

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:	TRAVIS R. BANTA)
)
)
Customer No.:	022913)

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP: AMENDMENT

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

Sir:

In response to the Office action mailed July 21, 2009 (the "Office Action"), the Applicant responds as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. **Remarks including two election of species** begin on page 15 of this paper.

AMENDMENTS TO THE CLAIMS

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

1.-28. **(Canceled)**

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, 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 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 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 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 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; and

enabling a user to control the particular 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 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.

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. **(Previously presented)** A method performed by a computer server for updating a video game character parameter of a 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 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. **(Canceled)**

63. **(Canceled)**

64. **(Canceled)**

65. **(Canceled)**

66. **(Canceled)**

67. **(Canceled)**

68. **(New)** 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. **(New)** 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. **(New)** 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. **(New)** 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 foregoing amendment cancels claims 1-28, 50, 56 and 62-67, withdraws claims 37, 38, 43-45, and 49, and adds new claims 68-71. Claims 29-49, 51-55, 57-61, and 68-71 are now pending in view of the amendments.

In the Office Action, the Examiner set forth a first Election of Species Requirement that identified two (2) patentably distinct species. In particular, the Examiner indicates in the Office Action that the present application contains claims directed to the following patentably distinct species:

- Species I of claims 29-49, 39-49, 51, 53, 55, 57-59, and 60-61, directed to **character performance parameters**; and
- Species II of claims 37-38 and 62-67, directed to **stadium parameters**.

The Examiner also sets forth a second set of species within Species I of the first species election requirement, which is directed to the following three (3) patentably distinct species:

- Species A of claims 30, 43-45, and 52 directed to **football**;
- Species B of claims 31, 46-48, and 54, directed to **basketball**; and
- Species C of claim 49 directed to **soccer**.

In response to the Election of Species Requirements set forth in the Office Action, Applicants hereby elect Species I directed to **character performance parameters** and species B directed to **basketball** for examination without traverse.

The Applicant appreciates the Examiner's careful consideration of the claims and acknowledgement as to the patentable distinctions between these species and corresponding claims. As the Examiner indicates on page two of the Office Action, each species is patentably distinct and "nonobvious variants of each other based on the current record". (Emphasis added). *See also* MPEP § 802.01.

As the Examiner knows, 35 U.S.C. 121 authorizes the Director to restrict the claims in a patent application to a single invention (as noted on page 2 of the Office Action), and the third sentence of 35 U.S.C. 121 prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made, or on an application filed as a result of such a requirement, as a reference against any divisional application. Thus, this restriction requirement nullifies any double patenting rejection (statutory or non-statutory) with respect to this application and any divisional applications filed here from. Moreover, this restriction nullifies any potential double patenting invalidity grounds regarding any issued patents that may

subsequently issue based on such species designations (subject to the conditions set forth in MPEP 804.01).

The Applicant believes that at least claims 29-36, 39-42, 46-48, 51-61 are directed to the elected species. The Applicant has deleted the claim set directed solely to Species I, and has withdrawn the dependent claims directed to Species II, A, and C, which depend from one or more generic/linking claims. The Applicant has submitted new claims 68-71 directed to Species I and B as elected. An action on the merits of claims 29-36, 39-42, 46-48, 51-61, and 68-71 and a Notice of Allowance thereof are respectfully requested.

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 therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 22nd day of July, 2009.

Respectfully submitted,

/David A. Jones/ Reg.# 50,004

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Electronic Acknowledgement Receipt

EFS ID:	5750893
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:	22-JUL-2009
Filing Date:	08-OCT-2002
Time Stamp:	19:06:03
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Amendment_7-22-09.pdf	558286 610eddadc789a5ec044516789620682751b d9404	yes	16

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Response to Election / Restriction Filed	1	1
	Claims	2	14
	Applicant Arguments/Remarks Made in an Amendment	15	16
Warnings:			
Information:			
Total Files Size (in bytes):		558286	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>			

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/266,795		Filing Date 10/08/2002		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/> OR			OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> 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).									
<input type="checkbox"/> 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										
(Column 1)			(Column 2)		SMALL ENTITY OR			OTHER THAN SMALL ENTITY		
AMENDMENT	07/22/2009	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 35	Minus	** 37	=	0		X \$	=	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	=	0		X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE	0		TOTAL ADD'L FEE		
(Column 1)			(Column 2)		SMALL ENTITY OR			OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=			X \$	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=			X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE			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:
/WANDA LAWSON/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/266,795

10/08/2002

Athanasios Angelopoulos

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07/21/2009

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

07/21/2009

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.

Office Action Summary	Application No. 10/266,795	Applicant(s) ANGELOPOULOS, ATHANASIOS	
	Examiner DAMON PIERCE	Art Unit 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 1 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.
- 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) 29-49, 51-55 and 57-67 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) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 29-49, 51-55 and 57-67 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) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

Species I of claims 29-49, 39-49, 51, 53, 55, 57-59, 60-61, directed to character performance parameters

Species II of claims 37-38, 62-67 directed to stadium parameters

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.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 30-31, 43-49 are generic to claim 29; and claims 52 and 54 are generic to claim 51.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

Art Unit: 3714

showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

3. 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.


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

Application/Control Number: 10/266,795
Art Unit: 3714

Page 5


/Dmitry Suhol/
Supervisory Patent Examiner, Art
Unit 3714

DJP

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

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

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
CLAIM		DATE							
Final	Original	03/28/2009	07/14/2009						
	1	-	-						
	2	-	-						
	3	-	-						
	4	-	-						
	5	-	-						
	6	-	-						
	7	-	-						
	8	-	-						
	9	-	-						
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	28	-	-						
	29	✓	✓						
	30	✓	✓						
	31	✓	✓						
	32	✓	✓						
	33	✓	✓						
	34	✓	✓						
	35	✓	✓						
	36	✓	✓						

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

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

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
CLAIM		DATE							
Final	Original	03/28/2009	07/14/2009						
	37	✓	✓						
	38	✓	✓						
	39	✓	✓						
	40	✓	✓						
	41	✓	✓						
	42	✓	✓						
	43	✓	✓						
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	58		✓						
	59		✓						
	60		✓						
	61		✓						
	62		✓						
	63		✓						
	64		✓						
	65		✓						
	66		✓						
	67		✓						

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.

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/266,795
Filing Date	October 8, 2002
First Named Inventor	Athanasios Angelopoulos
Art Unit	3714
Examiner Name	Damon Joseph Pierce
Attorney Docket Number	17791.3.1

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

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ii. ☐ Other _____
 - b. ☒ Enclosed
 - i. ☒ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration (s)
 - iii. ☒ Information Disclosure Statement (IDS)
 - iv. ☐ Other _____
2. **Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 - b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
 - a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 23-3178.
 - i. ☐ RCE fee required under 37 CFR 1.17(e)
 - ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
 - iii. ☐ Other _____
 - b. ☐ Check in the amount of \$enclosed _____
 - c. ☒ Payment in the amount of \$405.00 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 Request for Continued Examination.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/David A. Jones/Reg. No. 50,004	Date	July 2, 2009
Name (Print/Type)	David A. Jones	Registration No.	50004

CERTIFICATE OF MAILING OR TRANSMISSION

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 RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	
Name (Print/Type)			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the 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 RCE, 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.

2435088_1

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:				
Claims in excess of 20	2202	6	26	156
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:	EA-1003, Page 029			

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	405	405
Total in USD (\$)				561

Electronic Acknowledgement Receipt

EFS ID:	5639294
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:	02-JUL-2009
Filing Date:	08-OCT-2002
Time Stamp:	18:08:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$561
RAM confirmation Number	4591
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)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Amendment_7-2-09.pdf	977784	yes	24
			a31b3ef46488e191966a764f3ec323320f149d35		
	Multipart Description/PDF files in .zip description				
	Document Description		Start		End
	Amendment Submitted/Entered with Filing of CPA/RCE		1		1
	Claims		2		14
	Applicant Arguments/Remarks Made in an Amendment		15		24
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Filed (SB/08)	IDS_7-2-09.pdf	108504	no	3
			76430ee5af94a71586dff66ab4f4e8570966314a3		
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Request for Continued Examination (RCE)	RCE.pdf	71549	no	1
			1d0c17dad04b5eb953f906854bf258c2da283a41		
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
4	NPL Documents	Ref_1_GameFAQs_NFL_2K1_D C_FAQ_by_Weters.pdf	580528	no	13
			c5b3fd680030ae8b1d01b778657d199221f813c1		
Warnings:					
Information:					
5	NPL Documents	Ref_2_GameFAQs_NFL_2K1_D C_FAQ_by_Tazzmission.pdf	495431	no	13
			fea433abc8f6a83431156a11d12884ff4d88b41		
Warnings:					
Information:					

6	Fee Worksheet (PTO-875)	fee-info.pdf	31671 2638812861c01229a6d65fe0f6968b1d7c1f cdd	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				2265467	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

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:	TRAVIS R. BANTA)
)
Customer No.:	022913)

AMENDMENT UNDER 35 U.S.C. § 1.114

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

Dear Sir:

In response to the Office action mailed April 6, 2009 (the "Office Action"), the Applicant responds as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. **Remarks** begin on page 15 of this paper.

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, 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 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 video game character associated with a particular real-life sports athlete, wherein the particular video game performance parameter ~~corresponds to~~ 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 ~~[[a]]the particular~~ video game character performs in the sports video game;

during a single sports season, receiving a series of ~~a plurality of~~ updated video game character performance parameters from a data server via a network including the Internet, wherein each of the plurality of ~~updated~~ video game character performance parameters in the series is based at least in part on one or more different ~~correspond to~~

real-life performances of the particular real-life sports athlete performed ~~at least in part~~ 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 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; and

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

30. **(Currently Amended)** A game medium ~~method~~ as in claim 29, wherein receipt of ~~an~~ 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. **(Currently Amended)** A game medium ~~method~~ 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. **(Currently Amended)** 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.

[[32]]33. **(Currently Amended)** A game medium according to claim 29, the video 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.

[[33]]34. **(Currently Amended)** 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.

[[34]]35. **(Currently Amended)** A game medium according to claim 29, the video 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.

[[35]]36. **(Currently Amended)** A game medium according to claim 29, the video 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.

[[36]]37. **(Currently Amended)** A game medium according to claim 29, the video 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.

[[37]]38. **(Currently Amended)** A game medium according to claim [[36]]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.

[[38]]39. **(Currently Amended)** 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.

[[39]]40. **(Currently Amended)** 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.

[[40]]41. **(Currently Amended)** 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.

[[41]]42. **(Currently Amended)** 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.

[[42]]43. **(Currently Amended)** 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.

[[43]]44. **(Currently Amended)** A game medium according to claim
[[42]]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.

[[44]]45. **(Currently Amended)** A game medium according to claim [[42]]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.

[[45]]46. **(Currently Amended)** 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.

[[46]]47. **(Currently Amended)** A game medium according to claim [[45]]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.

[[47]]48. **(Currently Amended)** A game medium according to claim [[45]]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.

[[48]]49. **(Currently Amended)** 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.

[[49]]50. **(Canceled)**

[[50]]51. **(Currently Amended)** A method performed by a computer server for updating a video game character parameter of a 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 sports-video game character performance parameters is based at least in part on a performance statistics of [[a]]the particular real-life athlete performing in one or more a 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;

~~storing one or more updated video game character performance parameters for at least two of the video game character performance parameters, wherein each of the updated video game character performance parameters is based, at least in part, on a~~

~~performance of the same real-life athlete playing in a real-life sporting event during a same 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) ~~provide video game play with a video game controller,~~ (ii) receive the plurality of updated video game performance parameters within the single sports season, and (ii[[i]]) change the sports video game play based on changes in the updated video game performance parameters, such that the particular video game character[[s]] of the sports video game more closely simulates the real-life performance of the particular real-life athlete[[s]] during the single sports season.

[[51]]52. **(Currently Amended)** A method as in claim [[50]]51, wherein,

at least a portion of the updated 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 are updates based at least in part on at least weekly real-life performances of the particular real-life athlete that occurred at least within the prior week. during at least a portion of the single sports season.

[[52]]53. **(Currently Amended)** A method as in claim [[50]]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 ~~are updates-based at least in part on at least weekly real-life~~ performances of
the same particular real-life athlete that occurred at least within the prior day. ~~during at~~
~~least a portion of the single sports season.~~

[[53]]54. **(Currently Amended)** A method as in claim [[50]]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.

[[54]]55. **(Currently Amended)** A method as in claim [[50]]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 ~~and a different~~
~~game during~~ of the single sports season.

[[54]]56. **(Cancelled)**

[[55]]57. **(Currently Amended)** A method as in claim [[50]]51, wherein the updated video game performance parameters are each associated with the performance of:

- a particular real-life basketball player;
- a ~~performance of a~~ particular real-life football player; or
- a particular real-life soccer player.

[[56]]58. **(Currently Amended)** A method as in claim [[50]]51, wherein the particular real-life athlete is a real-life professional athlete that plays for a real-life professional team.

59. **(New)** 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. **(New)** 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. **(New)** 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. **(New)** 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, video game character parameters, and video game stadium or field 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 for playing the video game, the video game data including the video game rules, one or more video game characters associated with corresponding real-life sports athletes, and one or more video game stadium or field parameters, the video game stadium or field parameter providing a video game field or stadium attribute in the video game that corresponds to a real-life attribute of a real-life sports stadium or field;

receiving an updated video game stadium or field parameter from a data server via the network including the Internet, wherein the updated video game stadium or field parameter corresponds to a change in the real-life sports stadium or field;

changing a stadium or field parameter in the video game based on the updated video game stadium or field parameter received such that the video game stadium or field parameter more closely represents the real-life stadium or field; and

enabling a user to control the one or more video game characters using a video game controller connected to the video game machine.

63. **(New)** A game medium according to claim 62, wherein the change in the video game attribute is a change in a visual appearance of the stadium or field that corresponds to a change in the real-life visual appearance of the real-life stadium or field.

64. **(New)** A game medium according to claim 63, wherein the change in the visual appearance of the stadium or field includes a change in the visual appearance of a plant.

65. **(New)** A game medium according to claim 64, wherein the plant includes grass.

66. **(New)** A game medium according to claim 64, wherein the plant includes ivy.

67. **(New)** A game medium according to claim 62, wherein a plurality of updated stadium or field parameters are received during a single real-life sports season and the stadium or field parameters in the video game are changed a plurality of times during the single sports season so that the video game stadium or field more closely simulates the real-life sports stadium or field throughout the single real life sports season.

REMARKS

This paper is in response to the Office Action mailed April 6, 2009 ("the Office Action"). The foregoing amendment amends claims 29-49, 51-55, 57, and 58, cancels claims 50 and 56, and adds claims 59-67. Claims 29-49, 51-55, and 57-67 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 telephone interview of March 13, 2009. The amendments and remarks presented herein reflect the substance of the interview.

Objection to the Claims

The Office Action objects to the claims because there were two claims 32 and two claims 54. The Applicant has amended the claims such that the claims are consecutive and paid the excess claim fees for two additional claims, previously unintentionally misnumbered. Therefore, in view of the amendments to the claims to correct these, and other, minor informalities, the Applicant respectfully requests that the objection to the claims be withdrawn.

Rejection under 35 U.S.C §103(a)

The Office action rejects claims 29-35, 38-44, and 49-56 under 35 U.S.C §103(a) over *NFL 2K1 GameFaqs on Deamcast* ("NFL2K1 FAQ")¹ in view of *Madden NFL 2003 Playstation 2 Manual* ("Madden 2003")². The Office action rejects claims 36, 37, and 45-48 under 35 U.S.C §103(a) over NFL2K1 in view of Madden 2003, further in view of Examiner's Official Notice.

1. Legal Background Regarding Obviousness

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

¹ Because *reference* is only citable under 35 U.S.C. §102(e) or 35 U.S.C. §102(a), **if at all**, Applicants do not admit that *reference* is 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 *reference* in this application or a divisional, continuation, or CIP thereof, thereby removing it as a reference or to require evidence to establish date of public accessibility and availability as prior art.

² Because *reference* is only citable under 35 U.S.C. §102(e) or 35 U.S.C. §102(a), **if at all**, Applicants do not admit that *reference* is 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 *reference* in this application or a divisional, continuation, or CIP thereof, thereby removing it as a reference or to require evidence to establish date of public accessibility and availability as prior art.

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)

2. Remarks Regarding Patentability of the Claims

Applicants respectfully traverse the rejections for at least the reason that the combination of references fails to teach or suggest each and every element of the claims. Under the guidelines in the MPEP, the Examiner must establish that the references teach or suggest each and every claim element or explain "why the difference(s) between the prior art and the claimed invention would have been obvious".³

Claim 29 requires, in part, "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;

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...." (Emphasis added).

Thus, claim 29 requires a direct correspondence between a single particular real-life sports athlete, the series of character performance parameters downloaded, and the performance of a single particular video game character that represents this single particular real-life sports athlete in the video game.

³ MPEP §2143.03 ("All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).")

MPEP §2141.III ("The prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, *Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.*" emphasis added).

In rejecting claim 29, the Examiner cites to page 9 of the NFL2K1 FAQ, 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).

The NFL2K1 FAQ reference does not, however, describe what "stats" the FAQ is referring to. Quite simply, it is unclear what the NFL2K1 FAQ reference is referring to as "stats" as the word is ambiguous at best, without speculation or more explanation.

However, the NFL2K1 FAQ reference clearly does not go so far as to disclose that the 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. Possibly, it may be that the stats relate to an overall team performance attribute, such as a relative performance of a team's overall offense, defense, or other team-related performance attribute that would not represent the different video game players individually. But, to even go this far is speculation. And clearly, to say that such stats relate to a particular real-life athlete, individual performance of an individual real-life athlete, or an associated particular individual video game character, as set forth in claim 29, is also speculation as such requirements are clearly not taught or suggested by the NFL2K1 FAQ.

In fact, the Applicants cite, by the IDS submitted herewith, several FAQs which are reached from the same location⁴ as the FAQ cited by the Office Action. Both the FAQ provided by "Weters"⁵ and the FAQ provided by "Tazzmission"⁶ provide evidence that in NFL2K1 the only stats available were team stats. More specifically, it appears from these two FAQs that the NFL2K1 video game provided only three stats for each team: (1) an offense stat, (2) a defense

⁴ (<http://www.gamefaqs.com/console/dreamcast/game/914206.html>)

⁵ (<http://www.gamefaqs.com/console/dreamcast/file/914206/8841>)

⁶ (<http://www.gamefaqs.com/console/dreamcast/file/914206/8814>)

stat, and (3) an overall stat. For example, both the Wethers FAQ reference and the Tazzmission FAQ reference agree that the San Francisco 49ers had an offense stat of 64, a defense stat of 74, and an overall stat of 68. Such similar stats are consistent for each football team listed in the two FAQs. What these numbers mean exactly is unclear. However, most likely these numbers suggest that the offensive players of a team collectively perform better in the video game if they have an offensive stat higher than the offensive players of another team.

However, these stats certainly do not suggest that **individual players** of an offense perform any differently within a team's offense. For example, as discussed in the background of the Applicant's specification, such stats do not suggest that the virtual player representing Shaquille O'Neal performs different in a basket ball video game than the virtual player representing Kobe Bryant. In such a video game with team statistics both virtual players of the same team are associated with the same "stat," therefore, both Shaq and Kobe would have the same free-throw percentage, which does not accurately represent real life. Therefore, a person controlling a particular individual player would not have the incentive to learn specifically how that particular offensive athlete is performing in real-life and control the particular virtual player representing that real-life athlete in the video game differently based on such knowledge that the video game play is affected by the particular real-life individual athlete performances.

Moreover, the person playing the video game would not make play-specific decisions based on the current real-life strengths and weaknesses of the individual players using the virtual players representing those athletes in the video game if only **team** performance attributes are included. For example, the user of a football sports video game would not decide to hand the ball off to Willie Parker instead of Brandon Jacobs (assuming that they were on the same team) because it is a short yardage situation, or what ever the facts of the video game competition may be. Because, in the references cited there is no difference between the **individual** performances of these two video game characters as they are both governed by the same "stat" in the NFL2K video game, for example "71". However, even these examples are based on speculation of what the term "stats" refers to in the NFL2K1 FAQ reference as the term is not explained, and the NFL2K1 FAQ does not explain what is performed with the "stats" once they are downloaded or how the "stats" affect the NFL2K video game. Therefore, the Applicant respectfully requests that the rejection of claim 29 be withdrawn for at least these reasons as well.

Claim 29 further requires "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...." (Emphasis added). Page 9 of NFL2K1 does not teach or suggest that multiple updated rosters and new and improved stats from **a single sports season** are downloaded in series – **one after another** - as required by claim 29. Rather, the language cited on page 9 of the NFL2K1 FAQ reference suggests that a single download occurs using stats from the previously completed sports season. This is evident from the fact that the purpose of downloading the new rosters and stats was to allow the user to get updated stats without buying the NFL 2K2 video game. Thus, at best, the downloaded rosters and stats are a **substitute** for information provided in the NFL 2K2 video game, which was released for a new season. The NFL 2K2 video game is similar to the NFL 2K1 video game, but was announced and released approximately one year after the announcement and release of NFL 2K1. It is well known in the sports video gaming industry today, as well as in 2002, to release sequels of sports video games to incorporate information from the previously **completed** sports season. In the yearly updates, the stats are based on an average performance of the player during an entire season. Applicants respectfully submit that the NFL2K1 FAQ reference does not teach or suggest that the downloaded rosters and stats are based on information from anything other than a completed and outdated sports season. Consequently, Applicants submit that the NFL2K1 FAQ reference clearly fails to disclose serial updates as required in the claims "during a single sports season."

Therefore, for each of these reasons the Applicant respectfully requests that the rejection of claim 29 be withdrawn. Claims 30-49 depend from claim 29. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, the Applicant respectfully requests that the rejections of claims 30-49 be withdrawn for at least the same reasons as claim 29.

Regarding claims 30 and 31, the Office Action alleges that the NFL2K1 reference discloses a method where the updated video game performance parameters are updated at least weekly or at least daily because NFL2K1 is played on a weekly basis. Applicants traverse the Examiner's rejection on the grounds that the frequency with which NFL2K1 is played is not an indication of, and does not relate to, how often the video game is updated. As discussed above, the download described in the NFL2K1 FAQ reference relates to a single download associated

with the yearly release of the NFL 2K2 video game. Since the NFL 2K2 video game was a single release approximately one year after NFL 2K1, it would not be possible for a user to download new rosters and stats from a single sports season and/or on a weekly or daily basis. Thus, Applicants submit that the NFL2K1 FAQ fails to teach weekly or daily updates and the Office Action fails to establish how such an update could be accomplished using the system described in the NFL2K1 FAQ.

Regarding claims 36-37 and 45-48, the Office Action rejects these claims under 35 U.S.C. 103(a) as being unpatentable over the NFL2K1 reference in view of Madden NFL 2003 Playstation2 Manuel (referred to as Madden) in view of Examiner's Official Notice. Applicants Agree with the Examiner that real NFL games are played in real stadiums and that the appearance of real stadiums changes due weather **in real life**. The Applicant agrees with the Examiner that downloading updates to stadiums to change the video game to have weather corresponding to a real life stadium adds great excitement to game play.

However, Applicants traverse the Examiner's conclusion that it would have been obvious at the time that this application was filed to modify the NFL2K1 Reference because there is no evidence that someone, or some thing, had suggested such at the time of the this invention. The fact that a player would be excited about updating the weather or other stadium attributes in a video game cannot provide motivation unless the skilled artisan was some how aware of the ability to update the stadium in the first place. For example, a player cannot be excited about downloading real life stadium parameters unless the player is presented with such a feature in a game, or such a feature is some how suggested to that player. Similarly, if at the time of the invention, the skilled artisans viewing the NFL2K1 reference had not considered, or been told about, giving the NFL2K1 video game the updatable stadium feature, the skilled artisan could not have been motivated by the excitement that a player would experience from such a feature. In short, one of skill in the art cannot be motivated by something that **doesn't yet exist**. Thus, the Applicants submit that the Examiner's only source for teachings regarding updating the weather or stadium feature in a video game is **Applicant's own specification**, which constitutes the use of impermissible hindsight. Applicants submit that there is no teaching, suggestion, or motivation or other available rationale based on concrete evidence to modify the NFL2K1 Reference in view of Madden in support of the Official Notice to arrive at the invention claimed.

Rather, such teachings are only set forth by the Applicant's specification. Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 36-37 and 45-48 under 35 U.S.C. §103(a) as clearly based on impermissible hindsight.

Applicants also submit that the even if the Dreamcast video game machine could be used to download updates, and even if the NFL 2K1 video game did provide updates for weather and other stadium features, there is objective evidence of non-obviousness under the *Graham v. John Deere* test. As noted by the Examiner, players of the NFL 2K1 game would be greatly excited by the ability to download stadium parameters with changes in weather. The **lack** of updateable stadium features in the NFL 2K1 game, despite the great excitement that a player would experience from such a feature, and the likely commercial success and long felt need associated thereto, is objective evidence of non-obviousness. For this additional reason, Applicants submit that claims 36-37 and 45-48 are allowable over the art of record.

Claim 51 (previously claim 50) requires acts from the perspective of a server. Claim 51 recites steps that include several features that are similar to several elements discussed above with respect to claim 29. Claim 51 recites "each sports video game character performance parameter is based on a performance statistic of an individual real-life athlete in a real-life sporting event"; storing "a plurality of updated video game character performance parameters"; and "during a single sports season." Thus, Applicants submit that claims 51-58 are allowable over the NFL2K1 FAQ alone or in combination with Madden 2003 Manual, for several similar reasons as those discussed above with respect to claim 29.

