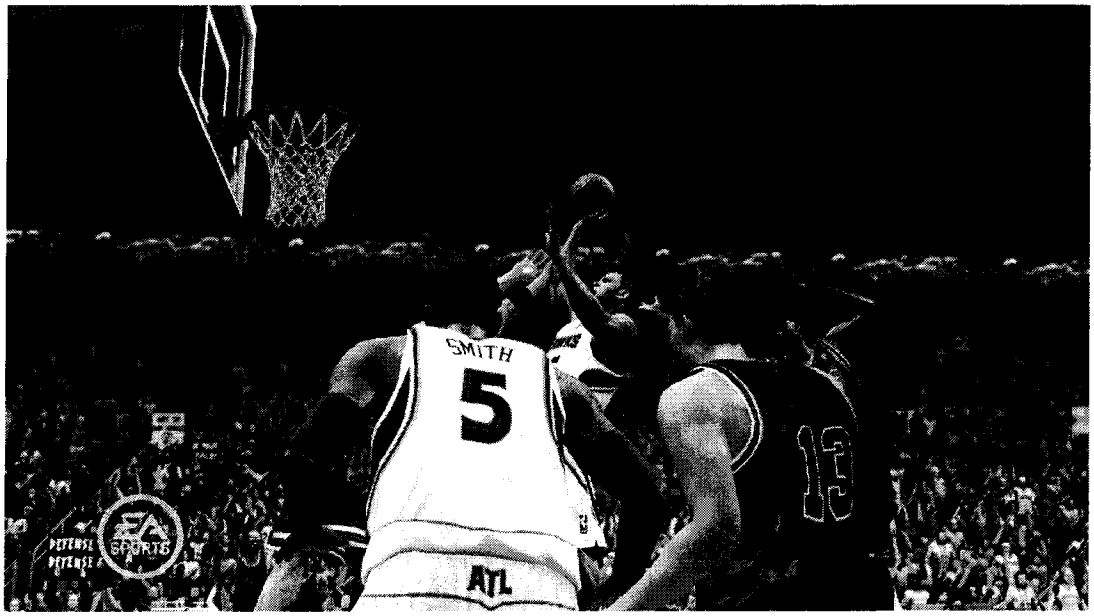
When you enter the Dynamic Season area, there are four main options to choose from: Today's Games, Rewind Calendar, My Playoffs, and Dynamic Season Menu. If you select Today's Games, you're presented with all of the games scheduled to take place on that day, allowing you to jump right in and start playing. And while Dynamic Season mode tracks what your favorite team is (which is based on the number of times you play with a team), you're not restricted to a single team's schedule. "We thought, let's open this up and make it more of a sandbox mode," Reeder explains. "I'm a fan of certain teams, but I don't want to be constrained to that team. I really want to get that feeling of, it's Friday night, and there are some great games on ESPN tonight--maybe it's Lakers versus Celtics or LeBron versus Kobe. We really wanted people to say, 'I can follow my team, but there's a great match-up tonight. I want to play that game.'" Today's Games features all of the current rosters (including injuries and trades), DNA, and actual stats from the NBA, so you're getting an authentic setup, and while the outcome of your game may be wildly different from what happens in the real game, those results (both real world and in-game) still get calculated and merged, carrying on to the next game in the season.

Whereas Today's Games lets you play current NBA match-ups, Rewind Calendar lets you go back to any point in the season to play a game. "Because of our partnership with Synergy Sports, we have Rewind Games in NBA Live 09, so we've created an entire calendar [for NBA Live 10] that gives you every game from every NBA team through the whole year," says Reeder. "There are over 1,200 games in an NBA season, so at the end of the year, you can play any one of those games and you'll have the roster, the DNA, the box score, everything from every game. It's completely authentic to everything happening on that day." So, if you have a player who was injured in real life and couldn't play in a game that you want to play in NBA Live 10, he won't be available to you. Likewise, let's say you play a game where you know a particular player was injured late in the 4th quarter and had to sit out for a couple of games, but in your game he doesn't get injured--he still won't be available to you in those games he had to sit out, even if he wasn't injured in your game. In other words, Rewind Calendar games always reflect what's happening in real life, but your stats and results will still merge into the mode. "The games that you're playing are your own," Reeder explains. "Something we've been throwing around the office is that real life is kind of your sim engine this year. We keep all of your player stats and your record, if you've won or lost. And then, when we're merging the real results back in, you're really getting that effect of taking your games and combining it with real life. The more you play, the more you change the alternate reality of the NBA season."



An alternate reality is probably the best way to describe much of Dynamic Season mode, particularly the playoffs, which--not unlike Dynasty mode--use the team records from your Dynamic Season to generate brackets. "When the real playoffs start, we open up an option in the game called My Playoffs. When you select that option, we calculate your current standings and we make a playoff bracket based on your season," says Reeder. "So if you make Golden State the number four seed in the West, when you go into My Playoffs, we'll create a bracket based on your season and allow you to play through the playoffs and get an eventual championship." Also like Dynasty mode, Dynamic Season takes into account different stats for the purposes of awarding players with MVP, rookie of the year, and other honors. And if you still want to play with the real-life NBA playoff setup, you can do that by going back into the Today's Games option, but those games won't have any impact on the rest of your season.

Though Dynamic Season is a stand-alone, single-player mode, it does have some online functionality outside of downloading data for rosters, stats, and DNA. "We keep track of things like the community stat leaders and which players people are using, so [we can find out] who's going to be the leading scorer in everyone's Dynamic Season, collectively," says Reeder. "Maybe it's going to LeBron James averaging 40 points a game, but we don't really know. It's going to be interesting to see. We also keep track of all the games people are winning and losing. We have a screen that shows something that's almost like season standings--how many wins and losses do all of these teams have. Then we rate the NBA teams by how many wins they have collectively. We also have a record book screen where we keep track of your personal team and player records, but we also compare your record with whoever out there in the world has the highest record." You can also view other leaderboard-style statistics, including people who have played the most games total or the people who have played the most Rewind Calendar games.



All of this should help reinforce the notion that while you're playing through the NBA schedule with realistic scenarios provided by DNA, stats, and rosters from actual games, you're still free to create your own version of the NBA season. "I'm interested and excited to see how into it people get," says Reeder. "It'll be neat to go to that leaderboard screen and check out who's playing every day." Look for more on NBA Live 10 before its release on October 6.

By: **Giancarlo**
Posted Sep 17, 2009 3:02 pm PT

Story from GameSpot:
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SyStem-code
Posted Sep 23, 2009 7:18 am PT
This game is hot !!! man

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skyraid2
Posted Sep 23, 2009 6:28 am PT
why is nba live not as popular as 2k, whats better, whats worse

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Ronin893
Posted Sep 22, 2009 7:01 pm PT
It seems like a great feature from last year and I am glad that they have improved on it.

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strongarming
Posted Sep 22, 2009 6:07 pm PT
seriously i tried playing 2k and i hate it.i just played live 10 demo and NBA live 10 its nothing like live 09... no way. live 10 game play is much more better..the handle and dribbling in live is much more better than 2k..the only thing that 2k has better is the dunking in the game ..other than that its horrible.. the moves in 2k are really simple. i broke the analog of my controller trying to do spin moves on 2k because that's the only move that allow u to get pass a player while sizing them up..

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Xtatic324
Posted Sep 22, 2009 5:06 pm PT
Players look like paper. They show hardly any facial emotions.. You know Dwight wouldnt have a straight face while dunking hard like that. Everytime i try to play live I get dissapointed. I used to be a huge live fan back in the day on the original playstation, but ever since ive played 2K... theres nothing like it. EA needs to improve more than what they have now to compete

0 | 0 = 0 Sign in to rate this comment

EvanChelio
Posted Sep 22, 2009 10:27 am PT
bigtigga48
you said that u played both demos, right? When was this because 2k hasn't put out a demo yet. So stop lying. Plus if you are basing a game off of graphics and not gameplay than you are probably a garbage cheesing casual fan/player anyway. Live 10 is like Live 09 except 10 you can face up and has a better crowd. 2k has everything live has but better. if you want live controls than use alternate b in 2k so you wont have to use the shot stick. Until live get's rid of those clunky animations so the game can look like b-ball then 2k all the way. Play the Live 09 demo and the Live 10 demo. Its the same game with better graphics. You can't put syrup on dog crap and tell me its pancakes!!!

1 | 0 = +1 Sign in to rate this comment

bigtigga48
Posted Sep 21, 2009 3:29 pm PT
I don't understand how people can say that 2k looks better than live. it never did. Having played both 2010 demos I have to say that NBA live 2010 is the superior in every aspect of the game including most importantly being leaps and bounds more fun and immersive than 2K10. everything just feels better, tighter, smoother and more natural even the sound of the crowds are believable. its just amazing. This is definitely a must buy for me and I know some people argued that for the past 3 years or so 2k was the better game. All I have to say is Not This Year!

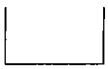
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NuKkU
Posted Sep 20, 2009 6:56 am PT
dude that dynamic season sounds awesome!!!

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spy2828
Posted Sep 20, 2009 5:54 am PT

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Finally EA decided to improve the graphics...
For three years (06-09) there was no improvement

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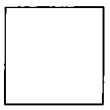


TC119

Posted Sep 19, 2009 11:14 am PT

love it nice over view http://linktrack.info/timsc119

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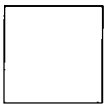


Dommymoon

Posted Sep 19, 2009 11:07 am PT

Too bad 2k makes live look like crap

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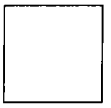


strongarming

Posted Sep 19, 2009 10:02 am PT

i also think that 2k was so thirsty to become better than live and threw a lot of its best stuff out there to be better than live .its kinda hard to top what they already have out and be differ than live.

2 | 2 = 0 **Sign in** to rate this comment

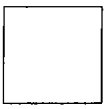


strongarming

Posted Sep 19, 2009 9:55 am PT

I personally like Live...they made tremendous improvements from live 09 .One thing that i say is that live is behind though and trying to catch up .the improvements that live has made 2k been has..but i just think that in 2k players are all over the place and the court is small..i can control players better on live. which i like..i also cross the ish out of people and make them fall.. i couldn't do that in 2k

1 | 2 = -1 **Sign in** to rate this comment

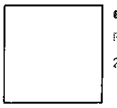


Dakota_West

Posted Sep 19, 2009 7:33 am PT

This is how I know 2K9 and 2K10 are the same game....Okay, you played Draft Combine right??? Your player is being formatted onto the 2k10 engine. You have the same player model, the same moves and skills...why would combine differ from 2k10 the game? The only things that have changed is the presentation and the a couple more moves for players.

2 | 0 = +2 **Sign in** to rate this comment

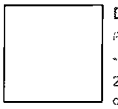


ej1041

Posted Sep 19, 2009 7:09 am PT

2K doesnt really change much...

2 | 1 = +1 **Sign in** to rate this comment



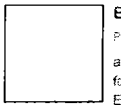
Dakota_West

Posted Sep 19, 2009 7:02 am PT

"YAWN" EA was "KING OF SIM BASKETBALL GAMES" from 1999-2004...In 2005, 2K officially took the throne and what's 5 years to EA's 15 years? With that said, you can always play catchup in any genre whether it's sports, strategy, shooters, fighting games and etc. I would be scared if I was 2K sports because EA is finally catching up. I would be scared if I was a 2K fan boy as well. If anything, 2K caught Live and found it's stability. Live wants to get serious and with that said ...it's gonna be hell for 2k to keep producing now.

Through these last 2 years I see 2K being limited on things to improve on for that gameplay engine. With Live's new engine, you can expect more things to improve tremendously. The gap is actually closing between the two games. I'm a live fan, but 2K still has the throne....but for how long though?

3 | 2 = +1 **Sign in** to rate this comment



BiggEdd32

Posted Sep 19, 2009 12:06 am PT

ahahaha, i laugh at all those who say live is better than 2k, ahahahaha. u may like live for ur reason, but no matter where u look, everyone has 2k rated better than live. Every year i hope that live puts out a descent game because im a hardcore nba fan and i would love 2 have 2 diff games that are quality and every year live disappoints me. if ur only gonna buy one game get 2k and ull have no regrets thats a guarantee.

2 | 5 = -3 **Sign in** to rate this comment

baltimoreravens

Posted Sep 18, 2009 6:23 pm PT

Downloaded the demo, it was ok, better than 09, but definitely not better than 2k, not even close. The animations are still too unrealistic, and the players didn't look too good.

3 | 1 = **+2** **Sign in** to rate this comment

buttpuke

Posted Sep 18, 2009 6:55 pm PT

I'm done with Live for good. "This Dynamic Season" seems like a good idea in theory but I don't think it will translate well. And the idea of a player on my team having to sit out games in my season, even if he's not injured, because a real-life player gets injured doesn't fancy me. Will the make guys miss games in the Dynamic Season for DUIs too?
2K for me this year and every year.

4 | 1 = **+3** **Sign in** to rate this comment

Mike_Labeckio

Posted Sep 18, 2009 8:27 pm PT

I thought 2K did this last year, maybe not as robust but they did it last year anyway.

1 | 2 = **-1** **Sign in** to rate this comment

FPS1337

Posted Sep 18, 2009 5:38 pm PT

i prefer live over 2k. Live the controls feel much better in my opinion although sometimes to unrealistic gameplay. I'll get live for 360 and 2k for wii just to play the career mode in 2k.

2 | 5 = **-3** **Sign in** to rate this comment

winrehs_007

Posted Sep 18, 2009 4:09 pm PT

Got to admit that Live really improve a lot this year, but, compared to 2K10, it's still arcadish to me. 2K10 has better graphics, animations, presentation and features. In short, 2K10 is a lot better than Live 10.

4 | 4 = **0** **Sign in** to rate this comment

gammer_spot

Posted Sep 18, 2009 3:35 pm PT

im geting live this year

1 | 3 = **-2** **Sign in** to rate this comment

JJMIZZY

Posted Sep 18, 2009 11:55 am PT

Dynamic Season is exactly what I've been waiting for. If a player is injured in real life, they are in my season too. Dynamic DNA is where 2K gets beat down. All the Live haters claim that 2K is the most realistic b-ball experience, but until they start offering something similar to Dynamic DNA, they don't deserve that title. Gameplay wise, I'll give the realism edge to 2K, but they need to be updating player stats nightly, not this once every 10 days junk. Also, I agree with Virgin Islander (the most eloquent comment on here) as far as people making noise about how great 2K10 is when it HASN'T EVEN COME OUT YET! C'mon, give Live a chance.

3 | 1 = **+2** **Sign in** to rate this comment

jamesb215

Posted Sep 18, 2009 10:54 am PT

Nba live 10 is a good game don't knock it before u try it

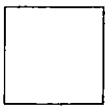
5 | 2 = **+3** **Sign in** to rate this comment

knighthawksfan

Posted Sep 18, 2009 10:31 am PT

This game looks pretty good I can't wait too get this game because I have always loved nba live no matter how ass it is. I love the realistic way the players play sim style basketball on this game. Go nuggets win that championship this year.

0 | 3 = **-3** **Sign in** to rate this comment

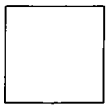


Cleazy24

Posted Sep 18, 2009 10:16 am PT

I think that Live 10 is improved over last year, but it still feels more like an arcade style basketball game compared to 2K. The people only make realistic movements when dunking, laying the ball up and dribbling animations, other than that Live does not feel like a real basketball game to me.

2 | 2 = **0** **Sign in** to rate this comment



mezgamer585

Posted Sep 18, 2009 10:18 am PT

@ squaredude44

nice icon man lol

0 | 0 = **0** **Sign in** to rate this comment

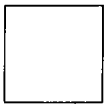


mezgamer585

Posted Sep 18, 2009 10:15 am PT

i see dey still take dem ugly looking shots from point blank range lol..but i do see improvements. i do plan on gettin nba live sometime in october but i will also buy nba 2k10 but later in da year maybe ah good christmas present

0 | 0 = **0** **Sign in** to rate this comment

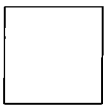


thekey

Posted Sep 18, 2009 8:29 am PT

I'm sorry but this game still looks like crap. I just can't see this game beating NBA 2K. EA still doesn't have it.

4 | 6 = **-2** **Sign in** to rate this comment

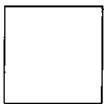


sorAxFight

Posted Sep 18, 2009 8:24 am PT

2k is better

3 | 4 = **-1** **Sign in** to rate this comment

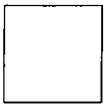


Gooshnads

Posted Sep 18, 2009 8:18 am PT

@wwinrehs_007
well said.

2 | 2 = **0** **Sign in** to rate this comment



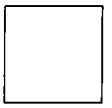
winrehs_007

Posted Sep 18, 2009 7:51 am PT

NBA 2K10 = Simulation Basketball
NBA LIVE 10 = Arcade Basketball

Period.

6 | 6 = **+2** **Sign in** to rate this comment



maaly81

Posted Sep 18, 2009 7:39 am PT

only thing I really liked about live10 demo was the inside bigmen dunk animations where they bend the rim all the way down , like real life. I still got 2k10 on preorder for anniversary edition

1 | 0 = **+1** **Sign in** to rate this comment

VIRGIN_ISLANDER

Posted Sep 18, 2009 7:31 am PT

i got to laugh at alot of you people. as i read these comments all i see are people that are trying thier hardest to hate this game. personaly the best live game was 1999, i loved that game. everything after that sucked. i really liked 2k5 that stood as the best 2k for me. now in realation to 09, they both sucked ass. end of story. i bought live 09 over 2k because it felt like to much drama to do cross over moves in 2k9 also the court seemed like it was to small...ya know what imma stop...the game was crap. they both were end of story...lol..but at the time i prefered live. now its 2010 and i havent seen anything from 2k so with that said why are people so quick to say that live 10 is inferior to a game that has not even come out yet, a game in which there hasnt even been any gameplay footage yet.live has stepped up thier game big time and the demo is factuall evidence of that. and until i play 2k10 i'm goin to have to say that live 10 is the better game....and for all you animation junkies, at this point in time its imposible to fully capture every single aspect of movement in basketball and chain them together seemlessly without any kind of stutter in between. after all i'm sure you dont want have to sit and watch long animations play out without being able to cancel out of them....i dont know, maybe i dont even know what i'm talkin about....and to tell you the truth i dont. i'm just sayin'.

4 | 2 = +2 **Sign in** to rate this comment

bangd_by-nardo

Posted Sep 18, 2009 7:24 am PT

omg this demo go hard no homo imma cop this game. i like both 2k, live but i like a little better 2k looks better graphics wise but live is fun to play.

0 | 0 = **0** **Sign in** to rate this comment

Hakud0ushi

Posted Sep 18, 2009 7:09 am PT

Not bad, not bad. Let's see how it goes.

0 | 0 = **0** **Sign in** to rate this comment

inextremo88

Posted Sep 18, 2009 6:57 am PT

I don't think there's any good bb game out there.. Maybe 2k is better than Live.. But they both don't feel like basketball.. basketball is all about moves, tactic, defence... and fluent gameplay... they both just mess the last part totally..

0 | 1 = **-1** **Sign in** to rate this comment

jaijames

Posted Sep 18, 2009 6:45 am PT

do you all see what ea is doing. they advertise basketball in compartments just like madden. The players still move like robots, they look like bobbleheads. the last good nba live they made was live 2004. 2k10 will be better. they bring real basketball.

1 | 1 = **0** **Sign in** to rate this comment

risbo_23

Posted Sep 18, 2009 6:37 am PT

Well sorry to disappoint you guys, but I'm still playing 2K9, and it has way better player animations than this. This game just doesn't feel right.

1 | 4 = **-3** **Sign in** to rate this comment

Silvinho-10

Posted Sep 18, 2009 6:03 am PT

I agree you people are I do not know, you are PES 2010 and we are FIFA 10 karanlo10 is right.

0 | 0 = **0** **Sign in** to rate this comment

karanlol10

Posted Sep 18, 2009 5:59 am PT

u people can go screw youselfs

0 | 4 = **-4** **Sign in** to rate this comment

karanlol10

Posted Sep 18, 2009 5:58 am PT

people who think 2k is better than nba live 10, in the immortal words of Sir William da Silva, SCREW YOU!

2 | 3 = **-1** **Sign in** to rate this comment

karanlol10

Posted Sep 18, 2009 5:54 am PT

nba 10 is going to be an awome game and ianmarvinchua i think ur dyslexic

1 | 3 = **-2** **Sign in** to rate this comment

GaMa__GaMer

Posted Sep 18, 2009 5:53 am PT

I don't like basketball game....But i can make some exception... Cause this looks so good, way better than NBA live 2010

0 | 0 = **0** **Sign in** to rate this comment

squaredude44

Posted Sep 18, 2009 5:48 am PT

2K is still WAY better

4 | 2 = **+2** **Sign in** to rate this comment

marthead

Posted Sep 18, 2009 5:47 am PT

2K fan, no doubt, but I do admit if i got the spare cash I always shell out for the NBA Live game down the line. NBA Live has this arcade-sh charm to it, and sometimes it's nice to get a break from 1 game and play another. I don't doubt 2k10 will be the better game, but I always enjoy both games on different levels. Live seems to have a bit more edge on the presentation (not graphics, just flare). I do wish they would redo the commentary every year. It gets old really fast.

2 | 0 = **+2** **Sign in** to rate this comment

pleezebeleevit

Posted Sep 18, 2009 5:39 am PT

2k all day, dis look like str8 gau-bijj.

2 | 2 = **0** **Sign in** to rate this comment

ianmarvinchua

Posted Sep 18, 2009 5:01 am PT

2k10 looks a bit more realistic than this one .. last year nba live 09 was not even close of beating 2k9nba .. but now i see the changes the made and now live 10 will be a challenge for 2k10nba .

3 | 0 = **+3** **Sign in** to rate this comment

sub-raid

Posted Sep 18, 2009 4:28 am PT

I think i'll get the 2k game like last year.

2 | 2 = **0** **Sign in** to rate this comment

1 2 next

winrehs_007
Posted Sep 18, 2009 4:00 am PT

@ Kubilius: NBA 2k10 is by far much better than NBA Live 10. If you want proof. Go to youtube and watch NBA Live 10 Demo/Actual gameplay or download the demo if you want. Then, compare it to 2K10. Do the same procedure as Live except for the Demo part because 2K10 has no demo but a what they called a "Draft Combine". It gives you a rather short explanation in what to expect in the actual game.

0 | 0 = 0 **Sign in** to rate this comment

Kubilius
Posted Sep 18, 2009 3:59 am PT

I have always been a fan of NBA LIVE games, but stoped playing in 2004 or something like that. Now i've got PS3 and I need a basketball game. I see many comments about 2K beating EA - could someone briefly explain why is it better ? Do they have something similar like Dynamic player updates? Any interesting modes? Better multiplayer ? What is it about ?

2 | 0 = +2 **Sign in** to rate this comment

SweetMusic
Posted Sep 18, 2009 2:44 am PT

NBA 2K10 will still be better than NBA Live 10. NBA 2K10 will be the best basketball game to date.

2 | 1 = +1 **Sign in** to rate this comment

zn8zlj
Posted Sep 18, 2009 2:14 am PT

2k is better!!!

3 | 1 = +2 **Sign in** to rate this comment

Excedra
Posted Sep 18, 2009 12:44 am PT

demo was disappointing....again!!!!!!

2 | 2 = 0 **Sign in** to rate this comment

Excedra
Posted Sep 18, 2009 12:44 am PT

6.5-8.0

0 | 0 = 0 **Sign in** to rate this comment

belekoy
Posted Sep 18, 2009 12:30 am PT

i give credit to EA for getting this much change in less than a year.. dynamic season sounds good but slow to play.. anyway, this year is 2k's year still.. but i expect Live to come out on top in a few years..

0 | 0 = 0 **Sign in** to rate this comment

blackgambitx
Posted Sep 17, 2009 11:50 pm PT

i admit, i was a little unimpressed with the live 10 demo, it still feels a little arcade-ish to me. 2k always felt more realistic. live had some improvements some already in the prev 2k like sizing up. i admit some of the animations are really smooth, but they still move quirky at times. even though 2k10 combine felt like 2k9, i like the direction its going and i feel like the demo will bring a lil more to the table. live makes everything simple to execute but the post/square up doesnt feel as natural as 2k's.

5 | 0 = +5 **Sign in** to rate this comment

aznkxz
Posted Sep 17, 2009 10:22 pm PT

First I thought EA was just plain lazy about making basketball game but you know what they just don't get it. Demo wasn't that great and this game going to be another 6.0/10 if its 7/10 they dodge the bullets. Sure demo isn't feature all the stuff but ever since I played 2k9 demo man just hate to admit it was better then Live. I was long time Live fan back in 12000 but 2k sports change my destiny about basketball game. man gota admit when something has to be admit. 2k basketball is sbetter period. EA you just dont get it

3 | 3 = +5 **Sign in** to rate this comment

estevie69
Posted Sep 17, 2009 10:03 pm PT

The demo was not great. 2k9 still feels better. I appreciate their overhauling and revamping of Live but it's simply subpar. The thing about EA is they love to talk game but they don't deliver to the level of 2k. Every year EA advertises their new features, like signature style 2 years ago when 2k already had that. 2k already had tendencies and such last year they just didn't Proclaim to the WORLD their "DNA" system. In Live's case sucked cuz player ratings were always unbalanced. 2k never boasts about their work and real sports gamers appreciate that. This mode seems like u'll have 2 pay. Why recently have we had to pay for our game modes in games, online franchise in Madden (thankfully I didnt buy the game), 2k's combine is cool but should b in the final installment of the game, excessively priced map packs in all shooters! I hate the market aspect of games!!!

7 | 1 = **+6** **Sign in** to rate this comment

ohjtbehaaave
Posted Sep 17, 2009 9:27 pm PT

I played the demo and this is the best NBA LIVE game in ages. It might be a nice alternative for those looking for a good game... but one that's not to deep like 2K can be with the control schemes.

1 | 1 = **0** **Sign in** to rate this comment

WTFitsPauL
Posted Sep 17, 2009 9:01 pm PT

i'll wait for reviews & a head-to-head article w/ NBA 2k10. its just too hard to buy 2 sports games every year.

1 | 0 = **+1** **Sign in** to rate this comment

Shotz1284
Posted Sep 17, 2009 8:58 pm PT

This mode could be really cool. A good addition. The game play looks a lot smoother and more realistic. I'm liking what I see.

1 | 0 = **+1** **Sign in** to rate this comment

Cross_Bone
Posted Sep 17, 2009 7:25 pm PT

I tried the Live 10 demo and I thought it was pretty damn good. Can't wait for October 6.

0 | 0 = **0** **Sign in** to rate this comment

datniccah187
Posted Sep 17, 2009 7:21 pm PT

This mode could be great. I'll def be keeping my eye on it. I think its a few years away from being something special.

1 | 1 = **0** **Sign in** to rate this comment

scottyp180
Posted Sep 17, 2009 6:46 pm PT

this seems pretty interesting. if 2k10 for some reason disappoints this feature gives me a reason to play live.

0 | 0 = **0** **Sign in** to rate this comment

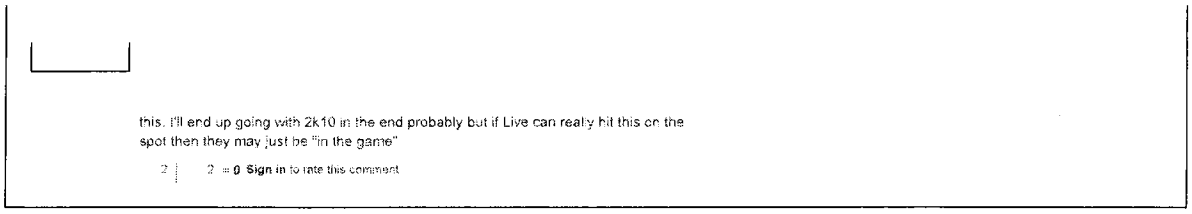
jeks99
Posted Sep 17, 2009 6:23 pm PT

If Draft Combine is a success, I'll get NBA 2K10. Career mode FTW. Plus last years NBA 2k9 still feels and moves beautifully and feels real compared to this years Live 10.

2 | 2 = **0** **Sign in** to rate this comment

pengselim
Posted Sep 17, 2009 4:43 pm PT

This Dynamic DNA feature is quite interesting and makes me reconsider my pre-order of NBA 2k10 only for the fact that 2K9 lacked any real comprehensive feature such as



this. I'll end up going with 2k10 in the end probably but if Live can really hit this on the spot then they may just be "in the game"

2 | 2 = 0 **Sign** in to rate this comment

C. RELATED PROCEEDING APPENDIX

None

Electronic Patent Application Fee Transmittal

Application Number:	10266795
Filing Date:	08-Oct-2002
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Filer:	David Allan Jones
Attorney Docket Number:	17791.3.1

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Filing a brief in support of an appeal	2402	1	270	270
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 1 month with $0 paid	2251	1	65	65
Miscellaneous:				
			Total in USD ($)	**335**

Electronic Acknowledgement Receipt

EFS ID:	7960404
Application Number:	10266795
International Application Number:	
Confirmation Number:	9115
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Customer Number:	22913
Filer:	David Allan Jones
Filer Authorized By:	
Attorney Docket Number:	17791.3.1
Receipt Date:	06-JUL-2010
Filing Date:	08-OCT-2002
Time Stamp:	17:18:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$335
RAM confirmation Number	4283
Deposit Account	233178
Authorized User	ADAMS,SHEREE

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	31618 5cc79f12378e4b8054c0d4059f967133d8ca37ed	no	2
Warnings:					
Information:					
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<u>National Stage of an International Application under 35 U.S.C. 371</u>
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<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.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1

CONFIRMATION NO. 9115

22913
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

PUBLICATION NOTICE

OC00000041923780

Title: Method and system for increased realism in video games

Publication No.US-2010-0137045-A2
Publication Date:06/03/2010

NOTICE OF PUBLICATION OF APPLICATION

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

22913 7590 05/06/2010

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER	
PIERCE, DAMON JOSEPH	
ART UNIT	**PAPER NUMBER**
3714	

MAIL DATE	DELIVERY MODE
05/06/2010	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.

Notice of Panel Decision from Pre-Appeal Brief Review	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/266,795	ANGELOPOULOS, ATHANASIOS	
	DAMON PIERCE	Art Unit	
		3714	

This is in response to the Pre-Appeal Brief Request for Review filed 29 March 2010.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
☐ The request does not include reasons why a review is appropriate.
☐ A proposed amendment is included with the Pre-Appeal Brief request.
☐ Other: .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: *26-36, 39-42, 46-48, 51-55, 57-61, and 68-71*.
Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) *DAMON PIERCE*. (3)*Peter Vo*.

(2) *Dmitry Suhol*. (4)_____.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/Peter D. Vo/
Supervisory Patent Examiner, Art Unit 3714

Filed Electronically

PATENT APPLICATION
Docket No. 17791.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Athanasios Angelopoulos	)
		)
Serial No.:	10/266,795	) Art Unit
		)
Filed:	October 8, 2002	) 3714
		)
Conf. No.:	9115	)
		)
For:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES	)
		)
Examiner:	DAMON J. PIERCE	)
		)
Customer No.:	022913	)

PREAPPEAL BRIEF REQUEST FOR PANEL REVIEW

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

Dear Sir:

A succinct, concise and focused set of arguments for which the panel review is being requested is set forth hereinafter.

ARGUMENTS

Reconsideration of the application by a panel of examiners is respectfully requested in view of the following remarks.

1. Brief Description of the Claimed Invention

The claimed invention relates to a game medium configured to provide a sports video game in conjunction with a video game machine. The sports video game includes video game characters that have video game character performance parameters that affect the manner in which the video game characters perform in the video game. The video game performance parameters are based at least in part on real-life performances of the real-life athletes in real-life athletic sports events.

The invention allows the video game characters to more closely simulate the current attributes of the real-life sports athletes which they represent in the video game. The game

medium updates the video game character performance parameters contemporaneous with the corresponding athlete's real-life performances. The game medium and methods include sending and/or receiving a series of updates where the updates are based at least in part on different performances of the real-life athlete during a single sports season.

As addressed by the invention, real-life sports athletes perform differently at different times **during** a sports season. For example, the same real-life sports athlete's performance at the beginning of the 2001-2002 season may not accurately reflect that same real-life sports athlete's performance half way through the 2001-2002 season. In fact, the same real-life sports athlete's performance in the first game of the 2001-2002 season may not accurately reflect that same real-life sports athlete's performance in the second game of the 2001-2002 season, and so on. Therefore, according to the claimed invention, updating the video game performance parameters of a video game character representing this real-life sports athlete based on different performances during the single sports season changes the performance of the video game character to better simulate the current performance attributes of the real-life athlete.

The approach taken in the present invention is in direct contrast to sports video games that provide performance parameters by averaging a real-life player's performance over an entire sports season. An update that utilizes an average over an entire season can result in a video game character that never performs similar to the actual current during-season performance of the real life athlete since the season average will typically be from the season just prior to the one in which the sports athlete is performing in real life.

Finally, Applicants note that this patent application was filed on October 8, 2002, about seven and a half years ago. Therefore, the invention must be viewed from the perspective of one of ordinary skill in the art at the time this invention was filed.

2. Discussion of the Rejections

Claims 29, 51, and 60 stand rejected under § 103(a) over NBA2K1 Game Manual (hereinafter "NBA2K1"), in view of an internet post by Brad Cherone, discussing NFL2K1 (hereinafter "*Cherone*")[1] and further in view of the NES Tecmo Super Bowl game manual (hereinafter "Tecmo Bowl").

Applicants submit that the rejection of claims 29, 51, and 60 is in clear error because the Office Action fails to make a *prima facie* case of obviousness for the claimed element requiring a

[1] Applicants note that prior Amendments referred to *Cherone* as "NFL2K1". Because the most recent rejection relies on NBA2K1 Applicants refer to NFL2K1 as *Cherone* to avoid confusion between the references.

series of video game character performance parameter updates based on different performances of a particular real-life athlete during the single sports season.

Applicants submit that the **roster** update taught in NBA2K1, and relied upon by the Office Action, does not disclose an update of a "character **performance** parameter" as alleged.

In rejecting claim 29, the Office Action cites NBA2K1. NBA2K1 has one paragraph about updating rosters. It states:

> One of the other benefits to going online with NBA 2K1 is picking up the latest rosters. Don't worry about any last minute trades in the NBA. Just go online and download the most current roster to instantly update your game. (see page 25)

The Office Action alleges that this "roster update" is "interpreted as a series of updated video game character performance parameters because each player in the video game has a set of attributes as related to playing the game of basketball."

Applicants submit that the Examiner's characterization of roster as a "character performance parameter" is clear error. First, the fact that the roster is associated with video game attributes is irrelevant. Associating rosters with performance parameters doesn't make the roster a performance parameter. Under no reasonable interpretation can it be said that a roster is a performance by the athlete as required by the claims.

A roster is a well understood term that refers to a list of names of people on a team. NBA2K1 supports this interpretation when it teaches that the roster update ameliorates problems with "last minute" NBA trades (i.e., the roster update fixes changes in the list of players on the team). Thus, the Office Action's assertion that a "roster" update is a "character performance parameter" update is clear error.

Applicants submit that the Examiner's allegation that NBA2K1 teaches a **series** of updates is in clear error. The reference is simply devoid of any such teaching of a "series of updates". To the extent the Patent Office asserts that this feature is inherent, Applicants request evidence supporting an inherent feature. *See* MPEP § 2112 IV (which states "To establish inherency, the extrinsic evidence 'must make clear that the missing description matter is necessarily present in the thing described in the reference.... Inherency [] may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999)).

The Office Action acknowledges that NBA2K1 fails to teach that the series of downloads are based on different real-life performances of the real life athlete performed during the same sports season. The Office Action then alleges that *Cherone* teaches downloading a series of

updates based on different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season. However, *Cherone* is completely devoid of such a teaching. The Examiner cites to page 9 of *Cherone*, which describes in relevant part:

> From this menu, you can download the updated roster for your team. This is useful if you do not want to buy NFL 2k2 and you would like to get the new updated rosters with new and improved stats.

Again, the Office Action is in clear error because the reference relied on does not in-fact teach what the Patent Office alleges. Specifically, *Cherone* fails to teach a "series of updates" based on "different real-life performances of the particular real-life sports athlete performed during the single sports season." The Office Action incorrectly assumes that *Cherone* teaches a "series of updates" when in fact *Cherone* says nothing about a series of updates.

Similarly, the Office Action incorrectly assumes that *Cherone* teaches updates based on "**different performances**" of the same athlete performed during the single sports season. Again, this feature is simply not taught. There is nothing in *Cherone* that teaches or suggests updates based on "**different real-life performances of a particular athlete performed during the single sports season**." If the Examiner believes these feature are inherent, Applicants request evidence in accordance with MPEP § 2112.

Applicants note that the Office Action alleges that the "improved stats" mentioned in *Cherone* are "performance stats." During the Examiner interview held on March 10, 2010, this issue was discussed in detail. While Applicants disagree that the Examiner has established the veracity of this allegation, Applicants note that even if the Examiner is correct, *Cherone* still fails to teach a "series of updates" and/or fails to teach updates based on different performances of the same athlete performed during the same sports season.

The Examiner also acknowledges that NBA2K1 doesn't teach receiving the series of updates "during the single sports season." The Office Action relies on Tecmo Bowl for its alleged teaching of "updated video game character performance parameters **during** a single sports season." (Office Action p. 6, emphasis added). Applicants submit that the combination of Tecmo Bowl with NBA2K1 is in clear error because Tecmo Bowl alone or in combination with NBA2K1 still fails to teach updating the performance parameters contemporaneously with the performance by the real-life athletes as required by claim 29.

First, Applicants submit that Tecmo Bowl does not teach updating anything in the video game based on real life events (neither real-life roster changes nor real-life performance parameters). Tecmo Bowl allows video game players to play a series of video games in which

the results of the video games are recorded throughout a "video game season." The Office Action relies on pages 7 and 9-11 as allegedly teaching updating during a sports season. However, there is nothing in Tecmo Bowl that teaches that the video game character's performance statistics are actually updated. Pages 9-11 merely show that the video game characters have performance statistics. On page 7, Tecmo Bowl says, "Records for each team and player are kept in the cartridge's memory throughout the entire season." Tecmo Bowl says nothing about these records being used to update the video game characters' performance parameters. Since Tecmo Bowl doesn't even teach updating the video game, it certainly doesn't teach updating the video game contemporaneously with the performances of the real-life athletes in real-life events.

Even assuming, for arguments sake, that Tecmo Bowl discloses "updating" something, at best it discloses updating the video game using computer generated statistics based on video game play. The Patent Office alleges that this "updating" (i.e, changing statistics) occurs "during the season". However, the "season" is a video game season and the "during season update" would be a mere happenstance that would only occur because the video game console created the "season" based on the video game play. In other words, the "during the season" aspect of Tecmo Bowl only occurs if the video game machine creates the statistics and the season. Moreover, generating seasons and statistics using a gaming console is incompatible with using real life statistics. Thus, Applicants submit that combination of Tecmo Bowl with NBA2K1 and *Cherone* is inoperable and the combination is in clear error.

Claims 51 and 68 include similar language as claim 29 discussed above and the rejections of these claims are in clear error for reasons similar to the errors discussed above for claim 29.

In conclusion, Applicants submit that the rejection of claims 29, 51, and 68 are in clear error because the references alone and/or in combination fail to teach a "series of video game character performance parameter updates based on different performances of a particular real-life athlete during the single sports season" and the combination of Tecmo Bowl and NBA2K1 is improper.

Dated this 29th day of March, 2010.

Respectfully submitted,

/Andrew S. Hansen/ Reg.# 56,370

ANDREW S HANSEN
Attorney for Applicants
Registration No. 56,370
Customer No. 022913

Electronic Patent Application Fee Transmittal

Application Number:	10266795
Filing Date:	08-Oct-2002
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Filer:	Andrew S Hansen/Brian Gonzalez
Attorney Docket Number:	17791.3.1

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	2401	1	270	270
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**270**

Electronic Acknowledgement Receipt

EFS ID:	7309437
Application Number:	10266795
International Application Number:	
Confirmation Number:	9115
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Customer Number:	22913
Filer:	Andrew S Hansen/Brian Gonzalez
Filer Authorized By:	Andrew S Hansen
Attorney Docket Number:	17791.3.1
Receipt Date:	29-MAR-2010
Filing Date:	08-OCT-2002
Time Stamp:	18:49:14
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$270
RAM confirmation Number	6084
Deposit Account	233178
Authorized User	HANSEN,ANDREW

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	17791-3-1-Pre_Appeal_Brief_COVERSHEET.pdf	63781 6afa61cd36da4b7f947892eb34df207afc934101	no	2
Warnings:					
Information:					
2	Notice of Appeal Filed	17791-3-1-Notice_of_Appeal.pdf	19350 56d2880d4e1768051a4ae3eae94ab1c1e4d0b8dc	no	2
Warnings:					
Information:					
3	Pre-Brief Conference request	17791-3-1-Pre_Appeal_Brief_Request_For_Panel_Review.pdf	51193 b752f059c23b773b6d6277c083efec635d71d106	no	5
Warnings:					
Information:					
4	Fee Worksheet (PTO-875)	fee-info.pdf	30096 65cd9e2122f64f84e4cdcaec171178c5a5cbe3d9	no	2
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Information:					
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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.

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-09)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 17791.3.1

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 AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed name _____

Application Number	Filed
10/266,795	October 8, 2002

First Named Inventor: Athanasios Angelopoulos

Art Unit	Examiner
3714	Damon J. PIERCE

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number 56370.

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

/Andrew S. Hansen/Reg. #56370
Signature

Andrew S. Hansen
Typed or printed name

(801)533-9800
Telephone number

March 29th, 2010
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

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

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

Filed Electronically

PATENT APPLICATION
Docket No. 17791.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		)
	Athanasios Angelopoulos	)
Serial No.:	10/266,795	) Art Unit) 3714
Filed:	October 8, 2002	)
Conf. No.:	9115	)
For:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES	)
Examiner:	DAMON J. PIERCE	)
Customer No.:	022913	)

NOTICE OF APPEAL

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

Sir:

Pursuant to 37 C.F.R. §1.191 applicant hereby appeals from the decision of the Examiner rejecting pending claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 contained in the NonFinal Office Action mailed March 1, 2010. Applicant appeals the decision of the Examiner with respect to each of the pending claims.

Payment in the amount of $270.00 pursuant to 37 C.F.R. § 41.20 (b)(1) using the Credit Card payment option in E-Filer with RAM will be used to cover the payment of the fees with respect to this Notice of Appeal.

The Commissioner is hereby authorized to charge payment of any fees with respect to this request, pursuant to 37 C.F.R. § 41.20 (b)(1) to Deposit Account No. 23-3178.

Dated this 29th day of March, 2010.

Respectfully submitted,

/Andrew S. Hansen/Reg.#56370

ANDREW S HANSEN
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Telephone: (801) 533-9800

ASH:cmc
2799415_1.DOC

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

22913 7590 03/11/2010

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER	
PIERCE, DAMON JOSEPH	
ART UNIT	**PAPER NUMBER**
3714	

MAIL DATE	DELIVERY MODE
03/11/2010	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.

Interview Summary	Application No.	Applicant(s)	
	10/266,795	ANGELOPOULOS, ATHANASIOS	
	Examiner	Art Unit	
	DAMON PIERCE	3714	

All participants (applicant, applicant's representative, PTO personnel):

(1) *DAMON PIERCE*. (3)*Dmitry Suhol*.

(2) *Andrew Hansen*. (4)_____.

Date of Interview: *10 March 2010*.

Type: a)☐ Telephonic b)☐ Video Conference
c)☒ Personal [copy given to: 1)☐ applicant 2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes e)☒ No.
If Yes, brief description: _____.

Claim(s) discussed: *All*.

Identification of prior art discussed: *NFL2K1 and Super Temco Bowl*.

Agreement with respect to the claims f)☐ was reached. g)☒ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *Applicant requested an interview to discuss prior art used in outstanding rejection. Consequently, the Examiner and applicant showed differences of interpretation of what the prior art discloses and were unable to come to an agreement. In conclusion, full and fair consideration will be given to Applicant's timely submitted, official written response to the Office.*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

	/Dmitry Suhol/ Supervisory Patent Examiner, Art Unit 3714

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

———

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

22913 7590 03/01/2010

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER	
PIERCE, DAMON JOSEPH	
ART UNIT	**PAPER NUMBER**
3714	

MAIL DATE	DELIVERY MODE
03/01/2010	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	10/266,795	ANGELOPOULOS, ATHANASIOS	
	Examiner	Art Unit	
	DAMON PIERCE	3714	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *2/16/10*.

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

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

Disposition of Claims

4)☒ Claim(s) *29-36,39-42,46-48,51-55,57-61 and 68-71* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-36,39-42,46-48,51-55,57-61 and 68-71* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

DETAILED ACTION

Claim Rejections - 35 USC § 103

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

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

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

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

2. Claims 29-36,39-42,46-48,51-55,57-61 and 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over NBA2K1 Game Manuel of Sega Dreamcast (referred to as NBA2K1) in view of NFL 2K1 GameFaqs on Sega Dreamcast (referred to as NFL2K1) and NES Tecmo Super Bowl (herein referred to as Tecmo Super Bowl).

29, 33-35, 41-42, 46-48, 51, 55 ,57-61 and 68-69, **NBA2K1 discloses a game medium configured to provide a basketball sports video game in conjunction with a video game machine, the basketball sports video game including video game rules and basketball video game character parameters, the basketball video game**

character parameters including video game character performance parameters (NBA2K1 is a video game disc made for the Dreamcast video game system containing National Basketball Association-NBA rules and athletes, where each athlete in the video game contains a specific set of skills relative to playing basketball), **the game medium being configured to cause the video game machine to perform a method comprising**:

loading video game data stored by the game medium into a random access memory of the video game machine for playing the basketball video game, the video game data including the video game rules and a particular basketball video game character performance parameter associated with a particular basketball video game character associated with a particular real-life basketball sports athlete, wherein the particular basketball video game performance parameter is based at least in part on a real- life basketball performance of the particular real-life basketball sports athlete playing in one or more real-life basketball sporting events, the particular basketball video game character performance parameter affecting the manner in which the particular basketball video game character performs in the basketball sports video game (NBA2K1 discloses using a video game disc for the Dreamcast game console, pg. 25, explicitly discloses updating current rosters to the NBA game, where the updating of rosters are interpreted as a series of updated video game character performance parameters because each player in the video game has a set of attributes as related to playing the game of basketball);

receiving a series of updated video game basketball character performance parameters from a data server via a network including the Internet (NBA2K1 discloses using a video game disc for the Dreamcast game console, pg. 25, explicitly discloses updating current rosters to the NBA game, where the updating of rosters are interpreted as a series of updated video game character performance parameters because each player in the video game has a set of attributes as related to playing the game of basketball);

updating the basketball sports video game with each of the updated basketball video game character performance parameters received, wherein each update changes the manner in which the particular basketball video game character performs in the basketball sports video game such that the particular basketball video game character more closely simulates real-life basketball performance attributes of the particular real- life basketball athlete in the sports video game (NBA2K1 discloses using a video game disc for the Dreamcast game console, pg. 25, explicitly discloses updating current rosters to the NBA game, where the updating of rosters are interpreted as a series of updated video game character performance parameters because each player in the video game has a set of attributes as related to playing the game of basketball); and

enabling a user to control the particular video game basketball character in the basketball sports video game using a video game controller connected to the basketball video game machine (see "Offensive Controls with the ball" section of pps. 7-10, which discloses how to play the game using game controllers), wherein:

the basketball sports video game includes video game basketball courts, video game basketball teams, and video game basketball characters associated with real-life basketball courts, real-life basketball teams, and real-life basketball athletes respectively (NBA2K1 is a basketball sports video game that includes real-life courts, teams, and athletes).

NBA2K1 fails to explicitly disclose during a single basketball sports season, wherein each of updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season;

at least one of the updated video game character performance parameters is associated with a free-throw completion percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season;

wherein at least one of the updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life basketball sports event during the single basketball sports season.