Further, since claims 51-58 are directed to a method performed and the rejection only discusses a game medium, Applicants submit that the Office Action fails to address the specific acts of claims 51-58. Thus, with regards to claims 51-58, the Office Action fails to present a proper *prima facie* case of obviousness including a full and reasoned explanation as to all of the claimed elements. See *In re Lee*, 61 USPQ2d 1430, 1432-33 (Fed. Cir. 2002). Applicants respectfully request a proper analysis of the steps performed with regard to claim 51 or allowance of the claim.

Because the Office Action neither shows that the references teach or suggest each and every claim element of claims 29-58 nor points to concrete evidence available as of the filing

date of this application to establish why the differences between the prior art and the claimed invention would have been obvious to a person of skill in the art, the Office Action fails to present a *prima facie* case that claims 51-58 are obvious and the rejection is thus improper. Applicants therefore respectfully request that Examiner withdraw the rejection of claims 29-58 under 35 U.S.C. §103(a).

New Claims

Claims 59-67 have been added and are believed to be allowable over the art of record.

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 therefor 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 2nd day of July, 2009.

Respectfully submitted,

/David A. Jones/ Reg. 50,004

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2428571_1

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
	1				

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						<input type="checkbox"/>

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	Weters, <i>NFL 2K1: FAQ by Weters</i> , Hosted by GameFAQs, Version 3.1, http://www.gamefaqs.com/console/dreamcast/file/914206/8841 , last accessed July 2, 2009.	<input type="checkbox"/>
	2	Sycho Bubba Crusty, <i>NFL 2K1: FAQ by Tazzmission</i> , Hosted by GameFAQs, Version 2.0, http://www.gamefaqs.com/console/dreamcast/file/914206/8814 , last accessed July 2, 2009.	<input type="checkbox"/>

OFFICE ACTION / NOTICE OF ALLOWANCE DOCUMENTS

Examiner Initials*	Cite No.	Application Number	Mail Date	Document
	1			

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			Art Unit	3714
			Examiner Name	Damon Joseph Pierce
Sheet	2 of 3		Attorney Docket Number	17791.3.1

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
<p>*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.</p>			
<p>¹Applicant is to place a check mark here if English language translation is attached.</p>			

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	3 of 3		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	July 2, 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.**

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/266,795		Filing Date 10/08/2002		<input type="checkbox"/> To be Mailed			
APPLICATION AS FILED – PART I												
(Column 1)			(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/> OR			OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)		
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A			N/A			
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A			N/A			
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A			N/A			
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=		X \$	=		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=		X \$	=		
<input type="checkbox"/> 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).											
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))												
* If the difference in column 1 is less than zero, enter "0" in column 2.												
APPLICATION AS AMENDED – PART II												
(Column 1)			(Column 2)		(Column 3)			SMALL ENTITY OR			OTHER THAN SMALL ENTITY	
AMENDMENT	07/02/2009	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 37	Minus	** 30	= 7	X \$26 =	182	OR	X \$	=		
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$110 =	0	OR	X \$	=		
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))											
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
						TOTAL ADD'L FEE	182	OR	TOTAL ADD'L FEE			
(Column 1)			(Column 2)		(Column 3)			SMALL ENTITY OR			OTHER THAN SMALL ENTITY	
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=	OR	X \$	=		
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=	OR	X \$	=		
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))											
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.												

Legal Instrument Examiner:
/LASHAWN MORGAN/

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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.
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10/266,795

10/08/2002

Athanasios Angelopoulos

17791.3.1

9115

22913

7590

05/15/2009

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

05/15/2009

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. 10/266,795	Applicant(s) ANGELOPOULOS, ATHANASIOS	
	Examiner DAMON PIERCE	Art Unit 3714	

All participants (applicant, applicant's representative, PTO personnel):

(1) DAMON PIERCE. (3) David A. Jones.

(2) Dmitry Suhol. (4) Andrew Hansen.

Date of Interview: 13 March 2009.

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 and 59.

Identification of prior art discussed: NFL2K1 and Madden 2003.

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 proposed claim amendments. Consequently, the Examiner discussed further amendments may be required to possibly overcome the outstanding rejection. 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
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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.
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EXAMINER

PIERCE, DAMON JOSEPH

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

05/07/2009

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.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/266,795</p>	<p>Applicant(s) ANGELOPOULOS, ATHANASIOS</p>	
	<p>Examiner DAMON PIERCE</p>	<p>Art Unit 3714</p>	

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

THE REPLY FILED 30 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 29-56.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

Continuation of 3. NOTE: The number of claims to be examined has increased.

Continuation of 11. does NOT place the application in condition for allowance because: Regarding NFL2K1 reference: (1) Updated rosters taught by NFL2K1 consist of teams having new players via trades; (2) new and improved stats taught by NFL2K1 consist of athletes game abilities changing based on their independent performance(s) and status of athlete in real life, for example, if an athlete is injured in real-life that athlete abilities is reflected in the video game based on his injuries; (3) rosters and stats of NFL2K1 are available as long as the game manufacturer continue to provides these updates whether over the course of 1 or more seasons of a particular sport, for example, real-life NFL games are played on a weekly basis, thus, the game manufacture may provide game updates after every week of the NFL season; (4) Madden provides stadium changes without downloading, such as playing a night game, or a game in varying weather conditions, and showing the wear and tear of a football field over the course of a season, thus, using the idea of providing stadium changes during the course of a season as taught by Madden in combination with the idea of downloading updated game data of NFL2K1 would render the idea of downloading stadium attributes obvious in view of Madden and NFL2K1.

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, 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 particular real-life sports athlete, wherein the particular video game performance parameter corresponds to a real-life performance of the particular real-life sports athlete playing in one or more sporting events, the particular video game character performance parameter affecting the manner in which ~~[[a]]the~~ particular video game character performs in the sports video game;

during a single sports season, receiving a plurality of updated video game character performance parameters from a data server via a network including the Internet, wherein the plurality of updated video game character performance parameters correspond to real-life performances of the particular real-life sports athlete performed at least in part 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 video game character performs in the sports video game; and

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

30. **(Previously Presented)** A method as in claim 29, wherein receipt of an updated video game performance parameter occurs at least weekly during at least a portion of the single sports season.

31. **(Previously Presented)** A method as in claim 29, wherein receipt of an updated video game performance parameter occurs at least daily during at least a portion of the single sports season.

32. **(Previously Presented)** 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.

[[32]]33. **(Currently Amended)** A game medium according to claim 29, the video 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.

[[33]]34. **(Currently Amended)** 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.

[[34]]35. **(Currently Amended)** A game medium according to claim 29, the ~~video~~ 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.

[[35]]36. **(Currently Amended)** A game medium according to claim 29, the ~~video~~ 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.

[[36]]37. **(Currently Amended)** A game medium according to claim 29, the video 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.

[[37]]38. **(Currently Amended)** A game medium according to claim [[36]]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.

[[38]]39. **(Currently Amended)** 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.

[[39]]40. **(Currently Amended)** 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.

[[40]]41. **(Currently Amended)** 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.

[[41]]42. **(Currently Amended)** 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.

[[42]]43. **(Currently Amended)** 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.

[[43]]44. **(Currently Amended)** A game medium according to claim [[42]]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.

[[44]]45. **(Currently Amended)** A game medium according to claim [[42]]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.

[[45]]46. **(Currently Amended)** 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.

[[46]]47. **(Currently Amended)** A game medium according to claim [[45]]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.

[[47]]48. **(Currently Amended)** A game medium according to claim [[45]]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.

[[48]]49. **(Currently Amended)** 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.

[[49]]50. **(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, 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 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;

receiving an updated video game team player parameter from a data server via the network, wherein the video game team player parameter corresponds to a trade of a real-life athlete from a first real-life team to a second real-life team during a single sports season;

changing video game players of a video game team based on the updated video game team player parameter received; and

enabling a user to control video game characters using a video game controller connected to the video game machine.

[[50]]51. **(Currently Amended)** A method performed by a computer server for updating a video game character parameter 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:

storing video game character performance parameters on a storage medium of the computer server, wherein each sports video game character performance parameter is based on a performance statistic of a real-life athlete in a real-life sporting event;

storing updated video game character performance parameters for at least two of the video game character performance parameters, wherein each of the updated video game character performance parameters is based, at least in part, on a performance of the same real-life athlete playing in a real-life sporting event during a same sports season;

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

transmitting the updated video game performance parameters to the video game machine over the network, enabling the video game machine to (i) provide video game play with a video game controller, (ii) receive the updated video game performance parameters, and (iii) change the sports video game play based on changes in the updated video game performance parameters such that the video game characters of the sports video game more closely simulate the real-life performance of the real-life athletes.

[[51]]52. **(Currently Amended)** A method as in claim [[50]]51, wherein at least a portion of the updated video game character performance parameters are updates based on at least weekly performances of the same real-life athlete during at least a portion of the single sports season.

[[52]]53. **(Currently Amended)** A method as in claim [[50]]51, wherein at least a portion of the updated video game character performance parameters are updates based on at least weekly performances of the same real-life athlete during at least a portion of the single sports season.

[[53]]54. **(Currently Amended)** A method as in claim [[50]]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.

[[54]]55. **(Currently Amended)** A method as in claim [[50]]51, wherein each of the updated video game performance parameters is associated with the performance of a real-life athlete during a single game and a different game during the single sports season.

[[54]]56. **(Currently Amended)** A method as in claim [[50]]51, wherein each of the updated video game performance parameters is associated with the performance of a real-life athlete during a plurality of games, at least one game of which occurs during the single sports season, wherein each of the updated video game performance parameters is associated with the performance of the real-life athlete in at least one different sports game during the single sports season.

[[55]]57. **(Currently Amended)** A method as in claim [[50]]51, wherein the updated video game performance parameters are each associated with the performance of:

- a real-life basketball player;
- a performance of a real-life football player; or
- a real-life soccer player.

[[56]]58. **(Currently Amended)** A method as in claim [[50]]51, wherein the real-life athlete is a real-life professional athlete that plays for a real-life professional team.

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:	TRAVIS R. BANTA)
)
Customer No.:	022913)

AMENDMENT UNDER 35 U.S.C. § 1.116

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

Dear Sir:

In response to the Office action mailed April 6, 2009 (the "Office Action"), the Applicant responds as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. **Remarks** begin on page 12 of this paper.

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, 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 particular real-life sports athlete, wherein the particular video game performance parameter corresponds to a real-life performance of the particular real-life sports athlete playing in one or more sporting events, the particular video game character performance parameter affecting the manner in which ~~[[a]]the~~ particular video game character performs in the sports video game;

during a single sports season, receiving a plurality of updated video game character performance parameters from a data server via a network including the Internet, wherein the plurality of updated video game character performance parameters correspond to real-life performances of the particular real-life sports athlete performed at least in part 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 video game character performs in the sports video game; and

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

30. **(Previously Presented)** A method as in claim 29, wherein receipt of an updated video game performance parameter occurs at least weekly during at least a portion of the single sports season.

31. **(Previously Presented)** A method as in claim 29, wherein receipt of an updated video game performance parameter occurs at least daily during at least a portion of the single sports season.

32. **(Previously Presented)** 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.

[[32]]33. **(Currently Amended)** A game medium according to claim 29, the video 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.

[[33]]34. **(Currently Amended)** 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.

[[34]]35. **(Currently Amended)** A game medium according to claim 29, the ~~video~~ 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.

[[35]]36. **(Currently Amended)** A game medium according to claim 29, the ~~video~~ 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.

[[36]]37. **(Currently Amended)** A game medium according to claim 29, the video 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.

[[37]]38. **(Currently Amended)** A game medium according to claim [[36]]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.

[[38]]39. **(Currently Amended)** 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.

[[39]]40. **(Currently Amended)** 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.

[[40]]41. **(Currently Amended)** 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.

[[41]]42. **(Currently Amended)** 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.

[[42]]43. **(Currently Amended)** 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.

[[43]]44. **(Currently Amended)** A game medium according to claim [[42]]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.

[[44]]45. **(Currently Amended)** A game medium according to claim [[42]]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.

[[45]]46. **(Currently Amended)** 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.

[[46]]47. **(Currently Amended)** A game medium according to claim [[45]]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.

[[47]]48. **(Currently Amended)** A game medium according to claim [[45]]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.

[[48]]49. **(Currently Amended)** 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.

[[49]]50. **(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, 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 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;

receiving an updated video game team player parameter from a data server via the network, wherein the video game team player parameter corresponds to a trade of a real-life athlete from a first real-life team to a second real-life team during a single sports season;

changing video game players of a video game team based on the updated video game team player parameter received; and

enabling a user to control video game characters using a video game controller connected to the video game machine.

[[50]]51. **(Currently Amended)** A method performed by a computer server for updating a video game character parameter 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:

storing video game character performance parameters on a storage medium of the computer server, wherein each sports video game character performance parameter is based on a performance statistic of a real-life athlete in a real-life sporting event;

storing updated video game character performance parameters for at least two of the video game character performance parameters, wherein each of the updated video game character performance parameters is based, at least in part, on a performance of the same real-life athlete playing in a real-life sporting event during a same sports season;

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

transmitting the updated video game performance parameters to the video game machine over the network, enabling the video game machine to (i) provide video game play with a video game controller, (ii) receive the updated video game performance parameters, and (iii) change the sports video game play based on changes in the updated video game performance parameters such that the video game characters of the sports video game more closely simulate the real-life performance of the real-life athletes.

[[51]]52. **(Currently Amended)** A method as in claim [[50]]51, wherein at least a portion of the updated video game character performance parameters are updates based on at least weekly performances of the same real-life athlete during at least a portion of the single sports season.

[[52]]53. **(Currently Amended)** A method as in claim [[50]]51, wherein at least a portion of the updated video game character performance parameters are updates based on at least weekly performances of the same real-life athlete during at least a portion of the single sports season.

[[53]]54. **(Currently Amended)** A method as in claim [[50]]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.

[[54]]55. **(Currently Amended)** A method as in claim [[50]]51, wherein each of the updated video game performance parameters is associated with the performance of a real-life athlete during a single game and a different game during the single sports season.

[[54]]56. **(Currently Amended)** A method as in claim [[50]]51, wherein each of the updated video game performance parameters is associated with the performance of a real-life athlete during a plurality of games, at least one game of which occurs during the single sports season, wherein each of the updated video game performance parameters is associated with the performance of the real-life athlete in at least one different sports game during the single sports season.

[[55]]57. **(Currently Amended)** A method as in claim [[50]]51, wherein the updated video game performance parameters are each associated with the performance of:

- a real-life basketball player;
- a performance of a real-life football player; or
- a real-life soccer player.

[[56]]58. **(Currently Amended)** A method as in claim [[50]]51, wherein the real-life athlete is a real-life professional athlete that plays for a real-life professional team.

REMARKS

This paper is in response to the Office Action mailed April 6, 2009 ("the Office Action"). The foregoing amendment amends claims 29 and 33-58. Claims 29-58 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.

Objection to the Claims

The Office Action objects to the claims because there were two claims 32 and two claims 54. The Applicant has amended the claims such that the claims are consecutive and paid the excess claim fees for two additional claims, previously unintentionally misnumbered. Therefore,

in view of the amendments to the claims to correct the minor informalities, the Applicant respectfully requests that the objection to the claims be withdrawn.

Rejection under 35 U.S.C §103(a)

The Office action rejects claims 29-35, 38-44, and 49-56 under 35 U.S.C §103(a) over *NFL 2K1 GameFaqs on Deamcast* ("NFL2K1")¹ in view of *Madden NFL 2003 Playstation 2 Manual* ("Madden 2003")². The Office action rejects claims 36, 37, and 45-48 under 35 U.S.C §103(a) over NFL2K1 in view of Madden 2003, further in view of Examiner's Official Notice.

1. Legal Background Regarding Obviousness

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]jections 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)

¹ Because *reference* is only citable under 35 U.S.C. §102(e) or 35 U.S.C. §102(a), **if at all**, Applicants do not admit that *reference* is 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 *reference* in this application or a divisional, continuation, or CIP thereof, thereby removing it as a reference or to require evidence to establish date of public accessibility and availability as prior art.

² Because *reference* is only citable under 35 U.S.C. §102(e) or 35 U.S.C. §102(a), **if at all**, Applicants do not admit that *reference* is 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 *reference* in this application or a divisional, continuation, or CIP thereof, thereby removing it as a reference or to require evidence to establish date of public accessibility and availability as prior art.

2. Remarks Regarding Patentability of the Claims

Applicants respectfully traverse the rejections for at least the reason that the combination of references fails to teach or suggest each and every element of the claims. Under the guidelines in the MPEP, the Examiner must establish that the references teach or suggest each and every claim element or explain "why the difference(s) between the prior art and the claimed invention would have been obvious".³

Claim 29 requires, "during a single sports season, receiving a plurality of updated video game character performance parameters from a data server via a network including the Internet, wherein the plurality of updated video game character performance parameters correspond to real-life performances of the real-life sports athlete performed at least in part during the single sports season; [and] 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...." (Emphasis added).

Thus, 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.

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.

³ MPEP §2143.03 ("All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).")

MPEP §2141.III ("The prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, *Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.*" 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. Possibly, it may be that the stats relate to an overall team performance attribute, such as a relative performance of a team's overall offense, defense, or other team-related performance attribute. But, to even go this far is speculation. And even more so, to say that such stats relate to a particular real-life athlete, or particular video game character, as set forth in claim 29 is also speculation as such requirements are clearly not taught or suggested by NFL2K1. Quite simply, it is unclear what NFL2K1 is referring to as "stats" as the word is ambiguous at best, without more explanation.

Claim 29 further requires "during a single sports season, receiving a plurality of updated video game character performance parameters from a data server via a network including the Internet" (Emphasis added). Page 9 of NFL2K1 does not teach or suggest that the updated rosters and new and improved stats are downloaded during a single sports season as required by claim 29. Rather, the language cited on page 9 of the NFL2K1 Reference is referring to a download occurring between two sports seasons. This is evident from the fact that the purpose of downloading the new rosters and stats was to allow the user to get updated stats without buying the NFL 2K2 video game. Thus, at best the downloaded rosters and stats are a substitute for information provided in the NFL 2K2 video game. The NFL 2K2 video game is similar to the NFL 2K1 video game, but was announced and released approximately one year after the announcement and release of NFL 2K1. It is well known in the sports video gaming industry to release sequels of sports video games to incorporate information from the previously **completed** sports season. Applicants respectfully submit that the NFL2K1 Reference does not teach or suggest that the downloaded rosters and stats could be based on information from anything other than a completed and outdated sports season. Consequently, Applicants submit that the NFL2K1 Reference fails to disclose updating as required in the claims "during a 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...."

(Emphasis added). Page 9 of the NFL2K1 Reference discloses downloading new rosters and stats but does not disclose that the rosters and stats affect a manner in which a particular video game character performs in the sports video game. In fact, the NFL2K1 Reference is silent as to what is done with the new stats and roster. The stats in the NFL2K1 Reference may well be merely non-functional informational stats which are displayed to a user but do not affect the manner in which the video game is played. And, more specifically, may not affect the manner in which a particular video game character performs in the sports video game.

Claims 30-49 depend from claim 29. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, the Applicant respectfully requests that the rejections of claims 30-49 be withdrawn for at least the same reasons as claim 29.

Moreover, regarding claims 30 and 31, the Office Action alleges that the NFL2K1 Reference discloses a method where the updated video game performance parameters are updated at least weekly or at least daily because NFL2K1 is played on a weekly basis. However, the frequency with which NFL2K1 is played is not an indication of how often the video game is updated. Moreover, as discussed above, the download described in the NFL2K1 reference relates to a download associated with the yearly release of video games in the NFL 2K series. Since the NFL 2K games were only released on a yearly basis, it would not be possible for a user to download new rosters and stats on a weekly or monthly basis. Thus, not only does the NFL2K1 Reference fail to teach weekly updates, the Office Action fails to establish how such an update could even be accomplished using the system described in the NFL2K1 Reference.

Regarding claims 36-37 and 45-48, the Office Action rejects these claims under 35 U.S.C. 103(a) as being unpatentable over the NFL2K1 Reference in view of Madden NFL 2003 Playstation2 Manuel (referred to as Madden) in view of Examiner's Official Notice. Applicants Agree that it is well known that real NFL games are played in real stadiums and that the appearance of real stadiums changes due weather. The Applicant agrees that downloading updates to stadiums to change the video game to have weather corresponding to a real life stadium adds great excitement to game play.

However, Applicants traverse the Examiner's conclusion that it would have been obvious at the time that this application was filed to modify the NFL2K1 Reference based on these facts. The fact that a player would be excited about updating the weather or other stadium attributes in a video game cannot provide motivation unless the skilled artisan was some how aware of the ability to update the stadium in the first place. A player cannot be excited about downloading real life stadium parameters unless the player is presented with such a feature in a game, or such a feature is some how suggested to that player. Similarly, if at the time of the invention, the skilled artisans viewing the NFL2K1 reference had not considered giving the NFL2K1 video game the updatable stadium feature, the skilled artisan could not have been motivated by the excitement that a player would experience from such a feature. In short, one of skill in the art cannot be motivated by something that doesn't exist. Thus, the Applicants submit that the Examiner's only source for teachings regarding updating the weather or stadium feature in a video game is Applicant's own specification, which constitutes the use of impermissible hindsight. Applicants submit that there is no teaching suggestion or motivation or other rationale to modify the NFL2K1 Reference in view of Madden and the Official Notice to arrive at the invention claimed. Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 36-37 and 45-48 under 35 U.S.C. §103(a).

Applicants also submit that the fact that the Dreamcast video game machine could be used to download updates, and the fact that that the NFL 2K1 video game did not provide updates for weather and other stadium features, is objective evidence of non-obviousness under the *Graham v. John Deere* test. As noted by the Examiner, players of the NFL 2K1 game would be greatly excited by the ability to download stadium parameters with changes in weather. The lack of updateable stadium features in the NFL 2K1 game, despite the great excitement that a player would experience from such a feature and the likely commercial success associated thereto, is objective evidence of non-obviousness. For this additional reason, Applicants submit that claims 36-37 and 45-48 are allowable over the art of record.

Claim 50 (previously claim 49) requires that a video game team player parameter be received where the video game team player parameter corresponds to a trade of a real-life athlete

from a first real-life team to a second real-life team during a single sports season. As discussed above, the NFL2K1 Reference discloses the downloading of stats and rosters. NFL2K1 does not disclose downloading individual video game team player parameters that relate to an individual trade of a real-life athlete from a first real-life team to a second real-life team. Moreover, as previously discussed, the NFL2K1 reference does not disclose that the stats and rosters are downloaded during a single sports season. Rather the NFL2K1 reference appears to suggest that the stats and rosters are downloaded between seasons.

Claim 51 (previously claim 50) requires steps from the perspective of a server, which several steps may be similar to those from claim 29. Therefore, claim 51 is believed to be allowable for several reasons similar to claim 29 from the perspective of a server.

Moreover, the NFL2K1 Reference only discloses downloading stats and rosters, but it is unclear where this information is downloaded from and the actions taken on the other end. Applicants respectfully request a proper analysis of the steps performed with regard to the acts of claim 51.

Claims 51-58 are directed to a method performed. However, the rejection only discusses a game medium and the acts of claims 51-58 are not specifically addressed. Thus, with regards to claims 51-58, the Office Action fails to present a proper *prima facie* case of obviousness including 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. 359, 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.]

Accordingly, the rejection applied to Claims 51-58 also fails to meet the minimum requirement of providing an administrative record showing that the evidence on which the Office Action's conclusion that those claim are obvious.

Because the Office Action neither shows that the references teach or suggest each and every claim element of claims 29-58 nor points to concrete evidence available as of the filing date of this application to establish why the differences between the prior art and the claimed invention would have been obvious to a person of skill in the art, the Office Action fails to present a *prima facie* case that claims 29-58 are obvious and the rejection is thus improper. Applicants therefore respectfully request that Examiner withdraw the rejection of claims 29-58 under 35 U.S.C. §103(a).

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 30th day of April, 2009.

Respectfully submitted,

/David A. Jones/ Reg. 50,004

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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:				
Claims in excess of 20	2202	2	26	52
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:	EA-1003, Page 098			

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				52

Electronic Acknowledgement Receipt

EFS ID:	5252617
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:	30-APR-2009
Filing Date:	08-OCT-2002
Time Stamp:	17:18:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$52
RAM confirmation Number	3692
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 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Amendment.pdf	819628 9f642ef4afbc559b82c3280695ce378b905473a4	yes	20

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment After Final	1	1
Claims	2	11
Applicant Arguments/Remarks Made in an Amendment	12	20

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	29682 d8cabedfb02334336a6b15112f7b9ab670fb d4520	no	2
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Warnings:

Information:

Total Files Size (in bytes):	849310
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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.

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/266,795		Filing Date 10/08/2002		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/> OR			OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> 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).									
<input type="checkbox"/> 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										
(Column 1)			(Column 2)		SMALL ENTITY OR			OTHER THAN SMALL ENTITY		
AMENDMENT	04/30/2009	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 30	Minus	** 28	=	2		X \$	=	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	=	0		X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE	52	OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)		SMALL ENTITY OR			OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=			X \$	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=			X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

Legal Instrument Examiner:
/BURNELL L. ROSS/

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/266,795

10/08/2002

Athanasios Angelopoulos

17791.3.1

9115

22913

7590

04/06/2009

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

04/06/2009

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. 10/266,795	Applicant(s) ANGELOPOULOS, ATHANASIOS	
	Examiner DAMON PIERCE	Art Unit 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 11 March 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) 29-56 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) 29-56 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:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/23/09 and 3/11/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The examiner acknowledges the amendments filed on 8/22/08, where claims 1-28 are cancelled and claims 29-56 are newly added. Currently, claims 29-56 are pending.