NFL2K1 discloses wherein each of updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season (NFLK1 discloses a using a video game disc for the Dreamcast game console, where NFL rules and athletes are loaded to the video

game console, see pg. 9, discloses connecting to the net to get the new update player rosters with new and improved stats, because each player in the video game has a set of attributes as related to playing the game of football, stats are interpreted as players attributes or performance parameters). The video game play of NBA2K1 has motivation to use the updating feature of NFL2K1 in order to attract more players to subscribe to a game service that gives players the most updated version of a game.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the updating feature of NBA2K1 with the updating of stats of NFL2K1 in order to provide game players with the most accurate sports experience possible as disclosed by NBA2K1 (see pg. 3).

Tecmo Super Bowl explicitly disclose updated video game character performance parameters during a single sports season (see pg. 7, which discloses each team plays one game every week during the season and pg. 9-11, discloses a player's data that includes player's condition, record, and abilities), *except, a free-throw completion percentage or a shots average.* It is knowledge commonly known in the art that free-throw completion percentage and shots average are stats that are commonly tracked for basketball players. Thus, a game designer would have motivation to use the basketball game of NBA2K1 with the athlete performance parameter updating feature of Tecmo Super Bowl in order to add to the realism of a sports video game.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the video game system of NBA2K1 with the player's

data of Tecmo Super Bowl in order to provide game players with the most accurate sports experience possible as disclosed by NBA2K1 (see pg. 3).

30, 52, 70, NFL2K1 discloses particular real-life athletes and real-life performance attributes (lacking distinguishing features, see pg. 9, which includes downloading improved player stats, where stats are based on players' performances).

However, fails to explicitly disclose wherein receipt of the updated video game performance parameters in the series at least weekly during at least a portion of the single sports season.

Tecmo Super Bowl discloses a game medium, wherein receipt of the updated video game performance parameters in the series at least weekly during at least a portion of the single sports season (see pg. 7, which discloses each team plays one game every week during the season and pg. 9-11, discloses a player's data that includes player's condition, record, and abilities). The gaming systems of NFL2K1 and NBA2K1 would have motivation to use a form players' data as disclosed in Tecmo Super Bowl in order to add to the realism of a sports video game.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the gaming systems of NFL2K1 and NBA2K1 with periodically changes to athletes as taught by Tecmo Super Bowl in order to give game players a more realistic video game.

31, 53, 71, NBA2K1 fails to explicitly disclose a method as in claim 29, wherein receipt of an updated video game performance parameters in the series occurs at least daily during at least a portion of the single sports season, such that the particular video game character simulates current real-life performance attributes of the particular real-life athlete on an at least daily basis. Examiner takes official that some sporting games have daily events, such as basketball, and baseball; thus, daily statistics are recorded and made available to the general public for these sporting events. In addition, it is would be obvious to one of ordinary skill in the art that since NBA2K1 is a basketball game, where roster changes are made at any given time and stat updates are typically after the play of a game, such that roster moves occur on a daily basis such that acquiring and signing new players to a roster; players are traded; a player get injured; and players are released and signed on any given time. Thus, it would be a matter of game distributing and designer's choice to provide video gamers with the fresh new events of the week, day, hour, or minute.

32, NBA2K1 discloses a game medium according to claim 29, the video game medium being further configured to cause the video game machine to update visual aspects of the video game during a single sports season, wherein the updated visual aspects are based on a change in a real- life visual aspect of a real-life athlete, stadium, or field during a single sports season (being that roster changes offer include trades, some players require new jerseys for their new teams, where new jerseys are updated visual aspects of the athletes).

36, NFL2K1 discloses a game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method further comprising: receiving a change in a video game team parameter from a data server via the network, wherein the video game team parameter corresponds to a real-life trade of a real-life athlete between two real-life teams during a single sports season; and changing a video game team in the video game based on the video game team parameter received to reflect the trade of the real-life athlete in the sports video game (pg. 9, discloses connecting to the net to update player rosters and improved stats; for instance, when rosters updates are caused by a trade, team stats are reflected based on the trade).

39, 40, NFL2K1 discloses a game medium according to claim 29, wherein the updated video game character performance parameters are each associated with a real-life performance tendency of the particular real-life athlete in the real-life performances during the single sports season (see pg. 9, which includes downloading improved player stats, where stats are based on players' tendencies).

54, Examiner takes official notice that online video game play often times requires fees and/or payment prior to allowing the online video game service.

Response to Arguments

3. Applicant's arguments filed 2/16/10 have been fully considered but they are not persuasive.

4. Regarding remarks that the arguments made in sections 1, 2, and 6 were not made moot by the new grounds of rejection since this Office Action (dated 2/2/10) continues to rely on the NFL2K1 reference, notably :

(section 1) “The examiner has not established that the stats discussed in NFL2K1 Refer to Character Performance Parameters”;

(section 2) “A roster update is not a character performance parameter update”;

(section 6) “The patent office is using impermissible hindsight to reject the claims”.

Regarding the above remarks:

(section 1) Tecmo Bowl is provided as evidence that stats are related to characters performance parameters; thus, this cures the issues of stats related to character performance parameters.

(section 2) Each athlete in all references provided contains corresponding character performance parameters in order for an athlete to perform in his respective sport, therefore, an athlete roster update is inherently a character performance parameter update.

(section 6) In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

5. Regarding remark, "the evidence provided by Applicant shows the intent of purchasers to buy the product based on the claimed feature", still fails to provide enough evidence that purchasers choose to buy the product not because of heavy promotion or advertising, shift in advertising, consumption by purchasers normally tied to applicant or assignee, or other business events extraneous to the merits of the claimed invention.

6. Applicant's other arguments with respect to claims 29-36,39-42,46-48,51-55,57-61 and 68-71 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on 8AM-4PM.

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

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

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

DJP

Notice of References Cited	Application/Control No. 10/266,795	Applicant(s)/Patent Under Reexamination ANGELOPOULOS, ATHANASIOS	
	Examiner DAMON PIERCE	Art Unit 3714	Page 1 of 1

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-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Nintendo Entertainment System - Tecmo Super Bowl - 1991
	V	
	W	
	X	

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10266795	ANGELOPOULOS, ATHANASIOS
	Examiner	Art Unit
	DAMON PIERCE	3714

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

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/28/2009	07/14/2009	08/12/2009	01/22/2010	02/25/2010				
	1	-	-	-	-	-				
	2	-	-	-	-	-				
	3	-	-	-	-	-				
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	8	-	-	-	-	-				
	9	-	-	-	-	-				
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	11	-	-	-	-	-				
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	26	-	-	-	-	-				
	27	-	-	-	-	-				
	28	-	-	-	-	-				
	29	✓	✓	✓	✓	✓				
	30	✓	✓	✓	✓	✓				
	31	✓	✓	✓	✓	✓				
	32	✓	✓	✓	✓	✓				
	33	✓	✓	✓	✓	✓				
	34	✓	✓	✓	✓	✓				
	35	✓	✓	✓	✓	✓				
	36	✓	✓	✓	✓	✓				

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10266795	ANGELOPOULOS, ATHANASIOS
	Examiner	Art Unit
	DAMON PIERCE	3714

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

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/28/2009	07/14/2009	08/12/2009	01/22/2010	02/25/2010				
	37	✓	✓	N	N	N				
	38	✓	✓	N	N	N				
	39	✓	✓	✓	✓	✓				
	40	✓	✓	✓	✓	✓				
	41	✓	✓	✓	✓	✓				
	42	✓	✓	✓	✓	✓				
	43	✓	✓	N	N	N				
	44	✓	✓	N	N	N				
	45	✓	✓	N	N	N				
	46	✓	✓	✓	✓	✓				
	47	✓	✓	✓	✓	✓				
	48	✓	✓	✓	✓	✓				
	49	✓	✓	N	N	N				
	50	✓	-	-	-	✓				
	51	✓	✓	✓	✓	✓				
	52	✓	✓	✓	✓	✓				
	53	✓	✓	✓	✓	✓				
	54	✓	✓	✓	✓	✓				
	55	✓	✓	✓	✓	✓				
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	71			✓	✓	✓				

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1

CONFIRMATION NO. 9115

22913
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

PUB REQUEST ACCEPTANCE LETTER

OC000000040277659

Date Mailed: 02/25/2010

NOTICE OF ACCEPTANCE OF PUBLICATION REQUEST

The request for voluntary publication, amended publication, early publication, redacted publication, republication, corrected publication or revised publication has been received for this application. The request, including payment of any necessary fee(s), is in compliance with 37 CFR 1.215, 1.217, 1.219 or 1.221.

The projected publication date is 06/03/2010.

/kebuchanan/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Filed Electronically

PATENT APPLICATION
Docket No. 17791.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		)
	Athanasios Angelopoulos	)
Serial No.:	10/266,795	) Art Unit
		) 3714
Filed:	October 8, 2002	)
Conf. No.:	9115	)
For:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES	)
Examiner:	DAMON J. PIERCE	)
Customer No.:	022913	)

REQUEST TO ENTER EVIDENCE UNDER 37 C.F.R. §1.116(e)

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office action mailed February 10, 2010 (the "Office Action"), the Applicant submits this request under section 37 C.F.R. §1.116(e) in order to submit evidence regarding the EA Sports Madden 2002 Game Manual reference ("Madden02") relied upon in the Office Action so as to place the record in better condition for appeal. Since Madden02 was newly cited and the factual statements related thereto were newly presented, Applicant could not have previously presented the evidence attached to this paper. This submission **does not** include a request for reconsideration of the claims and will not require further search or consideration. Therefore, in the interests of compact prosecution, the Applicant respectfully requests entry of such evidence to place the case in better condition for appeal.

REMARKS

The paper is in response to the Office Action mailed August 17, 2009 ("the Office Action"). Claims 29-49, 51-55, 57-62, and 68-71 remain pending. The following is a concise explanation as to why the evidence being submitted is relevant to the factual statements newly presented in the Office Action.

Rejection under 35 U.S.C §103(a)

The Office action rejects claims 29-36, 39-42, 51-55, 57-59, and 61 under 35 U.S.C §103(a) as being obvious over NFL 2K1 GameFaqs on Dreamcast, hereinafter *NFL2K1,* in view of EA Sports Madden 2002 Game Manual, hereinafter *Madden02* and rejects claims 29-36, 39-42, 46-48, 51-55, and 57-61 under 35 U.S.C §103(a) as being obvious over NBA2K1 Game Manuel of Sega Dreamcast, hereinafter *NBA 2K1*, in view of *Madden02. Madden02* is a newly cited reference and was not previously relied upon by the Patent Office.

As discussed in previous amendments, the claimed invention is directed in part to increasing realism in a sports video game by updating a video game performance parameter based on real-life performances of real-life athletes playing in real-life sporting events.

In the new rejection, the Patent Office cites to the "Player Progression" section in Madden02 as teaching certain features of the claimed invention. Madden02 discloses in its relevant part:

> See how your players progressed through the season. If they did well during the season, they are awarded with bonuses to their stats. If they played poorly, they may suffer penalties to their stats.

The Office Action alleges that the "players" in the foregoing teaching are real-life sports athletes and the "playing" involves the performance of the real-life sports athlete. (*see* Office Action p. 5, lines 11-16).[1] Applicant submits herewith evidence regarding Madden's Player Progression feature and what this excerpt that forms the basis of the rejections in fact means to one of ordinary skill in the art. Attached as Exhibit A is an IGN walkthrough of Madden NFL 2003 (hereinafter "IGN Walkthrough") that describes the implementation of Player Progression in the Madden

[1] The Office Action states "Madden02 explicitly discloses during a single sports season, wherein each of updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season (see pps. 23-26, and 31, specifically 'player progression' section, which explicitly discloses awarding and penalizing players' stats based on their performances during the season."

2003 video game. Section 5 of the IGN Walkthrough, which is titled "Depth Chart & the Pre-Season," explains a game strategy that can be used with Player Progression to increase a rookie player's stats. It states in relevant part:

> And at the end of the whole preseason, you will be given a report telling you how much your young players (rookies, first, and second year guys) improved their stats. The way to make sure their stats go up is to get them playing time! Conversely, pre-season games don't help older players at all (unlike the real NFL, they don't get rusty or need to learn new plays), so all you're doing is exposing them to injury. So what you should do is dump all your starters to the bottom of the depth chart for the pre-season, and let the second and third string guys play half of each pre-season game, in order to maximize their stats.

As taught in the IGN Walkthrough, Player Progression involves stats that change based on how a person plays a virtual football season in the video game. Consequently, Applicants respectfully request that the evidence be entered onto the record so that the Board of Patent Appeals can properly interpret the meaning of the Madden02 reference as relied upon in the Office Action. **Applicant again emphasizes that this request under 1.116(e) does not include a request for reconsideration of the claims for further search by the Examiner.**

Dated this 16th day of February, 2010.

Respectfully submitted,

/Andrew S. Hansen/ Reg.# 56,370

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Attorney for Applicants
Registration No. 56,370
Customer No. 022913
Telephone No. 801-533-9800

ASH:jbh
2536100_1.DOC

Exhibit A

(IGN Walkthrough)

IGN Entertainment Games: IGN | GameSpy | FilePlanet | TeamXbox | CCG | GameStats | Direct2Drive | What They Play | Battlefield Heroes

IGN Search

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Madden NFL 2003 PlayStation 2

Release Date: August 12, 2002 More Info Add to Favorites

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Madden NFL 2003

by Aaron Boulding

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The Franchise Mode itself has undergone a few adjustments as well to more accurately capture the essence of the NFL. Even though it will only apply in the first season, pre-existing injuries to players will now reflect the NFL as it stands in the summer of 2002. Players like Raiders defensive lineman Regan Upshaw who are injured coming into the season and expected to miss significant regular season time will be included on the team's roster but they'll have ratings that reflect their injured status. If the injury is keeping them out for the season, they'll be good to go in the next franchise year. This will make Madden's final rosters super important for all you wannabe General Managers out there.

Player progression in the preseason adds another dose of NFL reality and gives you a chance to upgrade your younger players a point or two. You can even simulate the preseason and get some better attribute points for your younger players as long as you sub them into starting roles. This is especially helpful deep into Franchise mode when you use the new scouting combine to get info on rookies coming into the draft. You're given workout numbers for the 40-yard dash, bench press, vertical jump, etc., for free, but scouting also gives you information about the hands of a receiver or the footwork of a lineman for example. Come draft day, you'll only have in depth info on the players you scouted and just the workout numbers on every one else. This creates a nice element of strategy since you have to first determine your team needs and then try to project what players are going to be available to you when you draft. You don't want to waste scouting points on players who are either going to be drafted before you pick or way down the road.

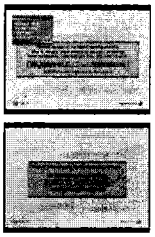
The extremely serious Madden fans will love the fact that you can now customize any jersey number to any player on your franchise team. Donovan McNabb can wear #94 if you want him to or you can assign #34 to that new rookie kicker of yours.

Madden's extra game modes offer that much more depth to the title, but also gives you skills that can be applied to the main focus of the game: real NFL football. Football 101 is designed to teach gamers who don't know Madden or don't know what videogame football is all about. It works similar to practice mode where you select a play and Madden's voiceover describes how it's supposed to be run and what makes it effective. Then you get a chance to run it yourself and earn tokens each time you run it successfully. The tokens are used to buy Madden cards.

Minicamp mode takes you to different NFL cities to learn the individual skills you'll need to be a good Madden player. You run timed drills in a specific task like punting or run stopping where you only get to control the relevant player like the punter or middle linebacker. When you run a minicamp drill you control the players of whatever NFL city is holding that minicamp. For the precision passing drill you control the QB and receivers of the Kansas City Chiefs on rookie difficulty but precision passing on Pro difficulty is in Oakland and is significantly more difficult. Once you run the drill well enough to earn at least a bronze medal you unlock the game situation tied to that drill. This is a simulated game situation where you have to protect a lead or take the lead using the specific skill you just learned in the drill. After you master the defensive line moves drill your game situation will be to protect Philadelphia's one point lead over the Giants or somebody with only 55 second remaining in the fourth quarter using only the Eagle defensive linemen.

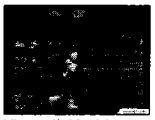
You can still call the defenses that you want but you can't take control of any linebackers or DBs. You're challenge is to control the remainder of the game

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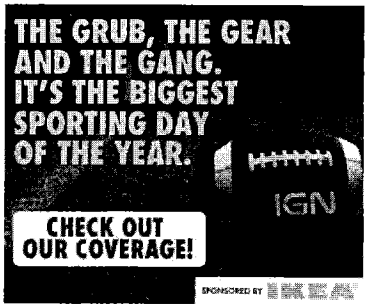
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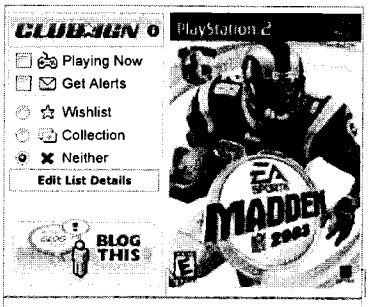


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Game Details for Madden 2003



Published by: Electronic Arts
Developed by: Tiburon
Genre: Sports
Number of Players: 1-4
Release Date:
US: August 12, 2002
MSRP: $24.99
Also Available On: Xbox, PC, Game Boy Advance, GameCube, PlayStation

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Outstanding

9.3
6 press ratings

Rating Info

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using only D-linemen to put pressure on the quarterback. Completing the game situation unlocks a Madden Card for the team you used in the drill. The skills that you refine in the Minicamp mode, especially on the All-Pro and All Madden difficulties will give you no choice but to become a better Madden player. This game mode is anything but fluff, as it more or less improves on the 2 Minute Drill that was introduced last year.

So if you're buying the game based on modes and options alone, you can't go wrong. **Madden 2003** is very tight in this regard. If you're a newcomer to the series and don't know what to expect in terms of control, play mechanics, physics and AI, well, you're in for good news. Madden 2003 is simulation to the core so players move with realistic speed and physics, but EA has done a remarkable job of keeping the control polished and responsive even under these realistic limitations. From stiff arms to spins, dives and breakaways, all of the big-name moves are featured and they all work and feel great. When a quarterback takes a hard sack, you'll feel the crunch of the Blitz thanks with no worry of collision detection oversights. Meanwhile AI is right on par, too.

Graphics

Like all of its other improvements, Madden 2003's visual enhancements are subtle but will definitely be appreciated by longtime fans. The players have fingers now. They had fingers in previous editions but you'll notice a significant number of realistic hand gestures in Madden 2003 during player cutaways and close ups. The crowds that fill NFL stadiums in this game are outstanding. The same frantic waving and shimmering crowds we saw in *2002 FIFA World Cup* have been improved and brought over to the big football franchise. The happy football fans wear team colors, just not head to toe like the soccer nuts in FIFA World Cup, so it looks very much like an American football crowd. Plus the field textures look more like grass than in previous editions of Madden. Granted, the scale is a little off because in real life you wouldn't be able to see individual blades of grass if you hovering 50 ft above the field (like Madden's default camera) unless they were giant foot long mutant blades of grass. But the grass is certainly worthwhile.

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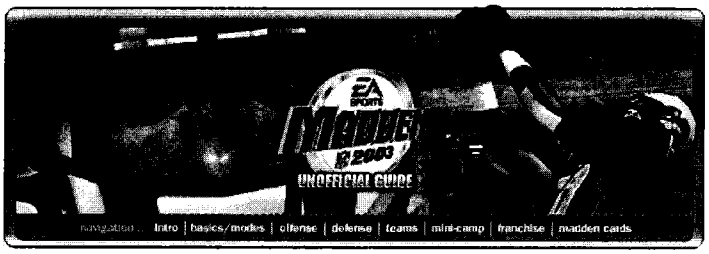


GUIDES

Madden NFL 2003 Xbox

Release Date: August 13, 2002 More Info Add to Favorites

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Franchise

You might think the road to a championship football season begins at quarterback. Or perhaps at cornerback. Or maybe even on the sidelines, in the head coach's giant playbook. But the truth is, success starts at the top, and in the NFL, the top is the general manager.

A big reason the New England Patriots had a lot of success last year was that they were a well-rounded team with depth at almost every position. They didn't have a lot of star players on offense (which in *Madden*; terms, means guys with high-90s ratings), but they had a few key defenders, consistency at most positions, and a lot of talent coming off the bench.

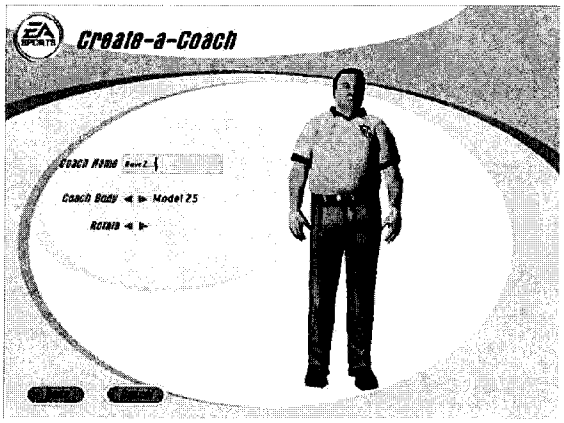
This guide will walk you through a typical season of franchise mode in *Madden 2003*, with an emphasis on improving your roster and giving your more talent and depth. Please note that while I've played the franchise mode in the Xbox version quite extensively, I've played the PC version the most, so there may be a few aspects to my advice that are more PC-specific. But as far as I can tell, most of the aspects of the computer and console's franchise modes are very nearly identical, and football principals in general are the same.

THE PRE-SEASON

1. Starting a new franchise

First, pick a team. Good teams with lots of depth include the Rams, Steelers and Eagles, but that might almost be too easy. Much more challenging would be trying to rebuild the Panthers, Ravens, or Jaguars. Most people just pick their home team.

The fantasy draft option is actually less fun if you're playing franchise on your own, since there will be even more parity in the league than there already is. Plus you won't get to compare how your team does to its real life counterpart, since the players are completely different. But if you're playing with some other people, it's a good way to balance things out initially, so there's none of that "Well you were the Rams, I was the lousy Cards" excuse.



Choose a coach. Hey, it's Dave Z.!

Next replace the coach with a model that looks vaguely like you (and if none of them do, choose a fat guy and name him Buddy Ryan). Now you're ready to GM.

---

2. Examine Your Roster

In the beginning of your first year, you won't have to deal with the NFL draft, re-signing players, or retirements. So you'll want to focus on improving your existing team with the cap room you have available.

First look over your roster in the Team Management section. You thought you knew your favorite team well, huh? You'll really get to learn them when you take over as GM.



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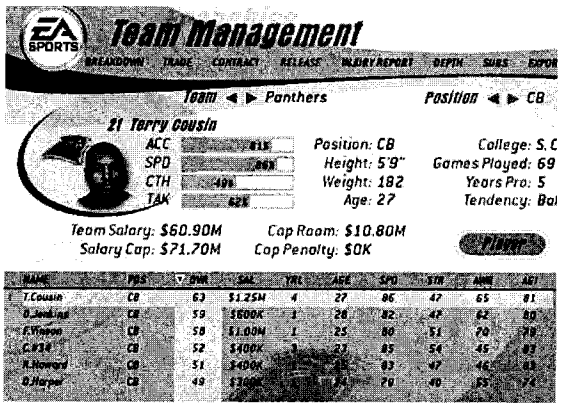
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Look at the "Overall" rating for the starters at every position. Ideally you'll have a guy in the 90s or 80s at every position, but that's not going to happen. Some 70s will have to do, too, and on bad teams, you'll often see guys with ratings in the 60s or even the 50s in the starting lineup. Take for example the Carolina Panthers. Their highest rated starting cornerback is a 63, and in videogame football, where there's even more of an emphasis on passing than in the real NFL, sucking at cornerback will absolutely kill you every time. The Bengals and Colts are another couple of teams with this same problem.



Talk about finding a hole in the defense.

If none of your starters are weak and need replacing, then examine their backups. You'll want depth (70s or at least 60s) coming off the bench. But you won't be able to afford a quality backup at every position, so pick and choose your free agents wisely. The most important bench positions are second-string quarterback, third and fourth cornerback, and third string wide receiver. You'll also want a good second-string halfback, a fourth wideout, and depth on the offensive and defensive lines. One good tackle, one good guard/center, and a good defensive end and nose tackle ought to be enough line help.

Keep in mind that players can play opposite sides of the field with little to no penalty. That is, a Left Tackle can switch to Right Tackle, a Right Outside Linebacker can play as a Left Outside Linebacker, and so on. So don't waste free agent money signing two million dollar back-up Defensive Ends; take your chance with one, and use the remaining salary cap room to upgrade other parts of your roster. Don't neglect special teams either -- you want a decent punter and kicker and one return specialist.

Next look at your 'Breakdown.' Make sure you have all the required positions filled, and see how many roster slots you have open. You're allowed to carry up to 53 players, and you should probably go into the season carrying about 52 guys. Don't go all the way up to the max, just in case you need to hire a free agent replacement for a guy who's hurt and will be out six to eight weeks -- which is a long enough period of time to justify hiring a replacement, but not long enough to put him on Injured Reserve. So you'll need that extra roster spot.

Important Ratings by Position
Use this list to help you evaluate free agents and draft picks.

- **QB**: A high Awareness and THA (Throwing Accuracy) are the two key traits. High THP (Throwing Power) is also great, and becomes critical if you run an Oakland or Spurrier-style down the field attacking offense. If you're more into the scrambling option QB, you want good Halfback-type stats too.
- **HB**: Any or all of these stats should be high for halfbacks: Speed, to simply outrun opponents, Acceleration (for better speed bursts), Agility (for a good spin move), Carry (to avoid fumbles), and Strength (for stiff-arms). BTK (Break Tackles) and Awareness are also crucial. Pass blocking and catching are nice for West Coast offenses, while Toughness is very important for running backs who take a lot of punishment, especially on "run up the gut" type teams. Look for different kinds of halfbacks with different combinations of the above stats to fill these different roles: punishing every down runner (Jerome Bettis), speedy sweep and screen tailback (Warrick Dunn), dual threat runner-receiver (Ricky Watters), or the very rare pure runner (Barry Sanders).
- **FB**: BTK, Carry, RBK (Run Block), Toughness, and Stamina are good on prototypical fullbacks. Add PBK (Pass Block) and CTH (Catch) if your fullback is involved in a lot of passing plays (typical of the West Coast offense).
- **T**: PBK (Pass Block) is key, followed by RBK (Run Block). Good Agility and Strength will help with blocking, and good Awareness should reduce penalties. The bigger the better, on the offensive line. When scouting rookies, look at bench press reps as well as height and weight to get an idea of their strength.
- **G/C**: RBK (Run Block) is probably most important for Guards, who pull out and lead block. Centers want high Awareness so as not to screw up the snap count. Pass Block of course is important too, but it depends on your offense -- if you throw every down, get interior linemen who are better at pass-blocking than on the run.
- **WR**: CTH (Catching) is number one, and either JMP (Jumping) or SPD (Speed) for separation. Awareness helps too, and for YAC (Yards after the catch), Carry and Break Tackle should be high. When scouting rookies, favor the taller guys with good 40 times, good hands, and lots of bench press reps (for strength and toughness, which translates into breaking tackles).
- **TE**: You want Catching, Pass Blocking, and Run-Blocking for these guys. Strength and toughness help too.
- **K and P**: Kick Power should be tops, Kick Accuracy second. You can learn to get good with the kick meter, but there's no substitute for Kick Power when trying to make those long field goals or booming punts.
- **DT**: TAK (Tackling) is critical, since they're in there to stop the run primarily. Acceleration, Strength, Toughness, and Agility all help them tackle and rush the passer. All else being equal, tall guys with a good vertical leap are apt to cause quarterbacks more problem, since they'll get more deflections.
- **DE**: Same as DT, but you also want Speed, as many an outside rusher are speed rushers, relying on a swim move to get around the blocker. A good combination of Strength and Speed can be hard to find.
- **OLB**: Awareness, Speed, Acceleration, Agility, Toughness, and Tackling are all key. These guys should be a little speedier and more jump-oriented than inside linebackers, as they'll often have to cover tight ends or tailbacks on pass plays. Use formation substitution to put your coverage linebackers in on the nickel package, while the run-stuffers are in on the 4-3.
- **MLB**: Strength, Toughness, Awareness, and of course Tackling are what you like to see in an MLB. Speed helps too, especially if he's the "spy" on a running QB. Try to choose the heavier guys, they tend to deliver the harder hits.
- **FS/SS**: Think of them as shorter, faster linebackers with better pass coverage abilities. Tackling is key for them, as well as Awareness, and Agility and Acceleration are nice too. Try to have at least one safety (usually the FS) with good speed too, because when the other guy's WR beats your CB on one-on-one, it's usually a safety who has the last chance to run down the guy and tackle him before they score a touchdown.
- **CB**: Awareness is number one. Speed, Acceleration, and Agility are also key. Strength, Tackling, and Toughness are nice but hard to find in these guys. It's also hard to find a tall, fast cornerback in the draft who's also good with his hands, so if you do, snap him up. Strength and acceleration are the two stats that determine the outcome of bump and run.

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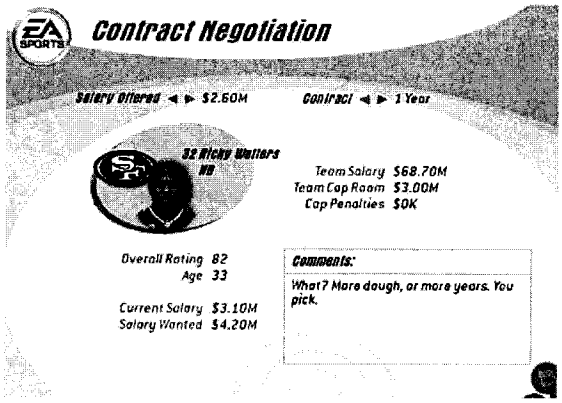
3. Sign Free Agents
Now take a look at much how salary cap room you have. This varies wildly from team to team, (for example, the Ravens have a whopping $40 million available, while the Steelers and Cowboys have less than a million

each), but the average seems to be about $5 or 6 million. Calculate roughly that each player will cost you about a million, and you'll get a rough count how many guys you can get.

But make sure to leave yourself about $2 to $3 million for emergencies, because it's possible you'll have a serious injury somewhere down the road and you'll need to pick up a free agent replacement, if your backups aren't up to the task.

Also remember that you may have to release guys to free up enough roster slots in order to hire free agents, and every time you release a guy, a portion of his salary (about 20% to 33%, depending on the length of his contract) becomes a cap penalty, reducing the overall amount of money you can spend. This is the price you have to pay for cutting someone from your team before their contract expires.

Click on the free agents to start bargaining. Don't let their agents bully you. Lowball them, and slowly work your offer up to a point where they'll accept it. And if they still won't take what fits in your budget, walk away.



Show me the money!

Don't sign a lot of old guys to long-term contracts, and in the NFL, anyone over 30 can be considered "old." Give them one-year deals. On the flip side, if there's a young guy you like, try to keep his overall cap number low by giving him a few more years on his contract. But don't go overboard signing ordinary backups to long-term contracts. You can get equally-talented backups in the next draft, and your draftees will play for much less money and their ratings will actually go up in their first few pre-seasons, while the third and fourth year journeymen won't improve at all in pre-season.

When the game begins, there are a set number of free agents available, although this will be a much different list if you've downloaded a roster update. Some of the better acquisitions include:

K Gary Anderson. Sure, he's 42, but if you're one of the teams with a sucky 60s or 70s-rated kicker, replace him with good old Gary. Accuracy you can finagle once you get good at the kick meter, but the kicking power stat, you'll want to stack up on that.

K Cary Blanchard. Almost as good as Gary, and cheaper too. Compare your punter's leg strength to the free agents' too, odds are you might be able to upgrade here too.

CB Donovan Greer. Terrell Buckley is better, but he's older and much more expensive. Compare their key ratings; Greer is just as fast, nearly as agile, and a lot younger -- worth signing to a multi-year deal.

C Roger Duffy. At only $500,000, he's the cheapest quality backup offensive lineman on the market, and as a center, he'll usually grade out okay as a backup guard too. In contrast, Ray Brown (a guard, and the best offensive lineman available), wants the outrageous sum of $3 million. I'd rather take John Fina (tackle) for $2 million, if he were significantly better than one of my starters. Tackles give up the most sacks in this game, so the better your tackles are, the less time your quarterback will spend on his overpaid butt.

Other good pick-ups include Ricky Waters, Jamal Anderson, or Sam Gash, but only if you can afford them. Randall Cunningham is a quality back-up QB who still has good ratings, but don't expect him to stick around long-term. And he's a bit pricey for cap-strapped teams. You also might look at some of the young DBs and WRs, looking mainly at their speed rating. Sam Adams is probably the best defensive player available, and will represent a significant upgrade at DT for many teams.

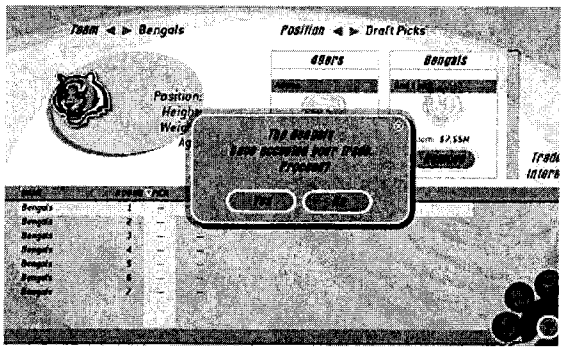
In general, I try not to spend more than $1.5 million for starting linebackers, safeties, fullbacks, or interior offensive linemen. Save the big money for the difference-makers: halfback, cornerback, wide receiver, and of course quarterback. A high-90s defensive lineman or offensive tackle is also worth spending top dollar on. There are exceptions (Ray Lewis, Junior Seau), but generally you can substitute speed for skill on defense.

---

4. Trades

If you can't find a decent free agent to fill your weak spots, you can try trading with another team. The quickest way to do this is (although nothing is 'quick' in the painful Madden menus) is to examine the roster, choose "All NFL players" and then set the other slider to the position you need. Then try offering various trades, including players and draft picks for the computer players until you finally get someone to agree -- but remember, no kickers or punters can be involved in CPU trades.

One trick you can use is to sign quality free agents you don't really need and then trade them to teams that really need help at that position for future first and second round draft choices, or for a player you really need. This could be considered a form of cheating though, because it's really taking advantage of the CPU's glacial slowness in getting off its butt and signing free agents, which would never happen in a pure management PC sports sim. But this is a console game.



Stupid Bengals give me a #1 pick for Sam Adams, a guy I signed off the free agent market two minutes ago.

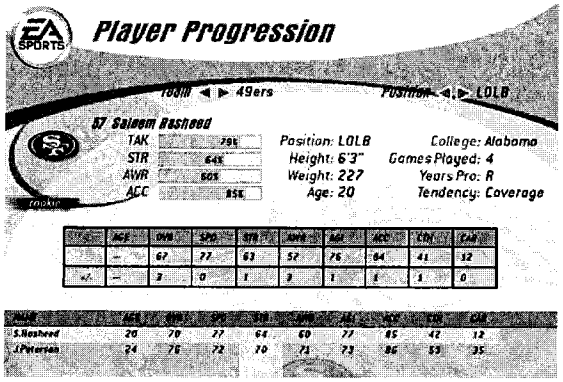
Finally you can use Create-A-Player to make someone decent at that position, but remember if you make him too good he'll want too large of a salary, and since you get first dibs on putting him on your team, this could be considered cheating too.

The trading deadline is week six in the regular season, so after that date you won't be able to make any more trades until the next off-season.

5. Depth Chart & the Pre-Season

Once you've made all the free agent signings, trades, and releases you're going to do, don't forget to re-order your depth chart! In fact, pay special attention to your depth chart before your first pre-season game, because depth charts work differently now than in the regular season.

After halftime in a preseason game, the AI will automatically switch all your first-stringers with second-stringers (except defensive tackle #2). And at the end of the whole preseason, you will be given a report telling you how much your young players (rookies, first, and second year guys) improved their stats.



Pre-season progression. Play all your rookies to boost their stats.

The way to make sure their stats go up is to get them playing time! Conversely, pre-season games don't help older players at all (unlike the real NFL, they don't get rusty or need to learn new plays), so all you're doing is exposing them to injury. So what you should do is dump all your starters to the bottom of the depth chart for the pre-season, and let the second and third string guys play half of each pre-season game, in order to maximize their stats.

So say you have two starting guards, LG Fiore and RG Stone, and two backups, Costa and Heitmann. During pre-season, drop Fiore down to LG #3, make Costa LG #1 and Heitmann LG #2. Likewise drop Stone down to RG #1, then make Heitmann RG #1 and Costa RG #2. That way Heitmann and Costa will start each pre-season game, and then will switch positions at half-time, never risking your starters to injury. This shortcut really helps speed up the pre-season if you're simming the whole thing instead of playing each game.

Unlike the real world, your virtual fans won't care if Jeff Garcia and Terrell Owens never suit up, let alone Davie Fiore and Ron Stone.

THE REGULAR SEASON

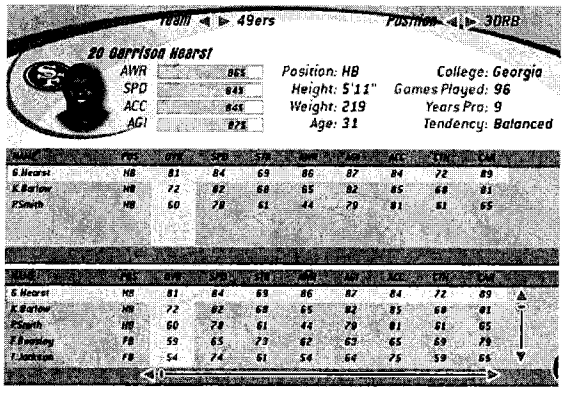
6. Kickoff Weekend

Don't forget to go back and fix your rosters just before the first regular season game! In fact, the fastest way to do this is to let the CPU auto re-order the chart, and then you go in and hand-tailor the selections yourself.

Most of this is pretty self-explanatory, you just put the guy with the best overall rating at the top, and so on. Long Snapper is the guy who hikes the ball to the punter or place-kicker on special teams; it's different than being a center, and it's possible you might have someone on your team who specializes in just this.

Another roster position you might not be familiar with is '3RD DOWN RB.' What this is for are those situations where your team's main halfback is a great runner but not necessarily a very good pass blocker or receiver. If this is the case, you can designate someone else to come stand in the backfield and protect the quarterback on third downs (or go out for passes -- what he does most often depends on your playbook).

If you have two equally good halfbacks, you might use one of them here too, that way you'll keep two halfbacks fresher for more of the game. It's a setting you'll likely fool with during the course of the season.



Tweak your depth chart before the season begins.

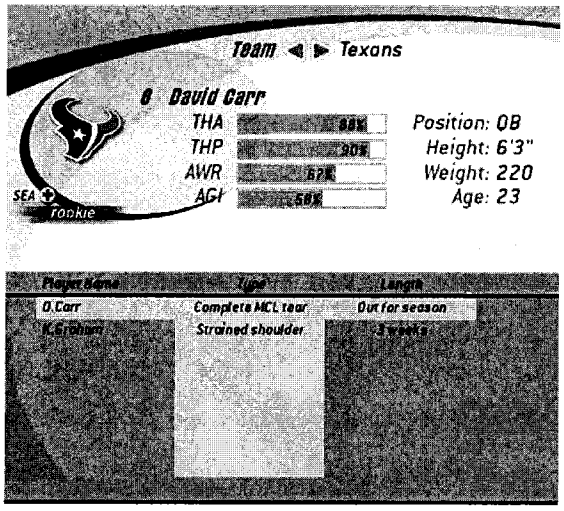
Another you might also consider is going into your playbook and doing a bunch of formation substitutions on special teams. For some reason, the game likes to use a lot of your starters on special teams, which not only depletes their overall energy, it also exposes them to unnecessary injury (I once tackled Tim Brown on a kick return in a pre-season game, putting him out six to eight weeks; needless to say, Al Davis was not amused).

The downside of this tactic of course is that you might occasionally get burned more on special teams, since your players will have worse ratings than the other team. The solution is to not take unnecessary risks on special teams, and for goodness sake, don't fool around with those worthless trick plays, like where the punter passes. If you're going to go for it on fourth down, use your first team offense.

7. Midseason Roster Management
The biggest thing to worry about in terms of franchise during the regular season games are injuries. If someone gets knocked out for the season, you might as well put him on Injured Reserve. Putting someone on Injured Reserve disqualifies him for the whole season, but frees up a roster slot so he can be replaced with a free agent (assuming there's actually a free agent out there who's significantly better than your second stringer and can be fit under your salary cap).

On the other hand, if a guy's not out for the whole season, don't put him on IR, you may want him for the playoffs. In that case, it's better to cut some low-rated scrub who never touches the ball and replace him with a free agent.

When signing free agents mid-season, go back to **Step 3** of this guide, and follow the advice laid out there, but realize that you may be desperate because of injuries. Aren't you glad you kept a couple million dollars in cap room lying around "just in case"?



The dreaded Injury Report.

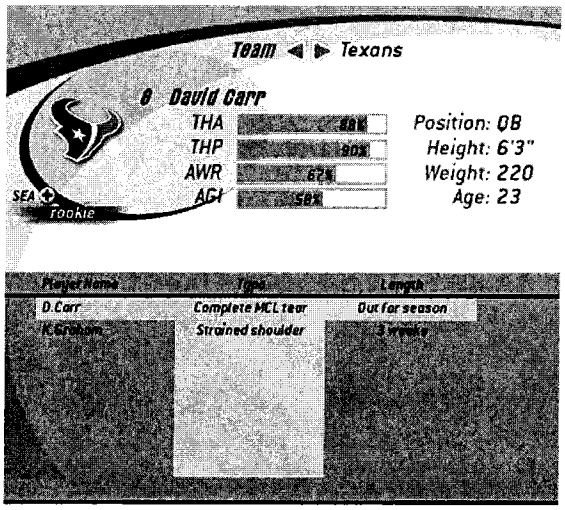
It's unfortunate that this game won't actually have players reduce their contract demands as the season goes on (why should we pay you $2.3 million for the last four games of the season?!?), but that's the problem with a multi-platform franchise that has to accommodate different types of machines, some of which have less than adequate memory capabilities.

Another thing you should be doing, hopefully before each regular season game, is at least glancing over the depth charts and statistical rankings of the team you're about to face. It's nice to know which side of the defensive line Michael Strahan lines up on, that way you're less likely to keep trying to run the ball at him. But that has more to do with game planning than franchise management, so that's all I'll say about that.

---

8. Post-Season Push

Hey, if you get all the way through the playoffs without many injuries and you still have cap room to spare, maybe now's the time to pick up some free agents! Why not pick up that two million dollar guard for the last two games, you never know?

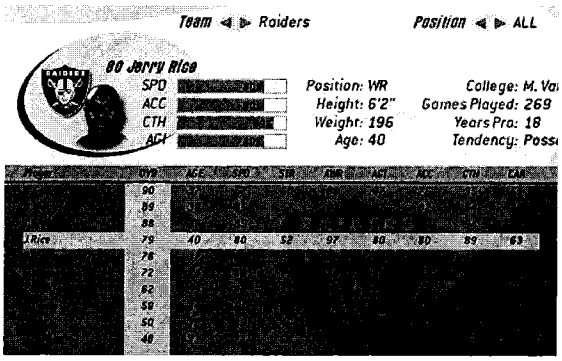


Need a little post-season help?

They'd never do this in the real NFL, but you're not playing with real money here, only cap room. Sign him to a one-year deal and don't resign him in the off-season. Just a nice bit of depth going into big game, and there's no compelling reason in the world to re-sign him at the end of the season.

THE OFF-SEASON

9. Retired Players
Every year, a bunch of old warriors hang up their cleats. This screen will tell you who in the league has finally retired. Get out a piece of paper and start taking notes -- any starting player on your team who just retired will probably have to be replaced in the draft. Other than that, you can mostly look at what happened to the other teams and laugh.



Hanging up the cleats. Oakland says goodbye to Rich Gannon, Jerry Rice, Tim Brown, Bill Romanowski, James Jett, Terry Kirby, and more -- almost a hundred years of football experience down the drain.

After the first year of franchise play in 2003, the Oakland Raiders are usually hit pretty hard on this screen. On the other hand, it's possible that a young team like the 49ers won't see any retirements at all.

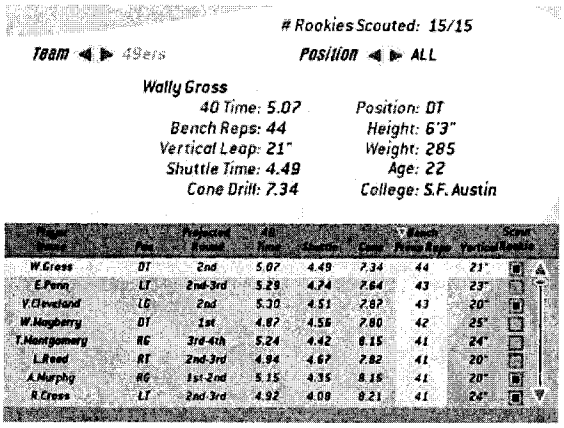
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10. Scout Players

Next up comes something new to Madden, the scouting of your potential draft picks. This is a long and involved process, and the more you put into it, the more you'll get out of it. Basically what you need to do is look at your roster, and decide at what positions you're going to use the draft to plug holes or add depth. Choose three or four "need" positions, and always consider grabbing a high-quality quarterback.

Next you'll have three different rounds of scouting. In each round you'll have fifteen chances to a scout player. If you scout a player just once during the rounds, you'll get one "note" about him on draft day. If you scout him twice, you'll get three, and if you scout that player during all three rounds, you'll get five notes on him. These notes will help you evaluate the players, but they won't actually appear until draft day.

Yet there are hundreds of players, and you don't get to see their ratings, so how are you supposed to know whom to scout? It's a tough process, isn't it? First off, by now you should've identified the four or five "need" positions you're going to try to fulfill in the draft. Then think about where your team is in the draft. If you made it a championship game, your draft choice is going to be very low, so using three rounds scouting the best quarterback in the draft is probably a waste of time, because he's going to be long gone by the time you pick. Likewise, don't scout just first-round picks. Remember that unless you did a lot of trading, you're only going to have one pick a round, and your subsequent picks will come in the later rounds.



Scouting rookies is very hit or miss. Try to identify a few positions you're going to fill, and concentrate on those.

So make a list, as in, "the first round, we're going to take a DT or a CB. In the second round, we want an OT, and in the third round, we want more help on defense." Then use your scouting picks to evaluate the three or four top picks at those positions per round. So if you're going after an LB in the third round, scout the guys projected to go in the second or third round. Don't waste time using your scouts on guys projected to go in the lowest rounds, and don't fool around with punters and kickers at all, unless there's someone who's "Amazing" in every category.

Remember though that just because a guy is projected to go in the second round, doesn't mean he will. Some years there will be too many players at a given position, and not enough at others. So you may very well be able to get a projected second-round linebacker in the fifth round, for example. Generally the quarterbacks and cornerbacks go the fastest, while linebackers and safeties seem to hang around the longest.

So now that you know you want a WR in the first round, for example, how do you know which ones to scout? Check out their stats. In the first round, look at their heights. Taller wide receivers are simply going to get to more balls. Then in the second scouting round, look at their stats. Which ones had the best 40 times? Those guys are going to be the fastest. Scout three or four of them.

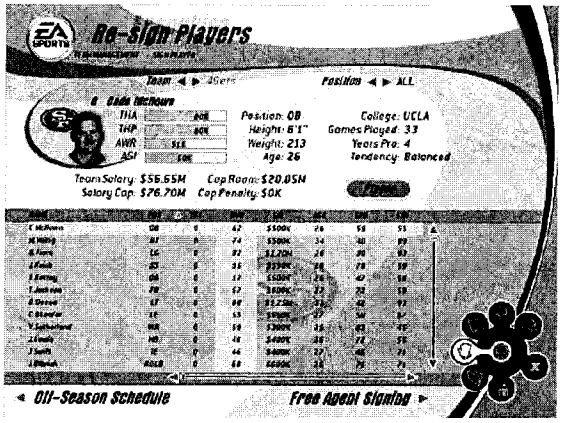
When you've completed all your scouting, you'll be presented with a Draft Preview, which moves you on to the next part of the game.