Claim Objections

2. Claims 32 and 54 are objected to because of the following informalities: there are two claims labeled "claim 32" and "claim 54". Appropriate correction is required.

Claim Rejections - 35 USC § 103

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

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

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 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.

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5. Claims 29-35, 38-44, and 49-56 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, 49, and 50, 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, 32-35, 39-44, 49, 50, 51-52, 54-56. 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

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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 from 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 plurality of updated video game character performance parameters from a data server via a network including the Internet, wherein the plurality of updated video game character performance parameters correspond to real-life performances of the real-life sports athlete performed at least in part during the single sports season (pg. 9, discloses connecting to the net to update player rosters and improved 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 (see pg. 9, which includes downloading improved player stats); 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

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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. NFL2K1 discloses a method as in claim 29, wherein receipt of an updated video game performance parameter occurs at least weekly during at least a portion of the single sports season (being that NFLK1 is a game football game that is played on a weekly basis for an entire season, the stat updates of players are available on a weekly basis).

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

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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).

38. 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).

53. Madden discloses a method as in claim 50, 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).

6. Claims 36-37, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over NFL 2K1 GameFags on Dreamcast (referred to as NFL2K1) in view of Madden NFL 2003 Playstation2 Manuel (referred to as Madden) in view of Examiner's Official Notice.

36, 37. NFL2K1 discloses a game medium according to claim 29, the video game medium being further configured to cause the video game machine to perform the method further comprising: receiving an updated video game parameter from a data server via the network including the Internet (pg. 9, discloses connecting to the net to update player rosters and improved stats), except 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; 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. NFL2K1 does disclose NFL stadiums and playing games in varying weather conditions (see pps. 14 and 16-17). Where it is well known that NFL games are played in stadiums during a course of the season and stadium appearances goes through appearance changes due to natural elements such as weather. A player would have motivation to download stadiums corresponding with weather changes in order to add excitement to game play.

45, 46, 47, 48. A game medium according to claim 29, wherein the sports video game is a basketball or soccer 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. It is well known in the art that there

are a variety of sports video games of varying sports such as NBA Live for basketball, NHL for hockey, and FIFA for soccer, where each sports game package stats vary based on the sport. A game designer would have motivation to use the roster and stat updating feature of NBA2K1 with any sport in order to attract game players of varying sports based on a player's preference.

Response to Arguments

7. Applicant's arguments with respect to claims 29-56 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). 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

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the 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.

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	NFL 2K1 GameFAQs - Dreamcast- http://www.gamefaqs.com/console/dreamcast/file/914206/10283 - 02/08/2001
	V	Madden NFL 2003 - Playstation2 Manual - http://www.replacementdocs.com - release date: 08/12/2002
	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.

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	836	"463/1".OCLS.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 08:09
S2	2	((ATHANASIOS) near2 (ANGELOPOULOS)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 08:09
S3	13	("0306033" | "5411259" | "5694546" | "5810680" | "5971855" | "6200216" | "6261179" | "6292706" | "6347993" | "6368210" | "6412780" | "6783460").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 08:11
S4	5	US-1779131-\$.DID. OR US- 6080063-\$.DID. OR US- 5860862-\$.DID. OR US- 20020010026-\$.DID.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 08:12
S5	10	US-1779131-\$.DID. OR US- 6135881-\$.DID. OR US- 1234567-\$.DID. OR US- 2345678-\$.DID. OR US- 3456789-\$.DID. OR US- 5678910-\$.DID. OR US- 7891011-\$.DID. OR US- 9101112-\$.DID.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 08:13
S6	1285	"463/1-4".OCLS.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 08:35
S7	738	"463/6-8".OCLS.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 08:35
S8	4124	"463/40-43".OCLS.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 08:39
S9	1441	"700/90-93".OCLS.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 08:40
S10	720	"463/30".OCLS.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 09:48
S11	59	("4977503" | "5026058" | "5411259" | "5533124").PN. OR ("6200216").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 09:59

S12	10	("4858930" | "5498002" | "5885156").PN. OR ("6347993").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 10:01
S13	8	("5435554" | "5639084" | "6183363").PN. OR ("6368210").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 10:03
S14	1473	(video adj game) same (sport or basketball or football or baseball or soccer or hockey)	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 10:27
S15	1	(video adj game) same (sport or basketball or football or baseball or soccer or hockey) and (updat \$3 near athlete)	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 10:29
S16	1906	"463/30-33".CCLS.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 10:48
S17	1886	game adj (character or athlete or player) same (performance or parameter or attribute or characteristic or statistic)	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 11:56
S18	233	S14 and S17	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 11:56
S19	949	game adj (character or athlete or player) with (performance or parameter or attribute or characteristic or statistic)	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 11:57
S20	135	S14 and S19	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 11:57
S21	55	S20 and @ad<="20021008"	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 12:19
S22	148	S14 and stadium	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 13:38
S23	40	S22 and @ad<="20021008"	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 13:38

S24	15	("4592546" "4722526" "5034807" "5586257" "5683090" "5759101" "5779549" "5797796" "5813913" "6135881" "6135885" "6292706").PN. OR ("6394895").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/03/25 14:36
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3/ 28/ 2009 10:44:56 AM**C:\ Documents and Settings\ dpierce\ My Documents\ EAST\ Workspaces\ 10-266,795.wsp**

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	Peter Dung Ba Vo
Sheet	1 of 3		Attorney Docket Number	17791.3.1

U.S. PATENT APPLICATIONS

Examiner Initials*	Cite No.	Application Number	Filing Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/DJP/	1	6,080,063	June 27, 2000	Khosla	
/DJP/	2	5,860,862	January 19, 1999	Junkin	

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
/DJP/	1	2002/0010026	January 24, 2002	York	

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						<input type="checkbox"/>

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		<input type="checkbox"/>


U.S. PATENT APPLICATION FILE HISTORIES

Examiner Initials*	Cite No.	Application Number	File Date	Inventor(s)
	1			

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	Peter Dung Ba Vo
Sheet	2 of 3		Attorney Docket Number	17791.3.1

EXAMINER SIGNATURE

Examiner Signature	/Damon Pierce/	Date Considered	03/25/2009
*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.			


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


INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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

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

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47										
CLAIM		DATE								
Final	Original	03/28/2009								
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	35	✓								
	36	✓								

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

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

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47										
CLAIM		DATE								
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	51	✓								
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	55	✓								
	56	✓								

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				
	2				
	3				
	4				
	5				

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
/DJP/	1	6,135,881	October 24, 2000	Abbott et al.	
	2				
	3				

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				
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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

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						<input type="checkbox"/>
	2						<input type="checkbox"/>

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		<input type="checkbox"/>
	2		<input type="checkbox"/>

OFFICE ACTION / NOTICE OF ALLOWANCE DOCUMENTS

Examiner Initials*	Cite No.	Application Number	Mail Date	Document
	1			
	2			
	3			
	4			
	5			

EXAMINER SIGNATURE

Examiner Signature	/Damon Pierce/	Date Considered	03/25/2009
*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.			

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				
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U.S. PATENTS

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	1				
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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

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						<input type="checkbox"/>
	2						<input type="checkbox"/>

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		<input type="checkbox"/>
	2		<input type="checkbox"/>

OFFICE ACTION / NOTICE OF ALLOWANCE DOCUMENTS				
Examiner Initials*	Cite No.	Application Number	Mail Date	Document
	1			
	2			
	3			
	4			
	5			

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
¹ Applicant is to place a check mark here if English language translation is attached.			

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	3 of 3		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	<u>/Andrew S. Hansen/Reg.#56370/</u>	Date	March 11, 2009
Name/Print	Andrew S. Hansen	Registration Number	56,370

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 Acknowledgement Receipt

EFS ID:	4951146
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/Cherie Cronin
Filer Authorized By:	Andrew S Hansen
Attorney Docket Number:	17791.3.1
Receipt Date:	11-MAR-2009
Filing Date:	08-OCT-2002
Time Stamp:	23:36:33
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed (SB/08)	SupplementalIDS.pdf	35057 df4768154d776a401e73716b4772db2cc19a3c9	no	3

Warnings:

Information:

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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	Peter Dung Ba Vo
Sheet	1 of 3		Attorney Docket Number	17791.3.1

U.S. PATENT APPLICATIONS					
Examiner Initials*	Cite No.	Application Number	Filing Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	6,080,063	June 27, 2000	Khosla	
	2	5,860,862	January 19, 1999	Junkin	

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
	1	2002/0010026	January 24, 2002	York	

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						<input type="checkbox"/>

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				<input type="checkbox"/>

U.S. PATENT APPLICATION FILE HISTORIES				
Examiner Initials*	Cite No.	Application Number	File Date	Inventor(s)
	1			

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	Peter Dung Ba Vo
Sheet	2 of 3		Attorney Docket Number	17791.3.1

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
<p>*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.</p>			
<p>¹Applicant is to place a check mark here if English language translation is attached.</p>			

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <small>(Not for submission under 37 CFR 1.99)</small>			Application Number	10/266,795
			Filing Date	October 8, 2002
			First Named Inventor	Athanasios Angelopoulos
			Art Unit	3714
			Examiner Name	Peter Dung Ba Vo
Sheet	3 of 3		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

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	January 23, 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			
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:	4661714
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:	23-JAN-2009
Filing Date:	08-OCT-2002
Time Stamp:	18:25:20
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	5851
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)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed (SB/08)	IDS.pdf	99696	no	3
			38553a8161d7f2ff14d074319b44c14f916d40		

Warnings:

Information:

This is not an USPTO supplied IDS fillable form

2	Fee Worksheet (PTO-06)	fee-info.pdf	29795	no	2
			895af4cd3c4c5db4c773708a965c5956a308ad66		

Warnings:

Information:

Total Files Size (in bytes):	129491
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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New International Application Filed with the USPTO as a Receiving Office

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

WORKMAN NYDEGGER
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

COPY MAILED

OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
Athanasios Angelopoulos :
Application No. 10/266,795 : **DECISION ON PETITION**
Filed: October 8, 2002 :
Attorney Docket No. 17791.3.1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 1, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37.CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 2, 2007. A Notice of Abandonment was mailed July 16, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$770.00, and (3) an adequate statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Additionally, the revocation and substitute power of attorney submitted August 22, 2008 has been accepted and a copy of the Notice of Acceptance of Power of Attorney is enclosed.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 3714 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/266,795	10/08/2002	Athanasios Angelopoulos	

CONFIRMATION NO. 9115
POA ACCEPTANCE LETTER



22913
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Date Mailed: 10/27/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/22/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/jolszewski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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
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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	

22913
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

CONFIRMATION NO. 9115
POA ACCEPTANCE LETTER



Date Mailed: 10/27/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

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The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/jolszewski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/266,795	10/08/2002	Athanasios Angelopoulos	

David Huffaker
13363 Benchley Rd.
San Diego, CA 92130

CONFIRMATION NO. 9115
POWER OF ATTORNEY NOTICE



OC000000032809170

Date Mailed: 10/27/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/22/2008.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/jolszewski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/266,795	10/08/2002	Athanasios Angelopoulos	

David Huffaker
13363 Benchley Rd.
San Diego, CA 92130

CONFIRMATION NO. 9115
PGPUB REJECTION LETTER



Date Mailed: 08/28/2008

PRE-GRANT PUBLICATION REJECTION NOTICE

Your publication request received on 08/26/2008 has been rejected for the following reasons:

- Figure(s) 1-14 described in the specification are missing.

The publication fee paid, if any, is hereby refunded. The processing fee paid, if any, is retained, see 37 CFR 1.221(a). If publication is still desired, correct the deficiencies above and resubmit using the Electronic Filing System EFS.

/kebuchanan/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

ELECTRONICALLY FILED

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 OFR INCREASED REALISM IN VIDEO GAMES)	
)	
Examiner:	Travis R. Banta)	
)	
Customer No.:	022913)	

PETITION UNDER 37 C.F.R. § 1.137(b) TO REVIVE AN
UNINTENTIONALLY ABANDONED APPLICATION

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

Sir:

Pursuant to 37 C.F.R. § 1.137(b), applicant hereby petitions to revive United States Patent Application Serial No. 10/484,376, which became unintentionally abandoned for failure to submit a response to a final Office Action dated December 1, 2006. To satisfy the requirements of 37 C.F.R. § 1.137(b), applicant hereby asserts or encloses the following:

1. Applicant asserts that the entire delay in filing the required reply for the Office Action dated December 1, 2006 from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

2. Enclosed is a reply to the Office Action dated December 1, 2006 and a Request for Continued Examination.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in regard to this matter to Deposit Account No. 23-3178.

In view of the foregoing, applicant respectfully requests that this Petition to Revive an Unintentionally Abandoned Application be granted.

Dated this 21st day of August, 2008.

Respectfully submitted,

/Andrew S. Hansen/Reg.#56370

ANDREW S HANSEN
Registration No. 56,370
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800

ASH:emm:jbh
2077147_1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Athanasios Angelopoulos)
Serial No.:	10/266,795	) Art Unit
Confirmation No.:	9115	) 3714
Filed:	October 8, 2002)
For:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES)
Examiner:	Banta, Travis R.)

REVOCATION AND SUBSTITUTE POWER OF ATTORNEY

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

Sir:

The undersigned inventor, Athanasios Angelopoulos, the owner of the entire interest of the above-identified application, hereby revoke all previous powers of attorney in the above-identified application, and hereby appoint as their attorneys and/or patent agents all attorneys and/or patent agents under Customer Number 022913, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the Letters Patent, and to transact all business in the Patent and Trademark Office connected therewith.

Athanasios Angelopoulos further declares that all statements made herein of his own knowledge are true, and further that these statements were made with the knowledge that willful,

false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

All correspondence and telephonic communications should be directed to:

Andrew S. Hansen
022913
Customer Number
Telephone: (801) 322-8808
Facsimile: (801) 328-1707

All previous powers of attorney are hereby revoked.

Dated this 18th day of August, 2008.

By: 

Athanasios Angelopoulos
7056 Park Mesa Way,
San Diego, CA 92111

ASH:am
1805832, 1, 0003

ELECTRONICALLY FILED

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:	Travis R. Banta)
)
Customer No.:	022913)

CERTIFICATE OF ELECTRONIC TRANSMISSION

Via E-File
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that these papers are being electronically transmitted to the Patent and Trademark Office via the Patents Office's Electronic Filing system on the date shown below.

- Petition to Revive For Unintentional Abandonment
- Revocation and Substitute Power of Attorney
- Amendment and Reply
- Application Data Sheet

Dated this 21st day of August, 2008

Respectfully submitted,

/Andrew S. Hansen/Reg.#56370

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ELECTRONICALLY FILED

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:	Travis R. Banta)
)
Customer No.:	022913)

AMENDMENT AND RESPONSE TO OFFICE ACTION UNDER 35 USC 1.111

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

Sir:

In response to the Office action mailed December 1, 2006 (paper no. 20061115), please amend the above-identified application as follows:

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

Remarks/Arguments begin on page 11 of this paper.

AMENDMENTS TO THE CLAIMS

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

1.-28. **(Canceled)**

29. **(New)** 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, 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;

during a single sports season, receiving a plurality of updated video game character performance parameters from a data server via a network including the Internet, wherein the plurality of updated video game character performance parameters correspond to real-life performances of the real-life sports athlete performed at least in part 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 video game character performs in the sports video game; and

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

30. **(New)** A method as in claim 29, wherein receipt of an updated video game performance parameter occurs at least weekly during at least a portion of the single sports season.

31. **(New)** A method as in claim 29, wherein receipt of an updated video game performance parameter occurs at least daily during at least a portion of the single sports season.

32. **(New)** 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.

32. **(New)** A game medium according to claim 29, the video 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.

33. **(New)** 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.

34. **(New)** A game medium according to claim 29, the video 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.

35. **(New)** A game medium according to claim 29, the video 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.

36. **(New)** A game medium according to claim 29, the video 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.

37. **(New)** A game medium according to claim 36, 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.

38. **(New)** 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.

39. **(New)** 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.

40. **(New)** 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.

41. **(New)** 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.

42. **(New)** 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.

43. **(New)** A game medium according to claim 42, 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.

44. **(New)** A game medium according to claim 42, 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.

45. **(New)** 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.

46. **(New)** A game medium according to claim 45, 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.

47. **(New)** A game medium according to claim 45, 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.

48. **(New)** 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.

49. **(New)** 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, 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 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;

receiving an updated video game team player parameter from a data server via the network, wherein the video game team player parameter corresponds to a trade of a real-life athlete from a first real-life team to a second real-life team during a single sports season;

changing video game players of a video game team based on the updated video game team player parameter received; and

enabling a user to control video game characters using a video game controller connected to the video game machine.

50. **(New)** A method performed by a computer server for updating a video game character parameter 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:

storing video game character performance parameters on a storage medium of the computer server, wherein each sports video game character performance parameter is based on a performance statistic of a real-life athlete in a real-life sporting event;

storing updated video game character performance parameters for at least two of the video game character performance parameters, wherein each of the updated video game character performance parameters is based, at least in part, on a performance of the same real-life athlete playing in a real-life sporting event during a same sports season;

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

transmitting the updated video game performance parameters to the video game machine over the network, enabling the video game machine to (i) provide video game play with a video game controller, (ii) receive the updated video game performance parameters, and (iii) change the sports video game play based on changes in the updated video game performance parameters such that the video game characters of the sports video game more closely simulate the real-life performance of the real-life athletes.

51. **(New)** A method as in claim 50, wherein at least a portion of the updated video game character performance parameters are updates based on at least weekly performances of the same real-life athlete during at least a portion of the single sports season.

52. **(New)** A method as in claim 50, wherein at least a portion of the updated video game character performance parameters are updates based on at least weekly performances of the same real-life athlete during at least a portion of the single sports season.

53. **(New)** A method as in claim 50, 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.

54. **(New)** A method as in claim 50, wherein each of the updated video game performance parameters is associated with the performance of a real-life athlete during a single game and a different game during the single sports season.

54. **(New)** A method as in claim 50, wherein each of the updated video game performance parameters is associated with the performance of a real-life athlete during a plurality of games, at least one game of which occurs during the single sports season, wherein each of the updated video game performance parameters is associated with the performance of the real-life athlete in at least one different sports game during the single sports season.

55. **(New)** A method as in claim 50, wherein the updated video game performance parameters are each associated with the performance of:

a real-life basketball player;

a performance of a real-life football player; or

a real-life soccer player.

56. **(New)** A method as in claim 50, wherein the real-life athlete is a real-life professional athlete that plays for a real-life professional team.

REMARKS

The present Amendment is in response to the Examiner's Non-final Office Action mailed December 1, 2006. Claims 1-28 are cancelled and claims 29-56 are added. Claims 29-56 are now pending in view of the above amendments. No new matter has been added.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. Oath or Declaration

The Office Action states that the oath or declaration is defective for failing to identify the mailing address of each inventor. To correct this defect, Applicant submits herewith an Application Data Sheet that includes the current address of the named inventor. Thus, Applicant requests that the objection to the oath or declaration be withdrawn.

II. Claim Rejections under § 101 and § 112.

Claims 23 and 8 are rejected under § 101 and § 112, respectively. Claims 8 and 23 are canceled. Therefore, Applicants submit that the rejections of claims 23 and 8 are now moot.

III. Claim rejections under § 102

The Office Action rejects claims 1-8, 15-19, 22-24 under 35 U.S.C. § 102(b) as being anticipated by *Pearson* (US 5,411,259). Claims 1-8, 15-19, 22-24 have been cancelled. New claims 29, 49, and 50 are new independent claims.

While the rejected claims have been canceled, the Applicants respectfully note that the present invention is related to methods and systems for increased realism in video games. As stated in the specification, it is highly desirable to achieve realism in a sports video game. The

present invention takes advantage of the fact that the performance of real-life athletes “changes over the course of a season, or even a day” and that “athletes may be traded from team to team, or become injured.” *See* (Application ¶ [0008] and [0036]). The present invention achieves realism in video games by providing video machines with updated video game parameters over the course of a sports season. The updated video game parameters are based on the real-life performances of a real-life athlete playing in real-life games during a real-life sports season. As the real life athlete’s performance changes over the course of the season, the updated video game parameters change over the course of the season as well. Thus, the real-live performance of the real-life athlete is more closely simulated by the video game character representing the real-life athlete, which is controllable by a user of the video game machine using a video game controller.

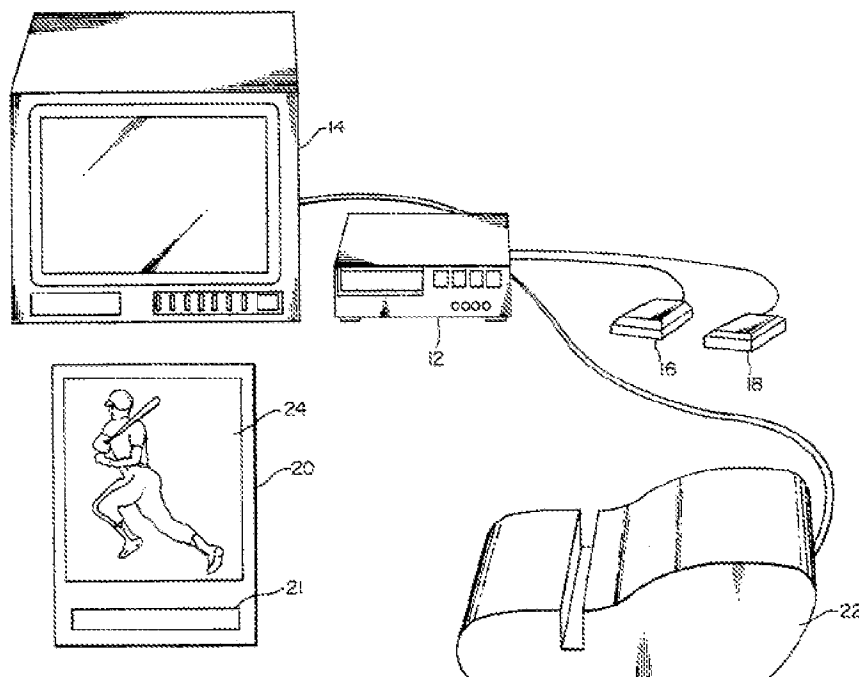
New independent claim 29 is directed to a game medium configured to provide a sports video game in conjunction with a video game machine. Claim 29 requires, in part, “loading game data stored by the video game medium into a random access memory for playing the video game.” In addition, claim 29 requires, “receiving a plurality of updated video game character performance parameters from a data server via a network including the Internet, wherein the plurality of updated video game character performance parameters correspond to real-life performances of the real-life sports athlete performed at least in part during the single sports season.” Claim 29 also requires, “updating the sports video game with each of the updated video game character performance parameters received” and “enabling a user to control the particular video game character using a video game controller”.

New independent claim 49 requires a game medium similar to the game medium in claim 29. However, claim 49 requires, “receiving an updated video game team player parameter from a data server via the network, wherein the video game team player parameter corresponds to a

trade of a real-life athlete from a first real-life team to a second real-life team during a single sports season.”

New independent claim 50 is a method claim performed at a computer server. Claim 50 requires “storing updated video game character performance parameters for at least two of the video game character performance parameters, wherein each of the updated video game character performance parameters is based, at least in part, on a performance of the same real-life athlete playing in a real-life sporting event during a same sports season” and “transmitting the updated video game performance parameters to the video game machine over the network, enabling the video game machine to (i) provide video game play with a video game controller, (ii) receive the updated video game performance parameters, and (iii) change the sports video game play based on changes in the updated video game performance parameters such that the video game characters of the sports video game more closely simulate the real-life performance of the real-life athletes.”

The *Pearson* reference is directed to a baseball video game that is played with baseball cards and a card scanner. Figure 1 reproduced below illustrates the system described in *Pearson*.



To play the game in *Pearson*, users “purchase cards in local outlets or stores or by mail order.” (See col. 2, lines 64-65). The cards 20 are baseball cards and thus have a picture of the player 24 and statistical information in region 21 (e.g., player batting average). (see col. 2, lines 41-43). The cards are swiped through the card reader 22 and the statistical information is used in the video game. *Pearson* emphasizes the importance of the cards as trading cards. *Pearson* states:

The cards 20 used with the present invention thus, in effect, have an independent, separate utility as trading cards and as an input medium; i.e., they can be used as trading cards and/or also can be used in the video system of the present invention. Use of trading cards as an input medium permits the video game user to accumulate a large number of potential players for his team while being able to also use the cards as conventional trading cards. (col. 3, lines 1-9).

Pearson is silent as to whether the trading cards individually or collectively are capable of providing performance statistics for a particular athlete during the same sports season, or if it is only after a sports season when the performance statistics are provided. Moreover, *Pearson* mentions that the cards can be used as “convention trading cards.” However, the Applicants’ are unaware of a baseball trading card that includes career statistics that provide sports statistics during a sports season. Rather, Applicants’ are only aware of trading cards that provide seasonal, or career statistics for sports athletes. Simply, *Pearson* does not teach or suggest that the cards can provide updates based on the performances of an athlete “during a single sports season”, as required by the claims, nor does *Pearson* disclose, nor does it appear to be possible, that the “conventional trading cards” purchased at “stores” or through “mail order” be used to receive “updated video game character performance parameters from a data server via a network including the Internet, wherein the plurality of updated video game character performance parameters correspond to real-life performances of the real-life sports athlete performed at least in part during the single sports season.” Secondly, *Pearson* does not teach receiving updated video game performance parameters over a network that includes the Internet. Thus, for at least the reason that *Pearson* does not teach these claim elements, in combination with the other elements recited in claims 29, 49, and 50, applicants submit that claims 29, 49, and 50 are allowable over *Pearson*.