---

11. Re-Sign Players

Ugh. A General Manager's biggest headache. All those great players (and the bad ones too) who've been toiling away on your team suddenly have their contracts up, and they all seemed to have hired the same obnoxious Tom Cruise wannabe jerk of an agent too.

So you'll have to show them the money or show them the door. As with your Free Agent evaluations, don't give in to their first outrageous demand, stick by your guns, look at the big picture, and only negotiate with the people who have immediate value in your franchise.



Decisions, decisions?

The biggest mistake you can make here though is to not leave yourself enough salary cap room to sign your incoming class of rookies in the upcoming draft. If you have a lot of number one picks in the upcoming draft, adjust the amount of cap money you save accordingly.

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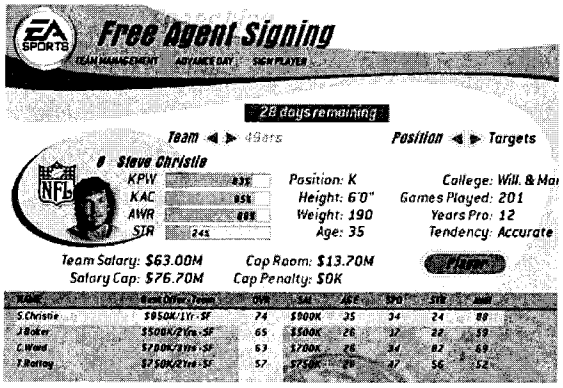
12. Free Agent Signing

Here's where you should grab a couple of stars, those difference makers who can really help your team take it to the next level?although to be honest, most of the great players are going to stay with their teams, don't expect this list to fill up with the Randy Mosses and Kurt Warners of the league. You'll also have a chance to re-sign some of the players you let slip away in **Step #11**, but many of your players will have already been snapped up by other teams.

The biggest difference between this Free Agent signing period though and the one that you did before the season began is that in this one, the other teams will bid for the same players you want, and you have thirty days to make your best offer. The clock will tick forward periodically, meaning you'll have to watch your outstanding offers frequently to make sure another team hasn't outbid you.

Remember, you'll still be able to sign free agents AFTER the draft and throughout the pre-season, and even into the regular season, so don't worry about hiring all of your free agents right now. What you want to get in this phase is just the cream of the crop, or any exceptional bargains you might see lurking near the bottom, to make sure your starting ranks are all filled right now, will be filled by one of these free agents, or will be filled in the draft. Refer back to your roster breakdown and depth charts (under team management) frequently, to make sure you're meeting the league minimum requirements at each position.

By this point, if you haven't been taking notes on a piece of paper (probably an entire depth chart scribbled down), you either have a photographic memory or you're a crazed madman, some kind of Jerry Jones.



Keep an eye on your prospects and advance the clock a day at a time.

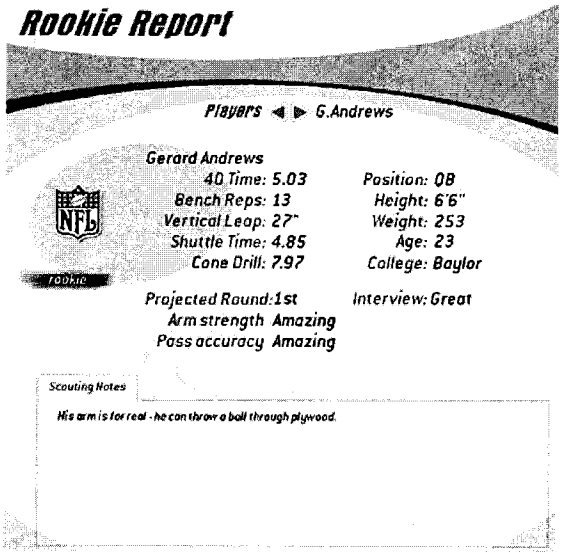
Again, remember you must leave cap room for both your incoming draft class, and any emergency cap room you're going to take into next season, for injury replacements. Otherwise, refer to step #3 from earlier in this guide in terms of evaluating free agents.

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13. The Draft

Before the draft begins, go in and make sure you're meeting the league minimum requirements at each position; if not, you'll want to fill those with the lower rounds of your draft.

Now the draft begins. This is one of the most difficult yet exciting parts of the entire Franchise experience. There are two basic philosophies to follow in an NFL draft -- best player available or need. You can also sort of go with a combination of both theories, taking the best player available at one of the several positions where you need help, keeping in mind all of the players you scouted earlier at the combine. That's why an off-season game plan is just as important as having a plan during a game.



The Rookie Report is key to selecting the draft pick you really need.

All else being equal, the most important stats to look at when evaluating draft prospects are their speed, strength, and size. For tailbacks, wideouts, and corners, you definitely will prefer a guy with a significantly lower 40 time than someone projected to go in the same round. Likewise for defensive tackles, offensive lineman, and blocking tight ends, you like to see the heavy, tall guys with the highest number of bench presses possible. That means good strength. You also like to see height in wide receivers, and for running backs and linebackers, you want balance between speed and strength, as well as good size.

Also pay attention to Interview. The game isn't very explicit as to what that means, but I believe it's a good indicator as to how well the guy will learn (improve his stats as the years go buy) as well as an insight into his character, or on-the-field-smarts, reflected in the Awareness rating.

If your scouting notes says the guy has poor awareness, stay away from him, because "Awareness" is one of the most important stats in the game and corresponds pretty closely to a guy's overall rating. Players with low awareness make stupid mistakes, get fooled by jukes more often, throw more interceptions, and generally turn their coaches' hair prematurely gray. Players with high Awareness can make even the worst coaches look like geniuses in bad sweatsuits.

If your team is hurting for a return man, trying looking at the cornerbacks and wide receivers who are left over in the late rounds of the draft. Find one of them whose return rating is "AMAZING" and you'll be pleasantly surprised. He may only be a fourth or fifth string wideout on the regular offense, but who cares? You're only using him to run back kicks anyway.

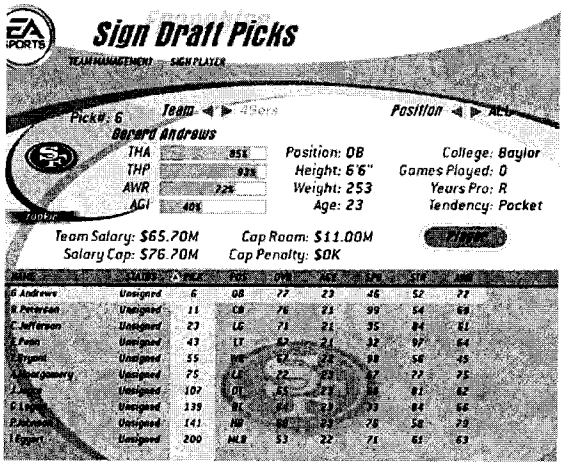
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14. Sign Draft Picks
Now that the giddy thrill and party-like atmosphere of draft day is complete, now you get to deal with the morning after, the general manager's hangover: signing your draft picks to long-term, big money contracts. Joy!

How much money you'll need depends on what your position in the draft is and how many picks you have, but it generally works like this:

- 1st Rounder: $2 to $5 million, depending on position and overall pick.
- 2nd-3rd Rounders: Half a million to about $1.5 million.
- 4th-5th Rounders: $500,000 to $800,000, depending on place and position.
- 6th-7th Rounders: These guys are usually happy to just make the team, and can go for as low as $200,000 or $250,000. Try signing a few of them first so the list doesn't look so daunting.

Generally, you can add a year and deduct $50,000 from the initial offers and please the agent. And to calculate how much money you'll need overall, figure roughly one million dollars per pick. And you finally get to see a guy's overall rating here, too. Ugh! Some of those guys turned out to be duds! Remember though, you don't have to sign them all, but before you cut bait too soon, remember their overall rating can potentially climb ten or twelve points over the next three years, in optimal conditions.



Get those draftees under contract!

If your team is in salary cap trouble, trade your high round picks for additional low round picks to alleviate some of the salary cap pressure. You'll have to do this before the draft of course, since the game doesn't include trades made in the middle of the draft.

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15. Re-Order Depth Charts
Okay, you're almost done with the off-season! All you need to do now is re-order your depth charts to reflect all of your rookie signings. When you click advance again, you'll be back in Pre-Season mode. So go all the way back to Step #1 at the beginning of this guide, and start the process all over again.

See you in the Super Bowl!

Section by: Jason Bates

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Filed Electronically

PATENT APPLICATION
Docket No. 17791.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		)
		)
	Athanasios Angelopoulos	)
		)
Serial No.:	10/266,795	) Art Unit
		) 3714
Filed:	October 8, 2002	)
		)
Conf. No.:	9115	)
		)
For:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES	)
		)
		)
Examiner:	DAMON J. PIERCE	)
		)
Customer No.:	022913	)

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.116

MAIL STOP: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office action mailed February 2, 2010 (the "Office Action"), the Applicant responds as follows:

Remarks begin on page 2 of this paper.

REMARKS

The paper is in response to the Office Action mailed February 2, 2010 ("the Office Action"). Claims 29-49, 51-55, 57-62, and 68-71 remain pending. (I) The Applicant respectfully requests that the Patent Office reissue the Office Action with a clear explanation of where the Patent Office intends to hold Official Notice other than on pages 6-8 of the April 6, 2009 Office Action. This Official Notice was traversed on page 17 of the Applicant's April 30, 2009 response. The Applicant has tried to contact the Examiner via telephone to clarify the issue of Official Notice, including leaving a message for the Examiner on February 5, 2009 on the Examiner's voicemail, without a return response. (II) The Applicant further requests reconsideration as the Patent Office is non-responsive regarding several of the Applicant's previous arguments. (III) Applicants also respectfully request reconsideration of the application as the Patent Office again fails to present a *prima facie* case. As previously discussed, concrete evidence on the record as well as well reasoned and accurate explanation is required by the APA as explained on pages 18 and 19 of the Applicant's April 30, 2009 response. (IV) Finally, the Applicant respectfully traverses the allegation that there is no nexus between the secondary considerations asserted and the claimed invention.

I. Official Notice

"If Official Notice Is Taken of a **Fact**, Unsupported by Documentary Evidence, the Technical Line of Reasoning Underlying a Decision To Take Such Notice **Must Be Clear and Unmistakable**." MPEP 2144.03B (emphasis added). The Office Action alleges, "Please note that the well-known statement in the art is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of the official notice." (Office Action p. 20). However, the Office Action doesn't say what fact the Official Notice is referring to or when and where Official Notice was taken. Applicants request that the Examiner reissue the Office Action to clearly point out for what fact Official Notice has been taken and when it was taken.

Applicants are aware of the Official Notice on pages 6-8 of the April 6, 2009 Office Action. However, Applicants traversed this Official Notice on page 17 of Applicant's April 30, 2009 response. And, again, the Applicant should not be required to guess as to what fact the Examiner takes Official Notice and when Official Notice is taken.

The Applicant attempted to contact the Examiner by telephone on February 5, 2010 to discuss the Official Notice, and left a message requesting a return call, but the Examiner has not yet returned the Applicant's call. Thus, the vague statement in the Office Action as to what is previously cited as Official Notice is clearly in error, and for this reason as well, the Applicant respectfully requests that the Office Action be withdrawn.

II. Response To Arguments

The Patent Office is required to answer **all** material traversed. MPEP 707.07(f) (emphasis added). Applicants response filed on October 12, 2009 set forth 6 separate deficiencies in the rejection from the previous office action. The Office Action appears to have attempted to address some of the arguments made with respect to items 3, 4, and 5 (pp. 24-28). However, the Office Action fails to address the arguments made in items 1, 2, and 6 (pp. 19-24 and 28-29) whatsoever. Moreover, the arguments made in sections 1, 2, and 6 were not made moot by the new grounds of rejection since this Office Action continues to rely on the NFL2K1 reference. Applicants respectfully request that the Examiner address these arguments raised in the response filed on October 12, 2009, otherwise the Office Action should be considered non-responsive.

In addition, the Applicants requested for the Examiner to provide evidence of assumptions and interpretations relied upon by the Examiner to make a *prima facie* case of obviousness instead of conclusory statements of what could be inferred or how a statement could be interpreted. Rather, the Applicant requested concrete evidence of how a statement in the prior art would have been interpreted by one of ordinary skill at the time of the invention without the hindsight perspective of the Applicant's disclosure.

Thus, the Patent Office is not allowed to pick and choose only certain grounds upon which the rejections are traversed, often referred to as "piecemeal examination" (MPEP 707.07(g)). As such, the Applicant respectfully requests that the Office Action be withdrawn as being not fully responsive to the Applicant's previous response.

III. Rejection under 35 U.S.C §103(a)

The Office action rejects claims 29-36, 39-42, 51-55, 57-59, and 61 under 35 U.S.C §103(a) as being obvious over NFL 2K1 GameFaqs on Dreamcast, hereinafter *NFL2K1,* in view of EA Sports Madden 2002 Game Manual, hereinafter *Madden02*[1] and rejects claims 29-36, 39-42, 46-48, 51-55, 57-61 and 68-71 under 35 U.S.C §103(a) as being obvious over NBA2K1 Game Manuel of Sega Dreamcast, hereinafter *NBA 2K1*, in view of *Madded02.* The Applicant respectfully requests that the rejections be withdrawn as a prima facie case of obviousness still has not been made.

Claim 29 requires a direct correspondence between a particular real-life sports athlete, the character performance parameters downloaded that are based on the performance of that particular real-life sports athlete, and the performance of a particular video game character that represents the single particular real-life sports athlete in the video game. Claim 29 also requires updating performance parameters in the video game based on the real-life performances of the particular real-life sports athlete several times during a single real-life sports season so that the particular video game character more closely simulates current real-life performance attributes of that particular real-life athlete in the video game during the real-life sports season.

In rejecting claim 29, the Examiner cites to page 9 of NFL2K1, which describes in relevant part:

> Download
> From this menu, you can download the updated roster for your team. This is useful if you **do not want to buy NFL 2k2** and you would like to get the new updated **rosters** with new and improved **stats**. This takes up ten blocks of your VMU, so make sure you have one. You also need net access setup on your Dreamcast for this to work.

(Emphasis added).

NFL2K1 does not, however, describe what "stats" the FAQ is referring to, or that such stats relate to the performance of a particular real-life sports athlete or affect the performance of a particular video game character that corresponds to the real-life sports athlete in the video game. Quite simply, it is unclear what NFL2K1 is referring to as "stats" as the word is

[1] Because the *references* are only citable under 35 U.S.C. §102(e) or 35 U.S.C. §102(a) **if at all**, Applicants do not admit that the *references* are in fact prior art with respect to any or all of the claims of the present application, but rather reserve the right to swear behind or prove an invalid publication data of any of the *references* in this application or a divisional, continuation, or CIP thereof, thereby removing any such references as prior art.

ambiguous at best, without more explanation. And, the explanation provided in the Office Action is conjecture at best as the assertions made therein are not explicitly set forth in the reference. As the Examiner knows, it is the Patent Office's obligation to prove what one of ordinary skill in the art would have understood this excerpt to mean at the time of this invention thereby providing a *prima facie* case of obviousness.

Still, while under no obligation to rebut an unsubstantiated rejection, Applicant's response filed on October 12, 2009 rebuts the Examiner's conjectures with evidence and requested that the Patent Office support its conjectures with evidence in response. (See Amendment C pp. 20-21)[2] The Office Action still fails to do so.

Rather, the present Office Action includes a new argument reciting a hypothetical example explaining how NFL2K1 **might** work. A hypothetical example is not evidence and does not meet the Examiner's burden of showing what the reference in fact teaches and how the reference would have in fact been interpreted at the time of the invention.

The Examiner's hypothetical assumes that a video game character coming off of injured status would have had different statistics than when he went on injured status. However, NFL 2K1 doesn't provide support for the Examiner's assumptions, and Applicants believe the Examiner's interpretation is incorrect as previously explained. Therefore, Applicants once again request that the Patent Office point to evidence showing that these proposed features relied upon in the Office Action, in fact, existed expressly or inherently in the cited art at the time of this invention. Without this showing, the Office Action again fails to make a *prima facie* case.

Nevertheless, the Examiner admits that NFL2K1 fails to disclose updating the performance parameter during a single sports season. The Office Action relies on Madden02's Player Progression feature, which teaches:

> See how your players progressed through the season. If they did well during the season, they are awarded with bonuses to their stats. If they played poorly, they may suffer penalties to their stats. (hereinafter "Player Progression")

As taught in Madden02, the "Player Progression" feature is part of a "Fantasy" virtual season held in a feature called "Franchise Mode." Madden02 states, "In Franchise Mode, you

[2] Note that Amendment C states, "Applicants respectfully request that the Examiner provide evidence that the system described in *NFL 2K1* downloaded a "video game performance parameter" that was based at least in part on the performance of a real-life athlete in a real-life sporting event or withdraw the rejection."

play General Manager and Head Coach. Play through multiple seasons on the field and be the executive in the off season off of it." (Madden02, p. 19). These multiple seasons are not real-life seasons for real-life football athletes represented in the video game as video game characters. For example, real-life Brett Farve is not playing in these "seasons" referred to in Player Progression. The "players" are video game players.

The Office Action also alleges that this Player Progression feature excerpt explicitly teaches updates to player performance parameters **during** a sports season. This is also not correct. The excerpt uses the past tense: "See how your players **progressed** through the season." In other words, the players get to see the progression **after** the season is over. The excerpt says "if they **did** well during the season, they **are** awarded with bonuses to their stats." (Emphasizes added). Again, the excerpt uses the past tense, which unambiguously suggests that the season is over when the bonuses to the stats are awarded. Thus, the Patent Office still has not shown that a player progression includes a series of updates during a single sports season based on real-life performances of real-life athletes represented in the video game.

In addition, the Examiner alleges that it would be obvious to combine Player Progression with normal NFL2K1 game play because the game would be "more entertaining." (Office Action p. 5). Applicants traverse this conjectural statement on the grounds that there is no evidence of this improved entertainment experienced at the time of this invention. It is entirely possible that game players in 2002 may have though it rather dull and unexciting and less entertaining to combine a feature of Player Progression with the normal game play of NFL 2K1 as the Examiner has not established otherwise. Therefore, Applicants respectfully request that the Examiner provide evidence that video game players at the time of the invention would have found it "more entertaining" to combine the features of Player Progression with NFL 2K1 game play.

In addition, Applicants submit that the Office Action fails to make a *prima facie* case of obviousness because there is no explanation by the Examiner as to **how** Player Progression, which is a feature of a "Fantasy" league, would be implemented with NFL 2K1. A fantasy league has a defined progression of events: fantasy draft, pre-season, regular season, post-season and subsequent seasons. Normal game play on NFL 2K1 has no such progression. Applicants request that the Patent Office explain **how** the progressive features of the fantasy league would be carried out on a game that doesn't have progressive events or the rejections be withdrawn.

Finally, separate from this Response, Applicants have submitted a request to enter evidence under 116(e) ("Request"). Exhibit A (IGN Walkthrough) of the Request discloses a

user guide describing how Madden player progression actually works. Based on this evidence, Applicants further argue that the Player Progression feature of Madden02 does not disclose updates based on real-life performances as relied upon in the Office Action. This submission of evidence is being provided independent of this submission of arguments under section 116 and the Applicant respectfully asserts that each submission can be considered for entry into the record independent of one another.

Because the Office Action fails to show that the Player Progression is updated during a sports season, or that it relates to real-life sporting events during that season, or that one would be motivated to combine Player Progression with NFL 2K1, or provide an explanation as to how one of skill in the art could even combine the features of the cited references, Applicants submit that the Office Action fails to make a *prima facie* case of obviousness and respectfully request that the rejection be withdrawn.

IV. Nexus for Secondary Considerations

Applicants response filed on October 12, 2009 sets forth secondary evidence for patentability. The Office Action alleges, "There is no evidence that the claimed features as recited by the applicant are the reasons NBA Live 365 and Dynamic DNA are viewed by game players as new and innovative." (Office Action, p. 15) Applicants traverse the Examiner's assertion. Applicants point to Section (ii) on page 35 of the October 12, 2009 Amendment in which Applicant clearly sets forth a nexus. The applicant sets forth evidence that the Dynamic DNA and Live Roster features are "**directed to the exact same concept** as the inventions presently claimed" (see text on pp. 35-36 and the accompanying exhibits) (emphasis in original). Moreover, the praise from the industry was not directed at the video games in general. Rather the praise is directed at the very feature being claimed in Applicant's invention (i.e., in-season updates of real-life performances). (see October 12, 2009 Amendment p. 30 ¶¶2-3).

Similarly, the Examiner's assertion that Applicant hasn't established a nexus to commercial success is without merit. The evidence provided by Applicant shows the intent of purchasers to buy the product based on the claimed feature. This is not mere puffery of the self-interested sellers or inferences made from sales figures; rather, this is direct evidence of the influence the claimed invention has on the purchasing decisions of unbiased consumers. Therefore, the evidence presented could not be more probative to the issue of commercial success.

The Office Action faults Applicants for not submitting sales numbers, yet quotes case law saying "conclusory statements or opinions that increased sales were due to the merits of the invention are entitled to little weight". Applicants haven't submitted sales numbers because such evidence is not necessary at this time in light of the direct evidence presented. In other words, Applicants have chosen to present statements demonstrating actual purchasing decisions being made as a direct result of the features being claimed rather than presenting conclusions inferred from sales figures. And, a purchasing decision is clear evidence of a consumer's decision to purchase, or not purchase, a product which inherently provides evidence at least to the cost of the video game purchase. Therefore, Applicants submit that the Examiner's rational for dismissing the evidence is untenable and respectfully request that the claims be allowed in light of the evidence presented.

Invitation for Examiner Interview

In view of the recent USPTO initiatives regarding **compact prosecution**, the Applicant respectfully invites the Examiner to contact the undersigned at his earliest convenience in the instance that additional impediment exists to the prompt allowance of this case.

Charge Authorization

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are allowable. In the event that Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or overcome by an Examiner's Amendment, Examiner is requested to contact the undersigned attorney.

Dated this 16th day of February, 2010.

Respectfully submitted,

/Andrew S. Hansen/ Reg.# 56,370

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ASH:DAJ
2536100_1.DOC

Electronic Acknowledgement Receipt

EFS ID:	7022095
Application Number:	10266795
International Application Number:	
Confirmation Number:	9115
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Customer Number:	22913
Filer:	Andrew S Hansen
Filer Authorized By:	
Attorney Docket Number:	17791.3.1
Receipt Date:	16-FEB-2010
Filing Date:	08-OCT-2002
Time Stamp:	20:18:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment After Final	Request_Under_116e_Voodoo.PDF	1857851 ff729e1c4c4c421acc1e9825dc100f3000cb60de	no	15

Warnings:	
Information:	

2	Amendment After Final	Amendment_D_116_Voodoo.pdf	398010 0f3ddbe25b657be8766823d0271a30e689f8fd83	no	9

Warnings:	
Information:	
Total Files Size (in bytes):	2255861

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.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

22913 7590 02/02/2010

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EXAMINER	
PIERCE, DAMON JOSEPH	
ART UNIT	PAPER NUMBER
3714	
MAIL DATE	DELIVERY MODE
02/02/2010	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	10/266,795	ANGELOPOULOS, ATHANASIOS	
	Examiner	Art Unit	
	DAMON PIERCE	3714	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *13 October 2009*.

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

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

Disposition of Claims

4)☒ Claim(s) *29-36,39-42,46-48,51-55,57-61 and 68-71* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-36,39-42,46-48,51-55,57-61 and 68-71* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/13/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The examiner acknowledges the amendments of claims filed on 10/13/09. Currently, claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 are pending.

Claim Rejections - 35 USC § 103

2. 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 negatived by the manner in which the invention was made.

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

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

3. Claims 29-36, 39-42, 51-55, 57-59, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over NFL 2K1 GameFaqs on Dreamcast (referred to as NFL2K1) in view of EA Sports Madden 2002 Game Manual (herein referred to as Madden02).

29, 33-35, 39-40, 51, 55, 57-59, 61, **NFL2K1 discloses a game medium configured to provide a sports video game in conjunction with a video game machine, the sports video game including video game rules and video game character parameters, the video game character parameters associated with individual video game characters, including video game character performance parameters** (NFL2K1 is a video game disc made for the Dreamcast video game system containing NFL rules and game players), **the video game medium being configured to cause the video game machine to perform a method comprising**:

loading video game data stored by the video game medium into a random access memory for playing the video game, the video game data including the video game rules and a particular video game character performance parameter associated with a particular individual video game character associated with a real-life sports athlete, wherein the particular video game performance parameter corresponds to a real-life performance of the sports athlete playing in one or more sporting events, the particular individual video game character performance parameter affecting the manner in which a video game character performs in the sports video game (NFLK1 discloses a using a video game disc for the Dreamcast game console, where it is well known in the gaming art that video game disc made for a Dreamcast loads game information to the game console form the game disc and in this case, NFL rules and athletes are loaded to the video game console);

receiving a series of updated video game character performance parameters from a data server via a network including the Internet (pg. 9, discloses

connecting to the net to get the new update player rosters with new and improved stats, where rosters and stats are interpreted as a series of updated video game character performance parameters; in this case, a roster update may include players that were not previously on the game, or previously injured players that are now currently healthy with improved stats; for instance, player X was not created on the video game because he choose to retire prior to the season, however, during the middle of the season player X decides to come out of retirement and team X decides to acquire player X, thus, as related to football, player X has a certain set of football related skills required in order to perform in the video game);

updating the sports video game with each of the updated video game character performance parameters received, wherein each update changes the manner in which the particular individual video game character performs in the sports video game such that the particular individual video game more closely simulates real-life performance attributes of the particular real-life athlete in the sports video game (pg. 9, discloses connecting to the net to get the new update player rosters with new and improved stats, where rosters and stats are interpreted as a series of updated video game character performance parameters; in this case, a roster update may include players that were not previously on the game, or previously injured players that are now currently healthy with improved stats; for instance, player X was not created on the video game because he choose to retire prior to the season, however, during the middle of the season player X decides to come out of retirement and team X

decides to acquire player X, thus, as related to football, player X has a certain set of football related skills required in order to perform in the video game); and

enabling a user to control the particular individual video game character using a video game controller connected to the video game machine (see "In game controls" section of pps. 3-5, which discloses how to play the video game using game controllers).

NFL2K1 fails to explicitly disclose during a single sports season, wherein each of updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season.

Madden02 explicitly discloses during a single sports season, wherein each of updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season (see pps. 23-26, and 31, specifically "Player Progression" section, which explicitly discloses awarding and penalizing players' stats based on their performances during the season). The video game system of NFL2K1 would have motivation to use the "Player Progression" feature of Madden02 in order to create a more entertaining football game, thus, correlating athlete performance to their actually video game abilities.

Therefore, it is would have been obvious to a person of ordinary skill in the art to modify the video game system of NFL2K1 with the player progression of Madden02 in order to continuously update athletes attributes based on parameters.

30, 31, 52, 53, NFL2K1 fails to explicitly disclose a method as in claim 29, wherein receipt of an updated video game performance parameters in the series occurs at least daily and/or weekly during at least a portion of the single sports season, such that the particular video game character simulates current real-life performance attributes of the particular real-life athlete on an at least daily and/or weekly basis. However, it is would be obvious to one of ordinary skill in the art that since NFL2K1 is a football game, where roster changes are made at any given time and stat updates are typically weekly, such that roster moves occur on a daily basis such that acquiring and signing new players to a roster; players are traded; a player gets injured; and players are released and signed on any given time. Thus, it would be a matter of game distributing and designer's choice of to provide video gamers with the fresh new events of the week, day, hour, or minute.

32, NFL2K1 discloses a game medium according to claim 29, the video game medium being further configured to cause the video game machine to update visual aspects of the video game during a single sports season, wherein the updated visual aspects are based on a change in a real- life visual aspect of a real-life athlete, stadium, or field during a single sports season (being that roster changes offer include trades, some players require new jerseys for their new teams, where new jerseys are updated visual aspects of the athletes).

36, NFL2K1 discloses a game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method further comprising: receiving a change in a video game team parameter from a data server via the network, wherein the video game team parameter corresponds to a real-life trade of a real-life athlete between two real-life teams during a single sports season; and changing a video game team in the video game based on the video game team parameter received to reflect the trade of the real-life athlete in the sports video game (pg. 9, discloses connecting to the net to update player rosters and improved stats; for instance, when rosters updates are caused by a trade, team stats are reflected based on the trade).

39, NFL2K1 discloses a game medium according to claim 29, wherein the updated video game character performance parameters are each associated with a real-life performance tendency of the particular real-life athlete in the real-life performances during the single sports season (see pg. 9, which includes downloading improved player stats, where stats are based on players' tendencies).

41, 42, NFL2K1 discloses a game medium according to claim 29, wherein at least one of the updated video game character performance parameters is associated with a points scored average of a real-life performance of the real-life athlete in a real-life sports event during the single sports season (see pg. 9, which includes downloading improved player stats, thus, being that NFLK1 is a game football game, where football stats includes points scored, in particular for

quarterbacks, running backs, receivers, and tight ends, and completion percentage are recorded for quarterbacks and/or kickers).

54, Examiner takes official notice that online video game play often times requires fees and/or payment prior to allowing the online video game service.

4. Claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over NBA2K1 Game Manuel of Sega Dreamcast (referred to as NBA2K1) in view of EA Sports Madden 2002 Game Manual (herein referred to as Madden02).

29, 32-36, 39-42, 46-48, 51, 54-55, 57-61, and 68-69, **NBA2K1 discloses a game medium configured to provide a basketball sports video game in conjunction with a video game machine, the basketball sports video game including video game rules and basketball video game character parameters, the basketball video game character parameters including video game character performance parameters** (NBA2K1 is a video game disc made for the Dreamcast video game system containing National Basketball Association-NBA rules and athletes, where each athlete in the video game contains a specific set of skills relative to playing basketball), **the game medium being configured to cause the video game machine to perform a method comprising**:

loading video game data stored by the game medium into a random access memory of the video game machine for playing the basketball video game, the

video game data including the video game rules and a particular basketball video game character performance parameter associated with a particular basketball video game character associated with a particular real-life basketball sports athlete, wherein the particular basketball video game performance parameter is based at least in part on a real- life basketball performance of the particular real-life basketball sports athlete playing in one or more real-life basketball sporting events, the particular basketball video game character performance parameter affecting the manner in which the particular basketball video game character performs in the basketball sports video game (pg. 25, explicitly discloses updating current rosters to NBA game, where the updating of rosters are interpreted as a series of updated video game character performance parameters; in this case, a roster update may include players that were not previously on the game, or previously injured players that are now currently healthy with improved stats; for instance, player X was not created on the video game because he choose to retire prior to the season, however, during the middle of the season player X decides to come out of retirement and team X decides to acquire player X, thus, as related to basketball, player X has a certain set of basketball-related skills, such speed, rebounding, dribbles, shooting, jumping, etc. as required in order to perform in the video game, where skills are provided to each player dependent upon statistics of how a player has performed in real-life competitions);

receiving a series of updated video game basketball character performance parameters from a data server via a network including the Internet (pg. 25, explicitly discloses updating current rosters to NBA game, where the updating of rosters

are interpreted as a series of updated video game character performance parameters; in this case, a roster update may include players that were not previously on the game, or previously injured players that are now currently healthy with improved stats; for instance, player X was not created on the video game because he choose to retire prior to the season, however, during the middle of the season player X decides to come out of retirement and team X decides to acquire player X, thus, as related to basketball, player X has a certain set of basketball-related skills, such speed, rebounding, dribbles, shooting, jumping, etc. as required in order to perform in the video game, where skills are provided to each player dependent upon statistics of how a player has performed in real-life competitions);

updating the basketball sports video game with each of the updated basketball video game character performance parameters received, wherein each update changes the manner in which the particular basketball video game character performs in the basketball sports video game such that the particular basketball video game character more closely simulates real-life basketball performance attributes of the particular real- life basketball athlete in the sports video game (pg. 25, explicitly discloses updating current rosters to NBA game, where the updating of rosters includes providing players with performance parameters such as dribbles, shooting, blocking ability, and other basketball related skills, where skills are provided to each player dependent upon statistics of how a player has performed in real-life competitions; in this case, a roster update may include players that were not previously on the game, for instance, player X was not created on the video game

because he choose to retire prior to the season, however, during the middle of the season player X decides to come out of retirement and team X decides to acquire player X, thus, as related to basketball player X has certain skills in order to play in video game); and

enabling a user to control the particular video game basketball character in the basketball sports video game using a video game controller connected to the basketball video game machine (see "Offensive Controls with the ball" section of pps. 7-10, which discloses how to play the game using game controller), wherein:

the basketball sports video game includes video game basketball courts, video game basketball teams, and video game basketball characters associated with real-life basketball courts, real-life basketball teams, and real-life basketball athletes respectively (please note that NBA 2K1 is a basketball sports video game that includes real-life courts, teams, and athletes); and

NBA2K1 fails to explicitly disclose during a single basketball sports season, wherein each of updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season;

at least one of the updated video game character performance parameters is associated with a free-throw completion percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season;

wherein at least one of the updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life basketball sports event during the single basketball sports season.

Madden02 explicitly discloses during a single sports season, wherein each of updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season (see pps. 23-26, and 31, specifically “Player Progression” section, which explicitly discloses awarding and penalizing players' stats based on their performances during the season). Madden02 has been used as evidence to show that sports-related stats change based on athletes performance within a video game over the course of a season. It is well known in the art that there are a variety of sports video games of varying sports such as NBA2K1 as related to basketball, where each sports game package stats vary based on the sport; in this case, free-throw completion percentage and shots average are stats that are commonly tracked for basketball players. Thus, a game designer would have motivation to use the basketball game of NBA2K1 (or any other sport) with the athlete performance parameter updating feature of Madden02 in order to attract game players of varying sports based on a game player's preference and provide a more entertaining sports video game

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the video game system of NBA2K1 with the with

the player progression feature of Madden02 in order to attract more players to subscribe to a game service that gives players the most updated version of a game.

30, 31, 52, 53, 70, 71, NBA2K1 fails to explicitly disclose a game medium, wherein receipt of the updated basketball video game performance parameters in the series occurs at least daily or weekly during at least a portion of the single basketball sports season, such that the particular basketball video game character simulates current real-life performance attributes of the particular real-life basketball athlete on an at least daily or weekly basis. However, it is would be obvious to one of ordinary skill in the art that since NBA2K1 is a basketball game, roster and stat updates are made at any given time, such that roster moves occur on a daily basis such that acquiring and signing new players to a roster; players are traded; a player gets injured; and players are released and signed on any given time. Thus, it would be a matter of game distributing and designer's choice of to provide video gamers with the fresh new events of the week, day, or hour.

Response to Arguments

5. Applicant's arguments regarding (1) a down loaded update to a character performance parameter, (2) an update to a roster statistic is not a player performance parameter, (3) a series of updates based on different performances by a real-life athlete of a single sports season, (4) an update to a video game during a single sports season,

(5) a set of performance parameters for individual characters of the video game or (6) the patent office is using impermissible hindsight, with respect to claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's arguments filed 101/2/09 have been fully considered but they are not persuasive.

7. Applicant's arguments regarding the following secondary considerations of non-obviousness (A) those of ordinary skill in the video game industry praise the Dynamic DNA and Living Roster features, which practice the Applicant's invention, as "new and innovative", (B) the invention as recited in the claims has been copied by large corporations with ample resources in the video game industry, (C) (i) the claimed invention has found commercial success and long felt but unsolved needs in the sports video game commercial market; and (ii) there is a clear nexus between the Applicant's claimed invention and the commercial success of EA Sport's Dynamic DNA feature and Take Two's Living Roster feature.

Regarding issue (A) above:

The weight attached to evidence of secondary considerations by the examiner will depend upon its relevance to the issue of obviousness and the amount and nature of the evidence. Note the great reliance apparently placed on this type of evidence by the Supreme Court in upholding the patent in United States v. Adams, 383 U.S. 39,148 USPQ 479 (1966). To be given substantial weight in the determination of obviousness or nonobviousness, evidence of secondary

considerations must be relevant to the subject matter as claimed, and therefore the examiner must determine whether there is a nexus between the merits of the claimed invention and the evidence of secondary considerations. Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 305 n.42, 227 USPQ 657, 673-674n. 42 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986). The term "nexus" designates a factually and legally sufficient connection between the objective evidence of nonobviousness and the claimed invention so that the evidence is of probative value in the determination of nonobviousness. Demaco Corp. v. F. Von Langsdorff Licensing Ltd., 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir.), cert. denied, 488 U.S. 956 (1988).

Applicant present affidavits reflecting public feedback that the NBA Live 365 and Dynamic DNA features are new, ground breaking, fundamentally different, revolutionary, and innovative, however, applicant have not provided a nexus between their claimed product and purported novelty. There is no evidence that that the claimed features as recited by the applicant are the reasons NBA Live 365 and Dynamic DNA are viewed by game players as new and innovative.

Regarding issue (B) above:

Another form of secondary evidence which may be presented by applicants during prosecution of an application, but which is more often presented during litigation, is evidence that competitors in the marketplace are copying the invention instead of using the prior art. However, more than the mere fact of

copying is necessary to make that action significant because copying may be attributable to other factors such as a lack of concern for patent property or contempt for the patentees ability to enforce the patent. Cable Electric Products, Inc. v. Genmark, Inc., 770 F.2d 1015, 226 USPQ 881(Fed. Cir. 1985). Evidence of copying was persuasive of nonobviousness when an alleged infringer tried for a substantial length of time to design a product or process similar to the claimed invention, but failed and then copied the claimed invention instead. Dow Chem. Co. v. American Cyanamid Co., **>816 F.2d 617<, 2 USPQ2d 1350 (Fed. Cir. 1987). Alleged copying is not persuasive of nonobviousness when the copy is not identical to the claimed product, and the other manufacturer had not expended great effort to develop its own solution. Pentec, Inc. v. Graphic Controls Corp., 776 F.2d 309, 227 USPQ 766 (Fed. Cir. 1985). See also Vandenberg v. Dairy Equipment Co., 740 F.2d 1560, 1568, 224 USPQ 195, 199 (Fed. Cir. 1984) (evidence of copying not found persuasive of nonobviousness) and Panduit Corp. v. Dennison Manufacturing Co., 774 F.2d 1082, 1098-99, 227 USPQ 337, 348, 349 (Fed. Cir. 1985), vacated on other grounds, 475 U.S. 809, 229 USPQ 478 (1986), on remand, 810 F.2d 1561, 1 USPQ2d 1593 (Fed. Cir. 1987) (evidence of copying found persuasive of nonobviousness where admitted infringer failed to satisfactorily produce a solution after 10 years of effort and expense).

Although applicant present affidavits reflecting public feedback that EA Sports and Take Two companies have similar features, there is no evidence that that

the claimed features as recited by the applicant are identical to the products of EA Sports and Take Two, and the other manufacturers had not expended great effort to develop its own solution the reasons.

Regarding issues (C) (i) and (ii):

An applicant who is asserting commercial success to support its contention of nonobviousness bears the burden of proof of establishing a nexus between the claimed invention and evidence of commercial success. The Federal Circuit has acknowledged that applicant bears the burden of establishing
nexus, stating: In the ex parte process of examining a patent application, however, the PTO lacks the means or resources to gather evidence which supports or refutes the applicant's assertion that the sale constitute commercial success. C.f. Ex parte Remark, 15 USPQ2d 1498, 1503 (Bd. Pat. App. & Int. 1990)(evidentiary routine of shifting burdens in civil proceedings inappropriate in ex parte prosecution proceedings because examiner has no available means for adducing evidence). Consequently, the PTO must rely upon the applicant to provide hard evidence of commercial success.

In re Huang , 100 F.3d 135, 139-40, 40 USPQ2d 1685, 1689 (Fed. Cir. 1996). See also In re GPAC, 57 F.3d 1573, 1580, 35 USPQ2d 1116, 1121 (Fed. Cir. 1995); In re Paulsen, 30 F.3d 1475, 1482, 31 USPQ2d 1671, 1676 (Fed. Cir. 1994) (Evidence of commercial success of articles not covered by the claims subject to the 35 U.S.C. 103 rejection was not probative of nonobviousness).

The term “nexus” designates a factually and legally sufficient connection between the evidence of commercial success and the claimed invention so that the evidence is of probative value in the determination of nonobviousness. Demaco Corp. v. F. Von Langsdorff Licensing Ltd., 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir. 1988).

In considering evidence of commercial success, care should be taken to determine that the commercial success alleged is directly derived from the invention claimed, in a marketplace where the consumer is free to choose on the basis of objective principles, and that such success is not the result of heavy promotion or advertising, shift in advertising, consumption by purchasers normally tied to applicant or assignee, or other business events extraneous to the merits of the claimed invention, etc. In re Mageli, 470 F.2d 1380, 176 USPQ 305 (CCPA 1973) (conclusory statements or opinions that increased sales were due to the merits of the invention are entitled to little weight); In re Noznick, 478 F.2d 1260, 178 USPQ 43 (CCPA 1973).

Establishing long-felt need requires objective evidence that an art recognized problem existed in the art for a long period of time without solution. The relevance of long-felt need and the failure of others to the issue of obviousness depends on several factors. First, the need must have been a persistent one that was recognized by those of ordinary skill in the art. In re Gershon, 372 F.2d 535,

539, 152 USPQ 602, 605 (CCPA 1967) ("Since the alleged problem in this case was first recognized by appellants, and others apparently have not yet become aware of its existence, it goes without saying that there could not possibly be any evidence of either a long felt need in the . . . art for a solution to a problem of dubious existence or failure of others skilled in the art who unsuccessfully attempted to solve a problem of which they were not aware."); Orthopedic Equipment Co., Inc. v. All Orthopedic Appliances, Inc., 707 F.2d 1376, 217 USPQ 1281 (Fed. Cir. 1983) (Although the claimed invention achieved the desirable result of reducing inventories, there was no evidence of any prior unsuccessful attempts to do so.). Second, the long-felt need must not have been satisfied by another before the invention by applicant. Newell Companies v. Kenney Mfg. Co., 864 F.2d 757, 768, 9 USPQ2d 1417, 1426 (Fed. Cir. 1988) (Although at one time there was a long-felt need for a "do-it-yourself" window shade material which was adjustable without the use of tools, a prior art product fulfilled the need by using a scored plastic material which could be torn. "[O]nce another supplied the key element, there was no long-felt need or, indeed, a problem to be solved".) Third, the invention must in fact satisfy the long-felt need. In re Cavanagh, 436 F.2d 491, 168 USPQ 466 (CCPA 1971).

Although applicant present affidavits reflecting a positive public feedback of EA Sports and Take Two video gaming systems, applicant have not provided a

nexus between their claimed product and purported commercial success. There is no evidence provided that the sales of applicant's product have out performed the sales of EA Sports or Take Two or that the claimed features as recited by the applicant are the reasons for the success.

Please note that the well-known statement in the art is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of the official notice.

Conclusion

8. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 10/13/09 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on 8AM-4PM.

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

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

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

DJP

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10266795	ANGELOPOULOS, ATHANASIOS
	Examiner	Art Unit
	DAMON PIERCE	3714

SEARCHED

Class	Subclass	Date	Examiner
463	1-4, 6-8, 30-33, 40-43	3/27/2009	DJP
700	90-93	3/27/2009	DJP

SEARCH NOTES

Search Notes	Date	Examiner
Consulted John Hotaling and Dmitry Suhol	3/27/2009	DJP
Reviewed IDS references	3/27/2009	DJP
Backward and Forward searched most relevant art	3/27/2009	DJP
Internet search of sports game with player downloads	3/27/2009	DJP
See EAST search	3/27/2009	DJP
Reviewed IDS references	8/11/2009	DJP
NPL search for basketball video games with Internet access	8/11/2009	DJP
See updated EAST search	1/22/2010	DJP
Searched Internet for "dowloadable content related to video games"	1/22/2010	DJP

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

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	Examiner	Art Unit
	DAMON PIERCE	3714

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

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
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	35	✓	✓	✓	✓					
	36	✓	✓	✓	✓					

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CLAIM		DATE								
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	69			✓	✓					
	70			✓	✓					
	71			✓	✓					

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S26	1	"6009458".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/19 15:14
S27	88	("4378118" | "4552360" | "4569526" | "4613134" | "5125671" | "5184830" | "5356151" | "5359510" | "5393062" | "5409234" | "5498003" | "5664998" | "5672131" | "5704837" | "5774125" | "5872973").PN. OR ("6009458").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/19 15:28
S28	13	("5809144" | "5885156" | "5890963" | "5918213" | "5964660" | "5970143" | "6009458" | "6164971" | "6179713").PN. OR ("6758746").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/19 16:10
S29	80	downloadable adj content same game	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/21 18:20
S30	11	S29 and @ad<="20021008"	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/21 18:21
S31	27	(downloadable adj content) same sport	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/21 18:23
S32	213	(downloadable adj content) and sport and game	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/21 18:24
S33	7	S32 and @ad<="20021008"	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/21 18:24

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IDS with Certification Statement

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)				
			Application Number	10/266,795
			Filing Date	October 8, 2002
			First Named Inventor	Athanasios Angelopoulos
			Art Unit	3714
			Examiner Name	Damon Joseph Pierce
Sheet	1 of 4		Attorney Docket Number	17791.3.1

U.S. PATENT APPLICATIONS					
Examiner Initials*	Cite No.	Application Number	Filing Date	Name of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1				

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Issue Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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U.S. PATENT APPLICATION PUBLICATIONS					
Examiner Initials*	Cite No.	Publication Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1				

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.	Foreign Patent Document	Country Code	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T [1]
	1						☐

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DJP/

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			Examiner Name	Damon Joseph Pierce
Sheet	2 of 4		Attorney Docket Number	17791.3.1

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, page(s), volume-issue number(s), publisher, city and/or country where published	T [1]
	1	*Madden 2002 Manual*, EA Sports, 209 Redwood Shores Parkway, Redwood City, CA 94065, available at http://www.replacementdocs.com, © 2001 Electronic Arts, Inc., last accessed October 7, 2009.	
	2	*NBA Showtime*, NBA on NBC, Operation Manual for 4-Player, 25" Dedicated Video Game, Gold Edition, March, 2000, © 2000 Midway Amusement Games, LLC, 3401 North California Avenue, Chicago, Illinois 60618-5899, available at http://www.midway.com, last accessed October 7, 2009.	
	3	*NFL Fever 2002 Manual*, Xbox, Microsoft Corporation, One Microsoft Way, Redmond, WA 98052-9953, available at http://www.xbox.com, © 1997-2001 by RAD Game Tools, Inc., last accessed October 7, 2009.	
	4	*NFL Fever 2003 Manual*, Xbox, Microsoft Corporation, One Microsoft Way, Redmond, WA 98052-9953, available at http://www.xbox.com, © 1997-2002 by RAD Game Tools, Inc., last accessed October 7, 2009.	
	5	*NHL 97 Instruction Booklet*, Black Pearl Software, c/o T-HQ, Inc, 5016 No. Parkway, Calabasas, CA 91302, available at http://www.replacementdocs.com, © 1996 Electronic Arts, last accessed October 7, 2009.	
	6	Todd, Brett, *The History of Football Games*, available at http://www.gamespot.com, © 2009 CBS Interactive, Inc., last accessed October 7, 2009.	
	7	*4th & Inches Manual*, © 1988 Accolade, available at www.lemonamiga.com, last accessed October 7, 2009.	
	8	*TSR Manuals*, Tecmo Bowl ®, © 1998, tsrken@voicenet.com, available at http://www.atarihq.com/tsr/manuals/tecmobwl.txt, last accessed October 7, 2009.	
	9	Smith, James dated August 30, 2000, *NFL Gameday 2001 (PSX) Review*, Sports Gaming Network, available at http://www.sports-gaming.com/football/nfl_gameday_2001/review_psx.shtml, last accessed October 7, 2009.	
	10	Riot, Sydney, GameVortex Communications, *NFL GameDay 2002*, video game release date: August 7, 2001, available at http://www.psillustrated.com/psillustrated/soft_rev.php/17/nfl-gameday-2002-ps2.html, last accessed October 7, 2009.	
	11	*Legends Football '98 Review*, available at http://www.uk.videogames.games.yahoo.com/pc/reviews/legends-football--98-be22be.html, © 2009 Yahoo!, last accessed October 7, 2009.	
	12	*Catch The Fever*, Your Football Gaming Complex, ©2000 Catch The NFL Fever, available at http://www.sportplanet.com/catchthefever/dhfever.shtml, last accessed September 29, 2009.	
	13	*RIP2001 Rosters*, April 14, 2001, available at http://www.sportplanet.com/catchthefever/index.shtml, last accessed October 9, 2009.	
	14	*RIP2002 Rosters*, September 6, 2001, available at http://www.sportplanet.com/catchthefever/index.shtml, last accessed October 9, 2009.	
	15	*Welcome to the VPNFL: The Vaguely Plausible National Football League*, available by early December 1998 on the FBPro Dark Side at http://www.geocities.com/colosseum/stadium/8273, last accessed October 9, 2009.	

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DJP/

/Damon Pierce/ 01/21/2010

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Examiner Initials*	Cite No.	Application Number	Mail Date	Document
	1			

EXAMINER SIGNATURE			
Examiner Signature	/Damon Pierce/	Date Considered	01/21/2010

*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]Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DJP/

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)			Application Number	10/266,795
			Filing Date	October 8, 2002
			First Named Inventor	Athanasios Angelopoulos
			Art Unit	3714
			Examiner Name	Damon Joseph Pierce
Sheet	1 of 4		Attorney Docket Number	17791.3.1

U.S. PATENT APPLICATIONS					
Examiner Initials*	Cite No.	Application Number	Filing Date	Name of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1				

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Issue Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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U.S. PATENT APPLICATION PUBLICATIONS					
Examiner Initials*	Cite No.	Publication Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.	Foreign Patent Document	Country Code	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T [1]
	1						☐

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			Art Unit	3714
			Examiner Name	Damon Joseph Pierce
Sheet	2 of 4		Attorney Docket Number	17791.3.1

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, page(s), volume-issue number(s), publisher, city and/or country where published	T [1]
	1	*Madden 2002 Manual*, EA Sports, 209 Redwood Shores Parkway, Redwood City, CA 94065, available at http://www.replacementdocs.com, © 2001 Electronic Arts, Inc., last accessed October 7, 2009.	
	2	*NBA Showtime*, NBA on NBC, Operation Manual for 4-Player, 25" Dedicated Video Game, Gold Edition, March, 2000, © 2000 Midway Amusement Games, LLC, 3401 North California Avenue, Chicago, Illinois 60618-5899, available at http://www.midway.com, last accessed October 7, 2009.	
	3	*NFL Fever 2002 Manual*, Xbox, Microsoft Corporation, One Microsoft Way, Redmond, WA 98052-9953, available at http://www.xbox.com, © 1997-2001 by RAD Game Tools, Inc., last accessed October 7, 2009.	
	4	*NFL Fever 2003 Manual*, Xbox, Microsoft Corporation, One Microsoft Way, Redmond, WA 98052-9953, available at http://www.xbox.com, © 1997-2002 by RAD Game Tools, Inc., last accessed October 7, 2009.	
	5	*NHL 97 Instruction Booklet*, Black Pearl Software, c/o T-HQ, Inc, 5016 No. Parkway, Calabasas, CA 91302, available at http://www.replacementdocs.com, © 1996 Electronic Arts, last accessed October 7, 2009.	
	6	Todd, Brett, *The History of Football Games*, available at http://www.gamespot.com, © 2009 CBS Interactive, Inc., last accessed October 7, 2009.	
	7	*4th & Inches Manual*, © 1988 Accolade, available at www.lemonamiga.com, last accessed October 7, 2009.	
	8	*TSR Manuals*, Tecmo Bowl ®, © 1998, tsrken@voicenet.com, available at http://www.atarihq.com/tsr/manuals/tecmobwl.txt, last accessed October 7, 2009.	
	9	Smith, James dated August 30, 2000, *NFL Gameday 2001 (PSX) Review*, Sports Gaming Network, available at http://www.sports-gaming.com/football/nfl_gameday_2001/review_psx.shtml, last accessed October 7, 2009.	
	10	Riot, Sydney, GameVortex Communications, *NFL GameDay 2002*, video game release date: August 7, 2001, available at http://www.psillustrated.com/psillustrated/soft_rev.php/17/nfl-gameday-2002-ps2.html, last accessed October 7, 2009.	
	11	*Legends Football '98 Review*, available at http://www.uk.videogames.games.yahoo.com/pc/reviews/legends-football--98-be22be.html, © 2009 Yahoo!, last accessed October 7, 2009.	
	12	*Catch The Fever*, Your Football Gaming Complex, ©2000 Catch The NFL Fever, available at http://www.sportplanet.com/catchthefever/dhfever.shtml, last accessed September 29, 2009.	
	13	*RIP2001 Rosters*, April 14, 2001, available at http://www.sportplanet.com/catchthefever/index.shtml, last accessed October 9, 2009.	
	14	*RIP2002 Rosters*, September 6, 2001, available at http://www.sportplanet.com/catchthefever/index.shtml, last accessed October 9, 2009.	
	15	*Welcome to the VPNFL: The Vaguely Plausible National Football League*, available by early December 1998 on the FBPro Dark Side at http://www.geocities.com/colosseum/stadium/8273, last accessed October 9, 2009.	

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			Art Unit	3714
			Examiner Name	Damon Joseph Pierce
Sheet	3 of 4		Attorney Docket Number	17791.3.1

OFFICE ACTION / NOTICE OF ALLOWANCE DOCUMENTS				
Examiner Initials*	Cite No.	Application Number	Mail Date	Document
	1			

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	

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			Art Unit	3714
			Examiner Name	Damon Joseph Pierce
Sheet	4 of 4		Attorney Docket Number	17791.3.1

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

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments to Deposit Account No. 23-3178

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	/David A. Jones/Reg. #50,004	Date	October 13, 2009
Name/Print	David A. Jones	Registration Number	50,004

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.**

Electronic Patent Application Fee Transmittal

Application Number:	10266795
Filing Date:	08-Oct-2002
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Filer:	David Allan Jones/Janice Hansen
Attorney Docket Number:	17791.3.1

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
		Total in USD ($)		**180**

Electronic Acknowledgement Receipt

EFS ID:	6250343
Application Number:	10266795
International Application Number:	
Confirmation Number:	9115
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Customer Number:	22913
Filer:	David Allan Jones/Janice Hansen
Filer Authorized By:	David Allan Jones
Attorney Docket Number:	17791.3.1
Receipt Date:	13-OCT-2009
Filing Date:	08-OCT-2002
Time Stamp:	16:06:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$180
RAM confirmation Number	2893
Deposit Account	233178
Authorized User	JONES,DAVID A.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

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Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed (SB/08)	Supplemental_IDS.pdf	184582 fd534112f1f17a930ab0d3412bd7b28c838c9229	no	4
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
2	NPL Documents	Ref-1_Madden_2002_-_Manual_-_PC1.pdf	6824083 94f98da5496ffe96bf3e7645e7047f38db454f1b	no	56
Warnings:					
Information:					
3	NPL Documents	Ref-3_NFLFever2002_Manual_EN1.pdf	757879 648242ac184704ef820b089db4cddf9dbfe1214d	no	16
Warnings:					
Information:					
4	NPL Documents	Ref-4_NFLFever2003_Manual_EN1.pdf	4745710 150a2013ce3d9a3eb44f25d388c450196bb9d800	no	18
Warnings:					
Information:					
5	NPL Documents	Ref-5_NHL_97_-_Manual_-_SNS1.pdf	2197215 3651882eca2e415bb3834d66473ba4c1fae34a0e	no	21
Warnings:					
Information:					
6	NPL Documents	Ref-7_www_lemonamiga_com.pdf	217937 9d6a9735e56afad741c80c5ad93cfab588c858bd	no	6
Warnings:					
Information:					
7	NPL Documents	Ref-8_www_atarihq_com.pdf	149172 778e259351d85247aba3b0c242ca7b7a1c71e23f	no	4
Warnings:					
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8	NPL Documents	Ref-9_www_sports-gaming_com.pdf	681222 4fd82cd0d4311d1ba754dfb77b6ce2431fa0478e	no	4
Warnings:					
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9	NPL Documents	Ref-10_www_psillustrated_com.pdf	497290 2f6f3210f63885178c3fce3746fd80af833d5fc9	no	2
Warnings:					
Information:					
10	NPL Documents	Ref-11_uk_videogames_games_yahoo_com.pdf	573867 92aad00e310465e2cabcf98fd94edd184d9182c9	no	3
Warnings:					
Information:					
11	NPL Documents	Ref-12_Catch_the_Fever.pdf	199852 abfaecd4b8f5e243dd9e357fe0f916af843c3f29	no	3
Warnings:					
Information:					
12	NPL Documents	Ref-13_Rip_2001_Rosters.pdf	227160 f5ebde6ce4dcad0fb33bbc2ff88b13e785eb8335	no	4
Warnings:					
Information:					
13	NPL Documents	Ref-14_Rip_2002_Rosters.pdf	286309 a8d51e99969ca193ba64dce3160562a6c5afa875	no	6
Warnings:					
Information:					
14	NPL Documents	Ref-2_NBA_20Showtime_20Gold_20Edition_20.pdf	5558768 1e0365694feb47292f01252c55d64c4c236a35a3	no	140
Warnings:					
Information:					
15	NPL Documents	Ref-15_Welcome_to_the_VPNFL.pdf	628360 7d765e26a6f79a9c0552459cf05c1d2676e5e4c5	no	11
Warnings:					
Information:					
16	NPL Documents	Ref-6_The_History_of_Football_Games-Features_at_GameSpot.pdf	4265835 c24079066c5345732ba01991a3f811bb960b97af	no	32
Warnings:					
Information:					

17	Fee Worksheet (PTO-875)	fee-info.pdf	29867 4400c41b4114b52a0742f86d356a6a67ffb69089	no	2

Warnings:	
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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Filed Electronically

PATENT APPLICATION
Docket No. 17791.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		)
		)
	Athanasios Angelopoulos	)
		)
Serial No.:	10/266,795	) Art Unit
		) 3714
Filed:	October 8, 2002	)
		)
Conf. No.:	9115	)
		)
For:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES	)
		)
		)
Examiner:	DAMON J. PIERCE	)
		)
Customer No.:	022913	)

AMENDMENT "C" AND RESPONSE UNDER 37 C.F.R. §1.111

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office action mailed August 17, 2009 (the "Office Action"), the Applicant responds as follows:

Amendments to the Specification begin on page 2 of this paper. **Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper. **Remarks** begin on page 17 of this paper.

AMENDMENTS TO THE SPECIFICATION

Please amend the specification as follows:

Page 1

Paragraph 1, change "Home towns" to --hometowns—

Paragraph 4, change "the ivy on the outfield wall of Wrigley Field in Chicago is may be shown" to --the ivy on the outfield wall of Wrigley Field in Chicago may be shown--

Paragraph 6, change "Frequently actual professional teams" to --Frequently, actual professional teams--

Paragraph 7, change "that new star's increadible performance will not be duplicated" to --that new star's incredible performance will not be duplicated--

Page 2

Paragraph 27, change "rastorizing" to --rasterizing--

Paragraph 27, change "Froame memory" to --Frame memory--

Paragraph 28, change "CPU 11" to --CPU 32--

Paragraph 28, change "CPU II" to --CPU 32--

Paragraph 29, change "video game system 79" to "video game system"

Page 3

Paragraph 38, change "very" to "vary"

Paragraph 39, change "RAM 58 and RAM 95." to --RAM 58 (FIG. 2) and RAM 95 (FIG. 3).--

Paragraph 39, change "ROM 109" to --ROM 109 (FIG. 4)--

Paragraph 39, change "rules 111" to --rules 111 (FIG. 4)--

Paragraph 40, change "In step 232, a user chooses to start a game or request an update, at step 232." to --In step 232, a user chooses to start a game or request an update.—

Paragraph 44, change "the CPU loads the requested data 295 from local memory into RAM 285." to -- the CPU loads the requested data from local memory into RAM 285.--

Page 4

Paragraph 49, change "The CPU displays the failure message to the user, at step 384." to --The CPU displays the failure message to the user, at step 388.--

Paragraph 51, change "account type to the server." to --account type to the server 408.--

Paragraph 55, change "In step 459, the server sends the requested parameters to the CPU." to --In step 459, the server sends the requested parameters to the CPU if the game machine does not require an authentication code.--

Paragraph 56, change "If there is no match, the CPU displays an error message." to --If there is no match, the CPU displays an error message in step 482.--

Page 5

Claim 5, change "basebal" to --baseball--

AMENDMENTS TO THE CLAIMS

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

1.-28. **(Canceled)**

29. **(Currently Amended)** A game medium configured to provide a sports video game in conjunction with a video game machine, the sports video game including video game rules and video game character parameters, the video game character parameters including video game character performance parameters associated with individual video game characters, the game medium being configured to cause the video game machine to perform a method comprising:

loading video game data stored by the game medium into a random access memory of the video game machine for playing the video game, the video game data including the video game rules and a particular video game character performance parameter associated with a particular individual video game character associated with a particular real-life sports athlete, wherein the particular video game performance parameter is based at least in part on a real-life performance of the particular real-life sports athlete playing in one or more real-life sporting events, the particular video game character performance parameter affecting the manner in which the particular individual video game character performs in the sports video game;

during a single sports season, receiving a series of updated video game character performance parameters from a data server via a network including the Internet, wherein each of the updated video game character performance parameters in the series is based at

least in part on one or more different real-life performances of the particular real-life sports athlete in one or more sporting events performed during the single sports season;

updating the sports video game with each of the updated video game character performance parameters received, wherein each update changes the manner in which the particular individual video game character performs in the sports video game such that the particular individual video game character more closely simulates real-life performance attributes of the particular real-life athlete in the sports video game; and

enabling a user to control the particular individual video game character in the sports video game using a video game controller connected to the video game machine.

30. **(Previously presented)** A game medium as in claim 29, wherein receipt of the updated video game performance parameters in the series occurs at least weekly during at least a portion of the single sports season, such that the particular video game character simulates current real-life performance attributes of the particular real-life athlete on an at least weekly basis.

31. **(Previously presented)** A game medium as in claim 29, wherein receipt of an the updated video game performance parameters in the series occurs at least daily during at least a portion of the single sports season, such that the particular video game character simulates current real-life performance attributes of the particular real-life athlete on an at least daily basis.

32. **(Previously presented)** A game medium according to claim 29, the game medium being further configured to cause the video game machine to update visual aspects of the video game during a single sports season, wherein the updated visual aspects are based on a

change in a real-life visual aspect of a real-life athlete, stadium, or field during a single sports season.

33. **(Previously presented)** A game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method further comprising:

receiving an input from the user using the video game controller, the input directing the video game machine to connect to the data server via the internet to receive the new video game character performance parameter.

34. **(Previously presented)** A game medium according to claim 29, wherein the video game enables a user to choose, or to not choose, a video game update that includes an updated video game character performance parameter.

35. **(Previously presented)** A game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method periodically and automatically in response to an input received from the user using the video game controller.

36. **(Previously presented)** A game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method further comprising:

receiving a change in a video game team parameter from a data server via the network, wherein the video game team parameter corresponds to a real-life trade of a real-life athlete between two real-life teams during a single sports season; and

changing a video game team in the video game based on the video game team parameter received to reflect the trade of the real-life athlete in the sports video game.

37. **(Withdrawn)** A game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method further comprising:

receiving an updated video game stadium parameter from a data server via the network including the Internet, wherein the video game stadium parameter corresponds to an attribute of a real-life stadium; and

changing a stadium parameter in the video game based on the updated video game stadium parameter received.

38. **(Withdrawn)** A game medium according to claim 37, wherein the updated video game stadium parameter is associated with an appearance of the stadium that has changed at least once during a single sports season.

39. **(Previously presented)** A game medium according to claim 29, wherein the updated video game character performance parameters are each associated with a real-life performance tendency of the particular real-life athlete in the real-life performances during the single sports season.

40. **(Previously presented)** A game medium according to claim 29, wherein at least one of the updated video game character performance parameters is associated with a performance of a real-life opponent of the real-life athlete in a real-life sports event during the single sports season.

41. **(Previously presented)** A game medium according to claim 29, wherein at least one of the updated video game character performance parameters is associated with a points scored average of a real-life performance of the real-life athlete in a real-life sports event during the single sports season.

42. **(Previously presented)** A game medium according to claim 29, wherein at least one of the updated video game character performance parameters is associated with a completion percentage of a real-life performance of the real-life athlete in a real-life sports event during a single sports season.

43. **(Withdrawn)** A game medium according to claim 29, wherein the sports video game is a football sports video game including video game football stadiums, video game football teams, and video game characters associated with real-life football stadiums, real-life football teams, and real-life football athletes respectively.

44. **(Withdrawn)** A game medium according to claim 43, wherein at least one of the updated video game character performance parameters is associated with a field goal percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season.

45. **(Withdrawn)** A game medium according to claim 43, wherein at least one of the updated video game character performance parameters is associated with rush yards of a real-life performance of the real-life athlete in a particular real-life sports event during a single sports season.

46. **(Previously presented)** A game medium according to claim 29, wherein the sports video game is a basketball sports video game including video game basketball courts, video game basketball teams, and video game basketball characters associated with real-life basketball courts, real-life basketball teams, and real-life basketball athletes respectively.

47. **(Previously presented)** A game medium according to claim 46, wherein at least one of the updated video game character performance parameters is associated with a free-throw completion percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season.

48. **(Previously presented)** A game medium according to claim 46, wherein at least one of the updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life sports event during the single sports season.

49. **(Withdrawn)** A game medium according to claim 29, wherein the sports video game is a soccer sports video game including video game soccer stadiums, video game soccer

teams, and video game soccer characters associated with real-life soccer stadiums, real-life soccer teams, and real-life soccer athletes respectively.

50. **(Canceled)**

51. **(Currently Amended)** A method performed by a computer server for updating a video game character parameter of an individual sports video game character in a sports video game played on a video game machine during a single sports season, the sports video game character representing a particular real-life athlete in the sports video game, the method performed by the computer server comprising the following acts:

during a single sports season, storing a plurality of updated video game character performance parameters on a storage medium of the computer server, wherein each of the updated video game character performance parameters is based at least in part on a performance ~~statistics~~ of the particular real-life athlete performing in one or more real-life sporting events of the single sports season~~, each of the updated video game character performance parameters being based at least in part on performance by the particular real-life athlete in one or more different real-life sporting events during the single sports season~~;

communicating with a video game machine to establish a network connection over the Internet; and

within the single sports season, transmitting the plurality of updated video game performance parameters to the video game machine in a plurality of transmissions over the network, thereby enabling the video game machine to (i) receive the plurality of updated video game performance parameters within the single sports season, and (ii)

change the sports video game play based on changes in the updated video game performance parameters, such that the particular individual video game character of the sports video game more closely simulates the real-life performance of the particular real-life athlete during the single sports season.

52. **(Previously presented)** A method as in claim 51, wherein,

at least a portion of the transmissions are carried out at least weekly during at least a portion of the single sports season; and

the at least weekly transmissions include video game character performance parameters based at least in part on real-life performances of the particular real-life athlete that occurred at least within the prior week.

53. **(Previously presented)** A method as in claim 51, wherein:

at least a portion of the updated transmissions are carried out at least daily during at least a portion of the single sports season; and

the at least weekly transmissions include video game character performance parameters based at least in part on real-life performances of the particular real-life athlete that occurred at least within the prior day.

54. **(Previously presented)** A method as in claim 51, wherein the server is further configured to receive a request for an updated video game character performance parameter originating at the video game machine and:

verify that a payment has been made for the requested updated video game character performance parameter; or

receive authorization to execute a payment for the transfer of the updated video game character performance parameter.

55. **(Previously presented)** A method as in claim 51, wherein each of the updated video game performance parameters is associated with a different real-life performance of ~~a~~ the particular real-life athlete during a single real-life game of the single sports season.

56. **(Cancelled)**

57. **(Previously presented)** A method as in claim 51, wherein the updated video game performance parameters are each associated with the performance of:

a particular real-life basketball player;

a particular real-life football player; or

a particular real-life soccer player.

58. **(Previously presented)** A method as in claim 51, wherein the particular real-life athlete is a real-life professional athlete that plays for a real-life professional team.

59. **(Previously presented)** A method as in claim 51, wherein each of the updated video game character performance parameters are based at least in part on one or more different real-life sporting events against different opponents by the particular real-life athlete during the single sports season.

60. **(Previously presented)** A game medium according to claim 29, wherein, wherein at least one of the plurality of updated video game character performance parameters is based on:

a current points scored average by the particular real-life athlete in a particular real-life sports event during the single sports season;

a field goal percentage of a real-life performance of the particular real-life athlete in a particular real-life sports event during the single sports season;

a rush yards of a real-life performance of the particular real-life athlete in a particular real-life sports event during a single sports season;

a free-throw completion percentage of the particular real-life athlete in a particular real-life sports event during the single sports season;

a shots average of the particular real-life athlete in a particular real-life sports event during the single sports season; or

a completion percentage of the particular real-life athlete in a particular real-life sports event during the single sports season.

61. **(Previously presented)** A method as in claim 51, further comprising:

storing a second plurality of updated video game character performance parameters, each of the second plurality of updated video game character performance parameters based at least in part on performance statistics of a second particular real-life athlete performing in one or more real-life sporting events of the single sports season, each of the second updated video game character performance parameters being based at least in part on different performance statistics from the same second particular athlete and from the same single sports season; and

within the single sports season, transmitting the second plurality of updated video game character performance parameters to the video game machine in a plurality of transmissions over the network.

62. – 67. **(Canceled)**

68. **(Previously Presented)** A game medium configured to provide a basketball sports video game in conjunction with a video game machine, the basketball sports video game including video game rules and basketball video game character parameters, the basketball video game character parameters including video game character performance parameters, the game medium being configured to cause the video game machine to perform a method comprising:

loading video game data stored by the game medium into a random access memory of the video game machine for playing the basketball video game, the video game data including the video game rules and a particular basketball video game character performance parameter associated with a particular basketball video game character associated with a particular real-life basketball sports athlete, wherein the particular basketball video game performance parameter is based at least in part on a real-life basketball performance of the particular real-life basketball sports athlete playing in one or more real-life basketball sporting events, the particular basketball video game character performance parameter affecting the manner in which the particular basketball video game character performs in the basketball sports video game;

during a single basketball sports season, receiving a series of updated video game basketball character performance parameters from a data server via a network including the Internet, wherein each of the updated basketball video game character performance parameters in the series is based at least in part on one or more different real-life

performances of the particular real-life basketball sports athlete performed during the single sports season;

updating the basketball sports video game with each of the updated basketball video game character performance parameters received, wherein each update changes the manner in which the particular basketball video game character performs in the basketball sports video game such that the particular basketball video game character more closely simulates real-life basketball performance attributes of the particular real-life basketball athlete in the sports video game; and

enabling a user to control the particular video game basketball character in the basketball sports video game using a video game controller connected to the basketball video game machine, wherein:

the basketball sports video game includes video game basketball courts, video game basketball teams, and video game basketball characters associated with real-life basketball courts, real-life basketball teams, and real-life basketball athletes respectively; and

at least one of the updated video game character performance parameters is associated with a free-throw completion percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season.

69. **(Previously Presented)** A game medium according to claim 68, wherein at least one of the updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life basketball sports event during the single basketball sports season.

70. **(Previously Presented)** A game medium as in claim 68, wherein receipt of the updated basketball video game performance parameters in the series occurs at least weekly during at least a portion of the single basketball sports season, such that the particular basketball video game character simulates current real-life performance attributes of the particular real-life basketball athlete on an at least weekly basis.

71. **(Previously Presented)** A game medium as in claim 68, wherein receipt of an the updated basketball video game performance parameters in the series occurs at least daily during at least a portion of the single basketball sports season, such that the particular video game character simulates current real-life performance attributes of the particular real-life basketball athlete on an at least daily basis.

REMARKS

The paper is in response to the Office Action mailed August 17, 2009 ("the Office Action"). The foregoing amendment cancels claims 1-28, 50, 56 and 63-67 and amends claims 29 and 51. Claims 29-49, 51-55, 57-62, and 68-71 are now pending in view of the amendments. Applicants respectfully request reconsideration of the application in view of the above amendments to the claims and the following remarks. For Examiner's convenience and reference, Applicants present remarks in the order that the Office Action raises the corresponding issues.

In connection with the prosecution of this case and any related cases, Applicants have, and/or may, discuss various aspects of the disclosure of the cited references as those references are then understood by the Applicants. Because such discussion could reflect an incomplete or incorrect understanding of one or more of the references, the position of the Applicants with respect to a reference is not necessarily fixed or irrevocable. Applicants thus hereby reserve the right, both during and after prosecution of this case, to modify the views expressed with regard to any reference.

Please note that Applicants do not intend the following remarks to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, Applicants present the distinctions below solely by way of example to illustrate some of the differences between the claims and the cited references. Finally, Applicants request that Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of any reference is consistent with Examiner's understanding.

Unless otherwise explicitly stated, the term "Applicants" is used herein generically and may refer to a single inventor, a set of inventors, an appropriate assignee, or any other entity or person with authority to prosecute this application.

Examiner's Interview

Applicants thank the Examiners for the in-person interview of September 17, 2009 in which claims 29 and 51 were discussed and suggested amendments to these claims. The amendments and remarks presented herein reflect the substance of the interview.

Objection to Drawings

The Office Action objects to Figure 3 on the grounds that "they fail to show 'video game system 79' of Fig. 3 mentioned in parg. 29; and element '295' mentioned in parg. 44." (Office Action p. 2). The Office Action also objects to the drawings because "reference characters '11' and '32' have both been used to designate CPU". (Office Action p. 3). These formalities in the drawings were fixed by amendment to the specification. The Applicant further proofread the specification, found, and corrected additional typographical errors as shown by the above amendments to the specification. Therefore, the Applicant respectfully requests that the objection to the drawings be withdrawn.

Objection to Specification

The Office Action objects to the abstract because it includes the misspelled phrase, "froame memory". In addition, the specification is objected to on the grounds that elements "388", "482", and "535" are shown in the drawings but not mentioned in the specification.

Element 535 can be found in the last paragraph of the specification, paragraph 57. The other errors identified in the specification have also been fixed by the above amendments to the specification. Therefore, the Applicant respectfully requests that the objections to the specification be withdrawn.

Acknowledgment and Consideration of Information Disclosure Statement

Applicants submit Information Disclosure Statement and corresponding PTO-1449 filed by Applicants on October 13th, 2009 listing additional references for the Examiner's consideration. Accordingly, Applicants respectfully request that the Examiner provide Applicants with an initialed copy of the aforementioned PTO-1449 showing that the Examiner has considered the references listed therein. During the interview, the Examiner referred to a video game named Tecmo Bowl, the instruction manual of which is submitted herewith for the Examiner's convenience and to make the features of such video game of record.

Rejection under 35 U.S.C §103(a)

The Office action rejects claims 29-36, 39-42, 51-55, 57-59, and 61 under 35 U.S.C §103(a) as being obvious over NFL 2K1 GameFaqs on Dreamcast, hereinafter *NFL2K1,* in view

of Madden NFL 2003 Playstation 2 Manuel, hereinafter *Madden*[1] and rejects claims 29-36, 39-42, 46-48, 51-55, and 57-61 under 35 U.S.C §103(a) as being obvious over NBA2K1 Game Manuel of Sega Dreamcast, hereinafter *NBA 2K1*, in view of *NFL 2K1* GameFaqs on Dreamcast, hereinafter *NFL2K1*. Under 35 U.S.C §103(a), "[a] patent may not be obtained . . . 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." According to MPEP §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." Finally, MPEP 2141.III notes that:

> "The key to supporting any rejection under 35 U.S.C. 103 is the ***clear articulation of the reason(s) why the claimed invention would have been obvious.*** The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "'***[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.***'" *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396." (emphasis added)

The Applicant respectfully requests that the rejections be withdrawn as (1) the Examiner has not established that the references teach or suggest a downloaded update to a character **performance** parameter, (2) an update to a roster statistic is **not** a player performance parameter, (3) the Patent Office has failed to show a series of updates based on **different performances** by a real-life athlete, (4) the Office Action fails to show an update to a video game **during** a single sports season, (5) the Office Action has failed to show a set of performance parameters for **individual** characters of the video game, (6) the rejections are clearly based on **impermissible hindsight** reconstruction of the Applicant's claimed invention, and (7) the Applicant submits evidence supporting patentability based on multiple grounds of **secondary considerations**.

1. The Examiner has not Established that the "stats" Discussed in NFL2K1 Refer to Character Performance Parameters

[1] Because the *references* are only citable under 35 U.S.C. §102(e) or 35 U.S.C. §102(a) **if at all**, Applicants do not admit that the *references* are in fact prior art with respect to any or all of the claims of the present application, but rather reserve the right to swear behind or prove an invalid publication data of any of the *references* in this application or a divisional, continuation, or CIP thereof, thereby removing any such references as prior art.

The Patent Office has failed to show that the updates in *NBA 2K1*, *NFL 2K1*, or *Madden* include an "updated video game character performance parameter". Claim 29 requires, "receiving a series of updated video game **character performance parameters** from a data server". Claim 51 requires "during a single sports season, storing a plurality of updated video game character performance parameters on a storage medium of the computer server". Claims 29 and 51 also require, "wherein each of the updated video game character performance parameters is based at least in part on the performance of the particular real-life athlete performing in one or more real-life sporting events of the single sports season." Claim 29 further requires, "updating the sports video game with each of the updated video game character **performance** parameters received, wherein each update changes the manner in which the particular video game character **performs** in the sports video game such that the particular video game character **more closely simulates real-life performance attributes** of the particular real-life athlete in the sports video game…."

Applicants submit that the "stats" taught in *NFL 2K1* relate to a roster update and are not "performance statistics" as required by the claims. A "roster statistic" relates to whether a player is added or dropped from a team or whether a team is added or dropped from a league. A roster statistic has nothing to do with the real-life performance statistics of a real-life athlete competing in a real-life sporting event.

The Patent Office cites the following text from *NFL 2K1* to reject claims 29 and 51:

> "From this menu, you can download the updated roster for your team. This is useful if you do not want to buy NFL 2K2 and you would like to get the new updated rosters with new and improved stats."

The "new and improved stats" discussed in *NFL 2K1* were made in reference to a "roster update." There is nothing in *NFL 2K1* that teaches or suggests that the "new stats" have anything to do with whether a player's performance in a real-life game was better or worse then in a previous game. The use of the phrase "new stats" in the context of a roster update does not inherently refer to performance statistics of a real-life athlete performing in a real-life sporting event.

As evidence that the term "stats" as used in connection with "roster update" does not refer to a "performance statistic," Applicants submit the Fever Max publication, a webpage copyrighted in 2000 and available at "http://www.sportplanet.com/catchthefever/rosters.shtml." A copy of the webpage is attached as Exhibit A. The Fever Max publication relates to a roster

update for the Fever Football video game in 2000. The Fever Max publication provides the following description of one of its downloadable roster updates:

> The 1999-2000 ProBowl rosters are complete. The neat thing about this roster setup is the ProBowl Teams replace 2 existing teams and you can play a season with them. Here's the **stats**:
>
> - AFC Pro Bowl Team: Replaces the Cleveland Browns and plays all home games in Miami.
> - NFC Pro Bowl Team: Replaces the New Orleans Saints and plays it's home game in Tampa Bay.

(*See* third box from the top) (emphasis added).

The Fever Max publication uses the term "stats" in conjunction with a roster update to describe NFL teams that were added to the Pro Bowl team. Specifically, the "stats" referred to additions to the ProBowl "rosters." Applicants submit that the term "stats" in the context of a "roster update" as used at about the time of the *NFL 2K1* publication refers to the presence or absence of a team or player on a roster, **not** the performance of a team or player in real-life. In light of this evidence, Applicants respectfully request that the Examiner provide evidence that the system described in *NFL 2K1* downloaded a "video game performance parameter" that was based at least in part on the performance of a real-life athlete in a real-life sporting event or withdraw the rejection.

Applicants submit that the Patent Office has failed to make a *prima facie* case of obvious because the Patent Office has not established that *NFL 2K1* or Madden teach "an updated video game performance parameter", since the "stats" referred to in *NFL 2K1* do not teach a "performance statistic" and "performance statistics" are not inherent in "new stats" in a "roster update".

Applicants also note that the Patent Office has misconstrued the statement in *NFL 2K1* by saying that it teaches, "updated players' stats." (*see* Office Action p. 6, ¶ 2). In fact, *NFL 2K1* does not teach "updated players' stats." As quoted above, *NFL 2K1* says, you may download the rosters if "you would like to get the new updated rosters with new and improved stats." In other words, the update is for new and improved stats for the rosters, not "players' stats" as incorrectly alleged in the Office Action. Applicants respectfully request that the Patent Office refer to the actual language of *NFL 2K1* in making the rejection as this distinction is not trivial or

insignificant for the reasons described above (i.e., a roster statistic is not the same thing as a performance statistic).

Applicants also submit that the Office Action fails to make a *prima facie* case for several dependent claims, such as claim 48, for example. Claim 48 specifies that at least one of the "updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life sports event during the single sports season." The Office Action has failed to show that *NFL 2K1* or *Madden* includes an update to a "shots average of a real-life performance."

Claim 68 requires "receiving a series of updated video game basketball character performance parameters from a data server via a network including the Internet, wherein each of the updated basketball video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life basketball sports athlete performed during the single sports season." The Patent Office has failed to establish a *prima facie* case of obviousness for claim 68 because *NBA 2K1* alone or in combination with *NFL 2K1* fails to teach an "updated video game performance parameter."

The Patent Office alleges that *NBA 2K1* at pg. 25, "explicitly discloses updating current rosters to NBA game, where the updating of roster includes providing players with performance parameters such as dribbles, shooting, blocking ability, and other basketball related skills, where skills are provided to each player dependent upon statistics of how a player has performed in real-life competitions." Applicants traverse this rejection on the grounds that the Patent Office's statement regarding *NBA 2K1* is **false**. *NBA 2K1* does not disclose "where the updating of rosters includes providing players with performance parameters such as dribbles, shooting, blocking ability …." Rather, page 25 of *NBA 2K1* has a network feature that allows a user to download an updated roster. Page 25 also includes a separate and distinct feature for creating your own video game character that can be added to your own team. However, the created basketball player is not downloaded, is not updated, and does not have performance attributes that are based on real life performance of a real-life athlete. As page 25 of *NBA 2K1* states, the attributes of the "created player" are selected by the user. Applicants submit that the Office Action fails to make a *prima facie* case of obviousness for claim 68 because *NBA 2K1* and *NFL 2K1*, alone or in combination, do not teach "updated video game performance parameters" as defined in claim 68. Therefore, the Applicant respectfully requests that the rejections of claims 48 and 68 be withdrawn for these reasons as well.

2. A Roster Update is Not a Character Performance Parameter Update

Applicants further submit that the Patent Office is interpreting the terms "performance" and "performance parameter" (as those terms are presented in the claims) more broadly than a reasonable interpretation would allow. Specifically, Applicants submit that a "roster update" is not a "performance update." **A change in a video game roster is simply a reorganization of teams and video game characters, but is clearly not a change in the individual performance of the characters themselves.** For example, a change in a video game character performance parameter changes how the character performs irrespective of what team the character is associated with. Conversely, a change in a roster only changes the team that the video game character is associated with and alone **does nothing** to change how the video game character performs.

All the claims of the present application require updating an "updated video game performance parameter" that make the video game characters perform more like real-life players. The Patent Office is using prior art related to "roster updates" to reject all the claims. The Patent Office's rejections assume that an update to a roster reads on an update to a performance parameter. Applicants respectfully submit that a reasonable interpretation of "performance parameter" does not read on a change to a "roster."

In the context of sports video games, a "roster" is a list of teams in a league or team members. Players and teams can be added or dropped from a team or league. For example, a player can be dropped from a roster if he or she becomes injured.

Applicants submit that the presence or absence of a player on a team is in no way indicative of the "performance" of a player in a real-life sporting event as in such a situation there is no performance in the sporting event by the injured player. In rejecting the claims, the Patent Office makes reference to injured players that are removed from the roster via an update. The Patent Office appears to take the position that dropping a player from the roster would affect the performance of the player. (*see* Office Action p. 15). Applicants respectfully disagree. A player who doesn't play by definition does not "perform" and therefore cannot provide data relevant to "performance." The claims clearly require a "performance parameter" based on the "performance of a real life athlete performing in one or more real life sporting events." A player that does not play, does not "perform in a real-life sporting event." The Patent Office's

discussion about the effects of the roster update on team play is misplaced because it does not address the plain language of the claim, which requires "performance of a real life athlete in a real life sporting event." Adding and deleting team members from a roster simply doesn't have anything to do with the performance of the player. Applicants submit that it isn't reasonable for the Patent Office to say that "no performance" reads on a claim element requiring a "performance."

Of course in some cases a roster update may involve a transfer of a player from one team to another team. Again, Applicants submit that such a transfer is not a performance of a real-life athlete in a real-life sporting event. Transfers are not sporting events and the player doesn't do any athletic performing in a transfer. It is possible (although un-established) that a **team** performance may change when a player is transferred from one team to another. However, as just explained, that argument misses the point because it fails to address the plain language of the claim. The claims are directed towards updating a performance parameter based at least in part on the performance of a particular athlete in a real life sporting event.

Applicants wish to express the criticality of updating the performance parameter based at least in part on the "performance" of the particular athlete in one or more sporting events during the single season. Updating the "performance" is **critical** and **essential** for the video game characters to simulate the real-life athletes according to the embodiments of the invention. Because roster updates by themselves don't reflect the dynamic performances of the real-life players on a periodic basis throughout the season, roster updates fail to teach or suggest a critical and essential feature of the presently claimed invention.

Because a "performance parameter" does not read on "rosters" and the rejections of claims 29, 51, and 68 claims inappropriately rely on an assumption to the contrary, Applicants respectfully request that the rejection of claims 29, 51, and 68 be withdrawn.

3. The Patent Office has failed to show that that the updates in NBA 2K1, *NFL2K1* or Madden teach a series of updates based on different real-life athletic performances from the same sports season.

Even if we assume for the sake of argument that the statistics downloaded in *NFL2K1* are performance statistics, the Office Action fails to establish that the statistics are based on

performances from different athletic performances performed by the same athlete as required by currently presented claims 29, 51, and 68.

The Office Action acknowledges that claims 29, 51, and 68 require, a "**series of updates**," "wherein each of the updated video game character performance parameters in the series is based at least in part on one or more **different** real-life performances of the particular real-life sports athlete." (see Office Action p. 6, ¶ 2).

NFL 2K1 doesn't describe a series of updated performance parameters or that a series of updates is based on "different" performances of the same real-life athlete. *NFL 2K1* is a FAQ player guide. Importantly, *NFL 2K1* was posted **between** NFL seasons (February 8, 2001). Applicants submit that *NFL 2K1* does not teach a series of updates, because *NFL 2K1* only teaches to perform an **after season update** to avoid buying the next year's release of the video game.

The specific language relied on by the Patent Office to reject claims 29, 51, and 68 is reproduced again below.

> From this menu, you can download the updated roster for your team. This is useful if you do not want to buy NFL 2K2 and you would like to get the new updated rosters with new and improved stats.

Applicants submit that this statement must be taken in context with the fact that the *NFL 2K1* was posted after the close of the 2000-2001 NFL season. One of skill in the art viewing this statement would interpret this statement to be a suggestion to perform a single update in the off season to avoid buying the next video game with the rosters for the next season.

Moreover, there is nothing about the single update taught in *NFL 2K1* that would indicate or suggest that the update includes a series of updates based on "**different**" performances of the same real life athlete. That is, since the reference does not teach a series, it is impossible for the series to based on different real-life performances of real life athletes.

Applicants submit that the Office Action simply neglects to address this feature recited in the claims. In rejecting this feature of the claim, the Office Action states:

> (Pg. 9 [of *NFL 2K1*] discloses connecting to the net to update player rosters and improved stats, thus, during an NFL season a game player can go online and update his game via downloading updated players' stats)

There is nothing in the Patent Office's rejection that acknowledges or addresses the fact that the claim requires a series of performance parameters that are based on "different" performances of a particular real life athlete during the single sports season.

Moreover, updates based at least in part on "**different** performances" of a particular real-life athlete **is a critical element** of the claimed invention. Updates that are based at least in part on **different** performances of the same athlete are **essential** to making at least a portion of the video game characters perform more like the real-life athletes according to the invention. The criticality of this feature is readily apparent from the specification and claims. Increasing the realism of a video game using different performances of the real-life athlete is critical because a performance parameter based on the same performances cannot reflect changes that occur over the course of the season.

Applicants submit that the Patent Office has failed to make a *prima facie* case of obviousness since the Office Action fails to identify where *NBA 2K1*, *NFL 2K1*, alone or in combination with Madden teach a "**series of updates**" based at least in part on "**different performances.**" Consequently, Applicants respectfully request the allowance of claims 29, 51, and 68 as well as the claims that depend therefrom for this reason as well.

4. The Patent Office has failed to show that that the updates in *NBA 2K1*, *NFL 2K1* or *Madden* are downloaded or received during the sports season AND are based on athletic performances from the same sports season.

Claims 29, 51, and 68 as presently recited require a temporal connection between when the series of updates are downloaded or received and when the performance of the real life athlete in the real life sporting event occurs. Specifically claims 29, 51, and 68 currently require that these two elements occur during the same sports season. In other words, the update is received in the same sports season during which the real-life performances of the real life athletes are played. This feature facilitates current realism.

NFL 2K1 fails to teach this element of the claim because *NFL 2K1* was posted February 8, 2001, which was **after** the 2000-2001 NFL season, but **before** the 2001-2002 NFL season. Thus, *NFL 2K1* does not teach downloading or receiving the update "during the sports season."

Even if *NFL 2K1* would have been posted during the NFL season, *NFL 2K1* is silent as to whether the alleged "new stats" disclosed in *NFL 2K1* are based on real-life performances from the same sports season as the "download." *NFL 2K1* simply does not explain what the "new stats" are or where they come from. Consequently, it impossible to know whether the statistics are based on real-life performances of real life athletes performing **during the same sports season** as the update.

Applicants submit that the Patent Office has failed to make a *prima facie* case for failing to identify where *NBA 2K1*, *NFL 2K1*, alone or in combination with Madden teach a series of updates that are downloaded during the same sports season as the performances of the real-life athletes that form the basis of the update. Consequently, Applicants respectfully request the allowance of claims 29, 51, and 68.

5. The Patent Office has Not Found a Teaching or Suggestion for Individual Character Performance Parameters in the References Cited

Claim 29 requires that the "particular video game character performance parameter affecting the manner in which the **particular individual** video game character performs in the sports video game…." This element requires that individual video game characters have their own individual character performance parameters. As discussed above, claim 29 further requires that those individual character performance parameters be updated by a series of downloaded updated character performance parameters during a single sports season. On page 15 of the Office Action the Examiner states, "it should be noted that the attributes of each individual of a team is combined together to create the team's performance …if Kobe Bryant becomes injured and cannot play then the total team offense performance parameter of the LA Lakers would decrease." However, the Examiner's statement fails to address the plain language of the claim. Claims 29, 51, and 68 are directed to changes in the performance of particular video game characters. The Examiner's explanation relates to changes in "team performance." The Patent Office has failed to show that *NFL 2K1* update modifies the performance of "particular video game characters."

To make it clear that the claim is directed to a change in the individual performance of the video game characters, Applicants have amended claims 29 and 51 to require the update to affect the play of an "individual" video game character. As mentioned, the Examiner's argument

is that NFL 2K1 update affects "total team offense performance parameter of the LA Lakers." Since according to the Examiner's interpretation and explanation of NFL 2K1 the roster update affects "total team performance," Applicants submit that the Patent Office has failed to teach each and every element of the claims. Specifically, the Patnet Office has failed to show that *NFL 2K1*, alone or in combination with *Madden* teaches or suggest an update that affects the manner in which an "individual video game character performs in the sports video game." Therefore, the Applicant respectfully asserts that Patent Office has failed to make a *prima facie* case of obviousness for claims 29, 51, and 68.

6. The Patent Office is Using Impermissible Hindsight to Reject the Claims

"[The Patent Office] may not, because it may doubt that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis." *In re Warner*, 154, USPQ 173, 178 (CCPA 1967).

As previously discussed, the Patent Office cites the following text from *NFL 2K1* to reject claims 29 and 51:

> "From this menu, you can download the updated roster for your team. This is useful if you do not want to buy NFL 2K2 and you would like to get the new updated rosters with new and improved stats."

This says nothing about character performance parameters. Without the context of the Applicant's claimed invention and teachings, there is no connection of this statement and character performance parameters. Therefore, the Examiner must be interpreting these "stats" in view of the Applicant's disclosure to arrive at the definition relied upon, which is clearly hindsight reconstruction of the Applicant's invention.

Moreover, the Patent Office's interpretation of the language in *NFL 2K1* is inconsistent with the references, statements, and timelines submitted herewith and discussed below in section 7. For example, both Take Two and EA Sports have implemented the claimed invention and referred to those implementations as new and innovative in 2008. As described in 2007 by Joe Booth, Lead Producer of EA Sports FIFA 2008, "[l]ast year in FIFA 07 we provided two downloadable database updates: one in September and another one in February, following the closure of the transfer windows. This was the **first time** EA SPORTS has been **able** to **update the content of one of its sports titles in the middle of the season and this new approach has**

enabled us to make a more realistic playing game." (Exhibit B) This and other statements by EA Sports and Take Two were made over six years after Brad Cherone posted the *NFL 2K1* reference. So, a suggestion by the Patent Office that Brad's mere description of the *NFL 2K1* video game disclosed a feature seven years prior to this feature being introduced by that same company is a direct contradiction to the statements by those who actually made the video game.

Further, previously discussed, the Office Action fails to find a teaching of, or suggestion for, (1) a down loaded update to a character performance parameter, (2) an update to a roster statistic is not a player performance parameter, (3) a series of updates based on different performances by a real-life athlete of a single sports season, (4) an update to a video game during a single sports season, or (5) a set of performance parameters for individual characters of the video game. Rather, the Office Action rests solely on an unsubstantiated and speculative position relative to a vague two sentence excerpt of an eight year old FAQ. Therefore, the Applicant respectfully requests that the rejections of the claims be withdrawn as clearly based on impermissible hindsight reconstruction of the claims.

7. Secondary Considerations of Non-Obviousness

Even though the references cited do **not** teach, suggest, or render the claimed invention obvious, the claimed invention **is also nonobvious based on secondary considerations**. "Rebuttal evidence may include evidence of 'secondary considerations,' such as "commercial success, long felt but unsolved needs, [and] failure of others." Graham v. John Deere Co., 383 U.S. at 17." MPEP 2145.

For example, the claimed invention is also non-obvious based on secondary considerations as (A) those of ordinary skill in the video game industry praise the Dynamic DNA and Living Roster features, which practice the Applicant's invention, as **new** and **innovative**, (B) the invention as recited in the claims has been copied by large corporations with ample resources in the video game industry, (C) (i) the claimed invention has found **commercial success** and long felt but unsolved needs in the sports video game commercial market; and (ii) there is a clear **nexus** between the Applicant's claimed invention and the commercial success of EA Sport's Dynamic DNA feature and Take Two's Living Roster feature.

A. Those of Ordinary Skill in the Video Game Industry Praise Applicant's Claimed Invention as New and Innovative

As discussed above, the Applicant's claimed invention is directed to updating sports video game character performance parameters over the Internet during a single sports season. Evidence of tribute and praise by those of ordinary skill in the art has been held to be evidence of patentability.[2]

In July of 2008, **six years** after the Applicant's filed this application for a patent, EA Sports announced a new feature for their NBA sports video game called Dynamic DNA at the video game industry's predominant video game convention, the Electronic Entertainment Expo (or "E3"). As described in the NBA Live 09 Review attached as Exhibit C, "Dynamic DNA is the **biggest new feature** offered in NBA Live 09. Using the NBA Live 365 persistent online element, this **great new feature** allows players to have access to **constantly updating stats** for all of the players and teams in the game that **reflect their performance in the real-world and applies it to the game**." (Emphasis added).