The Office Action rejects claims 1-18, 20, 22-28 as anticipated by US 6,292,706 to *Birch*.¹ The *Birch* reference relates to a simulated baseball game using historical data. However, the *Birch* reference does not teach using the historical data to modify a sports video game. In other words, the simulated game in *Birch* does not include video game characters controlled by person playing a video game on a video game machine.

¹ Applicants note that the Office Action provides the wrong patent number for *Birch*.

The *Birch* reference states, “By way of introduction, the theory of computerized baseball in accordance with the present invention is that, by using a computer, it is possible to predict reasonably well the outcome of a future game based on what has happened in the past.” (Col. 2, lines 31-35 emphasis added). The simulated game is used to play a fantasy baseball game or similar manager role playing games (see col. 3 lines 25-46), not a video game as required by the claims.

In direct contrast, claims 29 and 49 require “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; and enabling a user to control the particular video game character using a video game controller connected to the video game machine.” Claim 50 is a method claim performed at a server and it requires, “transmitting the updated video game performance parameters to the video game machine over the network, enabling the video game machine to (i) provide video game play with a video game controller, (ii) receive the updated video game performance parameters, and (iii) change the sports video game play based on changes in the updated video game performance parameters such that the video game characters of the sports video game more closely simulate the real-life performance of the real-life athletes.”

Because *Birch* does not teach or suggest the foregoing limitations in combination with the other elements in claims 29, 49, and 50, respectively, Applicants submit that claims 29, 49, and 50 are allowable over *Birch*.

The Office Action rejects claims 15-17 and 21-25 as anticipated by US 5,971,855 to Ng. Ng merely describes a network for updating a video game over the internet. Of the independent claims examined, Ng was only cited against claim 15. Claims 29, 49, and 50 require “an updated

video game character performance attribute that corresponds to a real-life performance of a real-life athlete.” This element in combination with the other elements of claims 29, 49, and 50, respectively, are not taught in *Ng* and Applicants respectfully submit that claims 29, 49, and 50 are allowable over *Ng*.

The Office Action rejects claims 1-28 as anticipated by US 5,694,546 to *Reisman*. The *Reisman* reference discloses a method for enabling, “simple, economical and prompt mass distribution of electronic information products,” such as CD-ROM based products, periodical magazine collection, and catalog-based computer shopping. (See col. 4, lines 65-67; and col. 8, lines 58-65). The invention uses a software module that can be installed on computers of various different platforms and a server that communicates with the module to transport information. (See col. 5, lines 1-5.)

The background section mentions that video games are a type of electronic publication. (See col. 1, lines 20-21). However, *Reisman* is not related to video gaming. In particular, *Reisman* does not teach “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” as required by claim 29 or the similar language recited above that is required by claims 49 and 50.

The *Reisman* reference mentions “Microsoft Complete Baseball” available Jun. 15, 1994. First, *Reisman* discusses “Microsoft Complete Baseball” for the purpose of distinguishing it from the invention in *Reisman*. (See col. 9, lines 3-8). However, *Reisman* does not teach how “Microsoft Complete Baseball” could be used with the invention of *Reisman*. Also, in distinguishing, “Microsoft Complete Baseball,” *Reisman* teaches that Microsoft Complete Baseball does updates of daily scores from an online service. *Id.* However, these updates are

merely information provided to the user. Therefore, there is nothing *Reisman* where scores are used to affect video game play in any way. As mentioned above, claims 29 requires “updating the sports video game with each of the updated video game character performance parameters received...” (and similar language in claims 49 and 50). Thus, Applicants submit that claims 29, 49, and 50 are allowable over *Reisman*.

In rejecting claims 4, 5, 6, and 7, the Office Action refers to elements of “Microsoft Baseball 2001”. It appears that the Office Action assumes that Microsoft Complete Baseball is the same thing as Microsoft Baseball 2001. While this issue is made moot by the cancellation of claims 4, 5, 6, and 7, Applicants respectfully disagree that *Reisman* discloses “Microsoft Baseball 2001”. These games are two different games with different titles that were made seven years apart. Therefore, “Microsoft Baseball 2001” would not have been available at the time of *Reisman*. Furthermore, since *Reisman* does not expressly teach the features relied upon by the examiner regarding “Microsoft Baseball 2001”, the Office must show that these features are inherent. And, the burden is on the Office to show that the features in Microsoft Baseball 2001 would “necessarily” be in Microsoft Complete Baseball. (See MPEP section 2112 (IV)). Applicants submit that because of the difference in title and the 7 year interim between Microsoft Complete Baseball and Microsoft Baseball 2001 the fact that the two games were sold by the same company is not a sufficient rational to say that the features of Microsoft Baseball 2001 must necessarily be in Microsoft Complete Baseball (1994). Therefore, Applicants submit that the rejection based on Microsoft Baseball 2001 as applied in the Office Action was improper.

Claims 30-48 and 51-56 are dependent claims that depend from one of claims 29, 49, or 50. Thus, claims 30-48 and 51-56 are allowable for at least the same reasons that claims 29, 49, and 50 are allowable.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney.

Dated this 21st day of August, 2008.

Respectfully submitted,

/Andrew S. Hansen/Reg.#56370

ANDREW S HANSEN
Registration No. 56,370
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800

ASH:cm
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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			
Attorney Docket Number:				
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:				
Petition-revive unintent. abandoned appl	2453	1	770	770
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				770

Electronic Acknowledgement Receipt

EFS ID:	3821788
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
Correspondence Address:	David Huffaker - 13363 Benchley Rd. - San Diego CA 92130 US 8582748495 -
Filer:	Andrew S Hansen
Filer Authorized By:	
Attorney Docket Number:	
Receipt Date:	22-AUG-2008
Filing Date:	08-OCT-2002
Time Stamp:	00:37:39
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$770

RAM confirmation Number	4368				
Deposit Account	233178				
Authorized User	ADAMS,SHEREE				
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)</p>					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	ADS_pdf.pdf	208715 d422bcd27515c7d6791daf145a629c00b422b7a	no	4
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
2	Petition for review/processing depending on status	Petition_Revive.pdf	45108 9e0d47478e94be58261d3616eca1249cc1824c68	no	2
Warnings:					
Information:					
3	Power of Attorney	Revocation_Power_of_Attorney.pdf	89700 f3d34b46e00ca8a82f208756d453f73dafc57241	no	2
Warnings:					
Information:					
4	Miscellaneous Incoming Letter	Certificate_of_Electronic_Transmission.pdf	141358 a91740e5fd0986e7782e05c442eab53f3fb4aea	no	1
Warnings:					
Information:					
5	Amendment - After Non-Final Rejection	Amendment_and_Response_to_Office_Action.pdf	325304 9fda5c3a76ca08c3ef6a86403f129709fab4efffa	no	19
Warnings:					
Information:					
6	Fee Worksheet (PTO-06)	fee-info.pdf	29713 51aaa3ae496875f16d5640561601d7754e8364d3	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			839888		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	17791.3.1
		Application Number	
Title of Invention	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2

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

Applicant Information:

Applicant 1					
Applicant Authority		<input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117	
				<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Athanasios		Angelopoulos		
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	San Diego	State/Province	CA	Country of Residence	US
Citizenship under 37 CFR 1.41(b)		US			
Mailing Address of Applicant:					
Address 1	7056 Park Mesa Way				
Address 2					
City	San Diego	State/Province	CA		
Postal Code	92111	Country	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
<input type="checkbox"/> An Address is being provided for the correspondence information of this application.			
Customer Number	22913		
Email Address	djones@wnlaw.com	<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>
Email Address	ahansen@wnlaw.com	<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	17791.3.1
		Application Number	
Title of Invention	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES		

Application Information:

Title of the Invention	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES		
Attorney Docket Number	17791.3.1	Small Entity Status Claimed	<input checked="" type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	14	Suggested Figure for Publication (if any)	

Publication Information:

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

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> Limited Recognition (37 CFR 11.9)
Customer Number	22913		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	17791.3.1
		Application Number	
Title of Invention	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES		

			Remove
Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			<input checked="" type="radio"/> Yes <input type="radio"/> No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

Assignee Information:

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

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature	/Andrew S. Hansen/ Reg #56370			Date (YYYY-MM-DD)	2008-08-21
First Name	Andrew S.	Last Name	Hansen	Registration Number	56370

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

Privacy Act Statement

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

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

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

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/266,795		Filing Date 10/08/2002		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/> OR			OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> 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).									
<input type="checkbox"/> 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										
(Column 1)			(Column 2)		SMALL ENTITY OR			OTHER THAN SMALL ENTITY		
AMENDMENT	08/22/2008	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(i))	* 28	Minus	** 28	= 0	X \$25 =	0		X \$	=	
Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$105 =	0		X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE	0		TOTAL ADD'L FEE		
(Column 1)			(Column 2)		SMALL ENTITY OR			OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=		X \$	=	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=		X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE			TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/Dorretta Brooks/

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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		9115

7590 07/16/2007
David Huffaker
13363 Benchley Rd.
San Diego, CA 92130

EXAMINER

BANTA, TRAVIS R

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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07/16/2007

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 Abandonment

Application No.

10/266,795

Applicant(s)

ANGELOPOULOS,
ATHANASIOS

Examiner

Travis R. Banta

Art Unit

3714

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

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 01 December 2006.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


RONALD LANEAU
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

7590

12/01/2006

David Huffaker
13363 Benchley Rd.
San Diego, CA 92130

EXAMINER

BANTA, TRAVIS R

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/01/2006

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

Office Action Summary

Application No.

10/266,795

Applicant(s)

ANGELOPOULOS, ATHANASIOS

Examiner

Travis R. Banta

Art Unit

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 1.138(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 09 August 2005.
- 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) 1-28 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) 1-28 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 1/07/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Rejections - 35 USC § 101

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

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

Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim produces no direct and tangible result. Data is transferred from one part of memory to another part of memory. No tangible change or development is described.

Claim Rejections - 35 USC § 112

Claim 8 recites the limitation "the local memory". There is insufficient antecedent basis for this limitation in the claim. The examiner understands this to mean machine memory.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

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

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

Claims 1-8, 15-19, 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearson et al. US(5,411,259).

With regard to claim 1, Pearson et al. US(5,411,259) discloses connecting a processor to a network of devices (see column 2 lines 14-19) wherein a game engine is loaded into RAM for playing a video game. The processor receives data transmitted from the card-scanning device in the device network. That data depends on historically accurate baseball information (see column 2 lines 40-44). The data is written into RAM, which Pearson et al.'259 discloses, as well known in the art. The updated data changes the players within the game (see column 3 lines 29-31).

Regarding claim 2, Pearson et al. US(5,411,259) discloses that past and current player playing cards could be used in the video sports game (see column 3 lines 10-12).

Regarding claim 3, Pearson et al. US(5,411,259) discloses that the system scans a card and transmits a request for an update to the processor in the device network (see column 3 lines 22-26)

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Regarding claims 4 and 5, Pearson et al. US(5,411,259) discloses the game can be a video sports game and in the instant example is a baseball game (see column 1 lines 14-18 and column 2 lines 19-20).

Regarding claim 6, Pearson et al. US(5,411,259) discloses the ability to change the batting average of the player in the game (see column 2 lines 40-44)

Regarding claim 7, Pearson et al. US(5,411,259) discloses the ability to change the players on a team (see column 3 lines 6-12).

Regarding claim 8, Pearson et al. US(5,411,259) discloses a game control system that is well known in the art to have RAM, ROM, and other types of memory.

Regarding claim 15, Pearson et al. US(5,411,259) discloses a computer game system well known in the art as having RAM and ROM and various memory (see column 1 lines 33-35), a processor to write or overwrite game information into the memory (see column 2 lines 14-19), a modem coupled to the processor and network, wherein the processor is well known to write game information from the network into the applicable memory and display it (see column 3 –29-31).

Regarding claim 16, Pearson et al. US(5,411,259) discloses a player input interface (see column 2 lines 14-19 and Figure 1-16, 18)

Regarding claim 17, Pearson et al. US(5,411,259) discloses a well known game player input interface and a output display interface operably connected to the control system (see column 2 lines 14-19 and Figure 1-14, 16, 18).

Regarding claim 18, Pearson et al. US(5,411,259) discloses the input interface and the display being separate devices (see Figure 1-14, 1-16, 1-18).

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Regarding claim 19, Pearson et al. US(5,411,259) discloses the monitor can be a television set (see Figure 1-14 and lines 24-25).

Regarding claim 22, Pearson et al. US(5,411,259) discloses that the well known control system can store data in memory (see column 1 lines 32-33).

Regarding claim 23, Pearson et al. US(5,411,259) discloses that the well known control system can play a computer game which is well known in the art to involve reading and writing to and from various memories in the machine (see column 2 lines 14-19).

Regarding claim 24, Pearson et al. US(5,411,259) discloses that the well known control system can play a computer game which as is well known necessitates some type of ROM.

Claims 1-18, 20, 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Birch et al. US(6,792,706).

Regarding claim 1, Birch et al. US(6,792,706) discloses connecting a processor to a local area network and loading a game into memory to play a video game (see column 2 lines 8-13 and 15-17 and column 3 lines 26-27), the machine uses historical data written into RAM to change a game attribute (see column 2 lines 41-43 and lines 51-52).

Regarding claim 2, Birch et al. US(6,792,706) discloses the game is updated with relevant historical data (see column 2 lines 51-52).

Regarding claim 3, Birch et al. US(6,792,706) discloses the game uses a client interface to transmit a request for update (see column 8 lines 52-55).

Regarding claim 4 and 5 Birch et al. US(6,792,706) discloses the game is a sports game and a baseball game(see column 2 lines 41-43).

Regarding claim 6, Birch et al. US(6,792,706) discloses the ability to change the batting average of a player in the game (see column 2 lines 55-58).

Regarding claim 7, Birch et al. US(6,792,706) discloses an ability to add a player to a team in the game (see column 2 lines 37-42).

Regarding claim 8, Birch et al. US(6,792,706) discloses a ROM hard drive (see column 2 lines 14-16).

Regarding claim 9, Birch et al. US(6,792,706) discloses a modem initialization (see column 2 lines 14-16).

Regarding claim 10, Birch et al. US(6,792,706) discloses connecting to a data server (see column 8 lines 40-45).

Regarding claim 11, Birch et al. US(6,792,706) discloses requesting the server to send data (see column 8 lines 51-54).

Regarding claim 12, Birch et al. US(6,792,706) discloses prompting a user to update the game and updating as a result (see column 8 lines 51-54).

Regarding claim 13, Birch et al. US(6,792,706) discloses informing the user that the data is updated (see column 8 lines 54-56).

Regarding claim 14, Birch et al. US(6,792,706) discloses disconnecting from the network (see column 8 lines 62-63 and lines 64-66).

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Regarding claim 15, Birch et al. US(6,792,706) discloses a RAM, a processor to read and write or overwrite data from well known inputs (memory or network memory), and a modem (see column 2 lines 8-13 and 15-17).

Regarding claim 16, Birch et al. US(6,792,706) discloses a user input interface coupled to the processor (see column 2 lines 8-12).

Regarding claim 17, Birch et al. US(6,792,706) discloses a user input interface and a display (see column 2 lines 8-12).

Regarding claim 18, Birch et al. US(6,792,706) discloses a display and a user input which are mechanically separate (see Figure 1-10).

Regarding claim 20, Birch et al. US(6,792,706) discloses a display in the form of a computer monitor (see Figure 1-10).

Regarding claim 22, Birch et al. US(6,792,706) discloses a processor and a memory the processor well known to read and write data from input to memory (see column 2 lines 15-17 and column 8 lines 51-56).

Regarding claim 23, Birch et al. US(6,792,706) discloses a processor to move data between memories as is well known in the art (see column 8 lines 57-67 and column 9 lines 1-27).

Regarding claim 25, Birch et al. US(6,792,706) discloses a hard drive in the computer (see column 2 lines 14-16).

Regarding claim 26-28, Birch et al. US(6,792,706) does not disclose the use of a compact disc drive, a digital video disk drive or a static memory device in use in the computer. Nevertheless, the Examiner takes Official Notice that the use of a CD-ROM,

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a DVD drive or a static memory device (i.e. a memory card or other ROM) in a computer or computer gaming system is notoriously well known in the art. Indeed it is difficult to find a computer or a computer gaming system without such drives and the applicant would be left with little choice but to use a CD-ROM, a DVD disc or a memory card to load the computer or computer gaming system with relevant information.

Claims 15-17, and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ng. US(5,971,855).

Regarding claim 15, Ng US(5,971,855) discloses a RAM, a processor to read and write or overwrite game information (see column 2 lines 19-20 and lines 23-25), a modem connectable to the internet (see column 2 lines 33-35), wherein the processor writes or overwrites memory as a result of new data (see column 2 lines 41-44).

Regarding claim 16, Ng US(5,971,855) discloses a gaming device having an input interface to play a game (see column 4 lines 55-57).

Regarding claim 17, Ng US(5,971,855) discloses a user input interface and a user output display (see column 4 lines 54-55).

Regarding claim 21, Ng US(5,971,855) discloses a hand held gaming device with user input and output interfaces (see column 4 lines 48-51).

Regarding claim 22, Ng US(5,971,855) discloses a processor able to read and write downloaded data to memory (see column 2 lines 21-23).

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Regarding claim 23, Ng US(5,971,855) discloses a processor able to read and write data from one part of memory to another part of memory (see column 2 lines 19-21).

Regarding claim 24, Ng US(5,971,855) discloses a ROM (see column 2 lines 20-24).

Claims 1-28 rejected under 35 U.S.C. 102(b) as being anticipated by Reisman US(5,694,546).

Regarding claim 1, Reisman US(5,694,546) discloses connecting a workstation which is later defined as a video game player (see column 29 line 17) to a network using a modem (see column 10 lines 16-18), and loading a game engine into memory to play a video game (see column 8 line 64 through column 9 line 8). The video game player receives daily updates from the Microsoft Complete Baseball game and writes that data into memory to change gaming attributes (see column 10 lines 40-43 and column 9 lines 5-6). Microsoft produced several iterations of this baseball game beginning in 1994 as is noted in the Reisman '546 specification. It is not clear that the 1994 or 1995 versions of the game are not games though arguably so. The 2001 game however is listed as a video game at <http://www.answers.com/topic/microsoft-baseball-2001>. The game is operable in single player mode whereby a player can "finesse your swing in the Home Run Derby, practice your skills in the Exhibition Mode, and manage your teams and players over multiple seasons in Career Mode. If you've got nothing but SIM on the brain, you can simulate your way through games over days, weeks, months

and entire seasons." Reisman '546 states that the invention would be suitable to update the baseball game at least daily with information relative to the game.

Regarding claim 2, As the game is updated on at least a daily basis, it would continually be receiving information that was updated after the production of the game (see column 9 lines 5-6).

Regarding claim 3, Reisman '546 discloses the computer transmits a request for an update to the network (see column 11 lines 35-37).

Regarding claim 4,5,6,7 Reisman '546 discloses the aforementioned sports video game is a baseball game wherein players can be changed and manipulated <http://www.answers.com/topic/microsoft-baseball-2001> discusses finessing the swing of the player. The daily updates are disclosed to update the multimedia history of baseball. The Microsoft Complete Baseball 2001 would as disclosed by Reisman '546 be able to change multimedia history of baseball including statistics including but not limited to batting, pitching, errors, player trades, stadium information, new players, and so on. Microsoft Complete Baseball 2001 also allows for players to be added to a team.

Regarding claim 8, Reisman '546 discloses a local ROM in the workstation (see column 10 lines 35-40).

Regarding claim 9, Reisman '546 discloses initializing a modem (see column 10 lines 17-19).

Regarding claim 10, Reisman '546 discloses coupling to a data server (see column 10 lines 53-58).

Regarding claim 11, Reisman '546 discloses requesting information from a server (see column 11 lines 35-37).

Regarding claims 12 and 13, Reisman '546 discloses prompting a user to update the game and the game being instructed to update the game. The workstation then informs a user of a completed update (see column 11 lines 30-40).

Regarding claim 14, Reisman '546 discloses the processor will log off of the network (see column 18 lines 9-13).

Regarding claim 15, Reisman '546 discloses a RAM and a processor to read and write information to the RAM (see column 10 lines 35-43), a modem in the workstation to connect the processor to the network, wherein the processor will write or overwrite downloaded information into the RAM as is necessary to update and operate a game such as Microsoft Complete Baseball and well known in the art (see column 10 lines 17-19 and column 8 lines 64 through column 9 line 8).

Regarding claims 16-21, Reisman '546 discloses sufficient user interface to operate a workstation with relevant input and output that are notoriously well known in the art as controllers and displays both capable of transmitting or receiving necessary information to or from the processor for the operation of the workstation. The workstation could be a computer with monitor that is very well known to have mechanically separate input and output. The workstation could output to a television set or be a television set controller as disclosed and as is very well known in the art for conventional video game machines. Reisman '546 discloses any information appliance capable of having basic computer like functions including wireless devices like hand

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held gaming devices which are well known in the art and as disclosed to have input controls and a display.

Regarding claim 22, Reisman '546 discloses the processor is configured to store data from the network in local memory, which is also very well known in the art (see column 10 lines 40-43).

Regarding claim 23, Reisman '546 discloses a processor which is well known to be configured to read data from any communicable memory device and write data to any other communicable memory device (see column 10 lines 40-43).

Regarding claims 24-28, Reisman '546 discloses a ROM in local memory that could act as a game medium drive. The specified game medium drive is disclosed as a CD-ROM drive which is also well known in the art to be a ROM device. Although Reisman '546 does not disclose a digital video disc drive, it is old and well known in the art that a CD-ROM drive is completely interchangeable with a DVD drive. It is also old and well known to use a DVD drive as a game medium drive. Therefore, the CD-ROM drive disclosed by Reisman '546 could easily be a DVD drive.

Response to Amendment

The Applicant has stated a new oath or declaration has been filed. The Examiner can find no such record of a new oath or declaration in compliance with 37 CFR 1.67(a). The applicant is again respectfully asked to provide an oath or declaration in compliance with the aforementioned statute.

The Examiner notes the correction to the spelling of baseball in claim 5.

The Applicant has argued that Pearson '259 does not disclose connecting a processor to a network. Although the word network does not appear in the specification, it is clear from Figures 1 and 2 that a network of devices is readily apparent. The applicant's specification states on page 7 lines 1-2 that the network may be any type of network. A local area network is given as an example but is not limiting as to the type of network.

The Applicant has also argued that Pearson '259 does not disclose receiving data from a network that depends on historical data. Pearson '259 discloses trading cards that contain data regarding baseball players both past and present that are scanned into the device network. Therefore, historical data is received from the network (see column 2 lines 40-44 and column 3 lines 10-12).

The Applicant further argues that Pearson '259 does not disclose writing the historical data into RAM. As noted above, historical data is received from the network and written into the control system. It is well known in the art that a control system contains RAM memory to facilitate processing of information (see column 2 lines 40-44).

The Applicant argues that Pearson '259 does not disclose changing a game attribute responsive to received data. Pearson '259 discloses that information received from the network into the game could change the players, umpires, weather, injuries, batting statistics, pitching statistics, and others. These are all attributes of the game which are changed in response to downloaded data from the scanner in the network (see column 3 lines 10-30).

Regarding claim 1, the rejection is respectfully maintained and the Examiner hopes the references although not intended to be complete, gives the Applicant adequate accuracy in citation.

Regarding claim 2, the Applicant argues that Pearson '259 does not disclose a historical event occurring after the production of the game engine. The Examiner respectfully disagrees. Pearson '259 discloses the game engine is modifiable by the information scanned into the card scanner. The trading cards disclosed are equated with standard trading cards except they contain machine-readable data. A new set of trading cards is produced at least each year, as is well known in the art, that contains information on new players, stadiums, umpires, managers, championships, and current players among other things. This historically accurate data is then scanned into the game engine to change the attributes of the game (see column 2 lines 55 through column 3 lines 21). The rejection is respectfully maintained.

Regarding claim 15, the Applicant argues that Pearson '259 does not disclose a modem coupled to the processor and to a network. The Examiner respectfully disagrees. The enclosed citation is from Newton's Telecom Dictionary (ISBN1-57820-023-7) "Conventional modems comprise equipment which converts digital signals to analog signals and vice versa" (see Page 460). In this case, the controllers are providing an analog signal, which a "conventional modem" converts into a digital signal for the processor and is hooked to a processor for communication. It is inherent that the well-known control system would necessarily have a communications device to communicate with the controllers or the scanner.

The Applicant further argues that Pearson '259 does not disclose a processor configured to overwrite a portion of the game engine in RAM with data from the network. The Examiner respectfully disagrees. Pearson '259 teaches a well known processor in the control system writes new data into the game engine from the scanner enabling a game character to be in the game, have updated game statistics, or any other aforementioned game attributes (see column 2 lines 13-19 and column 3 lines 21-33). The rejection is respectfully maintained.

The examiner notes the addition of the word "and" in claim 15 and the change in dependant claims 26-28 to reflect they are dependent from claim 25.

Citation of Relevant Prior Art

The following prior art is not relied upon but is made of record:

Galyean III et al. US(6,783,460) discloses a player constructing a character in accordance with the player's wishes. The character is then put into a video game.