In fact, as shown in Exhibit D, Dynamic DNA won the "**Best of E3: Best Innovation**" awarded by X-Play's Best of E3 2008. (Emphasis added). In fact, NBA Live's Producer, Sean O'Brien, refers to Dynamic DNA as a "**groundbreaking idea**" as shown in his blog submitted herewith as Exhibit E (emphasis added). And, EA Sports announced on July 11, 2008 that "NBA Live 09 has **rewritten the rules** and **fundamentally shifted** the way you look at sports simulation games. Dynamic DNA emulates – with absolute precision – an NBA player in every sense of the word." Exhibit F (emphasis added). Thus, those of ordinary skill in the video game industry have recognized Applicants claimed feature, as implemented in Dynamic DNA, as new and innovative in 2008.

In addition, those who play sports video games clearly think Applicant's invention as implemented by Dynamic DNA is new and innovative. For Example, attached as Exhibit G is a blog posting available at www.operationsports.com in which video game players posted over 100 entries commenting on the Dynamic DNA feature of NBA Live 09. These blog posts were made in the weeks after Dynamic DNA was announced, but before 2K's Living Rosters was announced. As seen in the blog, the overall consensus was very positive. Several of the blog

[2] *See Litton Systems, Inc. v. Honeywell, Inc.*, 87 F.3d 1559 (Fed. Cir. 1996) (skilled scientists' tributes and infringer's praise was evidence of non-obviousness); *see also Allen Archery, Inc. v. Browning Manufacturing Co.*, 819 F.2d 1087 (Fed Cir. 1987) (The unobvousness of the patented invention of a compound bow was supported by the copying of and praise for the advantages of that bow by the infringer).

entries specifically point out the innovative nature of the Dynamic DNA feature; examples of which include the following:

Post #1

> "These are HUGE new features IMO. They put a big amount of pressure on 2K. Real-time updates on rosters, injuries, line-ups, statistics, AI, etc."

Post # 124

> "I haven't played Live since 2001, 2k ever since. But this stuff sounds down right revolutionary."

Post #144

> This feature is revolutionary because it ties the game to the NBA. Not just code its ACTUAL tendencies. I personally never thought of that idea, great ADD EA… other basketball games gotta think outside the box…." (emphasis in original)

Post #146 (in response to Post #144)

> "Isn't it amazing what getting your butt kicked by another company for the past 5 years can do? Look at how the basketball games are progressing and pushing each other to grab the consumer, the hockey titles as well; and compare them to the snails pace that baseball and football have moved."

Subsequently, Take Two announced their competing feature to Dynamic DNA, which they call "Living Rosters," and which implements Applicants claimed invention. Take Two's implementation of the feature appears to be in response to the positive reaction and acceptance of the Dynamic DNA feature announced for NBA Live 09.

Thus, those of ordinary skill in the art, including those who make sports video games and those who use the video games both think the claimed invention as implemented in Dynamic DNA is new and innovative. It logically follows, that the USPTO's position that such features set forth by the Applicant's claimed invention are old or obvious is simply in **direct contrast** to the position of those of ordinary skill in the video game industry who identify such features as **new**, **ground breaking**, **fundamentally different, revolutionary,** and **innovative**. Therefore, the Applicant cites to the tribute and praise of those of ordinary skill in the sports video game

industry as secondary evidence of patentability of the claimed invention. The Applicant also cites to the general consensus by those of ordinary skill in the industry that the features are new and innovative as additional evidence of patentability.

B. The Invention as Recited in the Claims has been Copied by Large Corporations with Ample Resources in the Video Game Industry

Both EA Sports and Take Two have implemented the Applicant's claimed invention in their video games. And, the industry, as well as EA Sports, has speculated as to which company came up with the idea first. However, it is clear that the Applicant's filed this patent application more than five years before EA Sports announced the Dynamic DNA feature and over five years before Take Two announced the Living Roster feature.

It has been held that copying by a large corporation with ample resources of a claimed invention rather than using a prior art device is ***strong evidence of nonobviousness***.[3] However, "it is not necessary for the patentee to prove that the customer knew of and desired every attribute set out in the patent document."[4]

As discussed above, in 2007 EA Sports first updated sports video game character performance parameters of video game characters during a single sports season in connection with their FIFA 08 video game. Subsequently, EA Sports came out with the feature Dynamic DNA in July of 2008. And, **only two months thereafter** Take Two announced an analogous feature called Living Roster for their NBA 2K9 sports video game. Similar to EA's references that Dynamic DNA is **new** and **innovative**, Take Two also referred to Living Roster as "**new**" and "**innovative**" as shown by their announcement attached hereto as Exhibit H.

Both EA Sports and Take Two have argued over who came up with the novel feature first. *See* Exhibits E and H. And, even "[t]he [video gaming] community is starting to wonder if the NBA 2K9 development team **copied** the idea from the NBA Live folks or if it was the other way around." (Exhibit I) (emphasis added). Whether EA Sports **copied** Take Two or vice-versa, **it is clear** that those skilled in the art believe the feature was copied by one of them. This fact is evident from the importance of the feature to the 2008 video game releases, the similarities in the

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[3] *Panduit Corp v. Dennison Mfg. Co.* 774 F.2d 1082 (Fed Cir. 1985) (emphasis added), remanded, 475 U.S. 809 (1986), on remand, 810 F.2d 1561 (Fed. Cir. 1987), cert denied, 481 U.S. 1052 (1987); *see also Windsurfing International, Inc. v. AMF Inc.*, 782 F.2d 995 (Fed. Cir. 1986, cert denied, 477 U.S. 905 (1986).

[4] *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675 (Fed. Cir. 1998).

features offered, and the closeness in time in which they were announced (i.e., less than two months).

Users of the video have also confirmed that in their opinions the features of the currently claimed invention were copied in 2008. For example, on an ign.com blog, a fan of NBA Live 09 that goes by the name "BBGamer24" accused Take Two of copying EA's Dynamic DNA feature, which implements the claimed invention. BBGAmer24 disparages Take Two's game for copying. BBGamer's post states the following:

> "I dont see how so many people love this game. How is it better than Live 09? 2K basically **copied EA** for a number of reasons. First of all, the Living Rosters feature sounds creepy and while its cool **its just a rip-off of NBA Live 09`s Dynamic DNA** and NBA 365 features. I mean **2K Sports shouldnt be copying EA**, thats just being stupid. And Live 09 has TMobile as a sponsor but so does 2K. The game has awful graphics except for the pre-game show and the fans. The dunk contest is fun but unrealistic. Really, if it werent for the game modes this game would be terrible, **although it isnt a bad game, just copy-catish**."
> (Exhibit J)

The copying performed by either EA Sports or Take Two of updating sports video game character performance parameters during a single sports season such that the video game characters more closely simulate real life performance of the real life athletes is further evidence of nonobviousness of the claimed invention directed to this feature as described in Applicants patent application filed five years prior.

C. (i) Both EA Sports and Take Two have Found Commercial Success and Addressed a Long Felt but Unsolved Need in the Sports Video Game Industry Using the Applicant's Claimed Invention and (ii) There is a Nexus Between the Applicant's Claimed Invention and the Commercial Success found by EA Sports and Take Two

(i) Both EA Sports and Take Two have Found Commercial Success and Addressed a Long Felt but Unsolved Need in the Sports Video Game Industry Using the Applicant's Claimed Invention

Both the Dynamic DNA feature by EA Sports and the Living Roster feature by Take Two have found sweeping success and addressed a long felt need in the industry for sports video games to more closely simulate the real-life attributes of athletes during a sports season. And, both Dynamic DNA and Living Roster have been seen as an **overwhelming success** by those who design the sports video games, those who designate a video game feature as the Best Innovation of 2008, as well as their customers who play the sports video games.

As previously discussed, when introduced at the most prominent gathering for video game technology, the Electronic Entertainment Expo (or E3), the Dynamic DNA feature was recognized as the **best innovation of 2008**. And, within two months, Living Roster was introduced such that Take Two's 2K9 basket ball game could compete with the same feature. The customer response to both features was extremely positive, and since, many comparative articles have been published indicating that the commercial success of the competing video games depends on the relative quality and implementation of the Living Roster and Dynamic DNA features. *See* Exhibit K. Moreover, importance of the feature can be further realized through the posts that explain the relevant consumer market's interest in the Dynamic DNA and Living Roster features as shown in Exhibit L. Examples of such posts include:

- "It seems like a **great feature** from last year and I am glad that they have improved on it" – Ronin893

- "dude that dynamic season **sounds awesome**!!! ☺" - NuKkU

- "I have always been a fan of NBA Live games, but stoped playing in 2004 or something like that. Now I've got PS3 and **I need a basketball game**. I see many comments about 2K beating EA – could someone briefly explain why is it better ? **Do they have something similar like Dynamic player updates?** Any interesting modes? Better multiplayer? What is it about?" –Kubilius

- "**This Dynamic DNA feature is quite interesting and makes me reconsider my pre-order of NBA 2K10 only for the fact that 2K9 lacked any real comprehensive feature such as this**. I'll end up going with 2k10 in the end probably but **if Live can really hit this one the spot then they may just be 'in the game'**" – pengselim

(Emphasis added).

In fact, it appears that the Dynamic DNA and Living Roster features are one of the most important features which form the basis of consumer purchasing decisions between the two competing video games. Other important features include the detail of the imagery depicting the

players and the realistic movement of the characters in the video games. Therefore, the commercial success of both EA Sports and Take Two's use of the claimed invention is further secondary evidence of nonobviousness of the claimed invention.

(ii) There is a Nexus Between the Applicant's Claimed Invention and the Commercial Success found by EA Sports and Take Two

As discussed above, Dynamic DNA was recognized as the best video game innovation of 2008. As also discussed above, Living Roster was announced just two months after Dynamic DNA was announced and the two companies have argued over who came up with the "groundbreaking" idea first. However, the Applicant has been unable to find a clear dispute against the conclusion that the focus of both features is substantially the same. Simply stated, that focus is, updating sports video game character performance parameters over the Internet during a single sports season such that the sports video game characters more closely simulates real-life performance attributes of the respective real-life athletes in the sports video game.

According to a Gamestop description (Exhibit L), Dynamic DNA "takes data based on the real-world performance of individual NBA players and integrates it into the game. This means that in-game players benefit (or suffer, in some cases) from the performance of their real-life counterparts over the course of the actual NBA season, so if Kobe Bryant changes up his game and posts up more, taking fewer outside jumpers, then the in-game Kobe reflects that change. … All of this should help reinforce that notion that while you're playing through the NBA schedule with realistic scenarios provided by DNA, stats, and rosters from actual games, you're still free to create your own version of the NBA season." And, according to Take Two, "[w]hen the Living Rosters feature is activated and a gamer signs in online, the game automatically checks for Living Roster updates in order to download the latest real-life player information in a seamless process behind the scenes." Thus, both features are directed to the updating over the Internet of sports video game character performance parameters during a single sports season such that the sports video game characters more closely simulates real-life performance attributes of the respective real-life athletes in the sports video game.

For example, as previously discussed in the prosecution of this application, according to the Applicant's claimed invention, the update to the video game characters representing Kobe Bryant and Shaquille O'Neal would make those video game characters more closely simulate the current "mid-season" performance attributes of the individual real-life Kobe and Shaq in the

sports video game. The Dynamic DNA and Living Rosters features are **directed to the exact same concept** as the inventions presently claimed. However, this patent application was filed **five years prior** to the implementation of Dynamic DNA or Living Roster. Moreover, as cited by the posts by Kubilius and pengselim above, for example, consumers **clearly make a purchasing decision** between EA Sport video games and Take Two's video games based on the relative existence and quality of the Dynamic DNA and Living Roster features. Further evidence of such competition is evident from that fact that Take Two announced Living Roster **only two months after** EA Sports won Best Innovation of 2008 for Dynamic DNA.

Therefore, there is a nexus between the Applicant's claimed invention, implementation of this invention by Dynamic DNA and Living Roster, the **commercial success** of Dynamic DNA and Living Roster, and the clear position in the relevant market that the Dynamic DNA and Living Roster are new, innovative, and are important competitive features over previous video games. As such, the Applicant respectfully asserts that, notwithstanding the lack of a *prima facie* case of obviousness in the Office Action, there are also several grounds supported by clear evidence of secondary considerations of nonobviousness of the Applicant's claimed invention.

Invitation for Examiner Interview

In view of the recent USPTO initiative regarding **compact prosecution**, the Applicant respectfully invites the Examiner to contact the undersigned at his earliest convenience in the instance that additional impediment exists to the prompt allowance of this case.

Charge Authorization

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are allowable. In the event that Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or overcome by an Examiner's Amendment, Examiner is requested to contact the undersigned attorney.

Dated this 12th day of October, 2009.

Respectfully submitted,

/Andrew S. Hansen/ Reg.# 56,370

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Registration No. 56,370
Customer No. 022913
Telephone No. 801-533-9800

ASH:jbh
2536100_1.DOC

EXHIBIT A

Catch The NFL Fever

Quote for 10/12/2009
You can go to the bank to borrow money, but you can't go to the bank and borrow a superbowl ring.
Mean Joe Green

Navigation

Born on: *9/23/99*
Updated
October 12, 2009
Part Of
- Sportplanet
- Gamespy
- CatchTheFever Main

News
- NFL Fever
- Madden
- Gaming News
- Console News
- NFL News
- College FB News
- XFL News

NFL Fever
- Official Site
- Redwest C
- MS Industry News
- Roster Updates
- Utilities
- Custom Art Vault
- FAQ's & Help
- Cheats/Codes
- CTF League
- Campus Fever
- USFL Fever
- Classic Fever
- Fever Draft
- NFL Fever Petition

Madden
- Official Site
- EA Net
- Tiburon
- CTF Madden
- XFL Madden
- MCF 2K1
- Madden College FB
- Madden College SEC
- Madden Central
- Madden2k1.com
- Madden World

Front Office FB
- Official Site
- FOFCentral
- FOF.com
- EA Net

Football Pro
- Official Site
- CTF FBPro Rosters

CFL Football
- Official Site
- Download Demo
- Download External Manager
- Download Source Code
- Order Today

NFL Fever Rosters

Home Of FeverMax
FEVER MAX
Our biggest and best yet!

For the latest 2000 season roster updates visit the Download Center HERE

CTF EOS 99/2000	This was our weekly roster build through the 99'/2000 season up to the very end. Some of the most noted updates include: Over 170 new player photos added to the matching mugshot.ff, play by play names for over 400 new players, special teams set, updated team mod numers redone, 2000 playoff tree and all draw and reverse plays deleted to aid the computer running attack. **IMPORTANT:**You **MUST** download both files for the mugshots to show up on the proper players. The base goes in the Fever\Data folder and the mugshot.ff in the Fever\Images folder. **CREATOR:** ***Catch The NFL Fever*** **FILE SIZE:** *376 Kb Roster, 4.8 Meg Mugshot.ff* **VERSION: EOS99'** **DOWNLOAD:** Roster File HERE **DOWNLOAD:** Matching Mugshot Art File HERE
ALL Fever Team 2000	The ALL FEVER TEAM 2000 was a Catch The Fever exclusive voted on by you the Fever fans during the month of January of 2000. Going over the roster limit to make sure all top vote getters were taken into consideration, we were proud to put your votes together all on the same team for your enjoyment. CTF proudly presents the ALL FEVER 2000 Team. **The AFT replace the Browns and play in warm weather of**

Extras

Voted Butkus All Pro 2001 Site

PC Gamer Magazine Sept 2000

EBworld

NCAA Football 2002
NCAA College Football 2K2: Road to the Rose Bowl
NCAA GAMEBREAKER 2002 PS2
Madden NFL 2002 PS2
Madden NFL 2002 PS1
Madden NFL 2002
Prima Strategy Guide

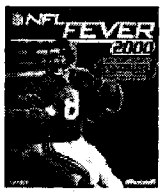
CTF Rosters POWERED BY











The Mark Brunell Foundation
MS Sports Order TODAY
NFL Fever 2000
NBA Drive 2000
Links 2001
Links Courses 2001
MS Golf 2001

Official NFL Sites

Community
- Download Center
- Forums
- Chat Room
- NFL Fever EGroup

Links
- Football Jokes
- Moreover Jokes

Gaming Sites

Football Games On eBay

About
- Catch The NFL Fever
- Meet The Coaches

Contacts
- EMail Us
- Submit News
- Upload Files
- Privacy Policy

Microsoft fanstock MEMBER

- Fanstock 2000

PLAY CASINO

	course. There are new plays added to their playbook using Dave's Playbook Manager and over 300 Formation Substitutions giving you a number of various looks. **CREATOR: *Catch The NFL Fever*** **FILE SIZE:** *402 Kb Roster* **VERSION: AFT 2000** **DOWNLOAD:** Roster File HERE **UNIFORMS AVAILABLE:** HERE
2000 ProBowl Roster	The 1999-2000 ProBowl rosters are complete. The neat thing about this roster setup is the ProBowl Teams replace 2 existing teams and you can play a season with them. Here's the stats: • AFC Pro Bowl Team: Replaces the Cleveland Browns and plays all home games in Miami. • NFC Pro Bowl Team: Replaces the New Orleans Saints and plays it's home games in Tampa Bay. All the rosters are set and these teams will come after you. Pick one or play out a season against these powerhouse lineup's. A stadium surface using Rob Perini's blank field textures will be produced and the matching uniform's as well in version 2.0.(by then the new art program will be ready and tested). For now it's playable and will be upgraded with the artwork and changed, matching player numbers. Another Catch The Fever First! **IMPORTANT:** Remember to keep this file separate from the rosters you use and move it into the data folder to create a season (.SSG) file for play. From there you can either play the 99 season or create a random season to knock heads. (376 K) Includes html of both teams rosters. **CREATOR: *Catch The NFL Fever*** **FILE SIZE:** *370 Kb* **VERSION: 1.0** **DOWNLOAD:** HERE **UNIFORMS AVAILABLE:** HERE
NFLE SEASON Roster1	2000 NFL Europe training camp rosters. All 6 teams complete. Correct 10 week schedule in place. For use in SEASON play ONLY. **CREATOR: *Catch The Fever*** **FILE SIZE:** *360 Kb* **VERSION: 1.0 SEASON ONLY** **DOWNLOAD:** HERE **UNIFORMS AVAILABLE:** HERE

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EXHIBIT B

FIFA Soccer 08 on Next-gen Blog 5

Release Date: Sept. 19
Topic: Player Ratings

Joe Booth, Lead Producer

Creating and maintaining our FIFA 08 database is an enormous undertaking that requires coordinating researchers all over the world and organizing their information. This year FIFA 08 will has 30 leagues, more than 570 teams and more than 15,000 players – this represents more leagues, teams and players than all other EA SPORTS games combined.

In addition, a lot of player transfers happen during the first transfer window which is right when we are finalising our game so our database researchers work round the clock during this period to make sure we capture every move. Last year in FIFA 07 we provided two downloadable database updates: one in September and another one in February, following the closure of the transfer windows. This was the first time EA SPORTS has been able to update the content of one of its sports titles in the middle of the season and this new approach has enabled us to make a more realistic playing game. To give you some numbers: between September 2006 and February 2007, there were 75,000 player database updates and more than 4,300 transfers in the database.

Michael Müller-Möhring
Football Data Manager

The FIFA 08 database team is based in Vancouver, Canada where the FIFA franchise is developed for EA SPORTS but we have a community of database researchers stationed all over the world. The majority of the data is entered by these experts living in these countries. Our database researchers watch live football games to evaluate and rate the skills and abilities of each player. They also rely on television, internet, magazines and newspapers for information. As a team we then review all of the player ratings to make sure player attributes are as authentic and realistic as possible.

Every team and league in FIFA 08 is represented by at least one football expert working for EA SPORTS. Currently there are approximately 500 editors from Sweden, Argentina, Germany, Turkey, Czech Republic, Mexico, Switzerland, Scotland, South Africa, etc. working on collecting accurate data. We have about 20 researchers scouting and evaluating players just from the Spanish leagues. Our community of database researchers is constantly expanding and the database team is always looking for knowledgeable football supporters who would like to join our community. Anyone can apply by going to this website: www.eafootballtalentscout.com .

The data gets updated on a 24/7 basis throughout the year. Our editors are dedicated football supporters and they follow their teams and leagues every single day. We use an online database that they log in to and update the team and player data. This enables us to have constantly updated information and evaluations that reflect the real world. So when we notice that a player is performing better or worse than originally evaluated the database is edited to reflect the changing status of that player.

The same goes for the appearance of the players: if David Beckham gets a new look from his hairdresser, our editors go into the database and select his new hair style right away. All these changes happen frequently so the community of database researchers are always busy adjusting and tuning the ratings and rankings.

The database team works closely together with the producers, engineers and technical artists from the FIFA 08 game team. Together we decide which attributes and traits are added to the database, which attributes and traits are used by the AI of the game to determine decisions of the player or the CPU, which new data fields would be useful to support the manager mode part of the game and make it better

in general. We also work with the artists to create new hair styles and other assets the community can assign to the players later on.

The data plays an integral role in creating a dynamic and authentic gameplay experience. The data drives all of the decisions that are calculated by the game code. FIFA 08 features AI with a 35-point decision engine which enables players to process 1,000 potential options and reactions every second in real time -- more than 60,000 options every minute, They combine this new level of intelligence with a dynamic 'Threat Map' system to capture the excitement and realism of football.

The database drives these types of decisions. This includes things like how successful the gamer or the CPU opponent is when shooting, passing, tackling, or heading the ball, how a player reacts in a challenge or after losing a ball, what the goalkeeper does during a one-on-one situation, etc. The database describes the playing style, behaviour and characteristics of each player and distinguishes him from all the others. For example, the database tells the game engine that Steven Gerrard has a very powerful shot from long distance when in a good position. Also, Cristiano Ronaldo will rely on his speed and dribbling to get past the defender and attempt to score from inside the penalty box.

The database sets the customized formation of each team and determines the role of every single player, his exact position on the pitch, the defensive effort and the attacking movement. Furthermore, the playing style of the team is driven from the attack and defense tactics and the build-up play options that are edited in the database.

We currently use 35 attributes, 70 traits and more than 65 additional data fields to describe the characteristics and the abilities of every single player. For the teams it is between 60 and 90, depending on the size of the team. We are constantly evolving our database and game engine to provide our fans with the most realistic playing football experience in the world and I would expect that the way we evaluate players will continue to be refined in the future.

One of the most important aspects of creating an authentic football gameplay experience is to create players that look, move and play like their real-life counterparts. That's why the database and the overall ability or rating of each player is so important. We use 35 attributes to calculate the overall ability of a player and every position has its own formula. Each attribute is weighted and its importance is based on the player's position. For example, attributes like "Marking", "Tackling" and "Heading" are more important to the overall make up of a centre back than a winger.

In most cases this calculation is a mix of **physical attributes** (Strength, Speed, Stamina, Agility etc.), **mental attributes** (Positioning, Vision, Tactical Awareness etc.) and the **skill attributes** (Crossing, Dribbling, Short Passing, Tackling etc.).

When it comes to rating the players, we of course need to set some guidelines for the community: a player from Premiership who is known to be "very good" in heading should have a higher rating than a player from the third division of Norway who is known as a "very good" header in his league.

These guidelines are very important to make sure that all editors from the different countries (and with different football philosophies) are on the same page when it comes to the final ratings of the players and the teams – this is where the multinational database team in Canada comes in. The database producers are constantly monitoring and managing the updates and changes made by the community and we act as a filter to make sure that players are accurately evaluated. We also can react immediately to correct a player rating if we spot an overrated or underrated player.

Hopefully this gives you some insight into how we develop our player ratings and its impact on the game.

EXHIBIT C





NBA Live 09



Publisher: EA SPORTS™
Developer: EA Canada
# of Players: 1-4 offline; 2-10 online
Category: Sports
Release Dates
N Amer - 10/07/2008
Official Game Website
Also available on: PS2 PS3 PSP WII

GameStop
GAMEFLY

GameZone Review Detail

Gameplay	8
Graphics	8
Sound	8
Difficulty	Medium
Concept	8
Multiplayer	8.5
Overall	8.0

8.0
GZ Rating

While still not perfect, NBA Live's 09 outing offers some great improvements.
Reviewer: Steven Hopper
Review Date: 10/07/2008

Avg. Web Rating 7.7

NBA Live 09 Review

Share Glink It

NBA Live 09 represents the latest step for EA Sports' long-running basketball franchise. After some pretty dismal entries at the start of the high-def console generation, NBA Live seems to beginning to hit its stride. NBA Live 09 offers some pretty compelling updates for hoops fans, including the new Dynamic DNA updating system, which all but ensures that NBA Live 09 has some staying power. While there are still some problems plaguing the franchise, NBA Live 09 offers a few truly groundbreaking features to make it definitely compelling option for basketball fans.

NBA Live 09 adds some pretty nice updates over its predecessor. The on-court action has been cleaned up from previous entries and some great new moves have been added to the roster. New pick-and-roll controls let you control both your ball-handler and the screener for two-man plays, improved fake-out moves like quickstrike anklebreakers feel intuitive and help you get the drop on your opponents, and the new play-calling system is a great touch that allows you to tweak your offense as well as an easy and intuitive one for newcomers.



Dynamic DNA is the biggest new feature offered in NBA Live 09. Using the NBA Live 365 persistent online element, this great new feature allows players to have access to constantly updating stats for all of the players and teams in the game that reflect their performance in the real-world and applies it to the game. If one player is on a roll for a game or two, the game will update his stats, and adversely if he plays poorly, the game will reflect that. This is a great new feature that basically negates the concept of roster updates in future games, and will possibly give NBA Live 09 some serious legs in the postseason.

There is also a pretty solid online component in NBA Live 09. The online



ESRB Rating

Everyone
No Descriptors

Price Comparisons

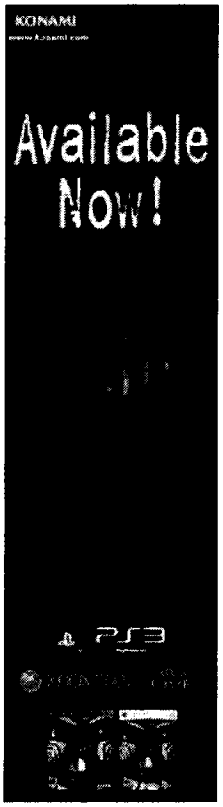
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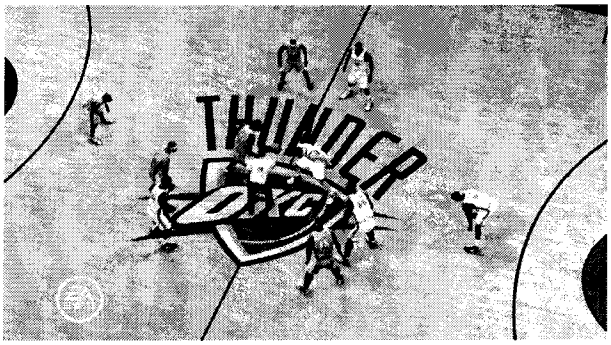
Other Sources
6.5 **IGN**



Top Rated Reviews

Batman: Arkham Asylum (9.5)
Forza Motorsport 3 (9.3)
The Beatles: Rock Band (9.3)
NHL 10 (9)
Trials HD (9)
Shadow Complex (9)
Halo 3: ODST (8.8)
Pinball Hall of Fame: The Williams Collection (8.7)

team play element allowing for 10-player games online has returned, albeit with a pretty huge addition in clubs. Each club can have up to 50 different members, with five players from each club participating in online games, earning leaderboard points for their club, posting team blogs to announce upcoming games and so on. All in all, the community aspect is great in NBA Live 09, offering players a great platform to interact and play together.



Unfortunately, there are some plaguing issues that rear their ugly heads in NBA Live 09. There are still a couple of glitchy moments in the on-court play, including some framerate stutters that disrupt the flow of the game. While the animations boast modest improvements over previous versions of the game's engine, there are still some wonky looking moments that will pull you out of the game.

Secondly, the "Be A Pro" mode is nowhere near as fleshed out as it is in EA Sports' other offerings. Essentially, instead of taking you player through the motions of working up from a rookie to NBA stardom, you'll only be able to play as one existing NBA player for one game. The game will fix your control exclusively on your chosen player, but instead of really playing to the best of your on-court position, you're simply vying for the ball and trying to get the most points on the scoreboard. This mode lacks the depth and scope that it has in other sports titles launching this year, and feels like a pretty weak addition to the game's otherwise impressive formula.



Graphically, aside from the aforementioned glitches and framerate stutters, NBA Live 09 is a pretty good looking basketball game. The animations are generally very smooth and the character models look good without the creepy lifeless effect that often plagues sports titles.

Soundwise, the game also performs quite well, with a great commentary track and good court ambience. The soundtrack is the standard EA Sports' soundtrack that fans of the series (or any other EA Sports game, for that matter).

NBA Live 09 features some nice additions, but also boasts some shortcomings that keep it from truly hitting the mark. Still, the on-court game feels great and the online elements will certainly keep you busy for a long time.

Review Scoring Details for NBA Live 09

Gameplay: 8.0
The on-court action is very solid, and the new Dynamic DNA feature is a fantastic addition. The slim Be A Pro mode is pretty disappointing, unfortunately, and doesn't really offer much to the game.

Graphics: 8.0
While there is the occasional framerate stutter that can cause some gameplay problems, the animations are great and the character models are very detailed and look realistic without being creepy.

Sound: 8.0
NBA Live 09 features some pretty good commentary and a soundtrack that

7.0 **Game Spy**
7.8 **GameOver**

All Reviews for NBA Live 09

you'd expect fro

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Difficulty: Medi

Concept: 8.0
While some of th
should be, others like the Dynamic DNA system are excellent additions.

Multiplayer: 8.5
The new club-based online team play is a great touch and adds a great community element to the game and the franchise.

Overall: 8.0
NBA Live 09 is a solid step up for the franchise, adding a cool new online community element and the great NBA Live 365 element is a pretty revolutionary element not just for the franchise, but for the sports genre as a whole. Unfortunately, there are some shortcomings that hurt the overall experience, like a barebones Be A Pro mode and a few on-court technical issues.

NBA Live 09 Comments (0)

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NBA Live 09 Review

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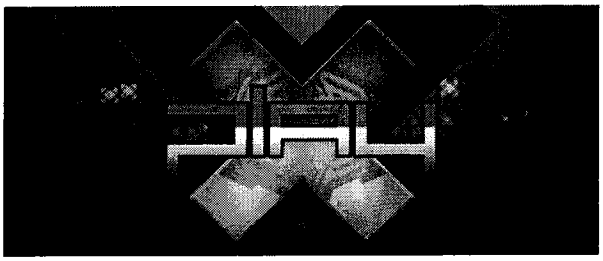
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X-Play's Best Of E3 Awards Tonight!

Posted By: Jonathan Hunt - Friday, July 18, 2008 5:40 PM



E3 might be over, but we're not done by a longshot. Tonight, *X-Play* returned to the air to bring your their **Best of E3 Awards**. This year's E3 brought a list of titles of unprecedented quality, but only a few were able to garner our label of **Best of E3**.What did you think of the decisions? Did *LittleBigPlanet* really deserve the title of **E3 Best Of Show**? Or should it have gone to revolutionary first-person action title *Mirror's Edge*?

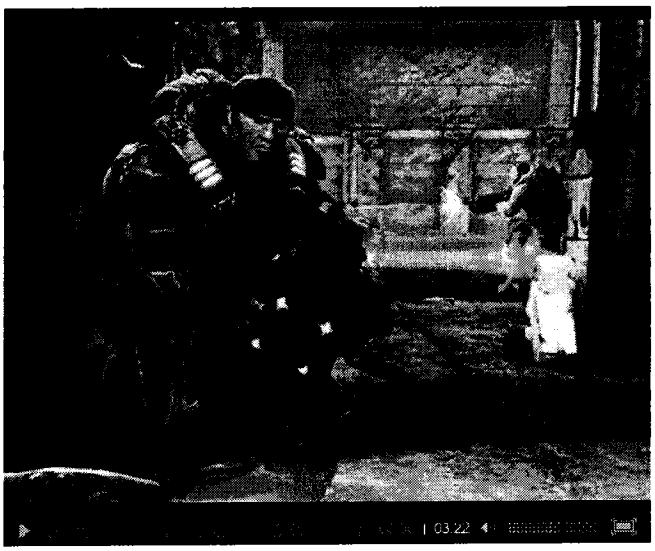
Also, be sure to check out our mountains of E3 videos, trailers, and screenshots !

Check out below the cut for the list of categories, nominees, and winners:

Best of E3: Xbox 360

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Remade (Wii-made?) Versions Of 'Mario Tennis' And 'Pikmin' Heading To Wii
'Left 4 Dead' Intro Movie Runs Like Hell
X-Play Web Exclusive: 'Gears of War 2' Behind The Scenes - Voice-Over Sessions
First Batch of 'LittleBigPlanet' DLC Dated and Priced
DSi Download Games Revealed
'The Sims 3' Provides Machinima Election Coverage
Parrots Demo 'Tom Clancy's EndWar's Voice Command Feature
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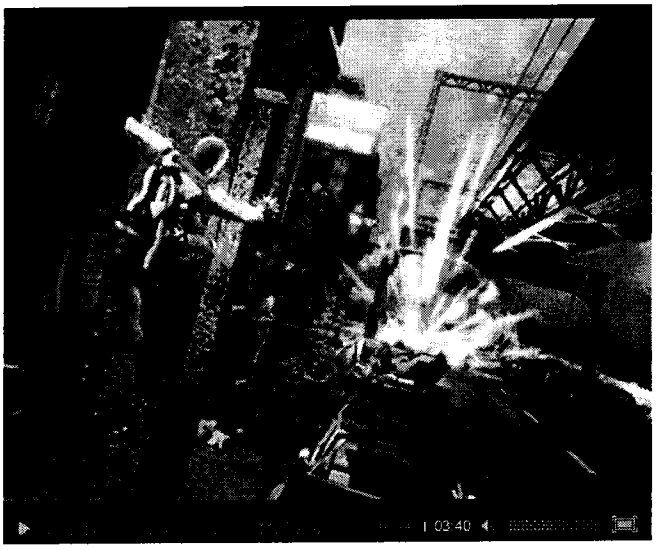


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Winner: *Gears of War 2* / Microsoft / Epic Games

- *Fable 2* / Microsoft / Lionhead Studios
- *Gears of War 2* / Microsoft / Epic Games
- *Halo Wars* / Microsoft / Ensemble Studios
- *Too Human* / Microsoft / Silicon Knights

Best of E3: PlayStation 3



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Winner: *Infamous* / SCEA / Sucker Punch

- *Infamous* / SCEA / Sucker Punch
- *Killzone 2* / SCEE / Guerilla Games
- *LittleBigPlanet* / SCEE / Media Molecule
- *Resistance 2* / SCEA / Insomniac Games

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A Boy And His Blob Boss Gameplay Trailer

Army of Two: The 40th Day Composer Tyler Bates Featurette

CrimeCraft Lawless Streets Trailer

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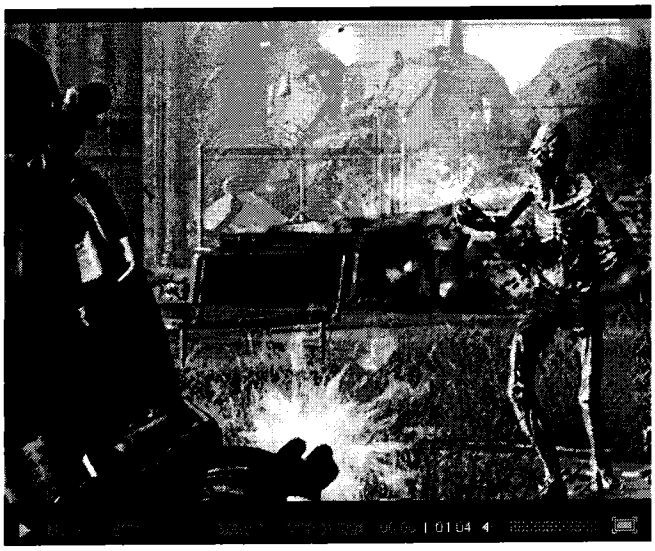


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Winner: ***Warhammer Online: Age of Reskoning*** / **Electronic Arts / Mythic Entertainment**

- *Dragon Age: Origins* / Electronic Arts / BioWare
- *Left 4 Dead* / EA / Valve / Turtle Rock Studios
- *Spore* / Electronic Arts / Maxis
- *Warhammer Online: Age of Reckoning* / Electronic Arts / Mythic Entertainment

Best of E3: Multiplatform



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Winner: ***Fallout 3*** / **Bethesda Softworks / Bethesda Game Studios**

- *Fallout 3* / Bethesda Softworks / Bethesda Game Studios
- *Far Cry 2* / Ubisoft / Ubisoft Montreal
- *Prince of Persia* / Ubisoft / Ubisoft Montreal
- *Star Wars: The Force Unleashed* / LucasArts

Best Of E3: Online Multiplayer

Winner: ***Left 4 Dead*** / **EA / Valve / Turtle Rock Studios**

- *Gears of War 2* / Microsoft / Epic Games
- *Left 4 Dead* / EA / Valve / Turtle Rock Studios
- *LittleBigPlanet* / SCEE / Media Molecule
- *Warhammer Online: Age of Reckoning* / Electronic Arts / Mythic Entertainment

Best of E3: Original Game

Winner: ***LittleBigPlanet*** / **SCEE / Media Molecule**

- *Deadly Creatures* / THQ / Rainbow Studios

- *Infamous* / SCEA / Sucker Punch
- *LittleBigPlanet* / SCEE / Media Molecule
- *Mirror's Edge* / Electronic Arts / EA Digital Illusions CE

Best of E3: Best Innovation

Winner: *NBA Live 09* / Electronic Arts

- *Dead Space* / Electronic Arts / EA Redwood Shores
- *LittleBigPlanet* / SCEE / Media Molecule
- *Mirror's Edge* / Electronic Arts / EA Digital Illusions CE
- *NBA Live 09* / Electronic Arts

Wii Considerations



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- *Deadly Creatures* / THQ / Rainbow Studios
- *Wii MotionPlus* / Nintendo
- *Mega Man 9* / Capcom

Best of E3: Game of Show



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Winner: *LittleBigPlanet* / SCEE / Media Molecule

- *Fallout 3* / Bethesda Softworks / Bethesda Game Studios
- *Gears of War 2* / Microsoft / Epic Games
- *LittleBigPlanet* / SCEE / Media Molecule

- *Mirror's Edge* / Electronic Arts / EA Digital Illusions CE
- *Resistance 2* / SCEA / Insomniac Games

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Comment(s)

CAMO_LIZARD - Friday, July 18, 2008 12:26 PM

id say that sony is better because iv been with sony since the original playstation and iv never been disapointed my fist game was jurassic park lost world and i think the reson that sony is so huge and has been around for quite a while and also that my online is free un less i buy packs or anyting from the store so i dont have to choose betwen my online gaming or buying the next best game on the shelf

BogusGnarly - Friday, July 18, 2008 12:27 PM

Why even mention things not even being released this year, let alone things still to be announced.

BogusGnarly - Friday, July 18, 2008 12:31 PM

Why even mention things not even being released this year, let alone things still to be announced.

blakseed - Friday, July 18, 2008 12:32 PM

I'm kinda sad that E3 is over, but G4 did a good job this year, like every year. Thanks for all the info.

Yodapollo - Friday, July 18, 2008 12:35 PM

@BogusGnarly

Which of these things are still to be announced?

blakseed - Friday, July 18, 2008 12:35 PM

And Little Big Plant must have impressed the hell out of G4.

BogusGnarly - Friday, July 18, 2008 12:37 PM

infamous

ADVERTISEMENT

blakseed - Friday, July 18, 2008 12:40 PM

And Halo Wars

unaturalx - Friday, July 18, 2008 12:42 PM

I agree with blackseed, I heard the event it self was not that exciting to go to, but G4 did a great job putting focus on the games themselves.

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9.30.08

NBA LIVE 09 Producer Blog -- Sean O'Brien (NBA LIVE 365)

A lot of people have been asking us lately about competitors coming out with in-season updates to try and compete with **Dynamic DNA** and **NBA** LIVE 365. When we announced it at **E3** we knew it was such a groundbreaking idea that our competitors would try to come up with some kind of response or claim to have some kind of similar feature to this. But what we also knew is that given the amount of time left in the development cycle for this year, and the fact that we had an exclusive deal with Synergy Sports Technology, that there was no way they would be able to build anything close to this, and have it fully automated into the code in such a way that would allow for seamless, daily updates.

We were a little surprised when there was a BIG announcement from a competitor saying that they were going to have 'the human touch' - basically someone who will be updating the rosters, stats and ratings whenever it was felt it was meaningful to do so. There's just no way any one person, or even a team of people, could possibly keep up with the quality of data that Synergy are producing. It's one person with a pad and paper versus an entire team using the best technology ever created for this, no comparison. Needless to say, we were very confident that there was going to be nothing close to something that could compare in any meaningful way to **Dynamic DNA**.

For us to understand why the concept of **Dynamic DNA** is so powerful you have to go back to where the entire concept originated. I think it's a great example of the overlap between the worlds of sports and sports video games. Gone are the days of throwing some uniforms on some guys, putting a ball in play and AI that doesn't really care who passes the ball to who or who attempts to make plays at the basket. Our EA SPORTS games are so deep...from the nuts and bolts recreation of **NBA** arenas to the way a player sweats throughout the course of a game while he runs around in his special makeup Nike Hyperdunks to in this case, (and probably the coolest thing we've done to date) the tendencies that each player and team exhibits on the court every night. And at the end of the day we think the more realistic the game can be the more fun it will be for our fans.

I smile every time I think about how **NBA** LIVE 09 will change every day based on what's happening in the real **NBA** season. I mean, I'm going to be reading about something on espn.com or watching something on SportsCenter and then seeing that same thing in **NBA** LIVE and having the fun of actually play with teams and players that line up to what you see. Never have those mediums been more closely tied together and never has what happens during the real **NBA** season, or any professional sports season for that matter, had such an impact on what happens in a sports video game.

And not to mention, this has nothing to do with a designer or producer's subjective opinion as we've tried to do in years past with updating roster and ratings. The game is changing daily based on statistical information and tendencies being tracked and downloaded from Synergy Sports Technology. The same company that 23 **NBA** teams are using to scout their opponents and track their own progress throughout the season. Are you kidding me? The SAME information.

Oh ya...back to how this relationship began. Last summer, after the team finished 08, brainstorming began on what direction the 09 product should take. We were extremely focused on getting our basketball products as authentic as possible. I believe that we have an extremely savvy consumer that is craving depth with authenticity across the board. We have delivered that visually to a certain extent, but I (along with others) wanted gameplay to get to that next level as well.

I started speaking to a good friend of mine, Jay Triano, who is an assistant coach with the Toronto Raptors as well as the USAB Select team. I asked him to walk me through the process of how they prepare their players for games, what sort of things they focus on in scouting reports and how they obtain all of that information. Within those conversations he mentioned Synergy Sports Technology and went off on how great they were and the unbelievable depth that they are able to provide their clients. He said that they were the talk of the **NBA** and that I should speak with the Raptors video guy (who works with the coaches to put together scouting reports), Casey Whalen to learn more about them and get a contact at Synergy. After speaking with Casey, it quickly became apparent to me that we needed to work with these guys. This was starting to sound big.

I made initial contact with Andy Graham, Synergy's VP of Basketball, to discuss and learn more about Synergy. Andy is a great guy and an avid sports gamer so he got it right away. One of the first things that he said to me was that he had always felt that their data had an application with video games.

And so it began...we had numerous phone calls which lead to numerous brainstorming sessions with Andy, Garrick Barr (the founder and CEO of Synergy as well as a former assistant coach with the Phoenix Suns) and CTO, Nils Lahr (who is by the way...way too smart...) and the **NBA** LIVE design and production team.

These guys get it and it was (and will continue to be) a real pleasure working with them to figure out just what their company was all about, what sort of data they track and have, how they track it and compile it for their **NBA** clients and how we can get all of that fantastic data into **NBA** LIVE every single day throughout the **NBA** season and playoffs to provide our consumer with the most amazing basketball video game experience to date.

That experience is **Dynamic DNA** in **NBA** LIVE 09.

And you know what? This is currently a five year exclusive deal between **NBA** LIVE and Synergy Sports which means you can expect more **innovation** and gameplay that evolves daily throughout the **NBA** season mirroring what exactly what is actually happening for the next five years. So along with the rest of the GMs, coaches and scouts in the **NBA**, get used to Synergy Sports in your living room...only

in **NBA** LIVE.

EA SPORTS...once again proving that if it's in the game, it's in the game.

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7.11.08

Dynamic DNA

NBA LIVE 09 has rewritten the rules and fundamentally shifted the way you look at sports simulation games. **Dynamic DNA** emulates - with absolute precision - an **NBA** player in every sense of the word.

NBA LIVE 365 takes the statistical data of **Dynamic DNA** and brings it to life. **NBA** LIVE 09 is now constantly evolving and authentically reflects what you see on the court in your virtual experience. Just like the real **NBA** game, players get injured, free agents sign late, great players go cold and no-names breakthrough. If you're a sports fan, this is a dream come true - **NBA** LIVE 09 is made fresh daily all season long.

• **Dynamic DNA** - The brain behind the game is powered by the premier analytics provider using **NBA** data for over 20 **NBA** teams, which evaluates Player **DNA** that breaks down how a player scores, Team **DNA** that rates how the players on the floor play as a unit and Tendencies that refer to the percentage a player drives left, right or shoots from each spot on the floor.

• Made Fresh Daily All Season Long - **NBA** LIVE 365 takes it to a whole new level of connectivity, providing you an unprecedented level of authenticity and realism. Now every game truly is different powered by **Dynamic DNA** data updating daily.

• **NBA** Rewind* - Think you can do it better? Rewrite history and replay last night's game with the updated statistical data that recreates identical conditions including injuries, hot/cold streaks, tendencies and player **DNA**.

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07-14-2008, 05:21 PM #1 (permalink)

Parasight
Pro

OVR: 11
Join Date: Aug 2006
Posts: 804

E3: NBA Live 09 - Dynamic DNA & NBA 365

http://ps3.ign.com/articles/889/889003p1.html

These are HUGE new features IMO. They put a big amount of pressure on 2K. Real-time updates on rosters, injuries, line-ups, statistics, AI, etc.

Quote

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07-14-2008, 05:25 PM #2 (permalink)

Supersonic_BR
Rookie

OVR: 4
Join Date: Apr 2007
Posts: 270

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I'm really looking foward to playing live 09.This seems VERY promissing.

Quote

07-14-2008, 05:36 PM #3 (permalink)

rockchisler
Come on Ms Hill



OVR: 35
Join Date: Oct 2002
Location: Rochester Hills , MI
Posts: 5,402

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

WoW.....

www.myspace.com/those70sguys

Follow me on www.Twitter/Rockchisler

Just type [SPOILER] and [/ SPOILER], without any spaces.

ROOKIE KILLER

Quote

07-14-2008, 05:43 PM #4 (permalink)

bateman11
MVP

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

That sounds crazy, but I am going to have to read that article 5 more times so I can understand it, lol.

But, for someone like me, I dont have PSN. So these features won't do one thing for

me.

PSN: rose2kobe24

OVR: 14
Join Date: Jul 2004
Posts: 1,361

Quote

07-14-2008, 05:46 PM #5 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Wow this is big I was just expecting the game to just update the players ratings but this even bigger than that. I hope something like this implemented in 2K9 because this seems like its going to be a great feature for sports games.

Quote

07-14-2008, 05:48 PM #6 (permalink)

blingballa333
Pro

OVR: 10
Join Date: Sep 2004
Location: Stayton, OR
Posts: 689

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Sounds cool, actually it sounds great. But enough with these new features, show us some GAMEPLAY!!!!!

Gamertag: RipCity71252

~Steelers Scoreba rd~
Steelers: 14 Bears: 17 F
Record: (1-1)

Proud to be a Blazer Fan

Great Northwest Baby!

Quote

07-14-2008, 05:58 PM #7 (permalink)

Stumbleweed
High Ya'll



OVR: 38
Join Date: Oct 2006
Location: Denver
Posts: 5,025

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Ahhhh, Synergy Sports. I was wondering where they were gonna get all of this meaningful data. It'll be insanely accurate if Synergy is involved. If you guys aren't aware, Synergy Sports is a buy-in database that teams, coaches, press, etc. pay for and it has every single play from every game of the season saved in video format and searchable. So if you wanted to see how Melo functions when on the left block shooting fadeaway jumpers, you can get video of all the times that happened during the season... pretty incredible.

Anyway, now that I know they're behind this, it makes it even more interesting simply because they track SO much data. If even half of it gets implemented into the game, this will be an amazing feature. I'm really impressed by EA's efforts so far this year -- now if the game plays well, then we'll really be in business.

Quote

07-14-2008, 06:33 PM #8 (permalink)

ezekiel55

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This Face Cashes Checks



OVR: 27
Join Date: Nov 2003
Location: Chi-Town
Posts: 2,186

This innovation needs to be in every sports game made from here on out...

Quote

07-14-2008, 06:54 PM #9 (permalink)

Parasight
Pro



OVR: 11
Join Date: Aug 2006
Posts: 804

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

They just showcased the game in EA's Press Conference @ E3.

It looks good. The up-and-under that KG executed looked smooth. I'm actually excited about this game. Let's see what 2K has up their sleeve. It's tough to top a game that updates DAILY!

Quote

07-14-2008, 06:59 PM #10 (permalink)

jewelz1132
MVP



OVR: 12
Join Date: Jun 2003
Posts: 1,169

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

man the stream I was looking at well not looking at was horrible..pink squares all over the screen..only thing I saw was the celtics court..it was like watching scrambled porn and you manage to get the screen clear for 2 quick seconds

07-14-2008, 07:00 PM #11 (permalink)

thmst30
My Sports Life

OVR: 29
Join Date: Mar 2005
Location: Beautiful Mountains of North Carolina
Posts: 3,740

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Its big, IF it works, and IF the gameplay is actually improved. If the game still plays like **** then these features are useless.

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07-14-2008, 07:03 PM #12 (permalink)

edubbs
MVP

OVR: 14
Join Date: Aug 2002
Posts: 1,931

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Let's see some 5 on 5 vids.

EA with these great sounding features as usual.

All I want to see is, if the AI is any good AND does the animations look closer to human beings playing instead of robots like previous years.

I know they have to promote/hype the game but, I'm anxious to see the AI in action. An improved feature list means nothing until I see improvements from the core game.

I also do not want injuries IRL to dictate what injuries will happen while playing my season. I'm glad you will have the option to disregard certain updates during the season.

I like the frequent roster updates though, and it 'sounds' like you will be able to mirror all of the team's depth charts throughout the season. Which is HUGE IMO.

I REALLY like the possibility of having current depth charts all season long.

07-14-2008, 07:08 PM #13 (permalink)

Jai-O
Pro

OVR: 13
Join Date: Jul 2007
Posts: 902

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Being able to have all those updates quickly (daily even) gives EA a huge advantage with their rosters. 2K has been notoriously slow with roster updates, so this is a huge feature for Live.

What is also nice is that the injuries/lineups/trades will get done quickly. I know there are a few people who play sports games and want to mirror the real life sport as accurately as possible (for example, starting the 2007 NBA season in a game with Oden injured for the year). This feature makes everything more realistic in that sense.

However, if the gameplay still sucks, it doesn't matter if you know what lineup the Nets

were using yesterday.

I know 2K uses STATS (http://www.stats.com) for their updates, never heard of synergy before.

Quote

07-14-2008, 07:10 PM #14 (permalink)

rockchisler
Come on Ms Hill



OVR: 35
Join Date: Oct 2002
Location: Rochester Hills , MI
Posts: 5,402

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **jewelz1132**
> *man the stream I was looking at well not looking at was horrible..pink squares all over the screen..only thing I saw was the celtics court..it was like watching scrambled porn and you manage to get the screen clear for 2 quick seconds*

I had the same problem my man, after refreshing about 9 million times I got to see a choppy version of Live 09 it looked sweet tho and I like the idea of 365 and DNA.

www.myspace.com/those70sguys

Follow me on www.Twitter/Rockchisler

Just type [SPOILER] and [/ SPOILER], without any spaces.

ROOKIE KILLER

Quote

07-14-2008, 07:38 PM #15 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I told the dev. team over and over: This was revolutionize sports gaming IF it works as advertised. The execution is the biggest thing I think we're all worried about.

Either way... this will be HUGE. The potential is off the charts.

[OS Vets NBA 2k7 Champion]

> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 07:48 PM #16 (permalink)

J_Posse512
Rookie



OVR: 9
Join Date: Jun 2005
Location: MD
Posts: 361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

If they can have 100% accurate rosters daily, up-to-date player tendencies and ratings with improved gameplay then 2K/VC may finally have some competition, again. I'll definitely give it a rental, probably during the regular season, but VC better have something huge up their sleeve.

San Antonio Spurs 4-Time ('99, '03, '05, '07) NBA Champions

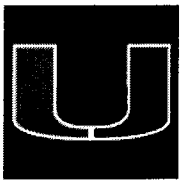
Official OS Bills Backers Club Member

Quote

07-14-2008, 08:06 PM #17 (permalink)

warnerwlf98
MVP

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365



OVR: 11
Join Date: Sep 2003
Location: Northern AZ
Posts: 1,779

Here's a vid showcasing the new features:

http://ps3.ign.com/dor/objects/14241...AL_071408.html

There's some more gameplay in the video as well. This takes drive/short/mid/long range tendencies to the Nth degree. I just wonder when it's combined with the actual gameplay if it'll work.

"A man doesn't know the size of the shadow he casts until he stands up."

- Gil Favor

Quote

07-14-2008, 08:13 PM #18 (permalink)

ethanlee29
Rookie

OVR: 2
Join Date: Jul 2005
Posts: 47

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

^wow that dunk by dirk looks LIGHTYEARS ahead of 08's dunk animations

Quote

07-14-2008, 08:20 PM #19 (permalink)

Jai-O
Pro

OVR: 13
Join Date: Jul 2007
Posts: 902

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **ethanlee29**

^wow that dunk by dirk looks LIGHTYEARS ahead of 08's dunk animations

Player movement looks so much better right now. I'm talking about the Shaq dunk/Dirk Dunk, and one of Kobe's jumpers.

Quote

07-14-2008, 08:35 PM #20 (permalink)

edubbs
MVP

OVR: 14
Join Date: Aug 2002
Posts: 1,931

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Yeah the dunks do not look as bad as 08. However, I see waaaay too many left handed dunks in those vids. The 2k series has the same problem.

07-14-2008, 08:37 PM #21 (permalink)

goldisheavy
Rookie

OVR: 1
Join Date: Oct 2003
Posts: 78

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

seems like three steps forward and one step back. at the end of the day, its two steps in the right direction.

"Allen, did fatigue play a part in your loss tonight (in reference to the Sixers going down 3-1 to the Lakers)?"
The Answer: "Thats army clothes"

Quote

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07-14-2008, 08:40 PM #22 (permalink)

BiggD
MVP

OVR: 14
Join Date: Sep 2003
Posts: 1,364

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

DAMMMMMMMM.....thats hot!!

can someone let me know whats with all the lines on the court?? (i've got no audio atm)

Randolph,Morrow,Curry = Run RMC

the new era in GSW BASKETBALL

Quote

07-14-2008, 08:44 PM #23 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Based off that video, I think Live will be better than 2k9.

Quote

07-14-2008, 08:47 PM #24 (permalink)

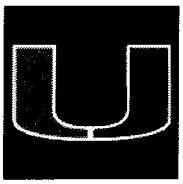
warnerwlf98
MVP

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **BiggD**

DAMMMMMMMM.....thats hot!!

can someone let me know whats with all the lines on the court?? (i've



OVR: 11
Join Date: Sep 2003
Location: Northern AZ
Posts: 1,779

> *got no audio atm)*

It's the hot/cold shooting regions from last year's Live. Last year, you pressed a button to display a multi-color version - now it's just an transparent overlay and not so busy.

"A man doesn't know the size of the shadow he casts until he stands up."

- Gil Favor

Quote

07-14-2008, 08:47 PM #25 (permalink)

Jai-O
Pro

OVR: 13
Join Date: Jul 2007
Posts: 902

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **BiggD**
> *DAMMMMMMMM.....thats hot!!*
>
> *can someone let me know whats with all the lines on the court?? (i've got no audio atm)*

Player hotspots. Each coloured section is a spot on the floor. Think you can figure out the rest

Quote

07-14-2008, 08:48 PM #26 (permalink)

rockchisler
Come on Ms Hill



OVR: 35
Join Date: Oct 2002
Location: Rochester Hills , MI
Posts: 5,402

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

off subject, but in the video did anybody peep the crowd? looks like everyone is a individual, 1 person might stand up but others sit down, kinda sweet...

www.myspace.com/those70sguys

Follow me on www.Twitter/Rockchisler

Just type [SPOILER] and [/ SPOILER], without any spaces.

ROOKIE KILLER

Last edited by rockchisler; 07-14-2008 at 08:52 PM.

Quote

07-14-2008, 08:49 PM #27 (permalink)

jnb5001
Rookie

OVR: 2
Join Date: Sep 2006
Posts: 61

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This game may take the biggest leap forward of any sports game this year. This looks like a totally new game almost "dare i say" 2kish. Picking up Mike Wang is paying off, cant wait till October.

Quote

07-14-2008, 08:50 PM #28 (permalink)

Jai-O
Pro

OVR: 13
Join Date: Jul 2007
Posts: 902

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **EWRMETS**
> *Based off that video, I think Live will be better than 2k9.*

Can't count 2K out yet. Still have to see what they will offer this year.

Quote

07-14-2008, 08:55 PM #29 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **EWRMETS**
> *Based off that video, I think Live will be better than 2k9.*

Without seeing what 2k9 has to offer?

Compared to Live 08 I can understand... but to compare it to a game we have absolutely no information on....?

[OS Vets NBA 2k7 Champion]

> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 08:57 PM #30 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Jai-O**
> *Can't count 2K out yet. Still have to see what they will offer this year.*

> Quote: Originally Posted by **Pared**
> *Without seeing what 2k9 has to offer?*
>
> *Compared to Live 08 I can understand... but to compare it to a game we have absolutely no information on....?*

Yeah but 2k's biggest flaws are that the pick and roll game is terrible and it's unnatural to drive and dish. Penetration is more realistic in Live and they look to have addressed the Pick and Roll game. I imagine that 2k will be more polished since they've gotten the game right over the past few years. 2k has a great ability to get realistic stats with 12 minute quarters but like most 2k games, the game is way too stiff.

07-14-2008, 09:01 PM #31 (permalink)

bateman11
MVP

OVR: 14
Join Date: Jul 2004
Posts: 1,361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Wow, just saw the vid, I am amazed at how sweet the crossovers look. SOOO fluid. I cant wait.

PSN: rose2kobe24

Quote

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07-14-2008, 09:07 PM #32 (permalink)

aholbert32
Ron Ron = Back 2 Back



OVR: 36
Join Date: Jul 2002
Posts: 11,479

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Pared**
> *Without seeing what 2k9 has to offer?*
>
> *Compared to Live 08 I can understand... but to compare it to a game we have absolutely no information on....?*

LOL. You gotta love OS. The 30 seconds of gameplay I saw looked good but its was only....30 seconds. I'm not about to say the game is good or better than 2k.

Dynamic DNA is a great idea but I hope its implemented well. EA struggles implementing new features the first year.

Quote

07-14-2008, 09:12 PM #33 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **aholbert32**
> *LOL. You gotta love OS. The 30 seconds of gameplay I saw looked good but its was only....30 seconds. I'm not about to say the game is good or better than 2k.*
>
> *Dynamic DNA is a great idea but I hope its implemented well. EA struggles implementing new features the first year.*

Maybe I should have said I'm looking more forward to Live. Dynamic DNA is an incredibly revolutionary feature.

Quote

07-14-2008, 09:14 PM #34 (permalink)

Ruff Ryder

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Howdy Neighbor.



OVR: 23
Join Date: Sep 2003
Location: Somewhere between the real and the fakeness, the red pill, blue pill, real and the matrix (VA)
Posts: 2,823

Man this sounds real interesting. I could see it becoming a standard for sports games in the future.

And the gameplay clips looked real good. Kobe's shot looked beautiful, all the way down to the flick of his wrist.

[NYK|DAL|VT]
All the bullsh in the game, only thing they wanna kill is f***in' autotune**
But before you gun it down
Know they only say hip hop is dead
Because the dope ish is underground!
Joe Budden
Twitter | Last.fm

Quote: Originally Posted by **DCAllAmerican**

How many brothers fell victim to the skeet.....

Quote

07-14-2008, 09:17 PM #35 (permalink)

Supersonic_BR
Rookie

OVR: 4
Join Date: Apr 2007
Posts: 270

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Here is the producer blog explaining with more details about the features in LIVE 365.

http://www.easports.com/nbalive09/ne...sId=pblog71108

Quote

07-14-2008, 09:18 PM #36 (permalink)

ThreeKing
Banned

OVR: 27
Join Date: Aug 2007
Location: Chicago, IL.
Posts: 2,768

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This game looks a ton better than previous versions.

But the ball and rim physics still look the same to me. It seems like the ball slows down a little at the last second before going in.

The one thing 2K has is sweet ball and rim physics. I'll wait for more videos as it is still early. But Live is looking really better this year. A lot smoother for sure.

Quote

07-14-2008, 09:19 PM #37 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **aholbert32**

LOL. You gotta love OS. The 30 seconds of gameplay I saw looked good but its was only....30 seconds. I'm not about to say the game is good or better than 2k.

Dynamic DNA is a great idea but I hope its implemented well. EA struggles implementing new features the first year.

Well guys have their preference and that's fine. I just think it's a bit much to proclaim a "better" game at this point.

For anyone that saw the video, you can see the improved score ticker I was referring to. It looks even better with items appearing next to it!

[OS Vets NBA 2k7 Champion]

Quote:

"Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 09:20 PM #38 (permalink)

23
23



OVR: 67
Join Date: Sep 2002
Location: Los Angeles
Posts: 29,397

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I REEEEEEEEALLLY wish they would fix those lower bodies. It makes their player models look like trash, especially how their legs from the waist down looks like they have down syndrome.

Other than that, the animations looked more fluid. Looks like they added that every player is ambidextrous(sp?) dunk with whichever hand is closest to the basket, which i hate.

Overall the clip looked good, more fluid than before, and as i said, i will wait to see how this feature turns out.

Quote

07-14-2008, 09:22 PM #39 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **ThreeKing**
> *This game looks a ton better than previous versions.*
>
> *But the ball and rim physics still look the same to me. It seems like the ball slows down a little at the last second before going in.*
>
> *The one thing 2K has is sweet ball and rim physics. I'll wait for more videos as it is still early. But Live is looking really better this year. A lot smoother for sure.*

Yeah, remember this most likely isn't a final build but that is pretty close to what I saw during my time at EA. Not very impressive and I'm still holding out hope that they are improved.

You can hear the improved crowd reactions slightly. They really shine in close games.

[OS Vets NBA 2k7 Champion]

> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 09:28 PM #40 (permalink)

DW3
Pro



OVR: 19
Join Date: Oct 2005
Location: Houston, Tx
Posts: 568

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

OMG!!!! That video is sick. Finally their players animate like humans!

Formally known as lilyo06

Michael Jordan is the G.O.A.T. and Dwade is his son!

October 6 cant come fast enough!! Cant wait to play NBA Live 10!!!

Great job Live Dev Team. You guys as a whole have just revived

07-14-2008, 09:31 PM #41 (permalink)

DueceDiggla
All Star

OVR: 23
Join Date: Aug 2002
Posts: 9,132

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

The few seconds of gameplay footage looked pretty impressive to me.

Is the DNA feature only for PS3?

Quote

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07-14-2008, 09:33 PM #42 (permalink)

shifty
Rookie

OVR: 3
Join Date: May 2007
Posts: 52

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

looks very nice, ill prob be getting both, no point in dissing ea or 2k. at the end of the day, its good for us if they step up their game.

Quote

07-14-2008, 09:36 PM #43 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

No Duece its also for 360 too.

Quote

07-14-2008, 09:36 PM #44 (permalink)

goldisheavy
Rookie

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **DueceDiggla**
> *Is the DNA feature only for PS3?*

no

"Allen, did fatigue play a part in your loss tonight (in reference to the Sixers going down 3-1 to the Lakers)?"
The Answer: "Thats army clothes"

OVR: 1
Join Date: Oct 2003
Posts: 78

07-14-2008, 09:54 PM #45 (permalink)

DueceDiggla
All Star

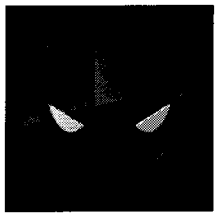
OVR: 23
Join Date: Aug 2002
Posts: 9,132

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Nice, I will most likely pick it up then. I just don't like the fact that if a guy gets hurt in real life, he gets hurt in my season. Doesn't seem right. And if thats the case, does that mean there will be no in game injuries?

07-14-2008, 09:56 PM #46 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **DueceDiggla**
> *Nice, I will most likely pick it up then. I just don't like the fact that if a guy gets hurt in real life, he gets hurt in my season. Doesn't seem right. And if thats the case, does that mean there will be no in game injuries?*

That's not what will happen. Your season is going to be specifically closed from this feature. When you start your dynasty, whatevery happens in the real NBA will not effect your dynasty.

[OS Vets NBA 2k7 Champion]

> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

07-14-2008, 10:01 PM #47 (permalink)

RubenDouglas
Robert Swift's Mentor



OVR: 26
Join Date: May 2003
Posts: 14,474

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

as always i OVER think things.

can someone break this down for me?

let me get this straight, you can sync this up for **EXHIBITION games** to have truely up to date ratings and lineups etc whether its 10 games into the real season, or in march of 2009 when you still want to play exhibition... correct?

then theres a DYNASTY mode dynamic which uses real dynasty games either simulated or played and updates the stats and ratings that way, correct? similiar to whats already happening in the 2k series for years now.

what aspect am i missing? these updated 365 things cant apply to dynasty, right, unless you play go through one game a day, in real time following along with the real nba, right?

honestly, it just doesnt seem like THAT big of a deal. great addition non the less, but is this the one great big feature they were holding out on giving us info about?

inside drive 2000 had a calendar feature where you could PLAY real games on that specified day... this seems to be taking one step further with the updated DAILY rosters and ratings

07-14-2008, 10:07 PM #48 (permalink)

jfsolo
Dragon Age: Origins- 11/3



OVR: 18
Join Date: May 2003
Location: Santa Clarita, CA
Posts: 4,020

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

As a Franchise only player I'm somewhat conflicted about the various features. I wouldn't mind the updating of DNA tendencies, DNA ratings, and Team DNA for my Franchise, but I don't want real life injuries, trades, or streaks to affect my Franchise.

I like that the blog says that you can edit Players DNA/tendencies at any time.

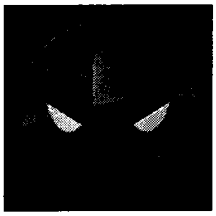
"There seems to be this weird idea that single-player games can get shorter. They can get more expensive and shorter. I don't understand that approach. It's not our approach."

Dan Houser- VP of creativity for Rockstar Games

Quote

07-14-2008, 10:09 PM #49 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **RubenDouglas**
> *as always i OVER think things.*
>
> *can someone break this down for me?*
>
> *let me get this straight, you can sync this up for **EXHIBITION games** to have truely up to date ratings and lineups etc whether its 10 games into the real season, or in march of 2009 when you still want to play exhibition... correct?*
>
> *then theres a DYNASTY mode dynamic which uses real dynasty games either simulated or played and updates the stats and ratings that way, correct? similiar to whats already happening in the 2k series for years now.*
>
> *what aspect am i missing? these updated 365 things cant apply to dynasty, right, unless you play go through one game a day, in real time following along with the real nba, right?*
>
> *honestly, it just doesnt seem like THAT big of a deal. great addition non the less, but is this the one great big feature they were holding out on giving us info about?*
>
> *inside drive 2000 had a calendar feature where you could PLAY real games on that specified day... this seems to be taking one step further with the updated DAILY rosters and ratings*

Much of the impact this will have will be focused in Exhibition play. Again, your dynasty will be closed to any updates that happen.

It actually IS a big deal, as this will be the first sports game to be updated daily... and that includes team lineups and tendencies. Unprecedented in any sports game.

The execution is where I can see some being wary... but the concept is something I've wanted in sports games forever.

Remember, this is a DB with all this information and it will culminate over time. As more games are played, your players should play more like their real counterparts.

A nice feature is you can always just play with the stuff that ships on the disc, which is all this information based on last season. So if you don't like the fact LeBron is passing too often because that is what he is doing next year, just use the stuff from the '07 season.

Lots of flexibility.

[OS Vets NBA 2k7 Champion]

> Quote:
>
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the

consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 10:15 PM #50 (permalink)

videobastard
MVP



OVR: 12
Join Date: Aug 2004
Posts: 2,025

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

They are finally getting some decent lookin animations in this series. It should not have taken this long though. Im lookin forward to more gameplay videos and of course a demo to play. We might actually have 3 solid basketball games this year.

07-14-2008, 10:19 PM #51 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Jano**
> *I thought dynasty mode was just going to use the rosters you began it with and then all the updates through live 365 wouldn't be used anymore.*

Winner winner chicken dinner...

[OS Vets NBA 2k7 Champion]

> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 10:21 PM #52 (permalink)

SageInfinite
OS Vet.....



OVR: 41
Join Date: Jul 2002
Location: NJ
Posts: 7,523

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I can't believe I'm saying this but Live looks good. I now know Pared is the truth without a doubt. This could also help teams play more like their real life counterparts now . I'm officially interested now. I'll keep my eye on live.

Player movement and court atmosphere definitely looks improved. The benches still look a little barren, but the baselines look good. If like could get the atmosphere down visually I really wouldn't have any complaints graphically speaking.

http://www.myspace.com/sagetheinfinite
http://www.myspace.com/phillthegenesis
http://www.sageinfinite.com
"I never brag, how real I keep it, cuz it's the best secret"
Nas

"They wonder why they can't touch it/cuz my **** stay over they heads, like carry on luggage"
Lupe Fiasco

KB24

Quote

07-14-2008, 10:23 PM #53 (permalink)

RubenDouglas
Robert Swift's Mentor



OVR: 26
Join Date: May 2003
Posts: 14,474

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

thanks guys. makes sense. this is dealing with strictly exhibition and possibly, online play ,right?

seeing as how I love to play real life matchups, this is really good news. as you were saying pared, its about the execution.

i can already see myself trying to replicate playing the knicks who had just lost by 50, trying to see if that will come true again. that whole nba rewind feature has me thinking extra hard at all of these potential scenarios that I might want to try to replicate. What if the suns get 50 fastbreak points one night in real life, and have 23 threes. when I play them on that rewind might, will a screen popup showing me what to focus on? are those 23 threes, GURANTEED?

that whole replaying the past has me questioning many aspects already. over analysis mode i tell you.

but for current DECEMBER 25th exhibition mode matchups where you want to play it out before it happens, would be fun.

or even doing a blind test with nba rewind on a random past game. after you play it, check the real stats to see just how close the guys were playing. the rewind mode would almost seem like if a team won in real life, how are the ratings affected? does that gurantee a win for them in their game logic, or catch up? does that team HAVE to attempt 20 threes since it happened in real life?

i can already see myself playing a rewind game where a team hit 15 of 20 threes. the difference will be in MY defense obviously, of the team that let them hit 15 threes in real life. I wont let that happen. Will the CPU force those threes up to get that quota regardless of the tougher D? will the CPU become invincable to meet that 3PM quota? rewind mode almost has you second guessing why even play the knicks when they lost by 48 to boston.. every players rating will be in the 20s lol. i guess we'll see how it turns out to be

fun and innovative. id love to see how that translates in dynasty mode. id go into test mode right away. id play 10-15 games against the suns, letting amare hit open JUMP shots. Then let it be seen if in a few games he does the same? does it become predictable.

I can now see how its a big feature, but its a big feat to get done properly.

Last edited by RubenDouglas; 07-14-2008 at 10:28 PM.

Quote

07-14-2008, 10:27 PM #54 (permalink)

stizz
Pro



OVR: 14
Join Date: Sep 2006
Location: New Zealand
Posts: 873

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

There's some new images posted at IGN.

Quote

07-14-2008, 10:33 PM #55 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **SageInfinite**

I can't believe I'm saying this but Live looks good. I now know Pared is the truth without a doubt. This could also help teams play more like their real life counterparts now . I'm officially interested now. I'll keep my eye on live.

Player movement and court atmosphere definitely looks improved. The benches still look a little barren, but the baselines look good. If like could get the atmosphere down visually I really wouldn't have any complaints graphically speaking.

lol Hey I didn't work on the game; Just game my take on it. Lots of improvement from their camp and I'm certainly intrigued with how all this will work.

RD, you got it now. Lots of potential from this feature. As since it's player data, it can only get better as time goes on.

[OS Vets NBA 2k7 Champion]

Quote:

"Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-14-2008, 10:36 PM #56 (permalink)

jfsolo
Dragon Age: Origins- 11/3

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

If your Franchise isn't going to be updated, then it would seem like a good time to start your Franchise is about 3 or 4 weeks into the season. That way you can get all the updated



OVR: 18
Join Date: May 2003
Location: Santa Clarita, CA
Posts: 4,020

players, player ratings, players tendencies, and team tendencies thus creating a realistic jumping off point for your Franchise.

"There seems to be this weird idea that single-player games can get shorter. They can get more expensive and shorter. I don't understand that approach. It's not our approach."

Dan Houser- VP of creativity for Rockstar Games

Quote

07-14-2008, 10:40 PM #57 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I think another underrated feature of Dynamic DNA is that they actually will have tendencies of the moves players make based on where they are on the floor and will have dynamic playcalling. Unlike 2k8's playcalling which was based on positions, Live's playcalling is based on the player. So if I go big with the Nets and play Carter at PG, Douglas Roberts at SG, Ryan Anderson at SF, Yi at PF, and Lopez at C, the game will still focus on running plays for Carter. I wonder if the team DNA and updated rosters will also apply to rotations. Pared, did you get any insight into substitutions in Live?

Quote

07-14-2008, 10:47 PM #58 (permalink)

mrnoobie
MVP

OVR: 17
Join Date: Feb 2003
Posts: 3,550

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

up to date rosters? its already surpassed 2k lol

Quote

07-14-2008, 10:57 PM #59 (permalink)

jtdribbles25
Pro

OVR: 10
Join Date: Aug 2003
Location: los angeles
Posts: 941

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I like the fact that the dna should be able to update all the rookies and their stats as the year plays on instead of everyone having to moan about the ratings of "said player" who really is or isnt so good. Not to mention those 6 man candidates we didn't know about or some guy who's leading the league in 3's from out of the blue.

Quote

07-14-2008, 11:00 PM #60 (permalink)

slvicick
Rookie

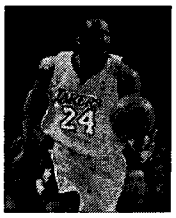
OVR: 5
Join Date: Aug 2003
Posts: 289

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

So could I start a dynasty 3 months into the season with up to date rosters, injuries, tendencies and everything?

07-14-2008, 11:10 PM #61 (permalink)

SageInfinite
OS Vet.....



OVR: 41
Join Date: Jul 2002
Location: NJ
Posts: 7,523

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Pared**
> *lol Hey I didn't work on the game; Just game my take on it.*

Yea but it proves you know what your talking about

---

http://www.myspace.com/sagetheinfinite
http://www.myspace.com/phillthegenesis
http://www.sageinfinite.com
"I never brag, how real I keep it, cuz it's the best secret"
Nas

"They wonder why they can't touch it/cuz my **** stay over they heads, like carry on luggage"
Lupe Fiasco

KB24

Quote

07-14-2008, 11:10 PM #62 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **slvicick**
> *So could I start a dynasty 3 months into the season with up to date rosters, injuries, tendencies and everything?*

Yeah.

Quote

07-14-2008, 11:18 PM #63 (permalink)

Moshood
Rookie

OVR: 6
Join Date: Jul 2007
Posts: 262

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I'm impressed.

Quote

07-14-2008, 11:19 PM #64 (permalink)

Klocker
MVP



OVR: 15
Join Date: Jul 2003
Location: Gilbert, AZ
Posts: 2,119

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote:
> NBA LIVE REWIND
>
> This is a feature we're calling NBA LIVE Rewind. By pressing the NBA LIVE Rewind button from this screen, I can go back into time and play a game based on the DNA, Tendency, and streak data for each player and each team that was relevant for that particular game. So as an example, I can go back and play a game between the Boston Celtics and LA Lakers from November of last year, before Pau was traded to the Lakers, and the way the Lakers and Celtics players played that game is the data that the game will be played with. It will also be played with the rosters that were played with during that game as well. And you will be able to access the Box Score for each NBA LIVE Rewind game to see how each player performed and what the score for the game was to determine whether or not you want to go and play that game again.

pretty cool too

Quote

07-14-2008, 11:22 PM #65 (permalink)

slvicick
Rookie

OVR: 5
Join Date: Aug 2003
Posts: 289

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote:
> Dynamic DNA - The brain behind the game is powered by the premier analytics provider using NBA data for over 20 NBA teams

I wonder why they say over 20 teams and not every team..

Quote

07-14-2008, 11:27 PM #66 (permalink)

bigeastbumrush



OVR: 35
Join Date: Feb 2003
Location: Queens
Posts: 8,181

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

In one word: Filthy

Quote

07-14-2008, 11:30 PM #67 (permalink)

Mintsa
MVP



OVR: 15
Join Date: Aug 2002
Posts: 2,146

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This is going to change online play not only for live but sports gaming as a whole when this feature is added to madden, NHL etc.

Good stuff.

Quote

07-14-2008, 11:37 PM #68 (permalink)

BiggD
MVP



OVR: 14
Join Date: Sep 2003
Posts: 1,364

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

E.A sports.... "it's in the game(finally)"

Randolph,Morrow,Curry = Run RMC

the new era in GSW BASKETBALL

Quote

07-14-2008, 11:45 PM #69 (permalink)

slpnsld23
Rookie



OVR: 4
Join Date: Aug 2005

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Uh-oh OS, this could wipe out 1,000 more posts in a month complaining about roster issues!

MLB - Detroit Tigers
NFL - Detroit Lions
NHL - Detroit Red Wings
NBA - Detroit Pistons
NCAAF - Michigan Wolverines
NCAAB - Kentucky Wildcats

Location: Michigan
Posts: 382

Quote

07-14-2008, 11:48 PM #70 (permalink)

RubenDouglas
Robert Swift's Mentor



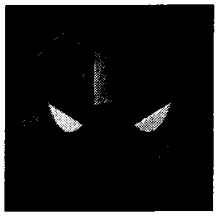
OVR: 26
Join Date: May 2003
Posts: 14,474

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

or increase it. the criticalness of us fans may skyrocket as they have to continually upgrade stuff. there job has gotten 100 times harder, unless they havea a computer handling it all, which without a human element could t

07-15-2008, 12:26 AM #71 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **slvicick**
> *So could I start a dynasty 3 months into the season with up to date rosters, injuries, tendencies and everything?*

That is correct, sir.

[OS Vets NBA 2k7 Champion]

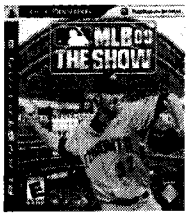
> Quote:
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

Quote

07-15-2008, 12:35 AM #72 (permalink)

Peter_OS
All Star



OVR: 20
Join Date: Jul 2002
Location: Toronto, Canada
Posts: 8,489

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

k can someone please explain to me how this is going to be incorporated into franchise mode? Like someone said, I'm not huge on the multiplayer, and more into the single player experience. How is this "up to date" DNA going to help the gameplay in Franchise mode?

Quote

07-15-2008, 12:39 AM #73 (permalink)

donkey33
Pro



OVR: 5
Join Date: Aug 2002
Location: Melbourne, Australia
Posts: 501

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

The above is spot on.

Does this actually have any impact on Franchise mode? I'm not big on exhibition games or online and play Franchise mode.

If players are traded there, will each teams playbooks actually change? Will tendencies actually change?

A great addition for roster and tendency updates but would really only help me when I start a Franchise because that's the info that the game would take into it.

Quote

07-15-2008, 12:45 AM #74 (permalink)

Jano
Mr. Solo Dolo



Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

It won't affect dynasty mode except for the initial rosters you start it with. So if you start a dynasty mode three months into the actual NBA season it will only use the roster that you started it with, and from then on it won't use the Live 365 feature.

OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Quote

07-15-2008, 12:59 AM #75 (permalink)

blingballa333
Pro



OVR: 10
Join Date: Sep 2004
Location: Stayton, OR
Posts: 689

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

The only thing i'm really excited for are the constant updated rosters and how the dna will affect the AI'S play style.But the thought of having to stop, click the left stick to see wether your selected player is more comfortable going left or right, which in the game doesn't make the shot easier to make according to one of the nba live designers, seems terribly useless seeing that I would like to focus more on seeing the open man rather than deciding which way to go.
Going left with paul pierce should be natural, not just because he does it in real life or wether the info tells you too, it was also stated that if you go left with ray allen for example and that if you miss the shot or layup it will tell you in the ticker below that you shouldn't do that anymore because"allen doesn't do that in real life". IMO I think the dna will be overshadowed and unused while playing but will hopefully help the computer teams play more like themselves.
Another part of this "ground breaking" feature that I am seriously iffy about is the hot/cold streaks. It was stated that if say Rondo was averaging 20 points for his last few games in real life, he will magically play better in the game. And if brandon roy had 6 and 7 points in his last two games, he will play worse in the game. This sounds sort of corny and will sort of make the videogame a stress to play and will make if feel as if it's not even a videogame anymore. And another thing that was also stated was that if a player get's injured in real life,he will be injured in the game, i really dont want him injured in my videogame honestly. I know you can go back and load a previous roster to play without him being injured, but it really seems like it would be a hassle.
With all that being said these new features may sound great and exciting now, but later might end up being downright stupid and irritating. This is specualtion, but from what I have read, it doesn't seem like this will be incorporated into the game very well.

Gamertag: RipCity71252

~Steelers Scoreboard~
Steelers: 14 Bears: 17 F
Record: (1-1)

Proud to be a Blazer Fan

Great Northwest Baby!

Quote

07-15-2008, 01:20 AM #76 (permalink)

23
23



OVR: 67
Join Date: Sep 2002
Location: Los Angeles
Posts: 29,397

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I'm going to sticky this for now so if any other threads on the same topic pop up ill likely lock them.

Quote

07-15-2008, 01:44 AM #77 (permalink)

Chi Dynasty12
Pro

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

They copied NBA 08 lol They had this feature last year except nobody plays that game.

I like how rosters will be updated frequently, but I'm not liking how if someone has a bad game will they just suck? I want it to be MY game, not an exact replication of games from the night before, that's boring.

All in all, if game play still isn't fixed, none of these gimmicks will make up for it.



OVR: 10
Join Date: Jul 2007
Location: Chicago
Posts: 644

Quote

07-15-2008, 01:54 AM #78 (permalink)

EWRMETS
All Star



OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **Chi Dynasty12**

They copied NBA 08 lol They had this feature last year except nobody plays that game.

I like how rosters will be updated frequently, but I'm not liking how if someone has a bad game will they just suck? I want it to be MY game, not an exact replication of games from the night before, that's boring.

All in all, if game play still isn't fixed, none of these gimmicks will make up for it.

I don't get how you can call constantly updated rosters, player tendencies, and team tendencies a gimmick.

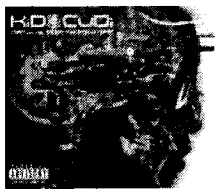
And I doubt Kobe or Lebron having one bad game will make them suck. If they go through a bad week of shooting, their shooting numbers will probably temporarily go down for play now and online, and you will have to penetrate and get to the foul line.

I agree that gameplay needs to be tightened up for this feature to be as good as it could possibly be. If there aren't a proper number of fouls or there's too many dunks, the player tendencies won't be able to shine.

Quote

07-15-2008, 02:04 AM #79 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Yep EWRMETS is right about the player ratings it won't be a significant drop if he has just one bad game.

And besides the hot and cold streaks are pulled from stats after 10 games which in real life is a while so I can see some players dropping in certain areas.

I for one think this is mostly going to effect role players and people coming of the bench more than anything because they are usually the players that can go through dramatic changes during the season in terms of their performance on the court.

Quote

07-15-2008, 02:06 AM #80 (permalink)

mvb34
Suicide Pool Co-Champion



OVR: 34
Join Date: Jul 2002

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Will this effect online rosters??

4 How can you think of saying to your friend, 'Let me help you get rid of that speck in your eye,' when you can't see past the log in your own eye? **5** Hypocrite! First get rid of the log in your own eye; then you will see well enough to deal with the speck in your friend's eye.

Location: Washington DC
Posts: 7,038

07-15-2008, 02:07 AM #81 (permalink)

mvb34
Suicide Pool Co-Champion



OVR: 34
Join Date: Jul 2002
Location: Washington DC
Posts: 7,038

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Will this effect online rosters??

---

4 How can you think of saying to your friend, 'Let me help you get rid of that speck in your eye,' when you can't see past the log in your own eye? **5** Hypocrite! First get rid of the log in your own eye; then you will see well enough to deal with the speck in your friend's eye.

Quote

07-15-2008, 02:15 AM #82 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Yes it will.

Quote

07-15-2008, 08:23 AM #83 (permalink)

PsychoBulk
OS Premier Guest Brit



OVR: 18
Join Date: May 2006
Location: UK
Posts: 1,940

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Ive heard all this bluster from Live before to fall for it so easily again.

Lets see some extended 5 v 5 gameplay vids before we start having online orgasms shall we?

"If I should die, think only this of me: that there's some corner of a foreign field that is for ever England"

Rupert Brooke

Quote

07-15-2008, 08:55 AM #84 (permalink)

Mintsa
MVP



OVR: 15
Join Date: Aug 2002
Posts: 2,146

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

The new vid of the actual press confrence has some actual gameplay footage for a couple of minutes and it looked improved.

Quote

07-15-2008, 09:06 AM #85 (permalink)

warnerwlf98
MVP

OVR: 11
Join Date: Sep 2003
Location: Northern AZ
Posts: 1,779

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Mintsa**
> *The new vid of the actual press confrence has some actual gameplay footage for a couple of minutes and it looked improved.*

At what time during the press conference does it show up? Thanks.

"A man doesn't know the size of the shadow he casts until he stands up."

- Gil Favor

Quote

07-15-2008, 09:13 AM #86 (permalink)

bateman11
MVP

OVR: 14
Join Date: Jul 2004
Posts: 1,361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

New vid looks decent to me. Net physics need the most work overall, and that damn up and under move still looks retarded lol.

PSN: rose2kobe24

Quote

07-15-2008, 10:23 AM #87 (permalink)

Mintsa
MVP

OVR: 15
Join Date: Aug 2002
Posts: 2,146

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **warnerwlf98**
> *At what time during the press conference does it show up? Thanks.*

I think the vid was on ign.

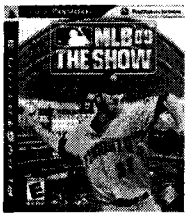
The movie is almost 5 mins long. The gameplay runs from about the halfway point until the end.

The animations looked alot better than 08. It was really cleaned up.

Quote

07-15-2008, 10:30 AM #88 (permalink)

Peter_OS
All Star



OVR: 20
Join Date: Jul 2002
Location: Toronto, Canada
Posts: 8,489

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Jano**
> *It won't affect dynasty mode except for the initial rosters you start it with. So if you start a dynasty mode three months into the actual NBA season it will only use the roster that you started it with, and from then on it won't use the Live 365 feature.*

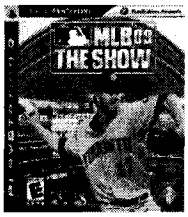
Don't get me wrong this is a nice feature, but a useless feature for me. I wont start a franchise mode 3 months into the season. I will do so within the first week of having the game.

Good for those who like to play exhibition and multiplayer games online, and have their rosters/tendencies up to date.

Quote

07-15-2008, 10:33 AM #89 (permalink)

Peter_OS
All Star



OVR: 20
Join Date: Jul 2002
Location: Toronto, Canada
Posts: 8,489

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

It looks like their main focus is on this feature, and less on actuall gameplay. They better focus on the gameplay this year. I wasn't happy with last year's outcome.

Btw, did you guys see the EA conference with Bill Walton? Funny stuff. He made a joke about the game, when Kobe tossed the ball inbounds after the opponent scored. He said, "First time Kobe has ever taken the ball out of bounds during his career." lol.. the crowd started laughing.

Last edited by Peter_OS; 07-15-2008 at 10:39 AM.

Quote

07-15-2008, 10:47 AM #90 (permalink)

Mintsa
MVP



OVR: 15
Join Date: Aug 2002
Posts: 2,146

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

That's the thing with this feature. Some people might never use it, some people (including myself) will use it every time I turn on my PS3. I'm not really a franchise/dynasty guy. I mainly play online 90 % of the time and exhibition matches offline for the other 10 %. So this feature really effects the way I play the game. But I can see how others who rarely play online or only play franchise mode might not care for this feature.

07-15-2008, 10:49 AM #91 (permalink)

Vince
Hall Of Fame



OVR: 26
Join Date: Aug 2002
Location: Montreal
Posts: 26,486

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

That Dirk dunk was really nice.

My Twitter

My pride and joy: Raptors, Jays, NY Rangers, NY Giants, Chelsea Blues

Raptors are making the playoffs, or I'm gone from O.S.

Quote

07-15-2008, 10:52 AM #92 (permalink)

Vince
Hall Of Fame



OVR: 26
Join Date: Aug 2002
Location: Montreal
Posts: 26,486

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

while it is crazy to say that this game is better than 2k9 already, can we at least give them some credit for a preety sick feature and also not assume that this is their main focus and that they have deserted improvement of gameplay?

My Twitter

My pride and joy: Raptors, Jays, NY Rangers, NY Giants, Chelsea Blues

Raptors are making the playoffs, or I'm gone from O.S.

Quote

07-15-2008, 11:57 AM #93 (permalink)

J_Posse512
Rookie



OVR: 9
Join Date: Jun 2005
Location: MD
Posts: 361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

The game is definitely headed in the right direction A.I., player and team tendencies-wise, hopefully they've made just as many strides with their gameplay.

I'm also hopeful that they'll do a better job of rating players as well.

San Antonio Spurs 4-Time ('99, '03, '05, '07) NBA Champions

Official OS Bills Backers Club Member

Quote

07-15-2008, 11:57 AM #94 (permalink)

RICH72601
Rookie



OVR: 3
Join Date: Sep 2004
Location: Philadelphia
Posts: 192

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Vince**
> *while it is crazy to say that this game is better than 2k9 already, can we at least give them some credit for a preety sick feature and also not assume that this is their main focus and that they have deserted improvement of gameplay?*

This is what always concerns me. With all the improvements that Live 09 will have, the gameplay needs to be day and night compared to Live 08. I pray that the developers have made the actual gameplay that much better so that the features will enhance my whole experience, but if not, Live 09 will just be another pretty-looking game with some nice features that will not hold the attention of a hardcore basketball fan.

As far as 2K goes, I think what separates them and puts them ahead of Live, other than the gameplay, is all the little things that makes the title so great. For example, when was the last time in Live could you throw a bad pass and as it's going towards half court, dive for the ball, and call a timeout before a backcourt violation is called? I love stuff like that.

In all, I'm excited for Live 09 this year and really hope it gives me the great basketball experience I need. Looks like things have been greatly improved, but I really wont know until I have it in my hands.

Quote

07-15-2008, 12:04 PM #95 (permalink)

J_Posse512
Rookie



OVR: 9
Join Date: Jun 2005
Location: MD
Posts: 361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Hopefully, something like this is a sign that these development teams are starting to hit their stride with these current-gen consoles. I'm also hopeful that this will lead to a truly real-time physics engine (Eupohria) being added to a sports title within the next two years. That will really be a revolutionary move for console sports gaming.

Imagine with me, your playing against the New Orleans Hornets and it's the 4th quarter of a tied ball-game. You're using the Phoenix Suns which gives you plenty of options, 1) throw it to Shaq in the left-block area, 2) play pick-and-roll with Amare and Steve or run Barbosa off a staggered screen. Well, since you're not Mike D'Antoni you inexplicably throw it to Shaq down-low, where Tyson Chandler is attempting to front him, and Steve throws the perfect lob pass over the top. But, here comes Peja to hack Shaq as he's going up for the monster finish. Shaq's played a total of 32 minutes tonight and his legs just aren't there, so he doesn't finish with a dunk but with a lay-up that rolls in. AND 1!!!!!!

He goes to the charity stripe and the camera pans in a shot of his sweat drenched mug. Shaq wipes his brow with his fingertips, hesitates and goes into his horrid shooting motion. You think you've the timing down (he's shooting a career best 61%), but you miss the free-throw!!!!! The ball ends up in Chris Paul's hands and he finds Peja wide-open with the corner three to win the game.....

.....imagine that

San Antonio Spurs 4-Time ('99, '03, '05, '07) NBA Champions

Official OS Bills Backers Club Member

Last edited by J_Posse512; 07-15-2008 at 12:22 PM.

Quote

07-15-2008, 12:11 PM #96 (permalink)

Pared
Whose side are you on?



OVR: 76
Join Date: Feb 2003
Location: The city so nice they named it twice!
Posts: 28,454

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Peter_OS**
>
> *Don't get me wrong this is a nice feature, but a useless feature for me. I wont start a franchise mode 3 months into the season. I will do so within the first week of having the game.*
>
> *Good for those who like to play exhibition and multiplayer games online, and have their rosters/tendencies up to date.*

Of course it will benefit you... the game will have the entire 2007 season's worth of data already on the disc.

So you can start your dynasty as soon as you get the game and players will have the same tendencies as last season.

Again, this is a feature that should get better over time as Synergy keeps collecting data...

[OS Vets NBA 2k7 Champion]

> Quote:
>
> "Some of us (perfectionists, especially) fuss so much over making the 'right' choice, but in life, all that's really needed is to make any' good' choice, believe in it, go through with it, and accept the consequences."

Now Playing: NBA 2k10, Marvel Ultimate Alliance 2, Madden NFL '10, Mirror's Edge, SSF2T:HDR, MLB09: The Show

07-15-2008, 12:11 PM #97 (permalink)

bateman11
MVP

OVR: 14
Join Date: Jul 2004
Posts: 1,361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Maybe for next year: Updated hair styles/facial hair? Even accessories?

PSN: rose2kobe24

07-15-2008, 12:25 PM #98 (permalink)

J_Posse512
Rookie

OVR: 9
Join Date: Jun 2005
Location: MD
Posts: 361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **bateman11**
> *Maybe for next year: Updated hair styles/facial hair? Even accessories?*

I didn't play Live 08, but you think they've recycled alot of their facial models from last season? Are lot of the players the same or similar in appearance that they've shown in the (slim) video footage?

San Antonio Spurs 4-Time ('99, '03, '05, '07) NBA Champions

Official OS Bills Backers Club Member

07-15-2008, 12:54 PM #99 (permalink)

bateman11
MVP

OVR: 14
Join Date: Jul 2004
Posts: 1,361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

^ From what I have seen, the faces look MUCH improved. Last year players looked cross-eyed a lot. Looks great this year

PSN: rose2kobe24

07-15-2008, 02:12 PM #100 (permalink)

jorge380
Pro

OVR: 8
Join Date: Jun 2003
Location: SAN DIEGO
Posts: 590

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Its a great feature,but it would truly be awesome if this would work in season mode.Damn even real season injuries would be fun.This kinds of hurts us that play franchise or season,oh well maybe next year.I wonder if their will be more camera angles this year?

07-15-2008, 02:24 PM #101 (permalink)

Behindshadows
The Real Unbiased Gamer!



OVR: 54
Join Date: Nov 2004
Location: Lewisville, Texas
Posts: 5,357

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Faces are definitely different from 08. Game looks great! Can't wait.