Conclusion

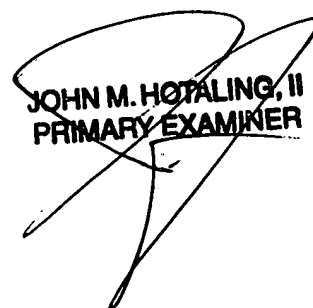
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Banta whose telephone number is (571) 272-1615. The examiner can normally be reached on Monday-Friday 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JOHN M. HOTALING, II
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(Use as many sheets as necessary)

Sheet	1	of	1
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Complete if Known

Application Number	10/266,795
Filing Date	10/08/2002
First Named Inventor	Angelopoulos, A.
Art Unit	
Examiner Name	
Attorney Docket Number	

U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

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Examiner Signature	<i>Terri Banks</i>	Date Considered	10/27/06
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Notice of References Cited	Application/Control No. 10/266,795	Applicant(s)/Patent Under Reexamination ANGELOPOULOS, ATHANASIOS	
	Examiner Travis R. Banta	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-5,411,259	05-1995	Pearson et al.	463/36
*	B	US-5,971,855	10-1999	Ng, Victor	463/42
*	C	US-6,292,706	09-2001	Birch et al.	700/91
*	D	US-5,694,546	12-1997	Reisman, Richard R.	705/26
	E	US-			
	F	US-			
	G	US-			
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	I	US-			
	J	US-			
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
*	U	http://www.answers.com/topic/microsoft-baseball-2001
	V	Newton's Telecom Dictionary by Harry Newton. Printed March 1998 by Flatiron Publishing. ISBN 1-57820-023-7. Page 460
	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.

10/266,795

Applicant(s)/Patent under Reexamination

ANGELOPOULOS,
ATHANASIOS

Examiner

Travis R. Banta

Art Unit

3714

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
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N	Non-Elected
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Claim		Date											
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Search Notes

Application/Control No.

10/266,795

Applicant(s)/Patent under
ReexaminationANGELOPOULOS,
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Examiner

Travis R. Banta

Art Unit

3714

SEARCHED

Class	Subclass	Date	Examiner
463	1-4,6-8,40-43	11/16/2006	TRB

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
See attached EAST search history	11/16/2006	TRB
Google Search "Microsoft Complete Baseball" See included search history	11/16/2006	TRB

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L2	49	463/1-4,6-8,40-43.CCLS. AND (video game (patch or update) (modem OR LAN OR "local area network") baseball)	US-PGPUB; USPAT; USOCR	AND	OFF	2006/11/16 17:10
S1	1	("5411259").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2006/11/15 08:56
S2	8513	video game (patch OR update) (modem OR LAN OR "local area network")	US-PGPUB; USPAT; USOCR	AND	OFF	2006/11/14 16:51
S3	537	video game (patch OR update) (modem OR LAN OR "local area network") baseball	US-PGPUB; USPAT; USOCR	AND	OFF	2006/11/16 14:04
S4	17	"5941772"	US-PGPUB; USPAT; USOCR	AND	OFF	2006/11/15 08:47
S5	1	("5941772").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2006/11/15 08:47
S6	0	("US-5526035-\$.DID. ORUS-5810680-\$.DID. ORUS-6261179-\$.DID. ORUS-6306033-\$.DID. ORUS-6347993-\$.DID. ORUS-6368210-\$.DID. ").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2006/11/15 09:07
S7	6	US-5526035-\$.DID. OR US-5810680-\$.DID. OR US-6261179-\$.DID. OR US-6306033-\$.DID. OR US-6347993-\$.DID. OR US-6368210-\$.DID.	US-PGPUB; USPAT; USOCR	AND	OFF	2006/11/15 09:12
S8	811	birch.in.	US-PGPUB; USPAT; USOCR	AND	OFF	2006/11/15 09:14
S10	6	US-5411259-\$.DID. OR US-6292706-\$.DID. OR US-6200216-\$.DID. OR US-6412780-\$.DID. OR US-6783460-\$.DID. OR US-5971855-\$.DID.	US-PGPUB; USPAT; USOCR	AND	OFF	2006/11/16 17:07

EAST Search History

S11	6	US-5526035-\$.DID. OR US-5810680-\$.DID. OR US-6261179-\$.DID. OR US-6306033-\$.DID. OR US-6347993-\$.DID. OR US-6368210-\$.DID.	US-PGPUB; USPAT; USOCR	AND	OFF	2006/11/16 13:10
S12	5	US-5411259-\$.DID. OR US-6292706-\$.DID. OR US-6200216-\$.DID. OR US-6412780-\$.DID. OR US-6783460-\$.DID. OR US-5971855-\$.DID. AND S11	US-PGPUB; USPAT; USOCR	AND	OFF	2006/11/16 13:10
S13	4	"08251724"	US-PGPUB; USPAT; USOCR	AND	OFF	2006/11/16 14:51
S14	1	("5694546").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2006/11/16 14:51



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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	

David Huffaker
13363 Benchley Rd.
San Diego, CA 92130

CONFIRMATION NO. 9115



OC000000016825894

Date Mailed: 08/19/2005

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/09/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

GAIL D WOOTEN
3700 (571) 272-4402

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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	

Athanasios Angelopoulos
3930 Ingraham St. # 10-206
San Diego, CA 92109

CONFIRMATION NO. 9115



OC000000016825870

Date Mailed: 08/19/2005

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/09/2005.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

GAIL D WOOTEN
3700 (571) 272-4402

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Bib Data Sheet

CONFIRMATION NO. 9115

SERIAL NUMBER 10/266,795	FILING OR 371(c) DATE 10/08/2002 RULE	CLASS 463	GROUP ART UNIT 3713	ATTORNEY DOCKET NO.
APPLICANTS Athanasios Angelopoulos, San Diego, CA;				
** CONTINUING DATA *****				
** FOREIGN APPLICATIONS *****				
IF REQUIRED, FOREIGN FILING LICENSE GRANTED** SMALL ENTITY ** ** 11/07/2002				
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance Verified and Acknowledged _____ Examiner's Signature _____ Initials _____		STATE OR COUNTRY CA	SHEETS DRAWING 14	TOTAL CLAIMS 28
				INDEPENDENT CLAIMS 2
ADDRESS David Huffaker 13363 Benchley Rd. San Diego ,CA 92130				
TITLE Method and system for increased realism in video games				
FILING FEE RECEIVED 442	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/266,795	Art Unit: 3713
Inventor: ANGELOPOULOS, Athanasios	Examiner: JONES, Scott E.
Filing Date: 10/08/2002	
Title: METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES	

Amendment and Request for Reconsideration

July 24, 2005

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

Attn: Examiner

Dear Examiner:

This paper is responsive to a non-final Office Action mailed 05/04/2005.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper

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 Commissioner for Patents, Box Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature: David J. Huffaker

Typed or printed Name: David J. Huffaker

Date: 8-4-05

Amendments to the Claims

The following listing of claims will replace all prior versions or listings of the claims.

Claims:

1. (Original) A method of enhancing a video game comprising:
connecting a processor to a network;
loading a game engine into a random access memory for playing a video game;
receiving a datum from the network, wherein the datum depends on a historical event;
writing the datum to the random access memory; and
changing a game attribute, responsive to the datum.
2. (Original) The method of claim 1, wherein the historical event occurred after a production of the game engine.
3. (Original) The method of claim 1, further comprising:
transmitting a request for an update to the network.
4. (Original) The method of claim 1, wherein the game comprises a sports video game.
5. (Presently Amended) The method of claim 4, wherein the game comprises a baseball ~~basebal~~ game.
6. (Original) The method of claim 5, further comprising:
changing a batting average of a player in the game.
7. (Original) The method of claim 1, further comprising:
adding a player to a team in the game.
8. (Original) The method of claim 1, wherein the local memory comprises a read only memory.
9. (Original) The method of claim 1, further comprising:
initializing a modem.
10. (Original) The method of claim 9, further comprising:
coupling to a data server.
11. (Original) The method of claim 10, further comprising:
sending a request to a server, the request comprising a request for the datum.

12. (Original) The method of claim 1, further comprising:
prompting a user for updating the game engine, and
receiving an instruction from the user to update the datum.
13. (Original) The method of claim 12, further comprising:
informing a user that the datum has been updated.
14. (Original) The method of claim 1, further comprising:
disconnecting the processor from the network.
15. (Presently Amended) A computer gaming system comprising:
a random access memory (RAM);
a processor configured to read a game engine and write the game engine into the
RAM; and
a modem coupled to the processor and to a network;
wherein the processor is configured to overwrite a portion of the game engine in
the RAM with a datum received from the network.
16. (Original) The system of claim 15, further comprising:
a user interface coupled to the processor and configured to receive inputs from a
user for playing a game.
17. (Original) The system of claim 16, further comprising:
a user interface input module coupled to the processor; and
a user interface output module coupled to the processor.
18. (Original) The system of claim 17, wherein the user interface output module is
mechanically separate from the user interface input module.
19. (Original) The system of claim 17, wherein the user interface output module
comprises a television set.
20. (Original) The system of claim 17, wherein the user interface output module
comprises a computer monitor.
21. (Original) The system of claim 17, wherein the user interface output module and
the user interface input module comprise a handheld gaming device.
22. (Original) The system of claim 15, further comprising:
a local memory coupled to the processor, wherein the processor is configured to
store data from the network in local memory.

23. (Original) The system of claim 22, wherein the processor is configured to read data from the local memory and write the data to the RAM.
24. (Original) The system of claim 15, wherein the local memory comprises:
a read only memory (ROM).
25. (Original) The system of claim 15, further comprising a game medium drive coupled to the processor.
26. (Presently Amended) The system of claim 25 ~~15~~, wherein the game medium drive comprises a compact disk drive.
27. (Presently Amended) The system of claim 25 ~~15~~, wherein the game medium drive comprises a digital video disk drive.
28. (Presently Amended) The system of claim 25 ~~15~~, wherein the game medium drive comprises a ROM drive.

Remarks

Claims 1-28 were pending. The Office Action rejected Claims 1-28. Claims 5, 15 and 26-28 have been amended. Claims 1-28 remain pending.

1. Oath or Declaration

The Examiner stated that the oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date was required. The Office Action stated that the oath or declaration is defective because it does not identify the mailing address of each inventor.

The mailing address of the sole inventor, Athenasios Angelopoulos, was included in the correspondence address section of the declaration as filed, but the inventor information section of the declaration did not have a complete mailing address. The applicant submits a new declaration herewith in order to rectify the above-mentioned problem with the listing of the inventor's mailing address on the declaration.

2. Claim Objections

The Examiner objected to Claim 5 because baseball was misspelled. The spelling of baseball has been corrected in presently amended Claim 5.

3. Claim Rejections under 35 U.S.C. § 102(b)

The Examiner rejected Claims 1-28 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,411,259 to Pearson et al. (hereinafter "Pearson"). The Applicant traverses these rejections as follows.

Regarding Claim 1, the Applicant asserts that Claim 1 is patentable for at least the following reasons.

The Examiner stated that Pearson discloses:

"Regarding Claim 1:

- connecting a processor to a network (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4 and Column 2, line 12-Column 4, line 7." Office Action, Page 3.

The Applicant notes that in addition to the Abstract and both Figures in Pearson, the Examiner cited the entire Summary and Detailed Description sections of Pearson. Thus, the Examiner provided no guidance as to where within the Summary or Detailed Description the claimed element of "connecting a processor to a network" is shown.

Indeed, upon a rigorous review of the cited columns, the Applicant observes that the word “network” does appear even once. Further, the Applicant asserts that nothing in Pearson discloses or suggests connecting a processor to a network.

Further, regarding Claim 1, the Examiner stated that Pearson discloses:

- “receiving a datum from the network, wherein the datum depends on a historical event (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4 and Column 2, line 12-Column 4, line 7.” Office Action, Page 3.

The Applicant observes that again the Examiner cited the Abstract, Figures and entire Summary and Detailed Descriptions sections of Pearson. The Applicant asserts that receiving a datum from a network is not disclosed or suggested by Pearson. Further, that the datum depends on a historical event is not disclosed or suggested.

Still further, regarding Claim 1, the Examiner stated that Pearson discloses:

- “writing the datum to the random access memory (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4 and Column 2, line 12-Column 4, line 7.” Office Action, Page 4.

The Applicant observes yet again that yet again the Examiner cited the Abstract, Figures and entire Summary and Detailed Descriptions sections of Pearson. The Applicant asserts that writing a datum to a random access memory, the datum having been received from a network is not disclosed or suggested by Pearson.

Yet further still, regarding Claim 1, the Examiner stated that Pearson discloses:

- “changing a game attribute, responsive to the datum (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4 and Column 2, line 12-Column 4, line 7.” Office Action, Page 4.

The Applicant observes yet another time that yet another time the Examiner cited the Abstract, Figures and entire Summary and Detailed Descriptions sections of Pearson. The Applicant asserts that changing a game attribute, responsive to a datum received from a network is not disclosed or suggested by Pearson.

For all of the forgoing reasons, the Applicant asserts that Claim 1 is patentable over Pearson. Accordingly, the Applicant requests withdrawal of the rejection with respect to Claim 1 and a Notice of Allowance directed to Claim 1 and Claims 2-14 which depend from Claim 1.

Regarding Claim 2, the Examiner stated at Pearson discloses:

- “wherein the historical event occurred after a production of the game engine (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4 and Column 2, line 12-Column 4, line 7.” Office Action, Page 4.

Claim 1 is patentable for at least the reasons described above with respect to Claim 1. Additionally, the Applicant observes once more that once more the Examiner cited the Abstract, Figures and entire Summary and Detailed Descriptions sections of Pearson. The Applicant asserts that wherein the historical event occurred after a production of the game engine is not disclosed or suggested by Pearson.

Accordingly, the Applicant asserts that Claim 2 is patentable over Pearson. Accordingly, the Applicant requests withdrawal of the rejection with respect to Claim 2 and a Notice of Allowance directed to Claim 2.

Regarding Claim 15, the Applicant asserts that Claim 15 is patentable for at least the following reasons.

The Examiner stated that Pearson discloses:

“Regarding Claim 15:

...

- a modem coupled to the processor and to a network (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4 and Column 2, line 12-Column 4, line 7.” Office Action, Page 6.

The Applicant observes still another time that still another time the Examiner cited the Abstract, Figures and entire Summary and Detailed Descriptions sections of Pearson. The Applicant asserts that the claimed element “a modem coupled to a processor and to a network” is not disclosed or suggested by Pearson.

The Examiner further stated that Pearson discloses:

- “wherein the processor is configured to overwrite a portion of the game engine in the RAM with a datum received from the network (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4 and Column 2, line 12-Column 4, line 7.” Office Action, Page 6.

The Applicant observes for a final time that still another time the Examiner cited the Abstract, Figures and entire Summary and Detailed Descriptions sections of Pearson.

The Applicant asserts that the claimed limitation "wherein the processor is configured to overwrite a portion of the game engine in the RAM with a datum received from the network" is not disclosed or suggested by Pearson.

Accordingly, the Applicant requests that the rejection with respect to Claim 15 and Claims 16-28, which depend from Claim 15, be removed and a Notice of Allowance sent directed to Claims 15-28.

4. Other Amendments

The Applicant has amended Claim 15 by adding the word "and" where it was previously missing.

The Applicant has amended Claims 26-28 to depend from Claim 25 instead of Claim 15. It was a typographical error that claims 26-28 previously depended from Claim 15. Claims 26-28 refer to "the game medium drive" which was introduced in Claim 25.

5. Other References

The Applicant has reviewed the other referenced made of record by the Examiner, namely, U.S. Patent Nos. 6,292,706 to Birch et al.; 6,200,216 to Peppel, Tyler; 6,412,780 to Busch, William K.; 6,783,460 to Galyean et al.; and 5,971,855 to Ng, Victor, in addition to Pearson. The Applicant asserts that the claimed invention is patentable over the cited references.

6. Conclusion

The Applicant respectfully requests an early allowance of pending claims 1-28 for the foregoing reasons. If the Examiner believes that it would be helpful, the Examiner is hereby encouraged to contact the undersigned at the telephone number listed below.

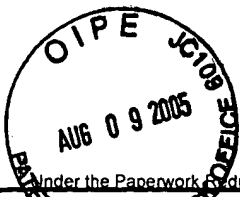
Respectfully,

8-4-05

Date

Signature

David J. Huffaker, Reg. No. 56,771
13363 Benchley Rd.
San Diego, CA 92130
Telephone No. 858-882-3255



37132

PTO/SB/21 (09-04)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/266,795	
	Filing Date	10/08/2002	
	First Named Inventor	ANGELOPOULOS, Athanasios	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	12	Attorney Docket Number	001-20011001OR

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return Receipt Postcard; Declaration
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="text"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Law Office of David Huffaker		
Signature			
Printed name	David Huffaker		
Date	August 3, 2005	Reg. No.	56,771

CERTIFICATE OF TRANSMISSION/MAILING			
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Signature			
Typed or printed name	David Huffaker	Date	8-4-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INDICATION FORM**

Application Number	10/266,795
Filing Date	10/08/2002
First Named Inventor	ANGELOPOULOS, Athanasios
Title	METHOD AND SYSTEM FOR INCREASED...
Art Unit	
Examiner Name	
Attorney Docket Number	001-20011001OR

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
David J. Huffaker	56,771

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	David Huffaker, Esq.				
Address	13363 Benchley Rd.				
City	San Diego	State	CA	Zip	92130
Country	U.S.A.				
Telephone	858-794-7943	Email			

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)**SIGNATURE of Applicant or Assignee of Record**

Signature		Date	August 3, 2005
Name	Athanasios Angelopoulos	Telephone	
Title and Company			

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 _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 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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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**Declaration
Submitted
With Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)Attorney Docket
Number

001-20011001OR

First Named Inventor

ANGELOPOULOS, Athanasios

COMPLETE IF KNOWN

Application Number

10/266,795

Filing Date

10/08/2002

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES*(Title of the Invention)*

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

10/08/2002

as United States Application Number or PCT International

Application Number

10/266,795

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

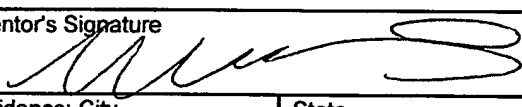
This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 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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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:		<input type="checkbox"/> The address associated with Customer Number:	<input type="checkbox"/> OR <input checked="" type="checkbox"/> Correspondence address below	
Name David Huffaker, Esq.				
Address 13363 Benchley Rd.				
City San Diego		State CA		ZIP 92130
Country U.S.A.		Telephone 858-794-7943		Email
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) Athanasios			Family Name or Surname Angelopoulos	
Inventor's Signature 				Date August 3, 2005
Residence: City San Diego	State CA	Country U.S.A.	Citizenship U.S.A.	
Mailing Address 3930 Ingraham St., Apt. 10-206				
City San Diego	State CA	Zip 92109	Country U.S.A.	
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])			Family Name or Surname	
Inventor's Signature				Date
Residence: City	State	Country	Citizenship	
Mailing Address				
City	State	Zip	Country	
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.				

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2001

Application or Docket Number

10266775

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	28	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	28 minus 20 =	* 8
INDEPENDENT CLAIMS	2 minus 3 =	* 0
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* 1028 Minus	** 28	=
Independent	* Minus	*** 3	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY TYPE ☐ OR

OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	370.00
X\$ 9=	72
X42=	
+140=	
TOTAL	442

RATE	FEE
BASIC FEE	740.00
X\$18=	
X84=	
+280=	
TOTAL	

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL	
ADDITIONAL FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL	
ADDITIONAL FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* Minus	**	=
Independent	* Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL	
ADDITIONAL FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL	
ADDITIONAL FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* Minus	**	=
Independent	* Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL	
ADDITIONAL FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL	
ADDITIONAL FEE	

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



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

7590 05/04/2005

Athanasios Angelopoulos
3930 Ingraham St. # 10-206
San Diego, CA 92109

EXAMINER

JONES, SCOTT E

ART UNIT PAPER NUMBER

3713

DATE MAILED: 05/04/2005

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

SP

Office Action Summary	Application No.	Applicant(s)	
	10/266,795	ANGELOPOULOS, ATHANASIOS	
	Examiner	Art Unit	
	Scott E. Jones	3713	

-- 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) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 08 October 2002.
- 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) 1-28 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) 1-28 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01072005</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3713

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Objections

2. Claim 5 is objected to because of the following informalities: Baseball is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

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

4. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearson et al. (U.S. 5,411,259).

Pearson et al. discloses a system including a control system (12) which carries out the performance of a video sports game, such as a baseball game, and controls the display on a video monitor (14). Input information concerning the performance of players in the game is supplied via trading card elements (20-20), each of the trading card elements having a conventional trading card appearance which includes a photograph of the player and performance data in human-readable form (or in an electronic format). The trading card element (20) also includes machine-readable performance information (input data) which is readable by a card reader (22) which applies the input data on the card to the control system (12), which then creates the two teams and carries out the game. Pearson et al. discloses a method and apparatus:

Regarding Claim 1:

- connecting a processor to a network (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7);
- loading a game engine into a random access memory for playing a video game (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7);
- receiving a datum from the network, wherein the datum depends on a historical event (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7);
- storing the datum in a local memory (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7);

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- writing the datum to the random access memory (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7); and
- changing a game attribute, responsive to the datum (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 2:

- wherein the historical event occurred after a production of the game engine (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 3:

- transmitting a request for an update to the network (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 4:

- wherein the game comprises a sports video game (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 5:

- wherein the game comprises a baseball game (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 6:

- changing a batting average of a player in the game (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7). Changing a batting average of a player is accomplished when a statistical data update is performed on the control system.

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Regarding Claim 7:

- adding a player to a team in the game (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 8:

- wherein the local memory comprises a read only memory (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 9:

- initializing a modem (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 10:

- coupling to a data server (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 11:

- sending a request to a server, the request comprising a request for the datum (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 12:

- prompting a user for updating the game engine, and receiving an instruction from the user to update the datum (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 13:

Art Unit: 3713

- informing a user that the datum has been updated (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 14:

- disconnecting the processor from the network (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 15:

- a random access memory (RAM) (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7);
- a processor configured to read a game engine and write the game engine into the RAM (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7);
- a modem coupled to the processor and to a network (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7);
- wherein the processor is configured to overwrite a portion of the game engine in the RAM with a datum received from the network (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 16:

- a user interface coupled to the processor and configured to receive inputs from a user for playing a game (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 17:

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- a user interface input module coupled to the processor and a user interface output module coupled to the processor (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 18:

- wherein the user interface output module is mechanically separate from the user interface input module (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 19:

- wherein the user interface output module comprises a television set (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 20:

- wherein the user interface output module comprises a computer monitor.

Regarding Claim 21:

- wherein the user interface output module and the user interface input module comprise a handheld gaming device (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 22:

- a local memory coupled to the processor, wherein the processor is configured to store data from the network in the local memory (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 23:

Art Unit: 3713

- wherein the processor is configured to read data from the local memory and write the data to the RAM (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 24:

- wherein the local memory comprises: a read only memory (ROM) (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 25:

- further comprising a game medium drive coupled to the processor (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 26:

- wherein the game medium drive comprises a compact disk drive (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 27:

- wherein the game medium drive comprises a digital video disk drive (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Regarding Claim 28:

- wherein the game medium drive comprises a ROM drive (Abstract, Figures 1-2, Column 1, line 50-Column 2, line 4, and Column 2, line 12-Column 4, line 7).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3713

- Birch et al. '706, Poppel '216, Busch '780, Khosla '063, Galyean, III et al. '460, and Ng '855 disclose playing sports or network type games based on historical sports statistical data or by updating game data over a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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).

Scott E. Jones
Primary Examiner
Art Unit 3713



sej

Notice of References Cited	Application/Control No. 10/266,795	Applicant(s)/Patent Under Reexamination ANGELOPOULOS, ATHANASIOS	
	Examiner Scott E. Jones	Art Unit 3713	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,411,259	05-1995	Pearson et al.	463/36
	B	US-6,292,706	09-2001	Birch et al.	700/91
	C	US-6,200,216	03-2001	Peppel, Tyler	463/1
	D	US-6,412,780	07-2002	Busch, William K.	273/292
	E	US-6,783,460	08-2004	Galyean et al.	463/40
	F	US-5,971,855	10-1999	Ng, Victor	463/42
	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					
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NON-PATENT DOCUMENTS

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

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



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BIBDATASHEET

Bib Data Sheet

CONFIRMATION NO. 9115

SERIAL NUMBER 10/266,795	FILING DATE 10/08/2002 RULE	CLASS 463	GROUP ART UNIT 3713	ATTORNEY DOCKET NO.
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APPLICANTS
 Athanasios Angelopoulos, San Diego, CA;

** CONTINUING DATA *****
 NONE SEC 5/2/05

** FOREIGN APPLICATIONS *****
 NONE SEC 5/2/05

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

Foreign Priority claimed 35 USC 119 (a-d) conditions met Verified and Acknowledged	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> yes <input checked="" type="checkbox"/> no Met after Allowance Examiner's Signature <i>[Signature]</i> Initials <i>SEJ</i>	STATE OR COUNTRY CA	SHEETS DRAWING 14	TOTAL CLAIMS 28	INDEPENDENT CLAIMS 2
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ADDRESS
 Athanasios Angelopoulos
 3930 Ingraham St. # 10-206
 San Diego , CA
 92109

TITLE
 Method and system for increased realism in video games

FILING FEE RECEIVED 442	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
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Index of Claims



Application No.

10/266,795

Applicant(s)

ANGELOPOULOS,
ATHANASIOS

Examiner

Scott E. Jones

Art Unit

3713

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
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A	Appeal
O	Objected

Claim		Date									
Final	Original	5/2/05									
	1	✓									
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Search Notes

Application No.