Live Life Don't Let Life Live You!

Behindshadows - The Real Unbiased Gamer, sometimes speaking the truth hurts!

Only fanboys lie when things are definitely wrong!

Quote

07-15-2008, 03:01 PM #102 (permalink)

RubenDouglas
Robert Swift's Mentor



OVR: 26
Join Date: May 2003
Posts: 14,474

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Mintsa**
> *The new vid of the actual press confrence has some actual gameplay footage for a couple of minutes and it looked improved.*

you sure? one sequence, the user had the play calling menu up and NOONE WAS MOVING.. it doesnt seem as free flowing if thats the route theire taking. i may go with automatic playcalling

Quote

07-15-2008, 03:08 PM #103 (permalink)

bateman11
MVP

OVR: 14
Join Date: Jul 2004
Posts: 1,361

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **RubenDouglas**
> *you sure? one sequence, the user had the play calling menu up and NOONE WAS MOVING.. it doesnt seem as free flowing if thats the route theire taking. i may go with automatic playcalling*

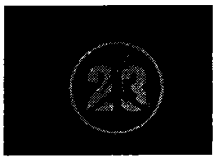
TBH, Im not sure Live has that feature where the CPU will call plays for you.

PSN: rose2kobe24

Quote

07-15-2008, 03:11 PM #104 (permalink)

23
23



OVR: 67
Join Date: Sep 2002
Location: Los Angeles
Posts: 29,397

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Check out tmac real good chasing the guy running around the screen and tell me what you notice

Quote

07-15-2008, 03:46

PM #105 (permalink)

DC
Hall Of Fame



OVR: 39
Join Date: Oct 2002
Location: DC
Posts: 15,106

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This ain't fair man!

You only get one body; take care of it. Here is a start (if you want to be educated) :

http://www.youtube.com/profile_video...ndWellness&p=v

Quote

07-16-2008, 04:15 PM #106 (permalink)

BigBR
Rookie

OVR: 4
Join Date: Apr 2005
Location: Baton Rouge, LA
Posts: 163

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I wish we had an option whether or not to use it for Franchise mode, I'd rather it be up to date, then maybe I'd play franchise mode more...

Quote

07-16-2008, 09:53 PM #107 (permalink)

Scoop 24
Sanchize



OVR: 23
Join Date: Aug 2002
Location: Long Island NY
Posts: 2,978

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

damn that was a thing of beauty.. nba live definetly have my attention now.

NFL: New York Jets
NBA: LA Lakers
NCAAB: Georgetown
NCAAF: Notre Dame
MLB: New York Mets

Quote

07-17-2008, 12:09 AM #108 (permalink)

HELLisFUN
Pro

OVR: 7
Join Date: Sep 2006
Posts: 639

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Oh boy EA at it again with their "New Feature" advertising gimmicks!

OMG Dynamic DNA, WHO CARES! Give me some real-time gameplay EA! Not some slowed down trailer that you edit to make look good. Every single year it's the same thing with you EA!

Why when the player dribbles the ball, the ball is going all the way up to their shoulders, I'm guessing I'll be getting 10 steals per game with the defender then?

Guys don't fall for this EA crap, they do this every year, lets wait for some real time gameplay with gameplay angels.

NO! I will not change this until Lakers get to Western Conference Finals!!! Friday, Oct 13, 2006 (It is raining hard) 8:14pm 30sec (Check)

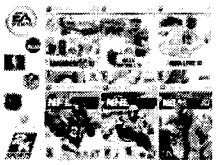
NO! I will not change this Until Lakers Are 2008-2009 Champs! Friday, Oct 3, 2008 (Check)

Quote

07-17-2008, 12:27 AM #109 (permalink)

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Behindshadows
The Real Unbiased Gamer!



OVR: 54
Join Date: Nov 2004
Location: Lewisville, Texas
Posts: 5,357

Quote: Originally Posted by **HELLisFUN**

Oh boy EA at it again with their "New Feature" advertising gimmicks!

OMG Dynamic DNA, WHO CARES! Give me some real-time gameplay EA! Not some slowed down trailer that you edit to make look good. Every single year it's the same thing with you EA!

Why when the player dribbles the ball, the ball is going all the way up to their shoulders, I'm guessing I'll be getting 10 steals per game with the defender then?

Guys don't fall for this EA crap, they do this every year, lets wait for some real time gameplay with gameplay angels.

The have two gameplay videos on Gamespot, maybe you should do some research before dissing the game. They have a full 9 mins of gameplay on Gamespot, go see for yourself, its not a gimmick. Its a feature, and it looks great in motion.

Lakers vs Celtics 9mins worth!

Live Life Don't Let Life Live You!

Behindshadows - The Real Unbiased Gamer, sometimes speaking the truth hurts!

Only fanboys lie when things are definitely wrong!

Quote

07-18-2008, 09:57 PM #110 (permalink)

Chi Dynasty12
Pro



OVR: 10
Join Date: Jul 2007
Location: Chicago
Posts: 644

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

DNA=TENDENCIES

...wow...

How exciting...? Hasn't 2k had that since 2k6?

07-19-2008, 12:37 AM #111 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **jorge380**
> *Its a great feature,but it would truly be awesome if this would work in season mode.Damn even real season injuries would be fun.This kinds of hurts us that play franchise or season,oh well maybe next year.I wonder if their will be more camera angles this year?*

I agree. I asked an EA producer on the EA forums if you could edit DNA for your own franchise and here was his response.

> Quote: Originally Posted by **iminurbase**
> *Yes you can. That's the cool think about Edit Player this year; you can create your own Player DNA and Tendencies for your Dynasty players.*

This is pretty awesome. Assuming you can make trades with every team, you could manually do it if you want to.

Quote

07-19-2008, 12:39 AM #112 (permalink)

EWRMETS
All Star

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **Chi Dynasty12**
> *DNA=TENDENCIES*
>
> *...wow...*
>
> *How exciting...? Hasn't 2k had that since 2k6?*

EA is giving us daily updated rosters and tendencies that are based on real life stats. 2k had Gabe Pruitt better than Rondo all season, had like 2 roster updates, and never created rotation players like Jamario Moon because they claimed they didn't have the capabilities. I think there's a big difference.

Quote

07-20-2008, 12:51 PM #113 (permalink)

BigO32
Rookie

OVR: 8
Join Date: May 2008
Location: Decatur, Georgia
Posts: 395

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Did EA put Moon in their game? I didnt update my roster off EA since the March update and I didn't see moon anywhere so both games didn't have moon

How many times have I told you, you better not even dream about tellin' white folk the truth! You understand me? Shoot! Makin' White people riot! You better learn how to lie like me! I'm gonna find me a white man and lie to him right now!

Quote

07-21-2008, 08:10 PM #114 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Hey guys - I'm a producer on Live (Matt) and we've finally been given the go-ahead to post on this site. I've been reading this for years now so it's great to be able to finally answer questions and ask you guys your thoughts on the game.

It's awesome to see everyone pretty excited about Dynamic DNA so far. Our partnership with Synergy should allow us to continue to build on this aspect of our game over the next couple of years. So, ideas like allowing this in Dynasty mode are definitley things we'll be discussing in the very near future.

I know a bunch of you guys are commenting on gameplay, and there are some concerns that we haven't done much with it this year. A lot of the talk for us is around Dynamic DNA now because it is new and no other game is doing anything like this. However, I can assure you that gameplay has been our top priority this year. If it wasn't, there's no way I would

have played the game live at our recent demos at E3. We probably would have just done a video. But, the game is a huge step up from last year, both from an AI side of things and an animation side of things. Continuing to work on 'core' basketball is where the majority of our effort has gone as we've overhauled our defensive AI, dunks, blocks, rebounds, etc. We've added thousands of animations in this year and really focused on making sure there is a nice balance between offense and defense. Dynamic DNA is the whole authenticity aspect of our game that we've (and other sports games) have been lacking. Usually it's producers like me who make up ratings based on our opinions. Now, our opinions are thrown out the door as our partnership with Synergy gives us the data and we get it daily.

Also, a few comments on this thread so far:

bateman11: Crossed eyes are fixed. It took a couple of days to track it down, but we got it looking right a couple of weeks ago.

rockchisler: Good eye on the crowd. The visuals team re-worked it this year so that they are all 3-D and look much more alive.

Anyways, now that we're on here now, feel free to start asking questions.

Quote

07-21-2008, 08:38 PM #115 (permalink)

edubbs
MVP

OVR: 14
Join Date: Aug 2002
Posts: 1,931

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Matt, could you talk about how many of the league's team styles and tendacies you guys were able to capture for Live09.

Previous versions had most of the teams playing alike in terms of tempo, strategy, tendacies, and playsets.

Will we 'finally' see EVERY team utilzing their specific playsets and playstyles this year?

Quote

07-21-2008, 08:43 PM #116 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Its great to see that more NBA Live producers will be on this site. I've got a few questions though.

Will dynamic DNA be effecting all of the player ratings aside from just obvious ones like 3pt shooting and rebounding?

For example lets say if Andrew Bynum starts to become a better scorer in the post will that be modified with dynamic DNA feature too?

Quote

07-21-2008, 08:58 PM #117 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I just talked to Jeff our AI producer, and he'll hop on here to go into more detail.

What I can tell you is that teams will run authentic sets, and will have multiple options within each set, which is something new for us. So, if I'm trying to get the ball to Kobe on the wing with an Iso in the triangle, I may be able to choose to start my offense through different guys on the court. It means that a Triangle Iso for Kobe can be differnet each time down the court.

With Dynamic DNA we'll be able to run the appropriate number of plays and the appropriate play for each player on the court. With Synergy we get data on how often guys run Isos vs Post Ups vs Pick & Rolls, etc. We take a look at these values and then weight them based on who is on the court. So, you'll see a lot of Isos with the Lakers because of Kobe and a lot of Pick & Rolls for the Suns because on Nash and Amare. If Nash goes out and Barbosa comes in, the style will change, since Barbosa isn't as much of a Pick & Roll guy. They may decide to go through Shaq in the post more and get more offense off of cuts and off-ball screens.

Jeff will be able to explain more when he gets a chance. He can also talk about team tempo

and how we differentiate teams with this.

Quote

07-21-2008, 09:00 PM #118 (permalink)

rockchisler
Come on Ms Hill



OVR: 35
Join Date: Oct 2002
Location: Rochester Hills , MI
Posts: 5,402

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **ml9**
>
> *Hey guys - I'm a producer on Live (Matt) and we've finally been given the go-ahead to post on this site. I've been reading this for years now so it's great to be able to finally answer questions and ask you guys your thoughts on the game.*
>
> *It's awesome to see everyone pretty excited about Dynamic DNA so far. Our partnership with Synergy should allow us to continue to build on this aspect of our game over the next couple of years. So, ideas like allowing this in Dynasty mode are definitley things we'll be discussing in the very near future.*
>
> *I know a bunch of you guys are commenting on gameplay, and there are some concerns that we haven't done much with it this year. A lot of the talk for us is around Dynamic DNA now because it is new and no other game is doing anything like this. However, I can assure you that gameplay has been our top priority this year. If it wasn't, there's no way I would have played the game live at our recent demos at E3. We probably would have just done a video. But, the game is a huge step up from last year, both from an AI side of things and an animation side of things. Continuing to work on 'core' basketball is where the majority of our effort has gone as we've overhauled our defensive AI, dunks, blocks, rebounds, etc. We've added thousands of animations in this year and really focused on making sure there is a nice balance between offense and defense. Dynamic DNA is the whole authenticity aspect of our game that we've (and other sports games) have been lacking. Usually it's producers like me who make up ratings based on our opinions. Now, our opinions are thrown out the door as our partnership with Synergy gives us the data and we get it daily.*
>
> *Also, a few comments on this thread so far:*
>
> *bateman11: Crossed eyes are fixed. It took a couple of days to track it down, but we got it looking right a couple of weeks ago.*
>
> *rockchisler: Good eye on the crowd. The visuals team re-worked it this year so that they are all 3-D and look much more alive.*
>
> *Anyways, now that we're on here now, feel free to start asking questions.*

Get with Steve or one of the mods so your name appears in a redish, pink color so it shows you are a game designer, besides that, I am looking forward to the game.

---

www.myspace.com/those70sguys

Follow me on www.Twitter/Rockchisler

Just type [SPOILER] and [/ SPOILER], without any spaces.

ROOKIE KILLER

Quote

07-21-2008, 09:08 PM #119 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Jano - DNA will effect the appropriate ratings. Things like speed, fatigue, etc. will have to be manually updated by us if we get them wrong, since Synergy can't provide any sort of data for those. However, we'll make sure that we're on top of these ones. Especially since we'll be updating every day.

To speak to your Bynum example, if he starts to play better in the post in real life, the Lakers will probably run more offense through him. That will definitely be reflected in our game. Hot and cold streaks will also effect this, so if he's playing well, he's more likely to be hot and the ratings will slowly increase.

I think that's what's so unique about this feature. It's not just a ratings update. If we just boosted ratings our AI wouldn't change too much. But, since we're looking at things like

what plays guys are running and how often they run them our AI actually changes. So, Bynum will play better and get more touches in our game if that's what's happening in reality.

Make sense?

Quote

07-21-2008, 09:10 PM #120 (permalink)

23
23



OVR: 67
Join Date: Sep 2002
Location: Los Angeles
Posts: 29,397

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **ml9**

Hey guys - I'm a producer on Live (Matt) and we've finally been given the go-ahead to post on this site. I've been reading this for years now so it's great to be able to finally answer questions and ask you guys your thoughts on the game.

HI Matt... I'll ask the staff to give you the developers colored name and profile

Thanks for chiming in

07-21-2008, 09:17 PM #121 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Awesome. Thanks.

Quote

07-21-2008, 09:31 PM #122 (permalink)

Jano
Mr. Solo Dolo



OVR: 20
Join Date: May 2004
Location: Norwalk, CA
Posts: 1,271

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Alright then that make sense, I can't wait to to play this game and see all of this stuff in action. Hopefully everything works out good with this feature because it will definately be a good addition to the game.

Quote

07-22-2008, 01:47 PM #123 (permalink)

BigO32
Rookie

OVR: 8
Join Date: May 2008
Location: Decatur, Georgia
Posts: 395

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I got a question...

Other than making teams play differently in terms of tempo and stragety, will you guys have a seperate rating, such as a team rating that is editable?

How many times have I told you, you better not even dream about tellin' white folk the truth! You understand me? Shoot! Makin' White people riot! You better learn how to lie like me! I'm gonna find me a white man and lie to him right now!

Quote

07-23-2008, 03:09 AM #124 (permalink)

razcan
Rookie

OVR: 7
Join Date: Jul 2006
Location: Houston, (Spring Branch)
Posts: 261

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **ml9**

Jano - DNA will effect the appropriate ratings. Things like speed, fatigue, etc. will have to be manually updated by us if we get them wrong, since Synergy can't provide any sort of data for those. However, we'll make sure that we're on top of these ones. Especially since we'll be updating every day.

To speak to your Bynum example, if he starts to play better in the post in real life, the Lakers will probably run more offense through him. That will definitely be reflected in our game. Hot and cold streaks will also effect this, so if he's playing well, he's more likely to be hot and the ratings will slowly increase.

I think that's what's so unique about this feature. It's not just a ratings update. If we just boosted ratings our AI wouldn't change too much. But, since we're looking at things like what plays guys are running and how often they run them our AI actually changes. So, Bynum will play better and get more touches in our game if that's what's happening in reality.

Make sense?

I haven't played Live since 2001. 2K ever since. But this stuff sounds down right

revolutionary.

PSN:RAZCAN
-22 Wins in a Row-

07-23-2008, 12:29 PM #125 (permalink)

Da_Czar
MVP

OVR: 55
Join Date: Jul 2002
Location: Sim Citi
Posts: 2,843

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **ml9**
> *Hey guys - I'm a producer on Live (Matt) and we've finally been given the go-ahead to post on this site. I've been reading this for years now so it's great to be able to finally answer questions and ask you guys your thoughts on the game.*

ml9 welcome to the OS baby ! Its great that you guys finally have a presence here. I for one have been very critical of your series. The initial gameplay videos show a marked improvement so far and the whole dna thing seems extremely promising. What was the catalyst for the direction of the game this year ? I mean for the past few years we have been told your getting basic gameplay down but this year so far it actually appears your making definite progress in that area.

The Genius only emerges through **intense** desire to master one's craft.

Dick Russell

07-23-2008, 01:29 PM #126 (permalink)

bizcanos
MVP

OVR: 10
Join Date: Mar 2003
Location: Griffith, IN & Chi-Town baby !
Posts: 1,245

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I have one question, will there be an online dynasty mode like NCAA 09 has?

ALso, the DNA thing is something that basketball needed. We'll see where it goes from here.

NBA 2K9 Sliders (360)

" Watch out here she comes, she's a biscuit eater "

07-23-2008, 02:32 PM #127 (permalink)

Klocker
MVP

OVR: 15
Join Date: Jul 2003
Location: Gilbert, AZ
Posts: 2,119

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

DEVS.... I was wondering last night, since this DNA/365 is built to be used in the Play Now games what are the chances of having that mode be a "True Season". where the real NBA season is represented as part of the Play Now screens showing (based on console date) the NBA schedule in real time along with all the updated daily stats.

that way when you pick up a play now game you have the option of playing any game of that night in the NBA? Like an alive season? Obviously after the season, it would be moot but you could have it be a season mode for 2008 that you could go back and play

Last edited by Klocker; 07-23-2008 at 02:34 PM.

07-23-2008, 05:59 PM #128 (permalink)

EWRMETS
All Star

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Matt,

Will there be an accurate number of turnovers if playing 12 minute quarter games? Also are there an appropiate number of off ball fouls? If you guys don't want tons of off ball fouls because it's out of the user's control, could you try to make sliders that can get realistic turnover and foul numbers.

OVR: 18
Join Date: Jul 2002
Posts: 7,175

Quote

07-24-2008, 12:23 AM #129 (permalink)

BigO32
Rookie

OVR: 8
Join Date: May 2008
Location: Decatur, Georgia
Posts: 395

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

WHere is he?

How many times have I told you, you better not even dream about tellin' white folk the truth! You understand me? Shoot! Makin' White people riot! You better learn how to lie like me! I'm gonna find me a white man and lie to him right now!

Quote

07-24-2008, 06:20 PM #130 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

EWRMETS: We've tried to tune steals and turnovers the best we could this year. We dropped the steal likelihood so that it's not a stealfest. But, we increased the amount of interceptions because a) we've added in a ton of animations and b) want to make sure you think about where you're passing. In the past you can just skip the ball around the court without any risk of turning the ball over. This year you shouldn't be able to do that.

Klocker: There are a ton of different things we've talked about doing with Dynamic DNA over the next couple of years. I like your idea a lot.

bizcanos: No online dynasty for us this year. It's a sweet feature and a bunch of guys on our team are setting theirs up as I type this. But, we wanted to make sure we put the majority of our effort into gameplay this year and this wasn't something we would have had time to do.

BigO32: We have team ratings, but these aren't editable. This value is calculated based on the players on your team. What's nice is that these will be changing throughout the year based on how their players are performing in real life. So, last year we had Miami pretty high, but with the injury to Wade and the trade of Shaq we saw what happened to their team. Their number should have been dropped dramatically. This year it will.

07-24-2008, 06:43 PM #131 (permalink)

ml9
NBA Live Producer

OVR: 1
Join Date: Sep 2004
Posts: 11

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Da_Czar: Tough question. A lot of things helped drive our direction this year. But, when it comes down to it, we have a team of people that are super passionate about this game and really want it to be fun and authentic. A bunch of us grew up on Live, much like most of you. I remember camping out in front of my PC back in the day and dominating with Haley and Cartwright on the Bulls vs AC Green on the Lakers.

The big thing for us this year was to build on our game and make sure it was fun. In the past we had too many frustrating moments that overshadowed some of the cool stuff we had done. We wanted to eliminate those as much as possible (ie. rebounds hitting the floor) so that our cooler moments would be at the forefront.

With the work we've done on our game foundation over the past couple of years it's allowed us to start pumping in a ton of animations so that you see fresh stuff all the time. This has given us a whole new looking game. From signature animations, to highlight animations, to subtle animations - Just watching our game compared to last year is a huge difference.

And lastly, game balance was a big one for us. I really wanted to focus on the concept of a "game within the game" this year so that there was always a defensive counter to utilize and be successful with. We've added in lockdown defense so you can try to stop penetration and force tough shots. We've added tons of interceptions to try and stop passes. We've overhauled blocks so that you can stop shots, dunks and lay-ups. And we've added defensive hops so that you can jump in front of a player trying to freestyle around you. We're finally at a point where the game is a lot of fun, and the Dynamic DNA has added that bit of authenticity on top.

Hopefully that answers your question. If there's something more specific you wanted to know let me know.

Quote

07-24-2008, 07:11 PM #132 (permalink)

Da_Czar
MVP

OVR: 55
Join Date: Jul 2002
Location: Sim Citi
Posts: 2,843

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **ml9**

> *Da_Czar: Tough question. A lot of things helped drive our direction this year. But, when it comes down to it, we have a team of people that are super passionate about this game and really want it to be fun and authentic. A bunch of us grew up on Live, much like most of you. I remember camping out in front of my PC back in the day and dominating with Haley and Cartwright on the Bulls vs AC Green on the Lakers.*
>
> *The big thing for us this year was to build on our game and make sure it was fun. In the past we had too many frustrating moments that overshadowed some of the cool stuff we had done. We wanted to eliminate those as much as possible (ie. rebounds hitting the floor) so that our cooler moments would be at the forefront.*
>
> *With the work we've done on our game foundation over the past couple of years it's allowed us to start pumping in a ton of animations so that you see fresh stuff all the time. This has given us a whole new looking game. From signature animations, to highlight animations, to subtle animations - Just watching our game compared to last year is a huge difference.*
>
> *And lastly, game balance was a big one for us. I really wanted to focus on the concept of a "game within the game" this year so that there was always a defensive counter to utilize and be successful with. We've added in lockdown defense so you can try to stop penetration and force tough shots. We've added tons of interceptions to try and stop passes. We've overhauled blocks so that you can stop shots, dunks and lay-ups. And we've added defensive hops so that you can jump in front of a player trying to freestyle around you. We're finally at a point where the game is a lot of fun, and the Dynamic DNA has added that bit of authenticity on top.*
>
> *Hopefully that answers your question. If there's something more specific you wanted to know let me know.*

Thanks, that definitely answers my question. All that work seems to be translating very well in the early videos. Thanks again.

The Genius only emerges through **intense** desire to master one's craft.

Dick Russell

Quote

07-24-2008, 07:15 PM #133 (permalink)

BigO32
Rookie



OVR: 8
Join Date: May 2008
Location: Decatur, Georgia
Posts: 395

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

My bad I didn't mean ratig I meant slider ha ha....

How many times have I told you, you better not even dream about tellin' white folk the truth! You understand me? Shoot! Makin' White people riot! You better learn how to lie like me! I'm gonna find me a white man and lie to him right now!

Quote

07-24-2008, 08:55 PM #134 (permalink)

bigeastbumrush



OVR: 35
Join Date: Feb 2003
Location: Queens
Posts: 8,181

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

What has been done about what I'd like to call the "super PGs" where everytime the CPU PG had the ball and had an ounce of space, he either drove the lane or took a long range jumper?

Is there some sort of collapsing defense logic when an offensive player gets into the lane?

Quote

07-24-2008, 08:58 PM #135 (permalink)

23
23



OVR: 67
Join Date: Sep 2002
Location: Los Angeles
Posts: 29,397

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I remember that from back in Live 04. I hated that where the PG would score the ball no matter who it was if you gave him room. That's not basketball

Quote

07-24-2008, 09:59 PM #136 (permalink)

truth393
Rookie

OVR: 2
Join Date: Nov 2007
Posts: 38

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

How are the draft classes in the franchise mode? In the past they been unrealistic. I was thinking EA should put a feature in the game like create draft class, or create a prospect. That will make the franchise alot better.

Quote

07-25-2008, 12:41 AM #137 (permalink)

RubenDouglas
Robert Swift's Mentor

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

one question for ml9.. first off thanks for coming here and interacting.



OVR: 26
Join Date: May 2003
Posts: 14,474

my question revolves around nba 365 feature and if there is a PLAY NOW CALENDAR MODE, where you can select to play realtime games based on the calendar day. Nba inside drive 2000 on pc had that feature in, but of course they didnt have realtime lineups, tendencies, and ratings in effect, so this would push it to a whole other level.

Maybe this isnt so simple, but im talking about a basic exhibition mode screen with the realtime matchups already set in place.. I would also love to GO BACK in time, maybe two weeks and replay a game. I know the basis of this is in the game, but it would take the hassle out of trying to figure out who played who if there was a calendar mode. but thats just me.

Im talking exactly what dynasty/franchise mode has to offer, but being in there for exhibition.

Inside drive had it to where it would look at the PC clock and change around realtime schedules. Setting up matchups isnt too hard to do but that would be cool if it was in there.

"Play Now. Todays Matchups"

Last edited by RubenDouglas; 07-25-2008 at 12:44 AM.

Quote

07-25-2008, 03:35 AM #138 (permalink)

Klocker
MVP

OVR: 15
Join Date: Jul 2003
Location: Gilbert, AZ
Posts: 2,119

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Quote: Originally Posted by **RubenDouglas**

"Play Now. Todays Matchups"

Quote: Originally Posted by **Klocker**

DEVS.... *I was wondering last night, since this DNA/365 is built to be used in the Play Now games what are the chances of having that mode be a "True Season". where the real NBA season is represented as part of the Play Now screens showing (based on console date) the NBA schedule in real time along with all the updated daily stats.*

that way when you pick up a play now game you have the option of playing any game of that night in the NBA? Like an alive season? Obviously after the season, it would be moot but you could have it be a season mode for 2008 that you could go back and play

great minds although I do not remember that being in Inside Drive 2000

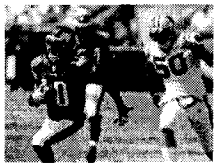
Quote:
ml9

Klocker: There are a ton of different things we've talked about doing with Dynamic DNA over the next couple of years. I like your idea a lot.

Quote

07-25-2008, 08:31 AM #139 (permalink)

JBH3
Best WR in the NFC East



OVR: 48
Join Date: Jan 2007
Location: Northern VA
Posts: 6,685

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Sounds promising...But is the 09 version going to actually call the CPU out of bounds when they are clearly out of bounds. Are we actually going to be able and hire/fire a head coach? Will the player models NOT look like vampires?

Quote: Originally Posted by **Chris Martin**

When the future's architectured by a carnival of idiots on show, you'd better lie low...

OS Working Mans On-Line Franchise Blog
2009 Philadelphia Iggles (4-1)

Four for the Price of One - A Madden10 4-Team Dynasty

07-26-2008, 08:05 AM #140 (permalink)

trobinson97
Gametime



OVR: 48
Join Date: Oct 2004
Posts: 9,341

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

Hey Matt. What's the average size of these regular updates? I heard it asked on the Gamespot video but it wasn't really answered.

Gamertag - Depotboy.

Not changing this sig til the Tide win another Championship or the world ends, whichever comes first. Dec, 7 2006.

07-27-2008, 01:13 PM #141 (permalink)

KofiJamal
Rookie



OVR: 3
Join Date: Mar 2004
Posts: 52

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

I have a question about this. I'm looking at this and it sound very cool. I like to create a player and play with that team, making trades and letting the cpu make trades. Will this llow me to play as I normally do or when "player a" is traded to another team, and I traded for him, will the game automatcally remove him from my roster? Sorry if I overlooked this answer.

I'll admit I'm more of a 2KSports NBA fan than a Live one, but this feature is just incredible to me. Live is on the radar more so than ever this year.

Quote

07-27-2008, 01:21 PM #142 (permalink)

mikenoob
Pro



OVR: 8
Join Date: Oct 2007
Posts: 532

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **KofiJamal**
> *I have a question about this. I'm looking at this and it sound very cool. I like to create a player and play with that team, making trades and letting the cpu make trades. Will this llow me to play as I normally do or when "player a" is traded to another team, and I traded for him, will the game automatcally remove him from my roster? Sorry if I overlooked this answer.*
>
> *I'll admit I'm more of a 2KSports NBA fan than a Live one, but this feature is just incredible to me. Live is on the radar more so than ever this year.*

I'm sure the roster updates does not update during your franchise/season, but only online or exhibition games offline. Correct me if I'm wrong.

Quote

07-27-2008, 09:40 PM #143 (permalink)

Klocker
MVP



OVR: 15
Join Date: Jul 2003
Location: Gilbert, AZ
Posts: 2,119

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **mikenoob**
> *I'm sure the roster updates does not update during your franchise/season, but only online or exhibition games offline. Correct me if I'm wrong.*

yes it updates all season long but will not effect a franchise mode in process, only when you start a franchise it will start with the newly updated data (if you WANT it to). you can also choose custom rosters and original shipping rosters
(based on 08 season) or any 365 updated roster that you may have saved.

Quote

08-12-2008, 01:22 AM #144 (permalink)

ai2k2
Pro



OVR: 8
Join Date: Aug 2002
Location: Brooklyn, New York
Posts: 675

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

This feature is revolutionary because it ties the game to the NBA. Not just code its ACTUAL tendencies. I personally never thought of that idea, great ADD EA... other basketball games gotta think outside the box. Im excited mostly for Live 2010 when everything is in and the new team is settled.

Quote

08-12-2008, 11:12

PM #145 (permalink)

Swag.So.Official
Rookie

OVR: 3
Join Date: Aug 2008
Location: detroit,mi
Posts: 43

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

i lost my little internet cord thing i was wondering where can i get another one

Sincerly,Swag.So.Official

Live.For.Life

Quote

08-14-2008, 03:30 PM #146 (permalink)

sportyguyfl31
MVP

OVR: 16
Join Date: Nov 2005
Posts: 2,124

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **ai2k2**
> *This feature is revolutionary because it ties the game to the NBA. Not just code its ACTUAL tendencies. I personally never thought of that idea, great ADD EA... other basketball games gotta think outside the box. Im excited mostly for Live 2010 when everything is in and the new team is settled.*

Isnt it amazing what getting your butt kicked by another company for the past 5 years can do?

Look at how the basketball games are progressings and pushing each other to grab the consumer, the hockey titles as well; and compare them to the snails pace that baseball and football have moved.

Competition works.

Quote

08-15-2008, 02:25 PM #147 (permalink)

marquiece
Rookie

OVR: 5
Join Date: May 2003
Location: Charlotte
Posts: 430

Re: E3: NBA Live 09 - Dynamic DNA & NBA 365

> Quote: Originally Posted by **sportyguyfl31**
> *Isnt it amazing what getting your butt kicked by another company for the past 5 years can do?*
>
> *Look at how the basketball games are progressings and pushing each other to grab the consumer, the hockey titles as well; and compare them to the snails pace that baseball and football have moved.*
>
> *Competition works.*

Yeah I really think that EA is motivated this year in terms of the NBA, NHL, & FIFA titles. This is the most they have done in a while with each of these titles. I"m really only a football and basketball guy, but I'm considering picking up the NHL & FIFA titles as well.

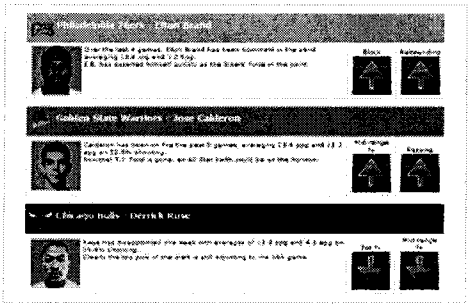
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LOGIN

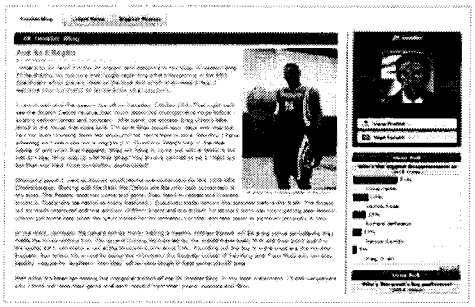
NBA 2K9

NBA 2K9 Gets More Real with Living Rosters

09/22/08

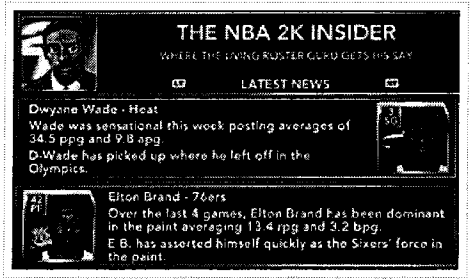


2K Sports today announced details on Living Rosters, an exciting new innovative online feature for this season's highly anticipated basketball title, NBA 2K9. Living Rosters will ensure dedicated fans are playing with the most up-to-date and complete basketball experience ever available in the NBA 2K franchise. In addition to delivering constant updates to player ratings and player tendencies, Living Rosters will also offer exclusive access to unlockable animation packages for players in the game. When a player starts to heat up and takes his game to the next level on the real courts, new animation packages will unlock for that player in the video game. As the NBA season progresses, so will NBA 2K9, as players will have the ability to pull off new moves never seen before in the video game, adapt their offensive and defensive rotations, and shift starting lineups as they occur. If it happens during the regular NBA season, it will happen in NBA 2K9 thanks to Living Rosters.



When the Living Rosters feature is activated and a gamer signs in online, the game automatically checks for Living Roster updates in order to download the latest real-life player information in a seamless process behind the scenes. Gamers will have an option to either have Living Rosters automatically update their in-game roster information, or they can choose to download new roster data manually.

Once Living Rosters has successfully completed an update, NBA 2K9 fans can then review the different player and gameplay updates from the NBA 2K Insider – a real person working behind the scenes, pouring over the stats and spreadsheets, and who is ultimately responsible for the content and accuracy of the Living Rosters updates. However, the Insider's job is much more than just crunching numbers - they will interact with the community and listen to roster update suggestions to determine what the fans really want in each update. The NBA 2K Insider's analysis and commentary will be available in-game and on the 2K Sports website, www.2ksports.com.





06/14/09
Konsole Kingz NBA 2K9 Playdate

Take part in the Konsole Kingz NBA 2K9 community playdate for a chance to win a G-Shock.



02/18/09 - 02/18/09
Play NBA 2K9 with Jadakiss...

Legendary rapper Jadakiss will play NBA 2K9 with Xbox LIVE® Gold members February 18.



11/21/08 - 11/21/08
NBA 2K9 Game with Developers

Got game? Put your NBA 2K9 skills to the real test - against the guys who made it.



11/13/08 - 12/06/08
2K Sports Bounce Tour 2008

4th annual music and videogame tour, featuring Q-Tip and The Cool Kids.



11/10/08 - 11/21/08
2008 2K Sports Classic

The field of teams for the 2008 tournament has been announced. Get tickets to a game in your region, or catch the action on ESPN.



10/30/08 - 02/15/09
NBA® 2K9 All-Star...

Got skillz? Sign up now for the NBA 2K9 All-Star Challenge and see if you can grab the $25,000 Grand Prize.



09/25/08 - 09/26/08
NBA 2K9 VIP Launch Party

KG is celebrating the launch of NBA 2K9 with fellow stars Andre Iguodala, Danilo Gallinari and others in an all-out Big Apple blowout.

NBA 2K9 is the latest edition of NBA 2K, the series that has been the #1 rated NBA simulation for seven years in a row* and is back for its 10th season. NBA 2K9 is the premier basketball game for serious players, and will deliver the most realistic and feature-rich simulation experience ever available in the NBA 2K franchise - from gameplay and graphics to presentation and online features. NBA 2K9 is rated E for Everyone by the ESRB and will be available on October 7 for Xbox 360® video game and entertainment system from Microsoft, and PLAYSTATION®3 and PlayStation®2 computer entertainment systems.



For more game info, check out www.2ksports.com/games/nba2k9.

**The NBA 2K series developed by Visual Concepts outranked competitors based on GameRankings.com average scores of 2001-2007 NBA video games.*

Forward to Friend | Back



NBA 2K9
Rating: E (Everyone)
Price: $19.99 - $59.99
Platform(s): Xbox 360®, PlayStation®2, PLAYSTATION®3, PC DVD



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EXHIBIT I

End-of-quarter highlights displaying the quarter's best plays have been added as well. This feature adds more of a TV-presentation style to the fold, similar to what you would see during an ESPN or TNT broadcast. The championship celebration is said to be better as well. Do we get cut-scenes of the guys standing on the podium accepting the trophy from the commissioner? How about the presentation of the MVP trophy? And is Cheryl Miller going to have cut-scenes showing her interviewing the top performer of the half?

Online Features

Here is where things get a little hairy. As most of you already know, NBA Live 09 announced that it will have a featured called "365" that will update player tendencies and ratings daily based on current performance. There will also be player-specific DNA that takes into account the different styles of NBA players and that will be reflected in the 365 updates as well.

> The community is starting to wonder if the NBA 2K9 development team copied the idea from the NBA Live folks or if it was the other way around.

Now we get a chance to look at the features list for NBA 2K9 and we see that it too has a feature with player-specific DNA. The community is starting to wonder if the NBA 2K9 development team copied the idea from the NBA Live folks or if it was the other way around. Some skeptics think that EA Sports decided to capitalize on the well-known fact that 2K Sports does not release many early details about the upcoming NBA 2K game. So by holding an event and press conference before 2K Sports at E3, NBA Live 09 could announce the feature first and make it appear that NBA 2K9 is copying the idea.

The common theme seems to be that the die-hard NBA 2K fans know the series is light-years ahead of NBA Live so the thinking is that Live is piggy backing off of NBA 2K. The sentiment is that NBA 2K is always the best basketball game on the market so naturally the player-specific DNA was 2K Sports' idea in the beginning. Some are optimistic and truly feel that NBA 2K9 development team listened to the cries and provided a way to update things daily. In actuality we may never know who came up with the concept first. The only thing that's clear is that NBA Live's DNA feature has a real-life license that feeds the game the real NBA data, whereas 2K's feature probably works via its own engine and doesn't take into account real-life happenings.

There are still users sounding off about what changes they hope to see in the upcoming game. The banter back and forth becomes mundane because 2K Sports has usually done a good job at making the NBA 2K series a thing of beauty. You will always see users complaining about the accuracy of the passes through the lane to cutters or the effectiveness of the pick-and-roll, but for the most part there really isn't anything gameplay-related that should make you raise a stink.

> I too hoped for NBA Live to overthrow the ruler but I have now come to my senses.

The humorous thing about the previous lack of information is found when perusing the message boards at Operation Sports and the forums over at the 2K Sports site. There are always people claiming to love the previous installment of NBA 2K, but those same people are always saying that they heard NBA Live was working to close the gap. I have to laugh when I read those posts because they are reminiscent of my glory days long ago. I too hoped for NBA Live to overthrow the ruler (if you don't believe me then check my open letter to 2K Sports) but I have now come to my senses.

Everyone has heard the saying that there are no sure things. Most people believe that there are no absolutes in life; and those of us that do, know that when the dust settles and the smoke clears NBA 2K9 will absolutely be the last one standing. I know that regardless of the amount of information that is presented beforehand, there is no need to lose patience and start resigning yourself to only purchasing NBA Live when the season rolls around. I know which game reigns supreme, so stand firm and know that 2K Sports will not let everyone down.

EXHIBIT J

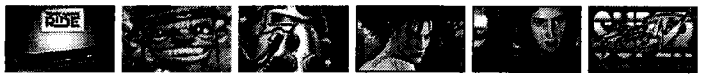
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NBA 2K9 (PS3)



NBA 2K9

Live 09 is better.

by BBGamer24

This Review's Trust Rating: 0 4

February 5, 2009 - I dont see how so many people love this game How is it better than Live 09?2K basically copied EA for a number of reasons.First of all,the Living Rosters feature sounds creepy and while its cool its just a rip-off of NBA Live 09's Dynamic DNA and NBA 365 features.I mean 2K Sports shouldnt be copying EA,thats just being stupid. And Live 09 has TMobile as a sponsor but so does 2K.The game has awful graphics except for the pre-game show and the fans.The dunk contest is fun but unrealistic.Really,if it werent for the game modes this game would be terrible,although it isnt a bad game,just copy-catish.

Reader's Ratings for NBA 2K9

Rating	Description
out of 10	click here for ratings guide
8.0	**Presentation** The presentation is actually good.
5.0	**Graphics** Fans look good but the player faces look nowhere close to what they look like in real life.Live 09 has WAY better face graphics.
5.5	**Sound** Average soundtrack and the new commentary presentation is ok but Kenny Smith sounds annoying in the game.
6.0	**Gameplay** The Living Rosters feature doesnt even get the player tendencies right and its rediculously hard to make a shot.And the free-throws are unrealistic.
5.0	**Lasting Appeal** No way this is better than Live 09.Online gameplay sucks and the gameplay itself is horrible.
4.9	**OVERALL** (out of 10 / not an average)

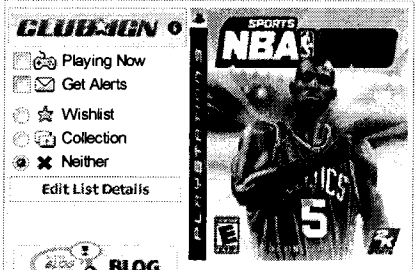
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Game Details for NBA 2K9



Published by: 2K Sports
Developed by: Visual Concepts / Kush Games
Genre: Sports
Number of Players: 1-4
Release Date:
US: October 7, 2008
Europe: October 10, 2008
Australia: October 10, 2008
MSRP: $59.99
Also Available On: Xbox 360, PlayStation 2, PC

EVERYONE E ESRB

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Ratings for NBA 2K9





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pick and roll
Board post by Liess134. Last activity October 12, 2009 11:20 PDT
I'm thinking to buy it so ...
Board post by cheltonjr. Last activity October 12, 2009 11:51 PDT

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Still the best nba game out there
Reader review by spidey_man2694
Good not Great
Reader review by Khanlaw
Live 09 is better.
Reader review by BBGamer24

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8.6

8.5
Great

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NBA 2K9

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NBA 2K9 Adds 'Living Rosters'

By Earnest Cavalli ✉ September 22, 2008 | 1:25 pm | Categories: Console Games



NBA 2K9 creator 2KSports has finally revealed its answer to *NBA Live '09's* dynamically updated player stats: A near-doppelganger of Electronic Arts' system dubbed "Living Rosters."

"When the Living Rosters feature is activated and a gamer signs in online, the game automatically checks for Living Roster updates in order to download the latest real-life player information in a seamless process behind the scenes," the official description states.

Like EA's system, the game will automatically use this data to alter player attributes and tendencies within the game.

With "Living Rosters" and EA's "Dynamic DNA" being the most important additions to a sports game in years, the (critical) success of each basketball title will almost certainly come down to the quality of their dynamic roster system. Honestly I don't care who wins, I just hope either company implements a system as useful as the one I'm envisioning based on what we've been promised.

Image courtesy 2KSports

See Also:

- *NBA Live 09's* 'Dynamic DNA' Alters Players on the Fly
- Gilbert Arenas Lands *NBA Live 08* Cover
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Posted by: Sarkazein | 09/22/08 | 9:07 pm

To show street cred, the Mavericks' Josh Howard has already come out and rolled both games into a joint, smoked it while singing "Oh, Canada!" in front of WW2 veterans, and then kicked David Stern in the nuts. The league is expected to "frown upon" such practices.

Posted by: leolion | 03/18/09 | 1:14 am

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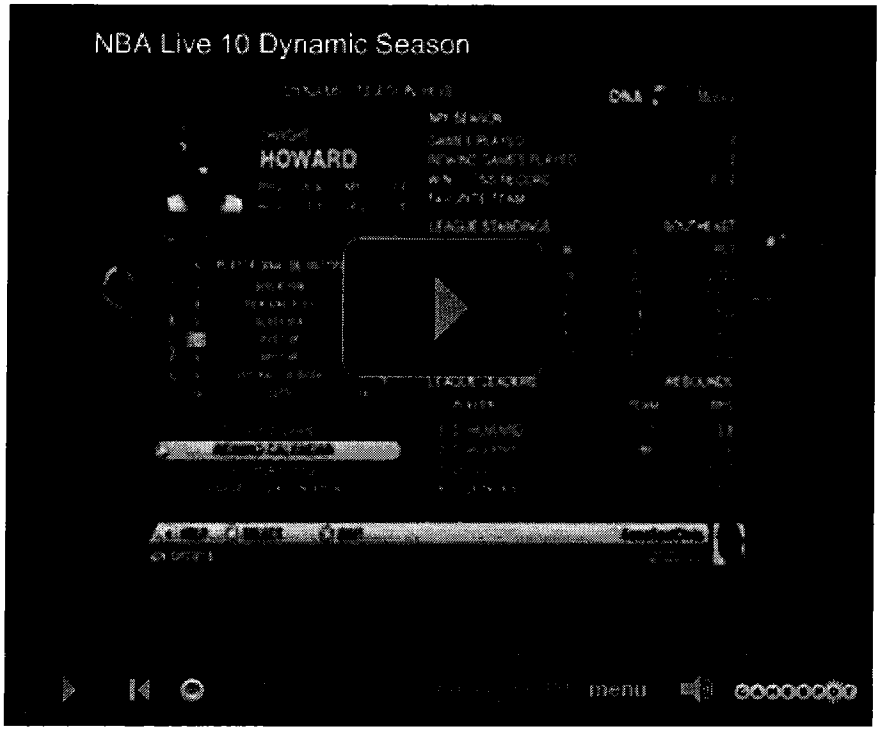
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NBA Live 10 Dynamic Season Hands-On



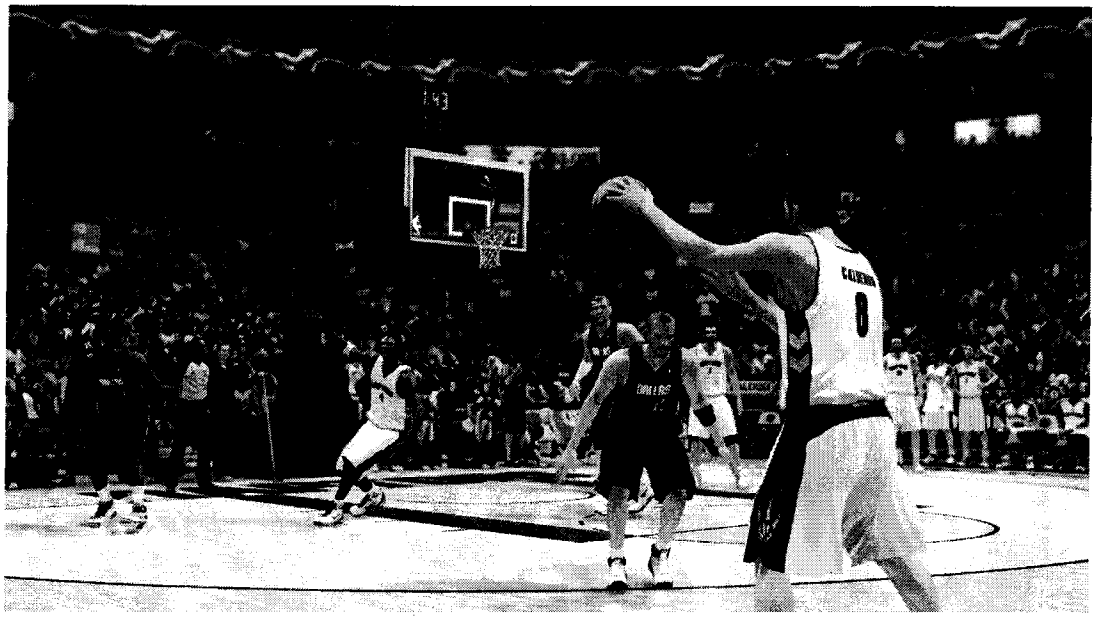
One of the standout features in NBA Live 09 is its Dynamic DNA system, which takes data based on the real-world performance of individual NBA players and integrates it into the game. This means that in-game players benefit (or suffer, in some cases) from the performance of their real-life counterparts over the course of the actual NBA season, so if Kobe Bryant changes up his game and posts up more, taking fewer outside jumpers, then the in-game Kobe reflects that change. It's an interesting feature and one that's begging for greater integration in the NBA Live series, which is exactly what EA Sports is doing with NBA Live 10 and the new Dynamic Season mode. But the impetus for creating Dynamic Season also stems from watching how people play NBA Live. "Dynasty modes have been a part of sports games for a long time. We've found there's a percentage of people who play Dynasty mode and focus on year one, or focus on keeping their team up with real life," says Garreth Reeder, producer on NBA Live 10. "Our goal was to create a connected, solo mode that used the daily DNA feature and would allow you to play along with the real NBA season with an up-to-date, daily roster."