10/266,795

Applicant(s)

ANGELOPOULOS,
ATHANASIOS

Examiner

Scott E. Jones

Art Unit

3713

SEARCHED

Class	Subclass	Date	Examiner
463	1-4,6-8,40-43	5/2/2005	SEJ

INTERFERENCE SEARCHED

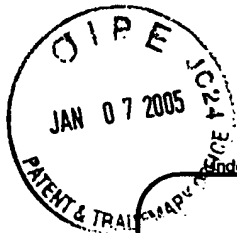
Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Text searched EAST USPAT, USPGPUB, EPO, JPO, and DERWENT databases	5/2/2005	SEJ

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	2906	463/1-4,6-8,40-43.CCLS.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/05/02 11:19
S1	24	ANGELOPOULOS-ANASTASIOS-P ANGELOPOULOS-ANASTASIOS-PET ER ANGELOPOULOS-A-P ANGELOPOULOS-JIM-A ANGELOPOULOS-J-A ANGELOPOULOS-PETER-G ANGELOPOULOS-PETER-GREGORY ANGELOPOULOS-TOM-A ANGELOPOULOS-T-A	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/05/02 08:26
S2	2	"20040067788"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/05/02 08:26
S3	26	S1 S2	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/05/02 08:27
S4	17	(ANGELOPOULOS-ANASTASIOS-P ANGELOPOULOS-ANASTASIOS-PET ER ANGELOPOULOS-A-P).IN.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/05/02 08:41
S5	35	"5526035"	USPAT	OR	ON	2005/05/02 08:41
S6	18	"5810680"	USPAT	OR	ON	2005/05/02 08:41
S7	4	"6261179"	USPAT	OR	ON	2005/05/02 08:42
S8	2	"6306033"	USPAT	OR	ON	2005/05/02 08:42
S9	12	((("5526035") or ("5810680") or ("6261179") or ("6306033") or ("6347993") or ("6368210"))).PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/05/02 08:43
S10	326	baseball and cards and play and game and statistics	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/05/02 08:43
S11	28	("5411259").URPN.	USPAT	OR	ON	2005/05/02 08:45
S12	2	("6412780").URPN.	USPAT	OR	ON	2005/05/02 08:55

S13	230	khosla.in.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/05/02 08:55
S14	5	S13 and car	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/05/02 08:55
S15	32	("6080063").URPN.	USPAT	OR	ON	2005/05/02 08:56
S16	32	("6080063").URPN.	USPAT	OR	ON	2005/05/02 08:57
S17	4824	ng.in.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/05/02 09:04
S18	76	S17 and game	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/05/02 09:04
S19	47	("5971855").URPN.	USPAT	OR	ON	2005/05/02 09:08
S20	2	("6645077").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/05/02 09:08



3713 1FW

PTO/SB/21 (09-04)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/266,795	
	Filing Date	10/08/2002	
	First Named Inventor	Angelopoulos, A.	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	2	Attorney Docket Number	

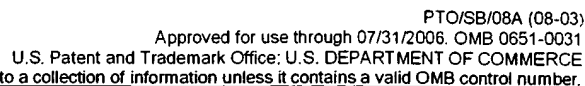
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
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Printed name	Athanasios Angelopoulos		
Date	01/04/05	Reg. No.	

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**Complete if Known**

(Use as many sheets as necessary)

Sheet	1
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of	1
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Application Number	10/266,795
Filing Date	10/08/2002
First Named Inventor	Angelopoulos
Art Unit	
Examiner Name	
Attorney Docket Number	

[illegible][illegible]

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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JC53 U.S. PTO

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PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. _____
First Inventor Athanasios Angelopoulos
Title Method and System for Increased Realism in Video Games
Express Mail Label No. EU490768735USJC997 U.S. PTO
10/26/95

10/08/02

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 22]
(preferred arrangement set forth below)
- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table,
or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 14]
5. ☒ Oath or Declaration [Total Pages 2]
a. ☒ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
b. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

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Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statements verifying identity of above copies (if)

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☒ Other: Credit Card Payment Form

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. _____

Prior application information

Examiner _____

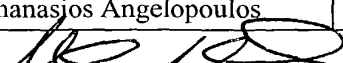
Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☒ Correspondence address below

Name	Athanasios Angelopoulos				
Address	3930 Ingraham St. # 10-206				
City	San Diego	State	CA	Zip Code	92109
Country	USA	Telephone	858-274-8495	Fax	

Name (Print/Type)	Athanasios Angelopoulos	Registration No. (Attorney/Agent)	
Signature		Date	10/07/02

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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

Complete if Known

Application Number	To Be Assigned
Filing Date	October 8, 2002
First Named Inventor	Athanasios Angelopoulos
Examiner Name	To Be Assigned
Group Art Unit	To Be Assigned
Attorney Docket No.	

TOTAL AMOUNT OF PAYMENT (\$) 4420.00**METHOD OF PAYMENT**

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number
- Deposit Account Name
- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ **Payment Enclosed:**
- ☐ Check ☒ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	370.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) 370.00**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
28	-20** = 8	9.00	72.00
2	-3** = 0	42.00	0.00
Multiple Dependent		0.00	0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 72.00

**or number previously paid, if greater; For Reissues, see above


FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00**SUBMITTED BY**

Name (Print/Type)	Athanasios Angelopoulos	Registration No. (Attorney/Agent)	Complete (if applicable)
Signature		Telephone	858-274-8495
		Date	October 7, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/08/02
Jc531 U.S. PTO

Applicant:	Athanasios Angelopoulos)	Dkt. No.:	
Serial No.:	To Be Assigned	)	Art Unit:	To Be Assigned
Filed:	October 8, 2002	)	Examiner:	To Be Assigned
Title:	METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES)		

TRANSMITTAL LETTER FOR UTILITY APPLICATION

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

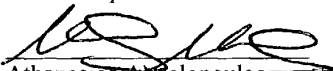
Submitted herewith is a Utility Patent Application for filing under 37 C.F.R.1.53(b). The Utility Patent Application is being submitted by express mail pursuant to 37 C.F.R. 1.10, and therefore has a filing date of the date of deposit. This application includes:

1. 36 pages of Application, which comprise:
 - 17 pages of Specification and Abstract
 - 5 pages of Claims (Nos. 1 - 28)
 - 14 pages of Tables and Figures
2. Utility Patent Application Transmittal (1 page)
3. Fee Transmittal (In Duplicate)
4. Credit Card Payment Form (1 page)
5. Declaration (2 pages)
6. Postcard

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"Express Mail Label number: EU490768735US

Date of Deposit: October 8, 2002


Athanasios Angelopoulos

Respectfully submitted October 8, 2002. Please address any questions or comments to the undersigned.

Sincerely,



Athanasios Angelopoulos
3930 Ingraham St. # 10-206
San Diego, CA 92109
Phone: 858/274-8495

METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES

Athanasios Angelopoulos

Background

[01] Many video games attempt to recreate realistic situations. For example, video games simulating sports games and matches are popular. They commonly even show actual leagues with correct teams. Home towns may be shown, with realistic stadiums. Athletes' uniforms represent professional athletes' actual uniforms. Specific athletes are represented. For example, an image of Shaquille O'Neil may be used as one of the players on the Los Angeles Lakers basketball team. Kobe Bryant and all of Shaquille's actual teammates may be on the team with him.

[02] But the realism goes far beyond just images. The video game characters have characteristics approximating their real life counterparts. For example, the video game Shaquille may be very good at dunking the basketball, but horrible at shooting freethrows. Parameters are stored on the video game medium that cause the different characters to replicate their real life counterparts' performance.

[03] Video game producers typically produce professional sports video games once per year. The performance parameters and visual aspects are typically specified based on the most recent year. For example, Barry Bonds of the San Francisco Giants baseball team had a homerun average of $(73 \text{ homeruns}) / (476 \text{ at bats}) = 15.3 \text{ percent}$ during the 2001 season. This average can be used to set a video game parameter so that the video game

character Barry Bonds has a similar tendency to hit homeruns. A problem with this system is that the performance parameters and visual aspects of a video game are fixed at the time the video game is produced.

[04] The players of this type of game continually demand increased realism in such games. For example, more and more parameters are added to distinguish one character from another and to more accurately simulate the performance of real life athletes. Also, the realism of the visual aspects of players, teams and stadiums is continually increased. For example, the ivy on the outfield wall of Wrigley Field in Chicago is may be shown in a baseball video game.

[05] The problem remains that visual aspects and performance characteristics of real life sports players, teams and environments change throughout the year.

Summary

[06] Sports video games attempt to achieve realism. Particularly, sports video games frequently attempt to emulate professional sport details. Actual professional athletes are shown, frequently including such details as jersey numbers, physical stature and even facial features. Performance characteristics are emulated. For example, in a baseball video game, an individual professional athlete's batting average may be used to influence a video game character's batting performance. Frequently actual professional teams are provided for video game play. For example, in a basketball video game, players can play the Los Angeles Lakers versus the Chicago Bulls, complete with rosters, players and even a stadium. Video game players are demanding more and more realism like this.

[07] A major problem with this system is that professional sports change in many ways. 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. Stadia may change. Sports announcers may change. This leaves a video game behind, in an unrealistic state. For example, if a new star rises on the professional sports scene, during the middle of a season, that new star's incredible performance will not be duplicated by the video game. Video game players are stuck playing the game with the star having his pre-star characteristics. They must wait for the video game producers to produce a new video game incorporating the new star-like performance of the rising star. This is unsatisfying for video game players. They want to play a video game that matches the professional sport performance characteristics, look and feel.

[08] Accordingly, a system and method for updating parameters of a video game is provided. As events occur in the real world that may influence a game attribute, a parameter is recorded on a server. A video game player may connect to the server and download the parameter. The parameter is stored by the video game and changes an attribute of the video game. Thus, for example, the new performance characteristics of the rising star may be recorded on the server as improved performance parameters. When these parameters are downloaded by the video game player, the video game incorporates the star-like qualities of the rising star.

[09] This quantifiably increases realism. Video game players can download up-to-the-minute statistics and visual aspects for incorporation into their video games. Instead of playing with last season's teams, video gamers get a simulation of the fresh new events of the week, day, or hour.

Brief Description of the Drawings

- [10] Fig. 1 is an external view showing a structure of a video game system and a historical event.
- [11] Fig. 2 is a high level block diagram of a video game system.
- [12] Fig. 3 is a block diagram of a video game system.
- [13] Fig. 4 is a block diagram of a game medium.
- [14] Fig. 5 is a block diagram of the players stored in ROM.
- [15] Fig. 6 is a block diagram of a RAM.
- [16] Fig. 7 is a flow chart for choosing whether to update a video game.
- [17] Fig. 8 is a flow chart for updating a video game.
- [18] Fig. 9 is a flow chart for loading data into RAM and playing a video game.
- [19] Fig. 10 is a block diagram showing a portion of a flow diagram for authenticating a user of a video game.
- [20] Fig. 11 shows a portion of a process for authenticating a video game user, continued from Fig. 10.
- [21] Fig. 12 is a flow diagram showing a process for signing up a new user of a video game with downloadable statistics.
- [22] Fig. 13 is a flow diagram showing a download process of a new game parameter.
- [23] Fig. 14 is a flow diagram showing game play in a case in which an AC is required.

Detailed Description of the Preferred Embodiments

[24] Fig. 1 is an external view of a video game system and a historical event. An historical event 11 takes place. For example, the event may be a World Cup soccer game, or an American football game. In a more specific example, the event may be the occurrence of a new yearly completion percentage, or other performance statistic, of a specific quarterback in a specific professional American football game.

[25] A datum 17 relating to the historical event 11 is recorded on a computer readable medium known as a network server 14. A game machine 20 is coupled to the network server 14. The game machine 20 downloads the datum 17, which may, for example, represent a quarterback's completion percentage, a basketball player's freethrow percentage, or any other outcome of a realistic event. The datum 17 is then used to play a video game, which is displayed on a monitor 24. A user 28 plays the video game using controller 30. In this way, the user gets to play a video game the more accurately simulates a the real world.

[26] For example, a datum representing a quarterback's new completion percentage is loaded into memory (not shown) in the game machine 20. Then, the user 28 can play an American football video game with current statistics. This makes the video game more enjoyable to the user, adding increased realism. As real life professional players' performances change, users can still play with statistically accurate players.

[27] Fig. 2 is a block diagram of a video game system. The video game machine 20 incorporates a central processing unit (CPU) 32 and coprocessor (CP) 34. The CP 34 includes a bus control circuit 38 for controlling buses, a signal processing unit (SPU) 40

for performing polygon coordinate transformation, shading treatment, etc., a display processing unit (DPU) 45 for rasterizing polygon data into an image to be displayed and converting the data into a data from (dot data) stored on a frame memory. The CP 34 is coupled to a cartridge connector 50 for detachably mounting with a ROM cartridge 52, a disc drive connector 54 for detachably mounting with a disc drive 56, and a RAM 58.

Also, the CP 34 is connected with an audio signal generating circuit 61 for outputting a sound signal to an audio output device 62, processed by the CPU 32, and an image signal generating circuit 64 for outputting an image signal to a display 65. Further, the CP 34 is coupled with a controller control circuit 67 for serially transferring operational data for one or a plurality of controllers 70A-70D and data for a RAM cartridge 73 for extension.

[28] A modem 72 is coupled to the bus control circuit 38. The modem 72 is also preferably coupled to the internet (not shown). As discussed with reference to Fig. 1, a server coupled to the internet stores performance, visual image and audio parameters. The modem 72 couples to the server and downloads a parameter for play in the video game. The CPU 11 sends a signal through the bus control circuit to initialize the modem 72 and control the modem 72 to download the parameter. Preferably, the parameter is stored in RAM 58 for play of the video game, as discussed below. It will be understood by those of skill in the art that other configurations of video game machines are possible. For example, the CPU 11 and the CP 34, or portions of the CP 34, may be incorporated as one component. Also, for example, RAM 58, may be divided into more than one memory element, or other types of memory elements may be included.

[29] Referring now to Fig. 3, a block diagram of a video game system 79 is shown. A data server 82 is coupled to a network 85. The network may be, for example, what is

7

Advantageously, a video game character, such as, for example, an American football quarterback, will play more realistically based on the video game character's real life performance, such as, for example, a completion percentage.

[31] The video game machine is coupled to a modem 107 for coupling to the network 85. The parameter is downloaded by the video game machine 90 from the data server 82 by means of the modem 107 and the network 85. As will be understood by those of skill in the art, the modem 107 may be incorporated as part of the video game machine 90, or a separate component.

[32] Fig. 4 is a block diagram of a game medium, preferably a ROM 109. The game medium may be, for example, a compact disc (CD), a digital video disc (DVD), or a cartridge. The ROM 109 includes many rules and parameters for the video game. Rules 111 are stored on the ROM 109. The rules 111 are shown as Rule 1, Rule 2, Rule 3, etc. The rules govern how the game is played and displayed on the user interface. Advantageously, the rules can be updated to match the rules of the real world.

[33] There are also other parameters stored on the ROM 109. For example, stadium parameters 113 may be stored. For example, the game may display Wrigley Field for play by the Chicago Cubs and Fenway Park for play by the Boston Red Socks. For example, the ivy on the homerun wall of Wrigley Field is green and flourishing during certain parts of the year, such as from May to July. During April, August and September, the ivy is browner. The color of the ivy shown in a baseball video game showing Wrigley Field can change based on the time of the year that the video game is played.

[34] As another example of how realism can be increased, new memorials to great players can be implemented in the video game stadiums. For example, in 2002, Ted

Williams' number, "9", was displayed in the leftfield grass of Fenway Park after the start of the season. Baseball video games were already produced. So the video game fields did not have the number on the field, failing to duplicate real life. Now, the field can be changed to match real life after the game is produced, sold and played in the user's home.

[35] Referring again to Fig. 4, referees 115 may be stored. Referees' appearances and performance may be stored. For example, some referees in basketball call technical fouls frequently. Some referees rarely call technical fouls. Parameters can be stored regarding the individual referees that simulate these real life differences.

[36] Team statistics and other parameters can also be stored, such as, for example, the city, owners, trainers, coaches, players, etc. For example, Mike Bibby of the Sacramento Kings, during the 2001-2002 regular season averaged 13.7 points and 12.3 shots attempted per game. In the playoffs of the same season, he averaged 20.2 points and 16.1 shot attempted per game. These improved playoff statistics can now be downloaded. A video game player can play a basketball video game with a Mike Bibby character incorporating the better performing real world Mike Bibby.

[37] As another example, the 2000-2001 Chicago Bears' opponents scored an average of 22.2 points per game with an average of 114.2 rushing yards per game. The 2001-2002 Chicago Bears' opponents scored an average of 12.7 points per game with an average of 82.1 rushing yards per game. This change was not reflected in video games played during the 2001-2002 season. At that time, the newest video games reflected the statistics from the 2000-2001 season. Thus, the Chicago Bears on the video games played poorly, whereas the Chicago Bears on the real football field played very well. This dichotomy between video game and real life is frustrating to many video game players.

[38] Fig. 5 is a block diagram of the players stored in ROM. Player 1, Player 2, Player 3 and several other players are shown. Under each player, several statistics are shown. For example, if the video game is basketball, Statistic 1 may be a player's field goal percentage. Statistic 2 may be a free throw percentage. Statistic 3 may be blocks per game. One skilled in the art will appreciate that the number and type of statistics stored will vary with the game and with the way the video game designer chooses to design the game.

[39] Fig. 6 is a block diagram of a RAM 135 used to store game parameters for play of a video game. RAM 135 may be used to store game parameters as are RAM 58 and RAM 95. Preferably, items are loaded from ROM 109 into RAM 135. Preferably, all of the rules 111 are loaded into RAM at 138. However, only one stadium is loaded from ROM to RAM. Also, only two teams, shown as Team 1 and Team 2 are loaded. As discussed with reference to Figs. 1-3, above, a new parameter is downloaded from the server and stored in RAM 135. Preferably, the new parameter is stored in RAM in addition to the parameter as loaded from ROM.

[40] Referring now to Fig. 7, a flowchart is shown. In step 221, the method starts. In step 224, it is determined whether autoupdate is enabled. If autoupdate is enabled, the method continues by going to Fig. 8, as shown at step 227. If autoupdate is not enabled, the main menu is displayed at step 230. In step 232, a user chooses to start a game or request an update, at step 232.

[41] In step 234, it is determined whether the user requested an update. In step 236, the method continues by going to Fig. 9, if the user did not choose to update the video game.

If the user did choose to update the video game, the method continues by going to Fig. 8, at step 238.

[42] Referring now to Fig. 8, in step 241, the CPU initializes the modem. In step 243, the modem establishes a network connection. Next, in step 245, the CPU sends a request for data to the data server. At 247 and 249, the data server sends the requested data to the CPU. Advantageously, the requested data may be updated, or changed, statistics for playing a more realistic video game. For example, as mentioned above, the user may be requesting updated batting averages for game characters in a profession baseball video game. Or, to continue the example from above, the video game player may be requesting a newly established completion percentage for an American football quarterback. Preferably, the request is for all the new statistics resulting from a real game that has already been played, or from a plurality of games.

[43] Referring again to Fig. 8, at step 250, the CPU receives the requested data and stores it in local memory 254. In step 251, the CPU disconnects the modem from the network. Next, at step 253, the user is prompted that the data transfer is complete. The main menu is displayed at step 255, and the method continues to Fig. 9 for play of the game.

[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.

[45] Fig. 10 is a block diagram showing a portion of a flow diagram for authenticating a user of a video game. At step 334, a CPU initializes a modem. The modem connects to a network at step 337. The game machine displays a login/sign-up screen at step 340. The user selects either to sign up or login in at step 342. If the user selects to login, the next step depends upon whether an authentication code (AC) is required, as shown at step 344. If no AC is required, the CPU sends the login data to the server at step 346. The flow then continues at Fig. 11.

[46] Alternatively, an AC may be required by the network, as shown at step 348. This allows the network to verify that the user has a proper authentication code. For example, the authentication code may be provided at sign-up (described with respect to Fig. 12) by the network to the user. This way, the network administrator can verify that the user is a paying user. As another example, a new authentication code may be provided on a periodic basis, such as, for example, monthly. Thus, if a user is paying on a monthly basis, correct authentication is only available if the user's dues are current. As yet another example, the AC may be associated with a specific game machine by either the network or the CPU. This allows for security for preventing portability of AC's from one game machine to another.

[47] Referring again to Fig. 10, if authentication is required, it depends whether the AC is auto-sent or not, as shown at step 351. If the AC is auto-sent, the process continues at step 346. If the AC is not auto-sent, the user enters a user verification code, at step 354. At step 357, the CPU compares the user verification code to a game machine

authentication code. If the user verification code matches the game machine authentication code, at step 360, the process continues at step 346. As stated in step 346, the login data 363 is stored at a network server 366. Next, the process continues at Fig. 11.

[48] Fig. 11 shows a portion of a process for authenticating a video game user, continued from Fig. 10. At step 369, the server attempts to authenticate the login data and any AC present. The AC may include a user verification code, to verify that the user is authorized to receive updated game parameters. Also, the AC may include a code identifying a specific game machine. This identifying code may, for example, be a serial number from the game machine. Alternatively, the identifying code may be a code assigned by the network administrator to the game machine at sign-up (described with respect to Fig. 12). Further, the network administrator may verify that the identifying code, the verification code, and the user login data all match. The verification code may be a password.

[49] At step 372, the network checks whether the login data and any AC is authenticated. If the login data and any AC are authenticated, at step 376, the server sends a menu of available data to the game machine. Then, at step 384, the CPU displays the menu to the user and continues to Fig. 13. If the login data and any AC are not authenticated at step 372, the server sends a failure message to the CPU, at step 380. The CPU displays the failure message to the user, at step 384. Preferably, the CPU next displays the login/sign-up screen to the user again. The process returns to the beginning of Fig. 10, at step 334.

[50] Fig. 12 is a flow diagram showing a process for signing up a new user of a video game with downloadable statistics. In step 390, the CPU displays a sign-up screen. In step 393, the user enters the user's name and chosen password, and possibly other identifying information, such as a birthdate, address, etc. In step 396, the process depends upon whether the AC is autosent. If the AC is autosent, the CPU sends the sign-up data 404 to the server 408 in step 400. In step 412, the server sends account options 416 to the game machine.

[51] In step 420, the CPU displays the account options to the user. In step 424, the user selects what type of account the user chooses. In step 428, the CPU sends the users choice of account type to the server. For example, the user may choose to pay for downloads of new game parameters on a monthly basis. As another example, the user may choose to pay for downloads of new game parameters for an entire sports season. Or, as yet another example, the user may choose to pay for downloads of new game parameters on a pay per use basis. Other business models will be apparent to those of skill in the art.

[52] In step 432, the server verifies the information, creates an account and sends a menu of game data to the game machine. In step 436, the CPU displays the menu to the user. Next, the process continues as shown in Fig. 13.

[53] Alternatively, if in step 396, the AC is not autosent, the user enters an AC, in step 440. In step 444, the CPU compares the user input AC with the game machine authentication code. In step 446, the CPU determines whether the user input AC matches the game machine AC. If not, the process continues at step 448 and the CPU displays an

error message to the user. If the user input AC matches the game machine AC, the process continues at step 400.

[54] Fig. 13 is a flow diagram showing a download process of a new game parameter. In step 450, the user selects a set of desired game parameters. For example, the desired parameters may comprise a complete set of new parameters for all teams in the game. As another example, the desired parameters may comprise the results of a single sports game for a single team. In step 453, the CPU sends the request to the server.

[55] In step 456, the process depends on whether the game machine requires an authentication code. In step 459, the server sends the requested parameters to the CPU. In step 462, the CPU stores the new game parameters in local memory 465.

[56] Alternatively, if in step 456, the game machine requires an AC, the process continues to step 468. In step 468, the server attaches account information and the AC to the parameter. In step 471, the server sends the parameter to the CPU. In step 474, the CPU compares the AC with the game machine AC. In step 476, the game machine determines whether the AC sent by the server matches the AC stored on the game machine. If there is no match, the CPU displays an error message. If there is a match, the CPU stores the data at step 479 in local memory 465. The data, or new game parameters, can then be used for play in a game with quantifiably increased realism.

[57] Fig. 14 is a flow diagram showing game play in a case in which an AC is required. In step 490, the CPU displays a game menu. In step 495, the user selects to load saved data 500, which has been stored in local memory 505. In step 510, the CPU reads data from local memory. In step 515, the CPU compares an AC associated with the data to the game machine AC. In step 520, the process determines whether the AC associated

with the data is the same as the game machine AC. If they don't match, the CPU displays an error message in step 535. If they match, the CPU loads the parameter data into RAM 525 in step 530. Then, the new game parameters are used for play in a game with quantifiably increased realism.

Claims

1. A method of enhancing a video game comprising:

 connecting a processor to a network;

 loading a game engine into a random access memory for playing a video
game;

 receiving a datum from the network, wherein the datum depends on a
historical event;

 storing the datum in a local memory;

 writing the datum to the random access memory; and

 changing a game attribute, responsive to the datum.
2. The method of claim 1, wherein the historical event occurred after a production of
the game engine.
3. The method of claim 1, further comprising:

 transmitting a request for an update to the network.
4. The method of claim 1, wherein the game comprises a sports video game.
5. The method of claim 4, wherein the game comprises a baseball game.
6. The method of claim 5, further comprising:

changing a batting average of a player in the game.

7. The method of claim 1, further comprising:

adding a player to a team in the game.

8. The method of claim 1, wherein the local memory comprises a read only memory.

9. The method of claim 1, further comprising:

initializing a modem.

10. The method of claim 9, further comprising:

coupling to a data server.

11. The method of claim 10, further comprising:

sending a request to a server, the request comprising a request for the datum.

12. The method of claim 1, further comprising:

prompting a user for updating the game engine, and
receiving an instruction from the user to update the datum.

13. The method of claim 12, further comprising:

informing a user that the datum has been updated.

14. The method of claim 1, further comprising:

disconnecting the processor from the network.

15. A computer gaming system comprising:

a random access memory (RAM);

a processor configured to read a game engine and write the game engine into the RAM;

a modem coupled to the processor and to a network;

wherein the processor is configured to overwrite a portion of the game engine in the RAM with a datum received from the network.

16. The system of claim 15, further comprising:

a user interface coupled to the processor and configured to receive inputs from a user for playing a game.

17. The system of claim 16, wherein the user interface comprises:

a user interface input module coupled to the processor and

a user interface output module coupled to the processor.

18. The system of claim 17, wherein the user interface output module is mechanically

separate from the user interface input module

19. The system of claim 17, wherein the user interface output module comprises a television set.
20. The system of claim 17, wherein the user interface output module comprises a computer monitor.
21. The system of claim 17, wherein the user interface output module and the user interface input module comprise a handheld gaming device.
22. The system of claim 15, further comprising:
a local memory coupled to the processor, wherein the processor is configured to store data from the network in the local memory.
23. The system of claim 22, wherein the processor is configured to read data from the local memory and write the data to the RAM.
24. The system of claim 15, wherein the local memory comprises:
a read only memory (ROM).
25. The system of claim 15, further comprising a game medium drive coupled to the processor.

26. The system of claim 15, wherein the game medium drive comprises a compact disk drive.
27. The system of claim 15, wherein the game medium drive comprises a digital video disk drive.
28. The system of claim 15, wherein the game medium drive comprises a ROM drive.

METHOD AND SYSTEM FOR INCREASED REALISM IN VIDEO GAMES

Abstract

A system and method for updating parameters of a video game is provided. As events occur in the real world that may influence a game attribute, a parameter is recorded on a server. A video game player may connect to the server and download the parameter. The parameter is stored by the video game and changes an attribute of the video game. Thus, for example, the new performance characteristics of the rising star may be recorded on the server as improved performance parameters. When these parameters are downloaded by the video game player, the video game incorporates the star-like qualities of the rising star.

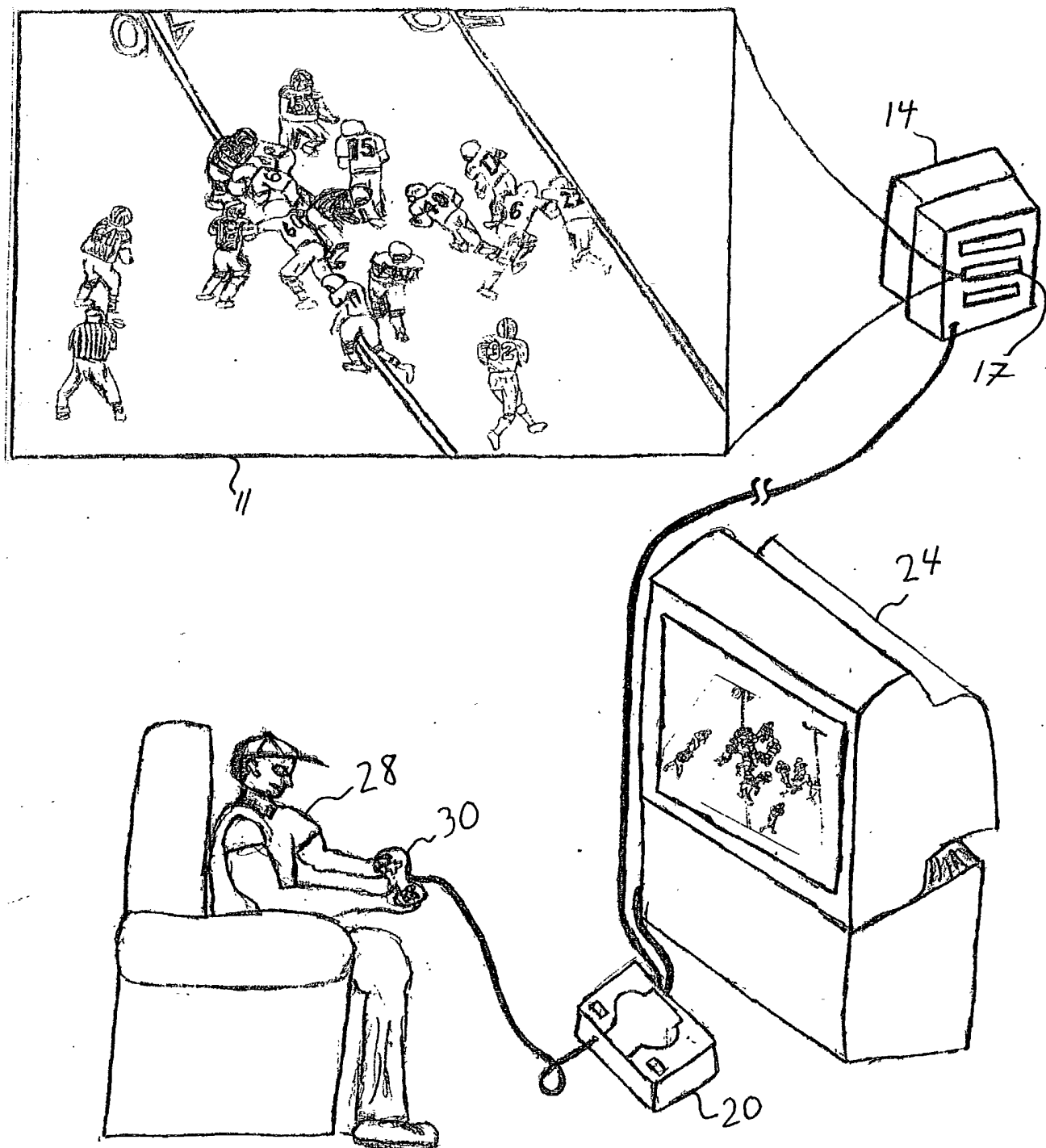


Fig. 1

Fig. 2

20

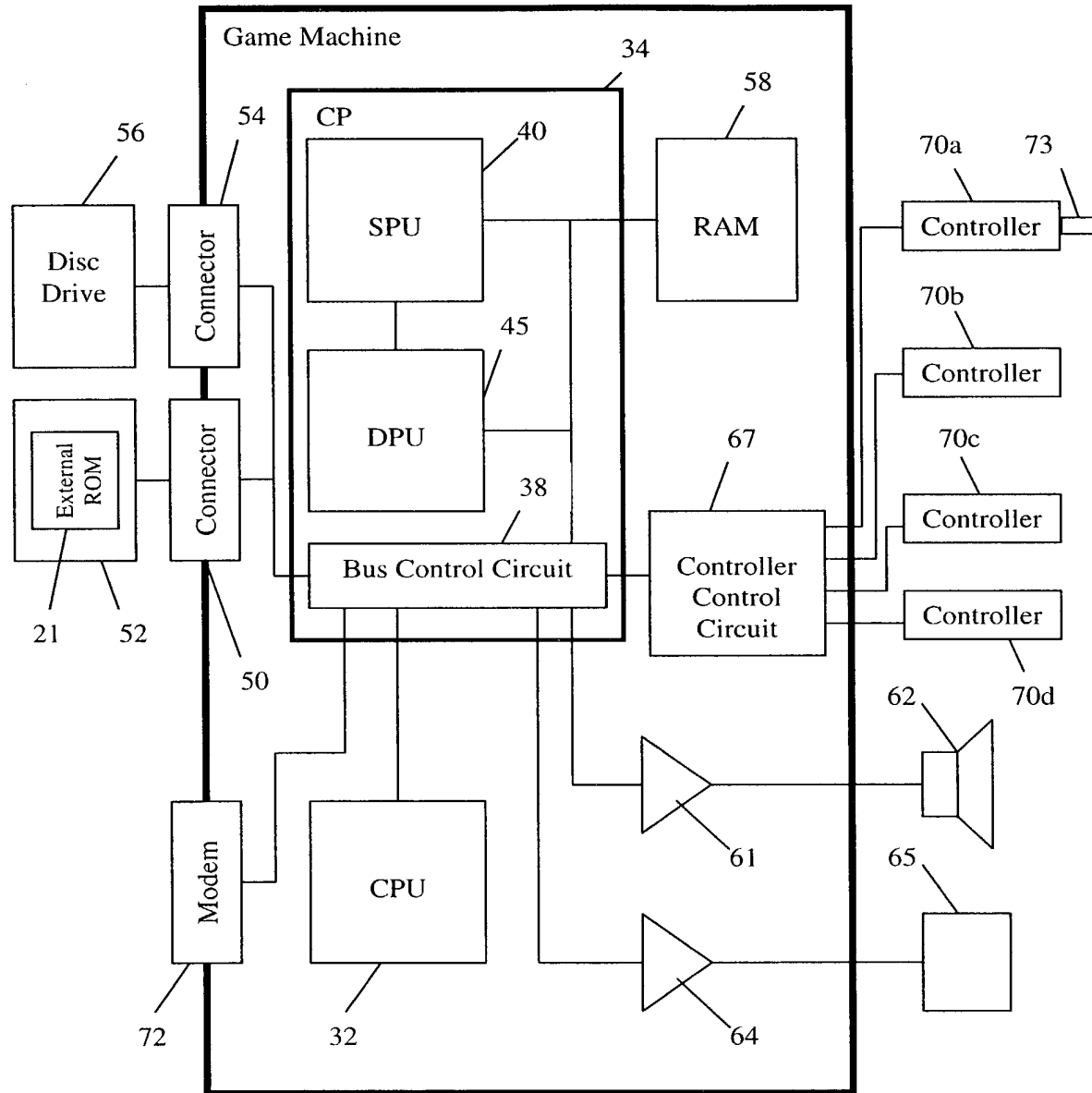


Fig. 3

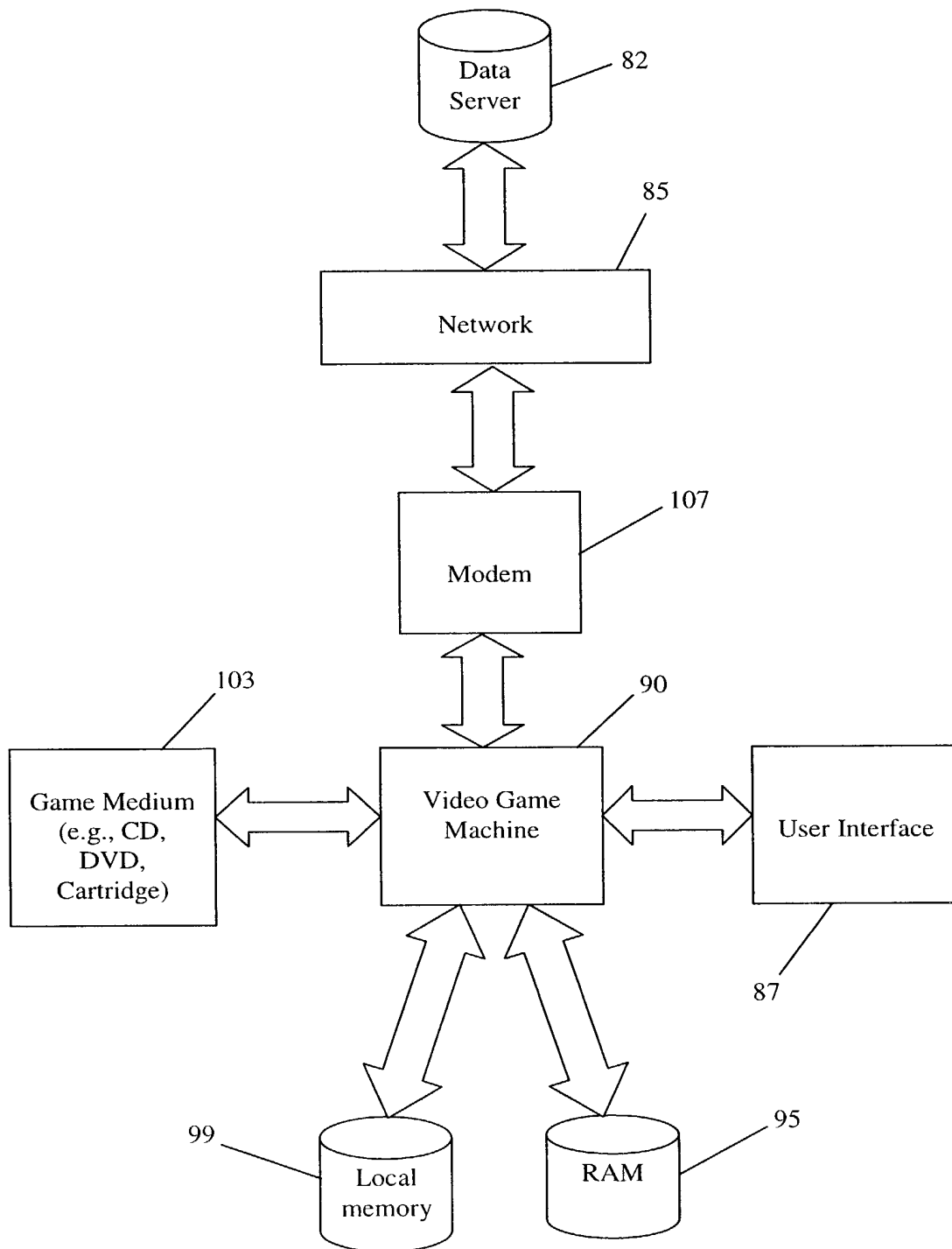


Fig. 4

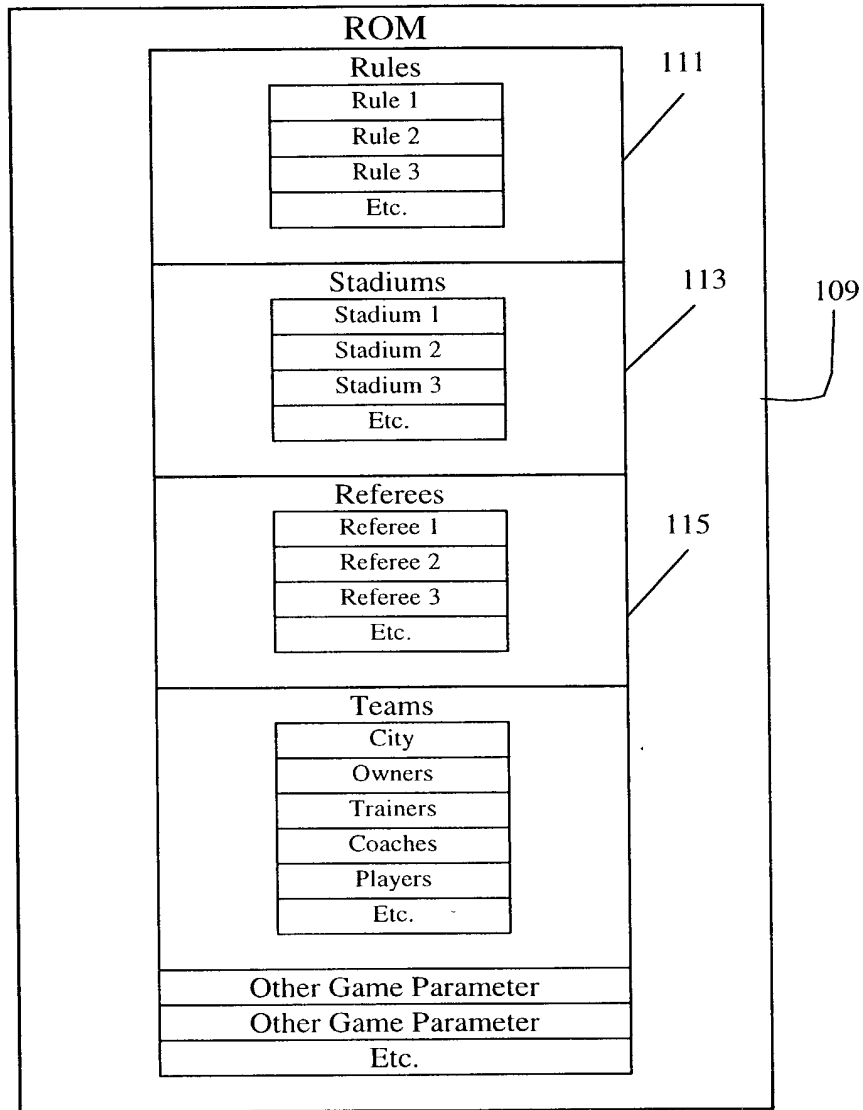


Fig. 5

Players	
Player 1	Statistic 1
	Statistic 2
	Statistic 3
	Etc.
Player 2	Statistic 1
	Statistic 2
	Statistic 3
	Etc.
Player 3	Statistic 1
	Statistic 2
	Statistic 3
	Etc.
Other Player	
Other Player	
Other Player	
Other Player	
Etc.	