"There are people who really like to be the GM, do drafts, sim ahead, and do all of these things," he adds. "But there's a huge part of our consumer base that are solely focused on the real NBA season. They're either following their team or just the NBA in general. That's who we're targeting with this mode."



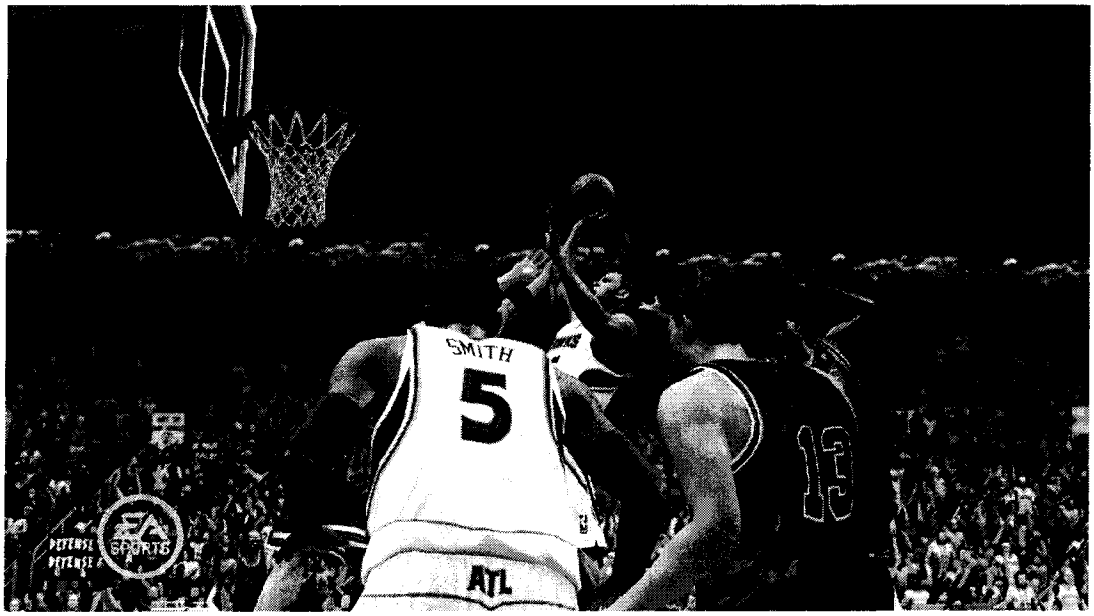
When you enter the Dynamic Season area, there are four main options to choose from: Today's Games, Rewind Calendar, My Playoffs, and Dynamic Season Menu. If you select Today's Games, you're presented with all of the games scheduled to take place on that day, allowing you to jump right in and start playing. And while Dynamic Season mode tracks what your favorite team is (which is based on the number of times you play with a team), you're not restricted to a single team's schedule. "We thought, let's open this up and make it more of a sandbox mode," Reeder explains. "I'm a fan of certain teams, but I don't want to be constrained to that team. I really want to get that feeling of, it's Friday night, and there are some great games on ESPN tonight--maybe it's Lakers versus Celtics or LeBron versus Kobe. We really wanted people to say, 'I can follow my team, but there's a great match-up tonight. I want to play that game.'" Today's Games features all of the current rosters (including injuries and trades), DNA, and actual stats from the NBA, so you're getting an authentic setup, and while the outcome of your game may be wildly different from what happens in the real game, those results (both real world and in-game) still get calculated and merged, carrying on to the next game in the season.

Whereas Today's Games lets you play current NBA match-ups, Rewind Calendar lets you go back to any point in the season to play a game. "Because of our partnership with Synergy Sports, we have Rewind Games in NBA Live 09, so we've created an entire calendar [for NBA Live 10] that gives you every game from every NBA team through the whole year," says Reeder. "There are over 1,200 games in an NBA season, so at the end of the year, you can play any one of those games and you'll have the roster, the DNA, the box score, everything from every game. It's completely authentic to everything happening on that day." So, if you have a player who was injured in real life and couldn't play in a game that you want to play in NBA Live 10, he won't be available to you. Likewise, let's say you play a game where you know a particular player was injured late in the 4th quarter and had to sit out for a couple of games, but in your game he doesn't get injured--he still won't be available to you in those games he had to sit out, even if he wasn't injured in your game. In other words, Rewind Calendar games always reflect what's happening in real life, but your stats and results will still merge into the mode. "The games that you're playing are your own," Reeder explains. "Something we've been throwing around the office is that real life is kind of your sim engine this year. We keep all of your player stats and your record, if you've won or lost. And then, when we're merging the real results back in, you're really getting that effect of taking your games and combining it with real life. The more you play, the more you change the alternate reality of the NBA season."



An alternate reality is probably the best way to describe much of Dynamic Season mode, particularly the playoffs, which--not unlike Dynasty mode--use the team records from your Dynamic Season to generate brackets. "When the real playoffs start, we open up an option in the game called My Playoffs. When you select that option, we calculate your current standings and we make a playoff bracket based on your season," says Reeder. "So if you make Golden State the number four seed in the West, when you go into My Playoffs, we'll create a bracket based on your season and allow you to play through the playoffs and get an eventual championship." Also like Dynasty mode, Dynamic Season takes into account different stats for the purposes of awarding players with MVP, rookie of the year, and other honors. And if you still want to play with the real-life NBA playoff setup, you can do that by going back into the Today's Games option, but those games won't have any impact on the rest of your season.

Though Dynamic Season is a stand-alone, single-player mode, it does have some online functionality outside of downloading data for rosters, stats, and DNA. "We keep track of things like the community stat leaders and which players people are using, so [we can find out] who's going to be the leading scorer in everyone's Dynamic Season, collectively," says Reeder. "Maybe it's going to LeBron James averaging 40 points a game, but we don't really know. It's going to be interesting to see. We also keep track of all the games people are winning and losing. We have a screen that shows something that's almost like season standings--how many wins and losses do all of these teams have. Then we rate the NBA teams by how many wins they have collectively. We also have a record book screen where we keep track of your personal team and player records, but we also compare your record with whoever out there in the world has the highest record." You can also view other leaderboard-style statistics, including people who have played the most games total or the people who have played the most Rewind Calendar games.



All of this should help reinforce the notion that while you're playing through the NBA schedule with realistic scenarios provided by DNA, stats, and rosters from actual games, you're still free to create your own version of the NBA season. "I'm interested and excited to see how into it people get," says Reeder. "It'll be neat to go to that leaderboard screen and check out who's playing every day." Look for more on NBA Live 10 before its release on October 6.

By: **Giancarlo**
Posted Sep 17, 2009 3:02 pm PT

Story from GameSpot:
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SyStem-code
Posted Sep 23, 2009 7:18 am PT
This game is hot !!! man

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skyraid2
Posted Sep 23, 2009 6:28 am PT
why is nba live not as popular as 2k, whats better, whats worse

0 | 0 = 0 Sign in to rate this comment

Ronin893
Posted Sep 22, 2009 7:01 pm PT
It seems like a great feature from last year and I am glad that they have improved on it.

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strongarming
Posted Sep 22, 2009 6:07 pm PT
seriously i tried playing 2k and i hate it.i just played live 10 demo and NBA live 10 its nothing like live 09... no way. live 10 game play is much more better..the handle and dribbling in live is much more better than 2k..the only thing that 2k has better is the dunking in the game..other than that its horrible.. the moves in 2k are really simple. i broke the analog of my controller trying to do spin moves on 2k because that's the only move that allow u to get pass a player while sizing them up..

0 | 0 = 0 Sign in to rate this comment

Xtatic324
Posted Sep 22, 2009 5:06 pm PT
Players look like paper. They show hardly any facial emotions.. You know Dwight wouldnt have a straight face while dunking hard like that. Everytime i try to play live I get dissapointed. I used to be a huge live fan back in the day on the original playstation, but ever since ive played 2K... theres nothing like it. EA needs to improve more than what they have now to compete

0 | 0 = 0 Sign in to rate this comment

EvanChelio
Posted Sep 22, 2009 10:27 am PT
bigtigga48
you said that u played both demos, right? When was this because 2k hasn't put out a demo yet. So stop lying. Plus if you are basing a game off of graphics and not gameplay than you are probably a garbage cheesing casual fan/player anyway. Live 10 is like Live 09 except 10 you can face up and has a better crowd. 2k has everything live has but better. if you want live controls than use alternate b in 2k so you wont have to use the shot stick. Until live get's rid of those clunky animations so the game can look like b-ball then 2k all the way. Play the Live 09 demo and the Live 10 demo. Its the same game with better graphics. You can't put syrup on dog crap and tell me its pancakes!!!

1 | 0 = +1 Sign in to rate this comment

bigtigga48
Posted Sep 21, 2009 3:29 pm PT
I don't understand how people can say that 2k looks better than live. it never did. Having played both 2010 demos I have to say that NBA live 2010 is the superior in every aspect of the game including most importantly being leaps and bounds more fun and immersive than 2K10. everything just feels better, tighter, smoother and more natural even the sound of the crowds are believable. its just amazing. This is definitely a must buy for me and I know some people argued that for the past 3 years or so 2k was the better game. All I have to say is Not This Year!

0 | 3 = -3 Sign in to rate this comment

NuKkU
Posted Sep 20, 2009 6:56 am PT
dude that dynamic season sounds awesome!!!

1 | 1 = 0 Sign in to rate this comment

spy2828
Posted Sep 20, 2009 5:54 am PT

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Finally EA decided to improve the graphics...
For three years (06-09) there was no improvement

2 | 0 = +2 **Sign in** to rate this comment

TC119

Posted Sep 19, 2009 11:14 am PT

love it nice over view http://linktrack.info/timsc119

1 | 0 = +1 **Sign in** to rate this comment

Dommymoon

Posted Sep 19, 2009 11:07 am PT

Too bad 2k makes live look like crap

5 | 0 = +5 **Sign in** to rate this comment

strongarming

Posted Sep 19, 2009 10:02 am PT

i also think that 2k was so thirsty to become better than live and threw a lot of its best stuff out there to be better than live .its kinda hard to top what they already have out and be differ than live.

2 | 2 = 0 **Sign in** to rate this comment

strongarming

Posted Sep 19, 2009 9:55 am PT

I personally like Live...they made tremendous improvements from live 09 .One thing that i say is that live is behind though and trying to catch up .the improvements that live has made 2k been has..but i just think that in 2k players are all over the place and the court is small..i can control players better on live. which i like..i also cross the ish out of people and make them fall.. i couldn't do that in 2k

1 | 2 = -1 **Sign in** to rate this comment

Dakota_West

Posted Sep 19, 2009 7:33 am PT

This is how I know 2K9 and 2K10 are the same game....Okay, you played Draft Combine right??? Your player is being formatted onto the 2k10 engine. You have the same player model, the same moves and skills...why would combine differ from 2k10 the game? The only things that have changed is the presentation and the a couple more moves for players.

2 | 0 = +2 **Sign in** to rate this comment

ej1041

Posted Sep 19, 2009 7:09 am PT

2K doesnt really change much...

2 | 1 = +1 **Sign in** to rate this comment

Dakota_West

Posted Sep 19, 2009 7:02 am PT

"YAWN" EA was "KING OF SIM BASKETBALL GAMES" from 1999-2004...In 2005, 2K officially took the throne and what's 5 years to EA's 15 years? With that said, you can always play catchup in any genre whether it's sports, strategy, shooters, fighting games and etc. I would be scared if I was 2K sports because EA is finally catching up. I would be scared if I was a 2K fan boy as well. If anything, 2K caught Live and found it's stability. Live wants to get serious and with that said ...it's gonna be hell for 2k to keep producing now.

Through these last 2 years I see 2K being limited on things to improve on for that gameplay engine. With Live's new engine, you can expect more things to improve tremendously. The gap is actually closing between the two games. I'm a live fan, but 2K still has the throne....but for how long though?

3 | 2 = +1 **Sign in** to rate this comment

BiggEdd32

Posted Sep 19, 2009 12:06 am PT

ahahaha, i laugh at all those who say live is better than 2k, ahahahaha. u may like live for ur reason, but no matter where u look, everyone has 2k rated better than live. Every year i hope that live puts out a descent game because im a hardcore nba fan and i would love 2 have 2 diff games that are quality and every year live disappoints me. if ur only gonna buy one game get 2k and ull have no regrets thats a guarantee.

2 | 5 = -3 **Sign in** to rate this comment

baltimoreravens

Posted Sep 18, 2009 6:23 pm PT

Downloaded the demo, it was ok, better than 09, but definitely not better than 2k, not even close. The animations are still too unrealistic, and the players didn't look too good.

3 | 1 = **+2** **Sign in** to rate this comment

buttpuke

Posted Sep 18, 2009 6:55 pm PT

I'm done with Live for good. "This Dynamic Season" seems like a good idea in theory but I don't think it will translate well. And the idea of a player on my team having to sit out games in my season, even if he's not injured, because a real-life player gets injured doesn't fancy me. Will the make guys miss games in the Dynamic Season for DUIs too?
2K for me this year and every year.

4 | 1 = **+3** **Sign in** to rate this comment

Mike_Labeckio

Posted Sep 18, 2009 8:27 pm PT

I thought 2K did this last year, maybe not as robust but they did it last year anyway.

1 | 2 = **-1** **Sign in** to rate this comment

FPS1337

Posted Sep 18, 2009 5:38 pm PT

i prefer live over 2k. Live the controls feel much better in my opinion although sometimes to unrealistic gameplay. I'll get live for 360 and 2k for wii just to play the career mode in 2k.

2 | 5 = **-3** **Sign in** to rate this comment

winrehs_007

Posted Sep 18, 2009 4:09 pm PT

Got to admit that Live really improve a lot this year, but, compared to 2K10, it's still arcadish to me. 2K10 has better graphics, animations, presentation and features. In short, 2K10 is a lot better than Live 10.

4 | 4 = **0** **Sign in** to rate this comment

gammer_spot

Posted Sep 18, 2009 3:35 pm PT

im geting live this year

1 | 3 = **-2** **Sign in** to rate this comment

JJMIZZY

Posted Sep 18, 2009 11:55 am PT

Dynamic Season is exactly what I've been waiting for. If a player is injured in real life, they are in my season too. Dynamic DNA is where 2K gets beat down. All the Live haters claim that 2K is the most realistic b-ball experience, but until they start offering something similar to Dynamic DNA, they don't deserve that title. Gameplay wise, I'll give the realism edge to 2K, but they need to be updating player stats nightly, not this once every 10 days junk. Also, I agree with Virgin Islander (the most eloquent comment on here) as far as people making noise about how great 2K10 is when it HASN'T EVEN COME OUT YET! C'mon, give Live a chance.

3 | 1 = **+2** **Sign in** to rate this comment

jamesb215

Posted Sep 18, 2009 10:54 am PT

Nba live 10 is a good game don't knock it before u try it

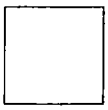
5 | 2 = **+3** **Sign in** to rate this comment

knighthawksfan

Posted Sep 18, 2009 10:31 am PT

This game looks pretty good I can't wait too get this game because I have always loved nba live no matter how ass it is. I love the realistic way the players play sim style basketball on this game. Go nuggets win that championship this year.

0 | 3 = **-3** **Sign in** to rate this comment

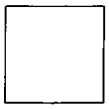


Cleazy24

Posted Sep 18, 2009 10:16 am PT

I think that Live 10 is improved over last year, but it still feels more like an arcade style basketball game compared to 2K. The people only make realistic movements when dunking, laying the ball up and dribbling animations, other than that Live does not feel like a real basketball game to me.

2 | 2 = **0** **Sign in** to rate this comment



mezgamer585

Posted Sep 18, 2009 10:18 am PT

@ squaredude44

nice icon man lol

0 | 0 = **0** **Sign in** to rate this comment

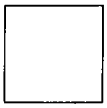


mezgamer585

Posted Sep 18, 2009 10:15 am PT

i see dey still take dem ugly looking shots from point blank range lol..but i do see improvements. i do plan on gettin nba live sometime in october but i will also buy nba 2k10 but later in da year maybe ah good christmas present

0 | 0 = **0** **Sign in** to rate this comment

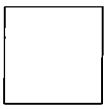


thekey

Posted Sep 18, 2009 8:29 am PT

I'm sorry but this game still looks like crap. I just can't see this game beating NBA 2K. EA still doesn't have it.

4 | 6 = **-2** **Sign in** to rate this comment

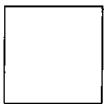


sorAxFight

Posted Sep 18, 2009 8:24 am PT

2k is better

3 | 4 = **-1** **Sign in** to rate this comment

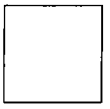


Gooshnads

Posted Sep 18, 2009 8:18 am PT

@wwinrehs_007
well said.

2 | 2 = **0** **Sign in** to rate this comment



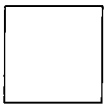
winrehs_007

Posted Sep 18, 2009 7:51 am PT

NBA 2K10 = Simulation Basketball
NBA LIVE 10 = Arcade Basketball

Period.

6 | 6 = **+2** **Sign in** to rate this comment



maaly81

Posted Sep 18, 2009 7:39 am PT

only thing I really liked about live10 demo was the inside bigmen dunk animations where they bend the rim all the way down , like real life. I still got 2k10 on preorder for anniversary edition

1 | 0 = **+1** **Sign in** to rate this comment

VIRGIN_ISLANDER

Posted Sep 18, 2009 7:31 am PT

i got to laugh at alot of you people. as i read these comments all i see are people that are trying thier hardest to hate this game. personaly the best live game was 1999, i loved that game. everything after that sucked. i really liked 2k5 that stood as the best 2k for me. now in realation to 09, they both sucked ass. end of story. i bought live 09 over 2k because it felt like to much drama to do cross over moves in 2k9 also the court seemed like it was to small...ya know what imma stop...the game was crap. they both were end of story...lol..but at the time i prefered live. now its 2010 and i havent seen anything from 2k so with that said why are people so quick to say that live 10 is inferior to a game that has not even come out yet, a game in which there hasnt even been any gameplay footage yet.live has stepped up thier game big time and the demo is factuall evidence of that. and until i play 2k10 i'm goin to have to say that live 10 is the better game....and for all you animation junkies, at this point in time its imposible to fully capture every single aspect of movement in basketball and chain them together seemlessly without any kind of stutter in between. after all i'm sure you dont want have to sit and watch long animations play out without being able to cancel out of them....i dont know, maybe i dont even know what i'm talkin about....and to tell you the truth i dont. i'm just sayin'.

4 | 2 = **+2** **Sign in** to rate this comment

bangd_by-nardo

Posted Sep 18, 2009 7:24 am PT

omg this demo go hard no homo imma cop this game. i like both 2k, live but i like a little better 2k looks better graphics wise but live is fun to play.

0 | 0 = **0** **Sign in** to rate this comment

Hakud0ushi

Posted Sep 18, 2009 7:09 am PT

Not bad, not bad. Let's see how it goes.

0 | 0 = **0** **Sign in** to rate this comment

inextremo88

Posted Sep 18, 2009 6:57 am PT

I don't think there's any good bb game out there.. Maybe 2k is better than Live.. But they both don't feel like basketball.. basketball is all about moves, tactic, defence... and fluent gameplay... they both just mess the last part totally..

0 | 1 = **-1** **Sign in** to rate this comment

jaijames

Posted Sep 18, 2009 6:45 am PT

do you all see what ea is doing. they advertise basketball in compartments just like madden. The players still move like robots, they look like bobbleheads. the last good nba live they made was live 2004. 2k10 will be better. they bring real basketball.

1 | 1 = **0** **Sign in** to rate this comment

risbo_23

Posted Sep 18, 2009 6:37 am PT

Well sorry to disappoint you guys, but I'm still playing 2K9, and it has way better player animations than this. This game just doesn't feel right.

1 | 4 = **-3** **Sign in** to rate this comment

Silvinho-10

Posted Sep 18, 2009 6:03 am PT

I agree you people are I do not know, you are PES 2010 and we are FIFA 10 karanlo10 is right.

0 | 0 = **0** **Sign in** to rate this comment

karanlol10

Posted Sep 18, 2009 5:59 am PT

u people can go screw youselfs

0 | 4 = **-4** **Sign in** to rate this comment

karanlol10

Posted Sep 18, 2009 5:58 am PT

people who think 2k is better than nba live 10, in the immortal words of Sir William da Silva, SCREW YOU!

2 | 3 = **-1** **Sign in** to rate this comment

karanlol10

Posted Sep 18, 2009 5:54 am PT

nba 10 is going to be an awome game and ianmarvinchua i think ur dyslexic

1 | 3 = -2 **Sign in** to rate this comment

GaMa__GaMer

Posted Sep 18, 2009 5:53 am PT

I don't like basketball game....But i can make some exception... Cause this looks so good, way better than NBA live 2010

0 | 0 = 0 **Sign in** to rate this comment

squaredude44

Posted Sep 18, 2009 5:46 am PT

2K is still WAY better

4 | 2 = +2 **Sign in** to rate this comment

marthead

Posted Sep 18, 2009 5:47 am PT

2K fan, no doubt, but I do admit if i got the spare cash I always shell out for the NBA Live game down the line. NBA Live has this arcade-sh charm to it, and sometimes it's nice to get a break from 1 game and play another. I don't doubt 2k10 will be the better game, but I always enjoy both games on different levels. Live seems to have a bit more edge on the presentation (not graphics, just flare). I do wish they would redo the commentary every year. It gets old really fast.

2 | 0 = +2 **Sign in** to rate this comment

pleezebeleevit

Posted Sep 18, 2009 5:39 am PT

2k all day, dis look like str8 gau-bijj.

2 | 2 = 0 **Sign in** to rate this comment

ianmarvinchua

Posted Sep 18, 2009 5:01 am PT

2k10 looks a bit more realistic than this one .. last year nba live 09 was not even close of beating 2k9nba .. but now i see the changes the made and now live 10 will be a challenge for 2k10nba .

3 | 0 = +3 **Sign in** to rate this comment

sub-raid

Posted Sep 18, 2009 4:28 am PT

I think i'll get the 2k game like last year.

2 | 2 = 0 **Sign in** to rate this comment

1 2 next

winrehs_007
Posted Sep 18, 2009 4:00 am PT

@ Kubilius: NBA 2k10 is by far much better than NBA Live 10. If you want proof. Go to youtube and watch NBA Live 10 Demo/Actual gameplay or download the demo if you want. Then, compare it to 2K10. Do the same procedure as Live except for the Demo part because 2K10 has no demo but a what they called a "Draft Combine". It gives you a rather short explanation in what to expect in the actual game.

0 | 0 = 0 **Sign in** to rate this comment

Kubilius
Posted Sep 18, 2009 3:59 am PT

I have always been a fan of NBA LIVE games, but stoped playing in 2004 or something like that. Now i've got PS3 and I need a basketball game. I see many comments about 2K beating EA - could someone briefly explain why is it better ? Do they have something similar like Dynamic player updates? Any interesting modes? Better multiplayer ? What is it about ?

2 | 0 = +2 **Sign in** to rate this comment

SweetMusic
Posted Sep 18, 2009 2:44 am PT

NBA 2K10 will still be better than NBA Live 10. NBA 2K10 will be the best basketball game to date.

2 | 1 = +1 **Sign in** to rate this comment

zn8zlj
Posted Sep 18, 2009 2:14 am PT

2k is better!!!

3 | 1 = +2 **Sign in** to rate this comment

Excedra
Posted Sep 18, 2009 12:44 am PT

demo was disappointing....again!!!!!!

2 | 2 = 0 **Sign in** to rate this comment

Excedra
Posted Sep 18, 2009 12:44 am PT

6.5-8.0

0 | 0 = 0 **Sign in** to rate this comment

belekoy
Posted Sep 18, 2009 12:30 am PT

i give credit to EA for getting this much change in less than a year.. dynamic season sounds good but slow to play.. anyway, this year is 2k's year still.. but i expect Live to come out on top in a few years..

0 | 0 = 0 **Sign in** to rate this comment

blackgambitx
Posted Sep 17, 2009 11:50 pm PT

i admit, i was a little unimpressed with the live 10 demo, it still feels a little arcade-ish to me. 2k always felt more realistic. live had some improvements some already in the prev 2k like sizing up. i admit some of the animations are really smooth, but they still move quirky at times. even though 2k10 combine felt like 2k9, i like the direction its going and i feel like the demo will bring a lil more to the table. live makes everything simple to execute but the post/square up doesnt feel as natural as 2k's.

5 | 0 = +5 **Sign in** to rate this comment

aznkxz
Posted Sep 17, 2009 10:22 pm PT

First I thought EA was just plain lazy about making basketball game but you know what they just don't get it. Demo wasn't that great and this game going to be another 6.0/10 if its 7/10 they dodge the bullets. Sure demo isn't feature all the stuff but ever since I played 2k9 demo man just hate to admit it was better then Live. I was long time Live fan back in 12000 but 2k sports change my destiny about basketball game. man gota admit when something has to be admit. 2k basketball is sbetter period. EA you just dont get it

3 | 3 = +5 **Sign in** to rate this comment

estevie69
Posted Sep 17, 2009 10:03 pm PT

The demo was not great. 2k9 still feels better. I appreciate their overhauling and revamping of Live but it's simply subpar. The thing about EA is they love to talk game but they don't deliver to the level of 2k. Every year EA advertises their new features, like signature style 2 years ago when 2k already had that. 2k already had tendencies and such last year they just didn't Proclaim to the WORLD their "DNA" system. In Live's case sucked cuz player ratings were always unbalanced. 2k never boasts about their work and real sports gamers appreciate that. This mode seems like u'll have 2 pay. Why recently have we had to pay for our game modes in games, online franchise in Madden (thankfully I didnt buy the game), 2k's combine is cool but should b in the final installment of the game, excessively priced map packs in all shooters! I hate the market aspect of games!!!

7 | 1 = **+6** **Sign in** to rate this comment

ohjtbehaaave
Posted Sep 17, 2009 9:27 pm PT

I played the demo and this is the best NBA LIVE game in ages. It might be a nice alternative for those looking for a good game... but one that's not to deep like 2K can be with the control schemes.

1 | 1 = **0** **Sign in** to rate this comment

WTFitsPauL
Posted Sep 17, 2009 9:01 pm PT

i'll wait for reviews & a head-to-head article w/ NBA 2k10. its just too hard to buy 2 sports games every year.

1 | 0 = **+1** **Sign in** to rate this comment

Shotz1284
Posted Sep 17, 2009 8:58 pm PT

This mode could be really cool. A good addition. The game play looks a lot smoother and more realistic. I'm liking what I see.

1 | 0 = **+1** **Sign in** to rate this comment

Cross_Bone
Posted Sep 17, 2009 7:25 pm PT

I tried the Live 10 demo and I thought it was pretty damn good. Can't wait for October 6.

0 | 0 = **0** **Sign in** to rate this comment

datniccah187
Posted Sep 17, 2009 7:21 pm PT

This mode could be great. I'll def be keeping my eye on it. I think its a few years away from being something special.

1 | 1 = **0** **Sign in** to rate this comment

scottyp180
Posted Sep 17, 2009 6:46 pm PT

this seems pretty interesting. if 2k10 for some reason disappoints this feature gives me a reason to play live.

0 | 0 = **0** **Sign in** to rate this comment

jeks99
Posted Sep 17, 2009 6:23 pm PT

If Draft Combine is a success, I'll get NBA 2K10. Career mode FTW. Plus last years NBA 2k9 still feels and moves beautifully and feels real compared to this years Live 10.

2 | 2 = **0** **Sign in** to rate this comment

pengselim
Posted Sep 17, 2009 4:43 pm PT

This Dynamic DNA feature is quite interesting and makes me reconsider my pre-order of NBA 2k10 only for the fact that 2K9 lacked any real comprehensive feature such as

this. I'll end up going with 2k10 in the end probably but if Live can really hit this on the spot then they may just be "in the game"

2 | 2 = 0 **Sign in** to rate this comment

Electronic Acknowledgement Receipt

EFS ID:	6247148
Application Number:	10266795
International Application Number:	
Confirmation Number:	9115
Title of Invention:	Method and system for increased realism in video games
First Named Inventor/Applicant Name:	Athanasios Angelopoulos
Customer Number:	22913
Filer:	Andrew S Hansen
Filer Authorized By:	
Attorney Docket Number:	17791.3.1
Receipt Date:	12-OCT-2009
Filing Date:	08-OCT-2002
Time Stamp:	22:34:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	Amendment_C_2536100_1.pdf	706741 d5611a95557f49c9f950bf9babe741a9ee42c6a4	no	37

Warnings:	
Information:	

2	Applicant Arguments/Remarks Made in an Amendment	Exhibits.PDF	6232036 a0ff655a1ccf4acef6130d6596cdaf23183e0067	no	99

Warnings:	
Information:	
Total Files Size (in bytes):	6938777

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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.

PTO/SB/06 (07-06)
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
10/266,795	10/08/2002	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☒ RATE ($)	SMALL ENTITY ☒ FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 10/12/2009	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 35	Minus	** 37	= 0	X $26 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $110 =	0	OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/CRYSTAL QUEEN/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

22913 7590 09/21/2009

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER	
PIERCE, DAMON JOSEPH	
ART UNIT	**PAPER NUMBER**
3714	

MAIL DATE	DELIVERY MODE
09/21/2009	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.

Interview Summary	Application No.	Applicant(s)	
	10/266,795	ANGELOPOULOS, ATHANASIOS	
	Examiner	Art Unit	
	DAMON PIERCE	3714	

All participants (applicant, applicant's representative, PTO personnel):

(1) *DAMON PIERCE*. (3)*David Jones*.

(2) *Dmitry Suhol*. (4)_____.

Date of Interview: *9/17/09*.

Type: a)☐ Telephonic b)☐ Video Conference
c)☒ Personal [copy given to: 1)☒ applicant 2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes e)☒ No.
If Yes, brief description: _____.

Claim(s) discussed: *29*.

Identification of prior art discussed: *NFL 2K1, NBA 2K1, Madden 02*.

Agreement with respect to the claims f)☐ was reached. g)☒ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *See Continuation Sheet*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

———

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant requested an interview to discuss proposed claim amendments. Consequently, the Examiner discussed related features of prior art to instant application. In conclusion, full and fair consideration will be given to Applicant's timely submitted, official written response to the Office.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/266,795	10/08/2002	Athanasios Angelopoulos	17791.3.1	9115

22913 7590 08/17/2009

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER	
PIERCE, DAMON JOSEPH	
ART UNIT	PAPER NUMBER
3714	
MAIL DATE	DELIVERY MODE
08/17/2009	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	10/266,795	ANGELOPOULOS, ATHANASIOS	
	Examiner	Art Unit	
	DAMON PIERCE	3714	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *02 July 2009 and 22 July 2009*.

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

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

Disposition of Claims

4)☒ Claim(s) *29-36,39-42,46-48,51-55,57-61 and 68-71* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-36,39-42,46-48,51-55,57-61 and 68-71* is/are rejected.

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

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

Application Papers

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

10)☒ The drawing(s) filed on *08 October 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/2/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I directed to character performance parameters and Species B directed to basketball in the reply filed on 7/22/09 is acknowledged.

Response to Amendment

2. The examiner acknowledges the amendments of claims filed on 7/22/09, where claims 50, 56, 62-67 are cancelled; claims 37-38, 43-45, and 49 are withdrawn; and claims 68-71 are newly added. Currently, claims 29-36, 39-42, 46-48, 51-55, 57-61, and 68-71 are pending.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "video game system 79" of Fig. 3 mentioned in parg. 29; and element "295" mentioned in parg. 44 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "11" and "32" have both been used to designate CPU (see parg. 28 of specs.). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The abstract of the disclosure is objected to because (1) parg. 27 of specs. includes the phrase "froame memory" which seems to be a misspelling; and (2) the following elements are shown in the drawings but not mentioned in the specs.: "388", "482", and "535". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

6. 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 negatived by the manner in which the invention was made.

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

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

7. Claims 29-36, 39-42, 51-55, 57-59, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over NFL 2K1 GameFaqs on Dreamcast (referred to as NFL2K1) in view of Madden NFL 2003 Playstation2 Manuel (referred to as Madden).

Regarding independent claims 29, and 51, the instant application as best understood is an invention that describes sports video games where video game characters performance parameters are updated via a network such as the Internet.

29, 33-35, 39-40, 51, 55, 57-59, 61, **NFL2K1 discloses a game medium configured to provide a sports video game in conjunction with a video game machine, the sports video game including video game rules and video game character parameters, the video game character parameters including video game character performance parameters** (NFL2K1 is a video game disc made for the Dreamcast video game system containing NFL rules and game players), **the video game medium being configured to cause the video game machine to perform a method comprising**:

loading video game data stored by the video game medium into a random access memory for playing the video game, the video game data including the video game rules and a particular video game character performance parameter associated with a particular video game character associated with a real-life sports athlete, wherein the particular video game performance parameter corresponds to a real-life performance of the sports athlete playing in one or more sporting events, the particular video game character performance parameter affecting the manner in which a video game character performs in the sports video game (NFLK1 discloses a using a video game disc for the Dreamcast game console, where it is well known in the gaming art that video game disc made for a

Dreamcast loads game information to the game console form the game disc and in this case, NFL rules and athletes are loaded to the video game console);

during a single sports season, receiving a series of updated video game character performance parameters from a data server via a network including the Internet, wherein each of updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete performed during the single sports season (pg. 9, discloses connecting to the net to update player rosters and improved stats, thus, during an NFL season a game player can go online and update his game via downloading updated players' stats);

updating the sports video game with each of the updated video game character performance parameters received, wherein each update changes the manner in which the particular video game character performs in the sports video game such that the particular video game more closely simulates real-life performance attributes of the particular real-life athlete in the sports video game (see pg. 9, which includes downloading improved player stats, where skills are provided to each player dependent upon statistics of how a player has performed in real-life competitions); and

enabling a user to control the particular video game character using a video game controller connected to the video game machine (see "In game controls" section of pps. 3-5, which discloses how to play the game using game controller).

Madden explicitly discloses **loading video game data stored by the video game medium into a random access memory for playing the video game, the video game data including the video game rules and a particular video game character performance parameter associated with a particular video game character associated with a real-life sports athlete, wherein the particular video game performance parameter corresponds to a real-life performance of the sports athlete playing in one or more sporting events, the particular video game character performance parameter affecting the manner in which a video game character performs in the sports video game** (pps. 1-2, explicitly discloses loading a disc in a Playstation2 game console in order to load NFL rules and game players to allow video game play on television). Madden has been used to show that loading game information from a game disc such as that of NFL2K1 is well known and obvious in the video gaming art.

Therefore, it is would have been obvious to a person of ordinary skill in the art to recognize that when using a game disc of NFL2K1, information has to be loaded from disc to the game console as demonstrated by Madden on the Playstation2 game console in order to provide game play.

30, 31, 52, 53, NFL2K1 discloses a method as in claim 29, wherein receipt of an updated video game performance parameters in the series occurs at least daily and weekly during at least a portion of the single sports season, such that the particular video game character simulates current real-life performance

attributes of the particular real-life athlete on an at least daily and weekly basis (being that NFLK1 is a football game that is played on a weekly basis for an entire season, the stat updates of players would be available on a weekly basis). In addition, given the fact that roster moves occur on a daily basis such that players are traded; a player gets injured; and players are released and signed on any given day of the week, therefore, updates could be made available on a daily basis. Thus, it would be a matter of game distributing and designer's choice of how often updates for the video game is made available, because performance stats and roster updates in real-life may occur at any time during the season, and it is up to game makers how often they wish to provide the most updated game information to game users.

32, NFL2K1 discloses a game medium according to claim 29, the video game medium being further configured to cause the video game machine to update visual aspects of the video game during a single sports season, wherein the updated visual aspects are based on a change in a real- life visual aspect of a real-life athlete, stadium, or field during a single sports season (being that roster changes offer include trades, some players require new jerseys for their new teams, where new jerseys are updated visual aspects of the athletes. Note: based on elected species the visual aspects pertain to the real-life athlete).

36, NFL2K1 discloses a game medium according to claim 29, the game medium being further configured to cause the video game machine to perform the method further comprising: receiving a change in a video game team

parameter from a data server via the network, wherein the video game team parameter corresponds to a real-life trade of a real-life athlete between two real-life teams during a single sports season; and changing a video game team in the video game based on the video game team parameter received to reflect the trade of the real-life athlete in the sports video game (pg. 9, discloses connecting to the net to update player rosters and improved stats).

39, NFL2K1 discloses a game medium according to claim 29, wherein the updated video game character performance parameters are each associated with a real-life performance tendency of the particular real-life athlete in the real-life performances during the single sports season (see pg. 9, which includes downloading improved player stats, where stats are based on players' tendencies during season).

41, 42, NFL2K1 discloses a game medium according to claim 29, wherein at least one of the updated video game character performance parameters is associated with a points scored average of a real-life performance of the real-life athlete in a real-life sports event during the single sports season (see pg. 9, which includes downloading improved player stats, thus, being that NFLK1 is a game football game, where football stats includes points scored, in particular for quarterbacks, running backs, receivers, and tight ends, and completion percentage are recorded for quarterbacks and/or kickers).

54, Madden discloses a method as in claim 51, wherein the server is further configured to receive a request for an updated video game character

performance parameter originating at the video game machine and: verify that a payment has been made for the requested updated video game character performance parameter; or receive authorization to execute a payment for the transfer of the updated video game character performance parameter (pps. 15-16, discusses online requirements which include payment of online video game service).

8. Claims 29-36, 39-42, 46-48, 51-55, and 57-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over NBA2K1 Game Manuel of Sega Dreamcast (referred to as NBA 2K1) in view of NFL 2K1 GameFaqs on Dreamcast (referred to as NFL2K1)

Regarding independent claim 68, the instant application as best understood is an invention that describes a sports video game, specifically to basketball related statistics, where video game characters performance parameters are updated via a network such as the Internet.

29, 32-36, 39-42, 46-48, 51, 54-55, 57-61, and 68-69, **NBA2K1 discloses a game medium configured to provide a basketball sports video game in conjunction with a video game machine, the basketball sports video game including video game rules and basketball video game character parameters, the basketball video game character parameters including video game character performance parameters** (NBA2K1 is a video game disc made for the Dreamcast

video game system containing National Basketball Association-NBA rules and athletes, where each athlete in the video game contains a specific set of skills relative to playing basketball), **the game medium being configured to cause the video game machine to perform a method comprising**:

loading video game data stored by the game medium into a random access memory of the video game machine for playing the basketball video game, the video game data including the video game rules and a particular basketball video game character performance parameter associated with a particular basketball video game character associated with a particular real-life basketball sports athlete, wherein the particular basketball video game performance parameter is based at least in part on a real- life basketball performance of the particular real-life basketball sports athlete playing in one or more real-life basketball sporting events, the particular basketball video game character performance parameter affecting the manner in which the particular basketball video game character performs in the basketball sports video game (pg. 25, explicitly discloses updating current rosters to NBA game, where the updating of rosters includes providing players with performance parameters such as dribbles, shooting, blocking ability, and other basketball related skills, where skills are provided to each player dependent upon statistics of how a player has performed in real-life competitions);

updating the basketball sports video game with each of the updated basketball video game character performance parameters received, wherein each update changes the manner in which the particular basketball video game

character performs in the basketball sports video game such that the particular basketball video game character more closely simulates real-life basketball performance attributes of the particular real- life basketball athlete in the sports video game (pg. 25, explicitly discloses updating current rosters to NBA game, where the updating of rosters includes providing players with performance parameters such as dribbles, shooting, blocking ability, and other basketball related skills, where skills are provided to each player dependent upon statistics of how a player has performed in real-life competitions); and

enabling a user to control the particular video game basketball character in the basketball sports video game using a video game controller connected to the basketball video game machine (see "Offensive Controls with the ball" section of pps. 7-10, which discloses how to play the game using game controller), wherein:

the basketball sports video game includes video game basketball courts, video game basketball teams, and video game basketball characters associated with real-life basketball courts, real-life basketball teams, and real-life basketball athletes respectively (please note that NBA 2K1 is a basketball sports video game that includes real-life courts, teams, and athletes); and

NBA2K1 fails to explicitly disclose:

during a single basketball sports season, receiving a series of updated video game basketball character performance parameters from a data server via a network including the Internet, wherein each of the updated basketball video game character

performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life basketball sports athlete performed during the single sports season;

at least one of the updated video game character performance parameters is associated with a free-throw completion percentage of a real-life performance of the real-life athlete in a real-life sports event during the single sports season.

wherein at least one of the updated video game character performance parameters is associated with a shots average of a real-life performance of the real-life athlete in a real-life basketball sports event during the single basketball sports season.

NFL2K1 discloses during a single sports season, receiving a series of updated video game character performance parameters from a data server via a network including the Internet, wherein each of the updated video game character performance parameters in the series is based at least in part on one or more different real-life performances of the particular real-life sports athlete performed during the single sports season (pg. 9, discloses connecting to the net to update player rosters and improved stats, during the course of an NFL season). NFL2K1 has been used to show that sports-related stats of a video game can be updated via the Internet. It is well known in the art that there are a variety of sports video games of varying sports such as NBA2K1 related to basketball, where each sports game package stats vary based on the sport; in this case, free-throw completion percentage and shots average are stats that are commonly tracked for basketball players. Thus, a game designer would have

motivation to use the basketball game of NBA2K1 (or any other sport) with the stat updating feature of NFL2K1 in order to attract game players of varying sports based on a game player's preference.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teaching of updating stats from the Internet of NFL2K1 with the basketball game of NBA2K1 in order to attract more players to subscribe to a game service that gives players the most updated version of a game.

30, 31, 52, 53, 70, 71, NBA2K1 discloses a game medium as in claim 68, wherein receipt of the updated basketball video game performance parameters in the series occurs at least weekly during at least a portion of the single basketball sports season, such that the particular basketball video game character simulates current real-life performance attributes of the particular real-life basketball athlete on an at least weekly basis (being that NBA2K1 is a basketball game that is played on a daily basis for an entire season, the stat updates of players could be available daily). In addition, given the fact that roster moves occur on a daily basis such that players are traded; a player gets injured; and players are released and signed on any given day of the week, updates could be made available on a daily basis. Thus, it would be a matter of game distributing and designer's choice of how often updates for the video game is made available, because performance stats and roster updates in real-life may occur at

any time during the season, and it is up to game makers how often they wish to provide the most updated game information to game users.

Response to Arguments

9. Applicant's arguments filed 4/30/09 have been fully considered but they are not persuasive.

10. Regarding applicant's remarks: (1) NFL2K1 stats relate to an team performance attribute, such as team's overall offense or defense, and the stats do not suggest that individual players of an offense perform any differently within a team's offense; (2) NFL2K1 does not teach or suggest that multiple updated rosters and new and improved stats from a single sports season are downloaded in series; and (3) NFL2K1 FAQ fails to teach weekly or daily updates. However, (1) the NFL2K1 stats are related to both team performance and individual performance attributes, it should be noted that the attributes of each individual of a team is combined together to create the team's performance, for example, relative to basketball, the shooting ability of Kobe Bryant playing for the LA Lakers improves the total team offense performance for the LA Lakers, however, if Kobe Bryant becomes injured and cannot play then the total team offense performance parameter of the LA Lakers would decrease; and relative to issues (2) and (3) Please see NFL 2K1 Review which explicitly discloses that updates are made throughout the season, and as stated in the above rejections basketball games are played on a daily basis during a basketball season, and various measures happen on a daily basis that may cause roster moves on any given team, thus, it would have

been obvious to a person of ordinary skill in the art to recognize that updates can be made as many times as necessary depending on the athletes, team, and particular sport being played.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on 8AM-4PM.

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

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

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

DJP

Notice of References Cited	Application/Control No. 10/266,795	Applicant(s)/Patent Under Reexamination ANGELOPOULOS, ATHANASIOS	
	Examiner DAMON PIERCE	Art Unit 3714	Page 1 of 1

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-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	NBA 2K1 Manual, Sega Dreamcast video game system, 11/01/2000
	V	NFL 2K1 Review, http://www.gamespot.com/dreamcast/sports/nfl2k1/review.html, 9/08/200
	W	
	X	

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10266795	ANGELOPOULOS, ATHANASIOS
	Examiner	Art Unit
	DAMON PIERCE	3714

SEARCHED

Class	Subclass	Date	Examiner
463	1-4, 6-8, 30-33, 40-43	3/27/2009	DJP
700	90-93	3/27/2009	DJP

SEARCH NOTES

Search Notes	Date	Examiner
Consulted John Hotaling and Dmitry Suhol	3/27/2009	DJP
Reviewed IDS references	3/27/2009	DJP
Backward and Forward searched most relevant art	3/27/2009	DJP
Internet search of sports game with player downloads	3/27/2009	DJP
See EAST search	3/27/2009	DJP
Reviewed IDS references	8/11/2009	DJP
NPL search for basketball video games with Internet access	8/11/2009	DJP

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)			Application Number	10/266,795
			Filing Date	October 8, 2002
			First Named Inventor	Athanasios Angelopoulos
			Art Unit	3714
			Examiner Name	Damon Joseph Pierce
Sheet	1 of 3		Attorney Docket Number	17791.3.1

U.S. PATENT APPLICATIONS

Examiner Initials*	Cite No.	Application Number	Filing Date	Name of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1				

U.S. PATENTS

Examiner Initials*	Cite No.	Patent Number	Issue Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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U.S. PATENT APPLICATION PUBLICATIONS

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	1				

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document	Country Code	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T [1]
	1						☐

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, page(s), volume-issue number(s), publisher, city and/or country where published	T [1]
/DJP/	1	Weters, *NFL 2K1: FAQ by Weters*, Hosted by GameFAQs, Version 3.1, http://www.gamefaqs.com/console/dreamcast/file/914206/8841, last accessed July 2, 2009.	☐
/DJP/	2	Sycho Bubba Crusty, *NFL 2K1: FAQ by Tazzmission*, Hosted by GameFAQs, Version 2.0, http://www.gamefaqs.com/console/dreamcast/file/914206/8814, last accessed July 2, 2009.	☐

OFFICE ACTION / NOTICE OF ALLOWANCE DOCUMENTS

Examiner Initials*	Cite No.	Application Number	Mail Date	Document
	1			

/Damon Pierce/ 08/10/2009

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)				
			Application Number	10/266,795
			Filing Date	October 8, 2002
			First Named Inventor	Athanasios Angelopoulos
			Art Unit	3714
			Examiner Name	Damon Joseph Pierce
Sheet	2 of 3		Attorney Docket Number	17791.3.1

EXAMINER SIGNATURE			
Examiner Signature	/Damon Pierce/	Date Considered	08/10/2009

*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]Applicant is to place a check mark here if English language translation is attached.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10266795	ANGELOPOULOS, ATHANASIOS
	Examiner	Art Unit
	DAMON PIERCE	3714

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

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/28/2009	07/14/2009	08/12/2009						
	1	-	-	-						
	2	-	-	-						
	3	-	-	-						
	4	-	-	-						
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	27	-	-	-						
	28	-	-	-						
	29	✓	✓	✓						
	30	✓	✓	✓						
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	32	✓	✓	✓						
	33	✓	✓	✓						
	34	✓	✓	✓						
	35	✓	✓	✓						
	36	✓	✓	✓						

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CLAIM		DATE								
Final	Original	03/28/2009	07/14/2009	08/12/2009						
	37	✓	✓	N						
	38	✓	✓	N						
	39	✓	✓	✓						
	40	✓	✓	✓						
	41	✓	✓	✓						
	42	✓	✓	✓						
	43	✓	✓	N						
	44	✓	✓	N						
	45	✓	✓	N						
	46	✓	✓	✓						
	47	✓	✓	✓						
	48	✓	✓	✓						
	49	✓	✓	N						
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	65		✓	-						
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	68			✓						
	69			✓						
	70			✓						
	71			✓						