Fig. 6

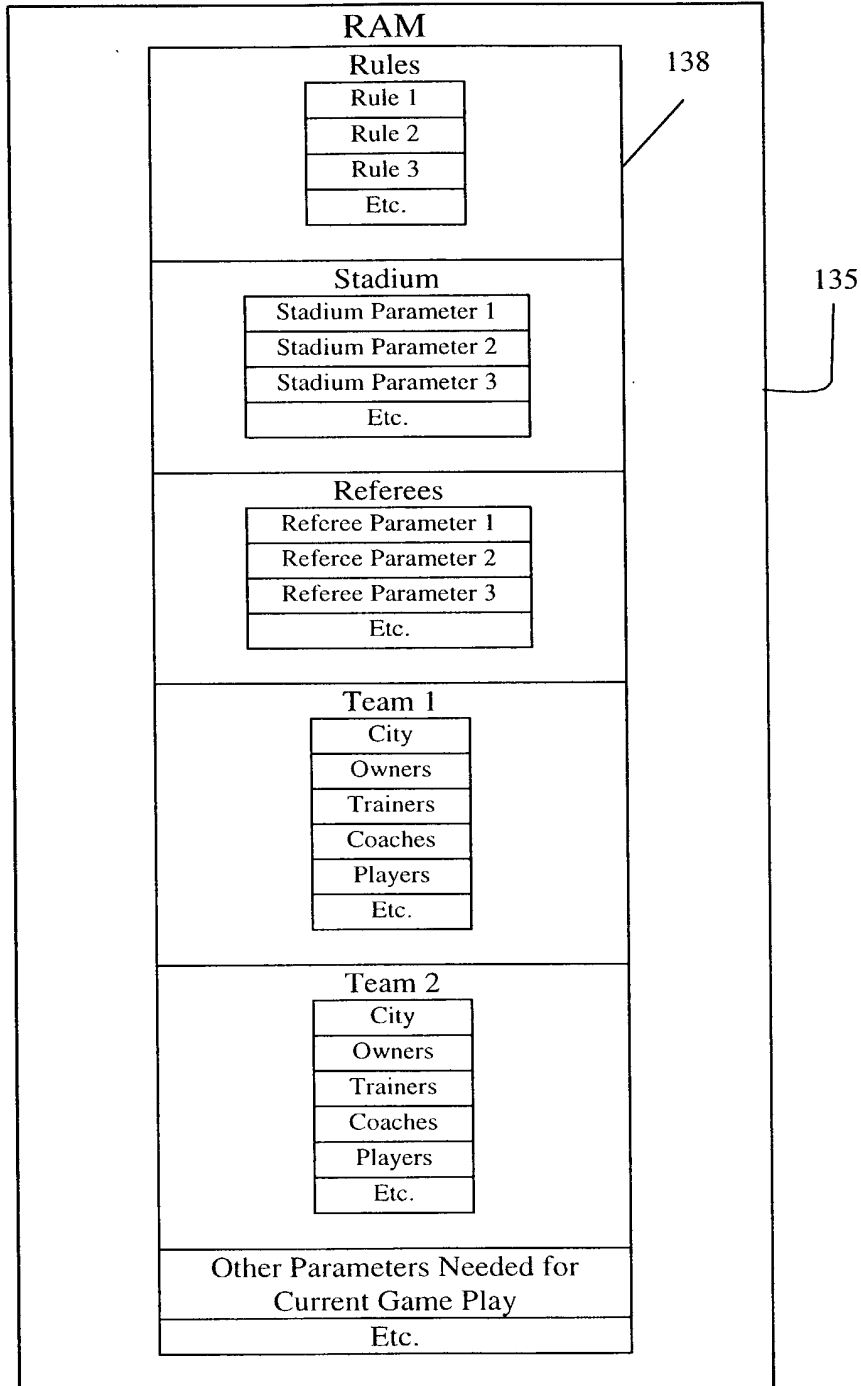


Fig. 7

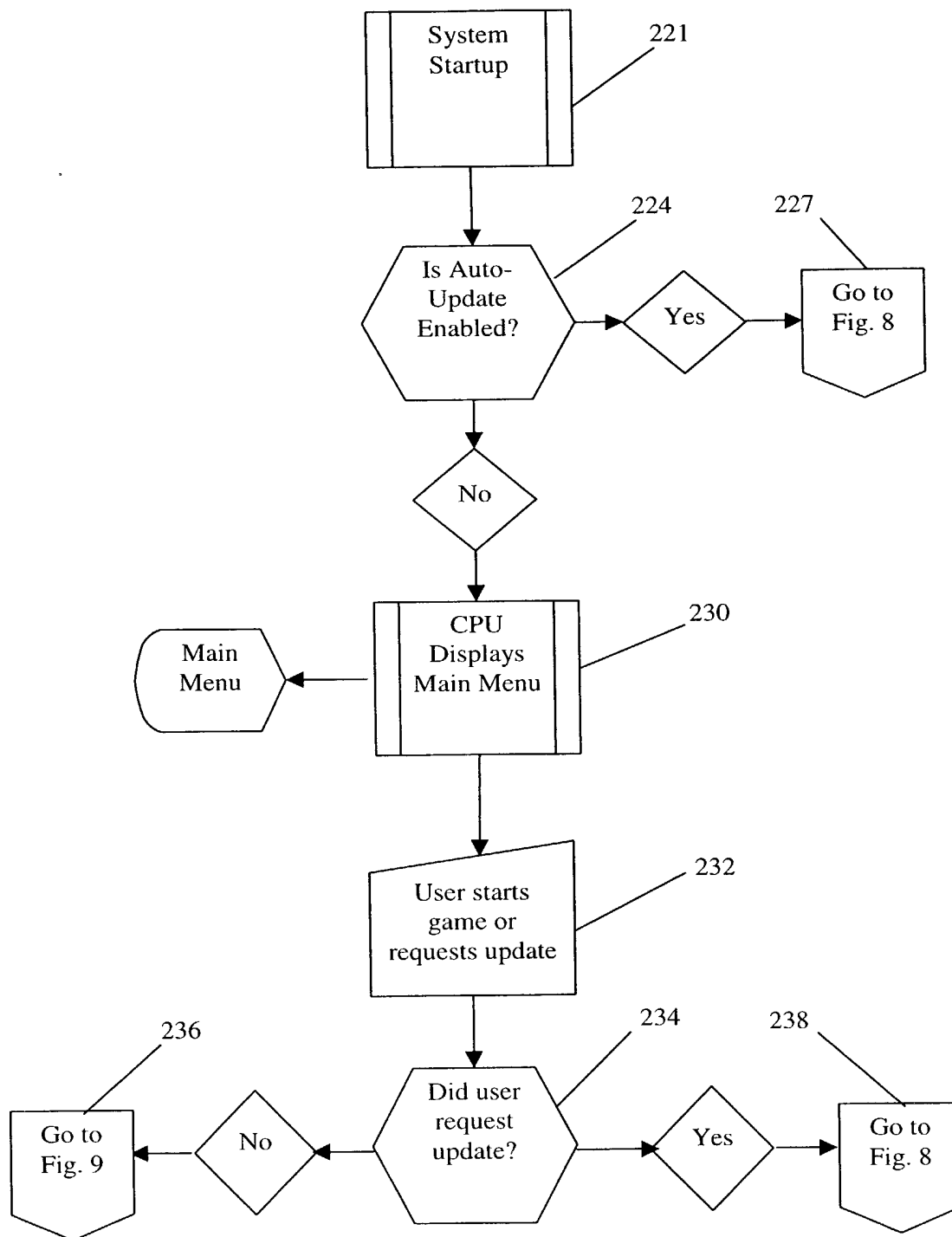


Fig. 8

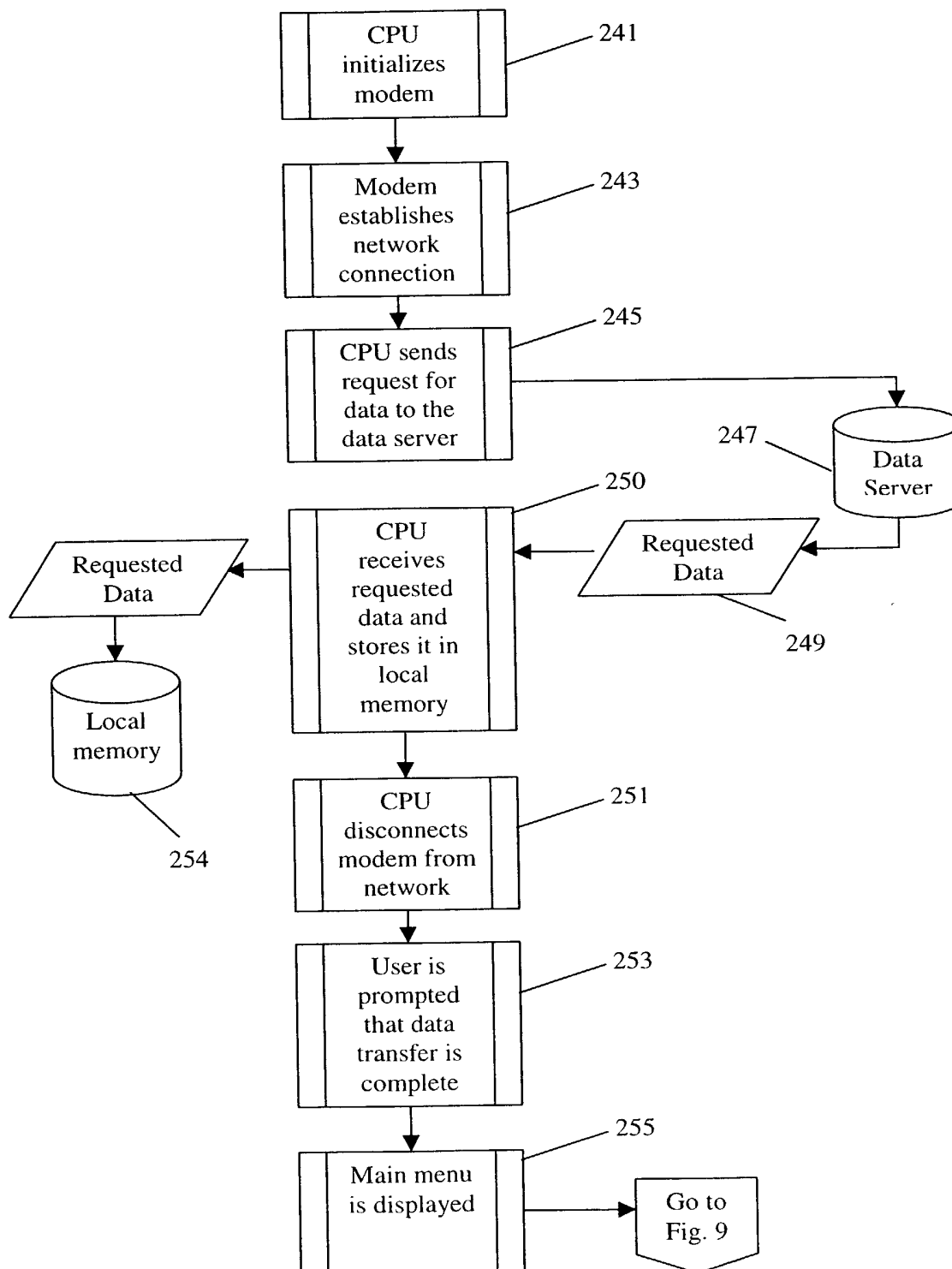


Fig. 9

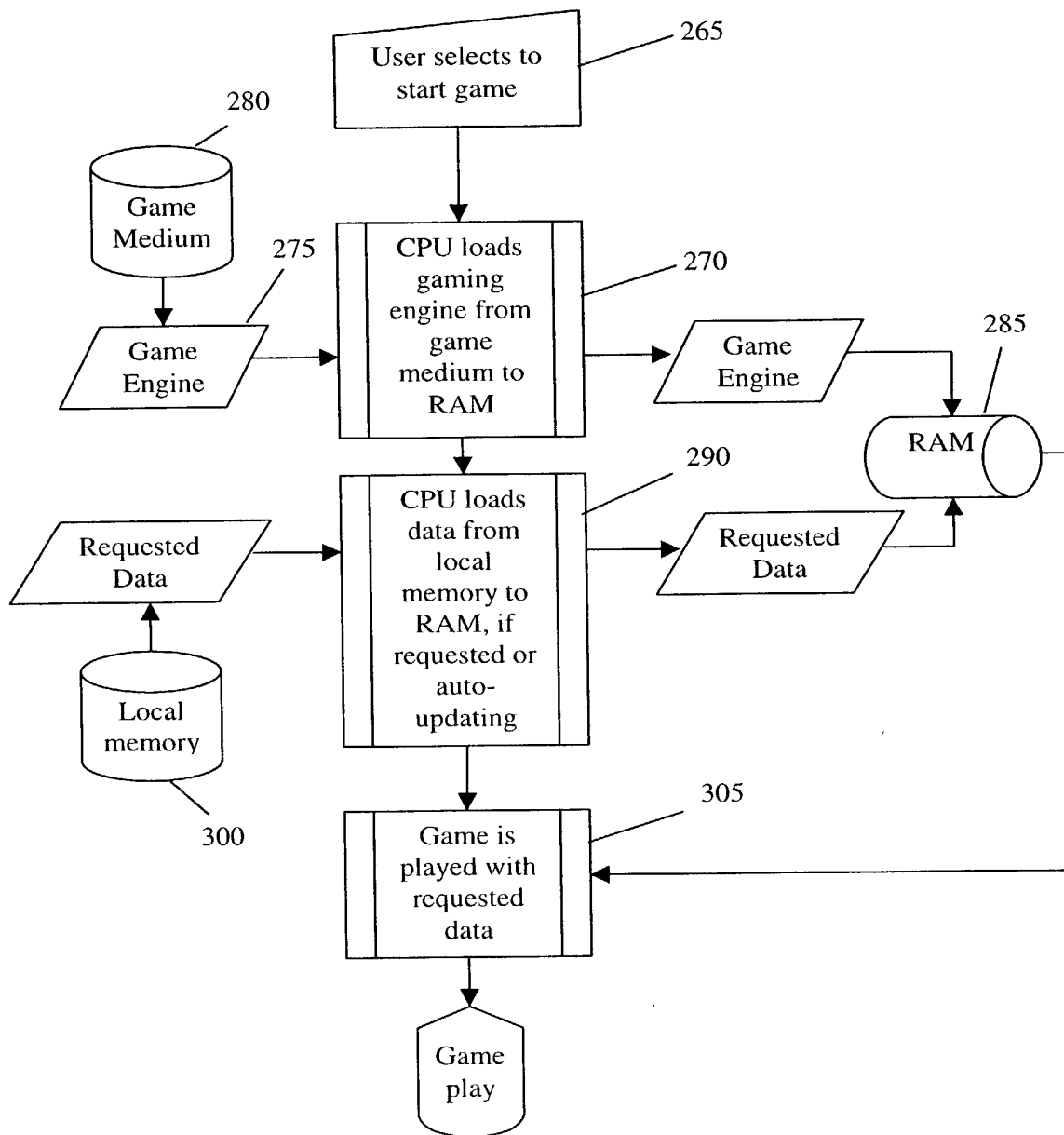


Fig. 10

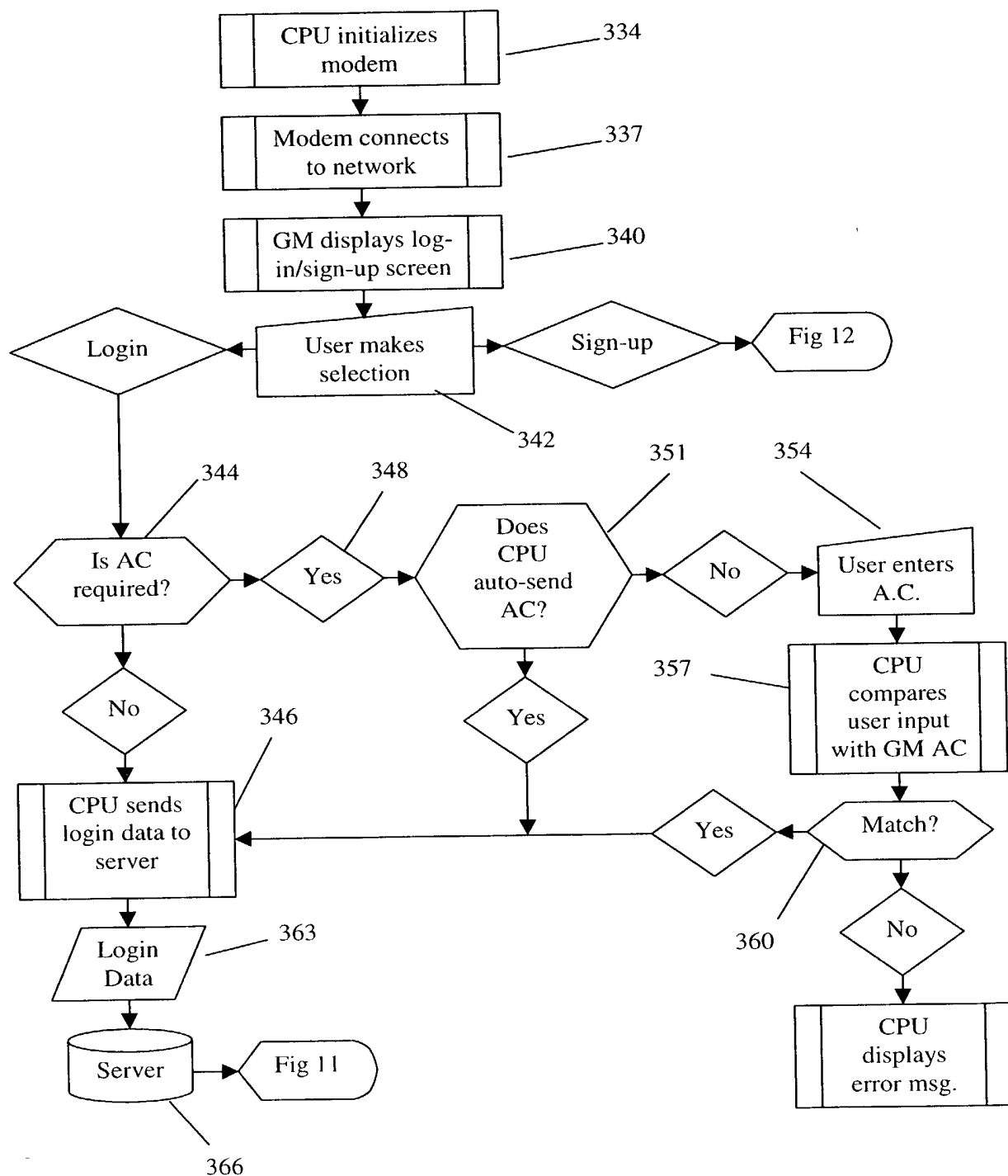


Fig 11

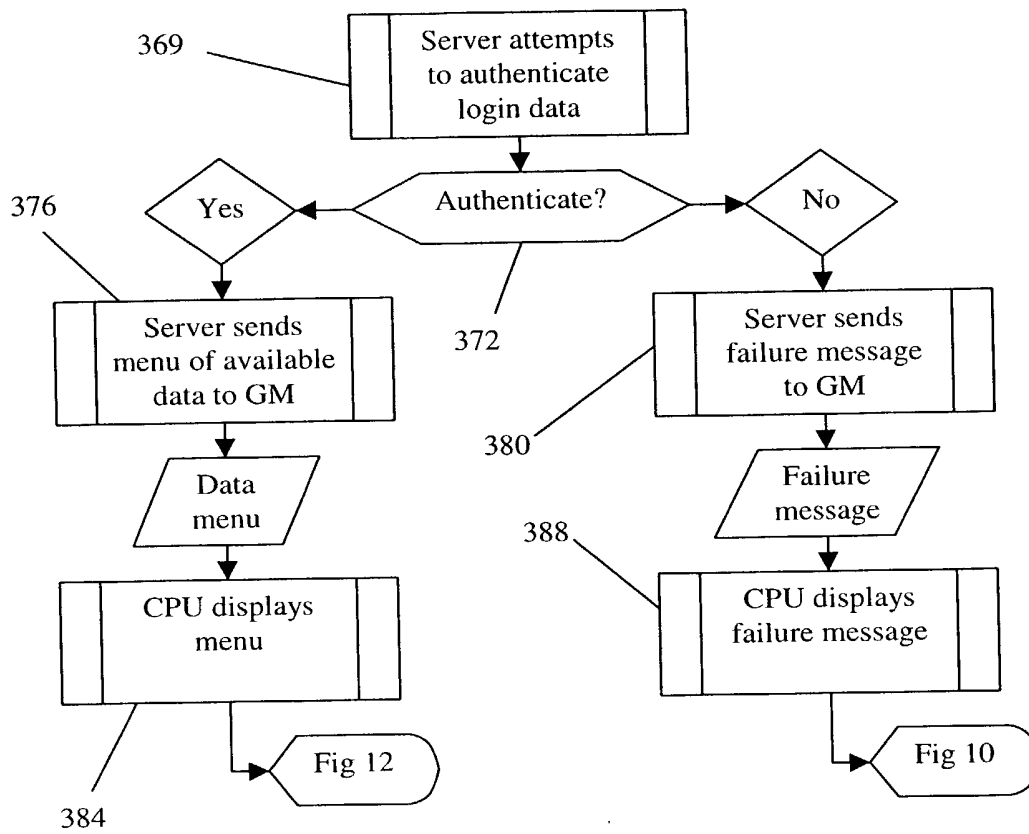


Fig 12

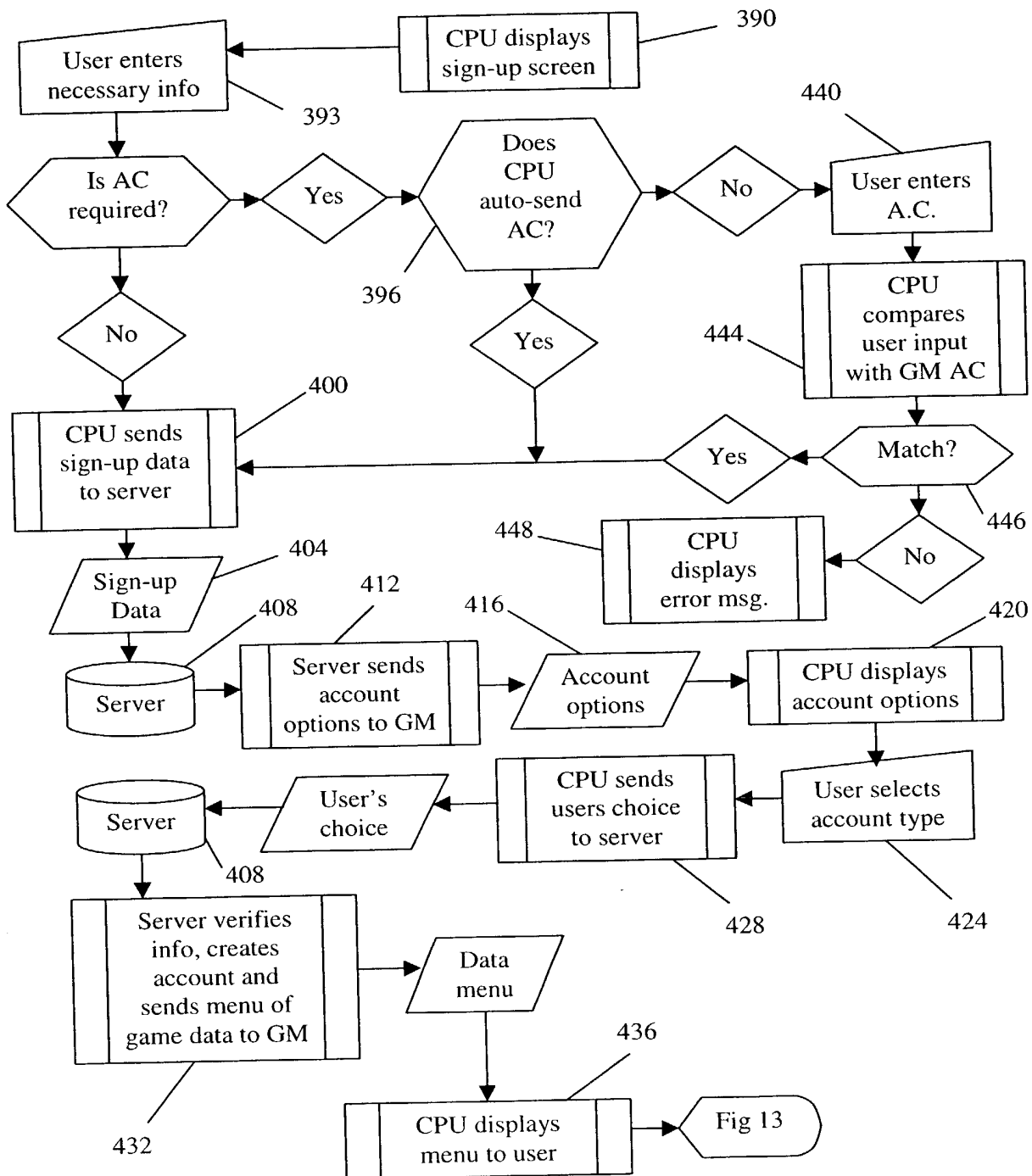


Fig 13

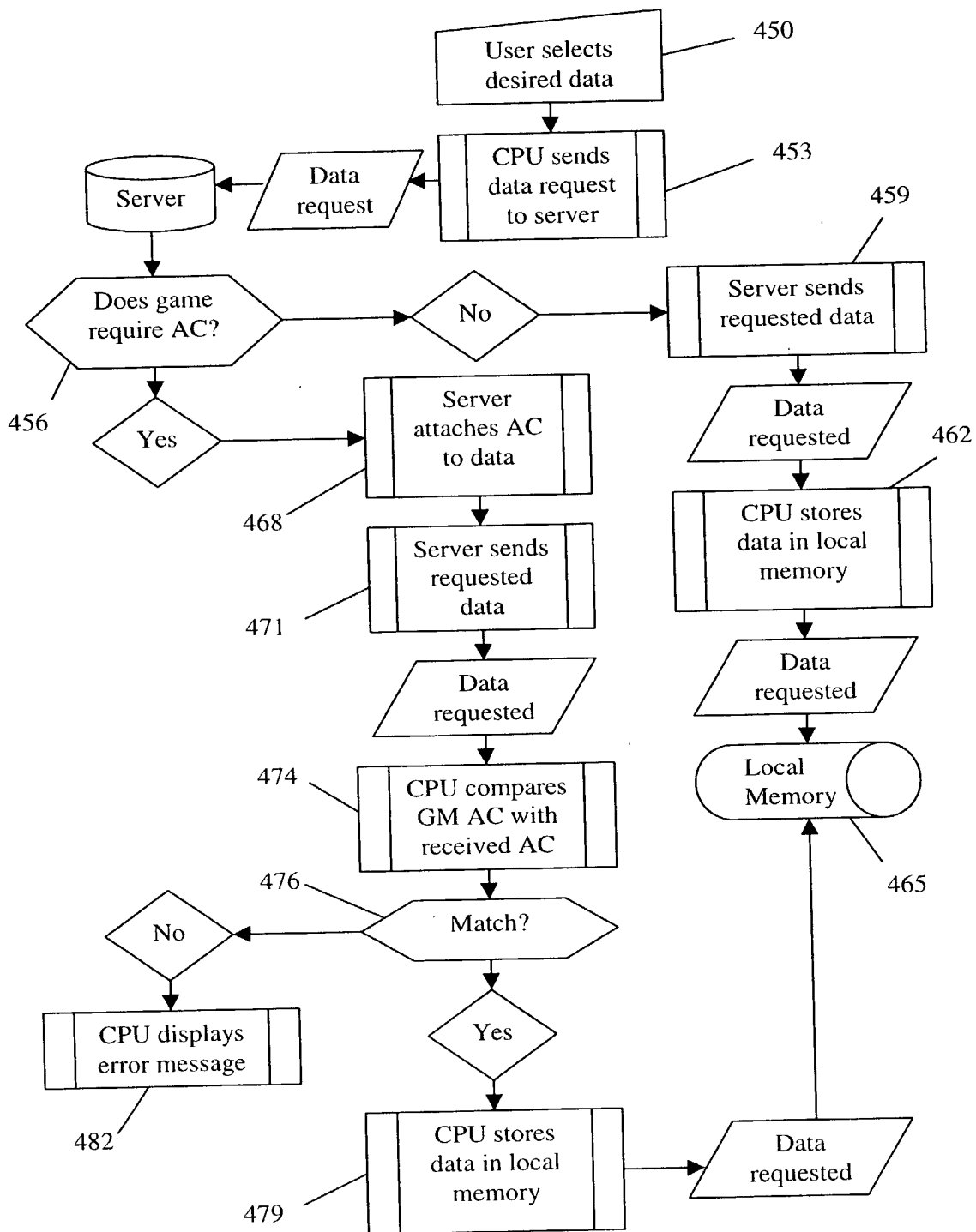
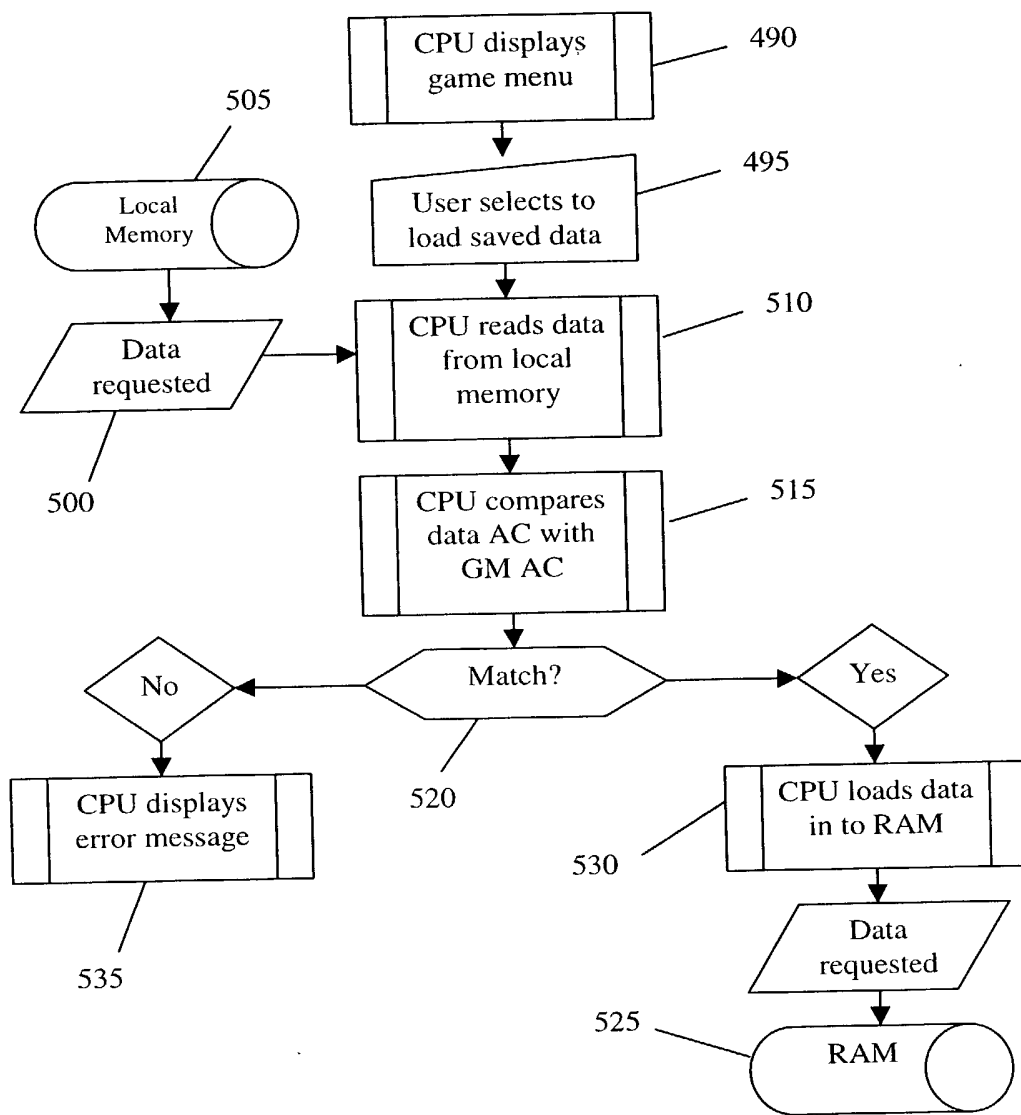


Fig 14



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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)	Attorney Docket Number	
	First Named Inventor Athanasios Angelopoulos	
	COMPLETE IF KNOWN	
	Application Number	To Be Assigned
	Filing Date	October 8, 2002
	Art Unit	To Be Assigned
<input checked="" type="checkbox"/> Declaration Submitted with Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)		Examiner Name To Be Assigned

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method and System for Increased Realism in Video Games

(Title of the Invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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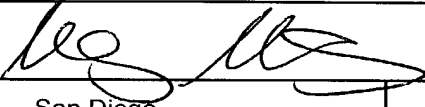
☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/> Customer Number or Bar Code Label		<input type="checkbox"/> OR <input checked="" type="checkbox"/> Correspondence address below	
Name Athanasios Angelopoulos			
Address 3930 Ingraham St. # 10-206			
City San Diego		State CA	ZIP 92109
Country USA	Telephone 858-274-8495		Fax
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>			
NAME OF SOLE OR FIRST INVENTOR :		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Athanasios		Family Name or Surname Angelopoulos	
Inventor's Signature 			Date 10/07/02
Residence: City San Diego	State CA	Country USA	Citizenship USA
Mailing Address xxxx Street			
City San Diego	State CA	ZIP 92109	Country USA
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature			Date
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	ZIP	Country
<input type="checkbox"/> Additional inventors are being named on the ____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.			

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2001

Application or Docket Number

10266775

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	28	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	28 minus 20 =	* 8
INDEPENDENT CLAIMS	2 minus 3 =	* 0
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	370.00
X\$ 9=	72
X42=	
+140=	
TOTAL	442

RATE	FEE
BASIC FEE	740.00
X\$18=	
X84=	
+280=	
TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus **
	Independent	*	Minus ***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus **
	Independent	*	Minus ***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus **
	Independent	*	Minus ***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL ADDIT. 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.

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

10/10/2002 HMARZI1 00000057 10266795

01 FC:201	370.00 OP
02 FC:203	72.00 OP