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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/726,023	05/29/2015	Michael Tchao	215127.02069	3934

11333 7590 06/26/2015
Banner & Witcoff, Ltd.
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EXAMINER

GINSBERG, OREN ISAAC

ART UNIT	PAPER NUMBER
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3764

NOTIFICATION DATE	DELIVERY MODE
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06/26/2015

ELECTRONIC

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

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

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

PTO-11333@bannerwitcoff.com

Office Action Summary	Application No. 14/726,023	Applicant(s) TCHAO ET AL.	
	Examiner OREN GINSBERG	Art Unit 3764	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☒ Responsive to communication(s) filed on 5/29/2015.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-20 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) _____ is/are allowed.
- 7) ☒ Claim(s) 1-20 is/are rejected.
- 8) ☐ Claim(s) _____ is/are objected to.
- 9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 5/29/2015 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

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

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

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date 6/3/2015.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 4) ☐ Other: _____.

DETAILED ACTION

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.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim(s) does/do not fall within at least one of the four categories of patent eligible subject matter because the claimed invention is not directed to patent eligible subject matter. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claim(s) 1-20 are determined to be directed to an abstract idea.

The claims merely describes “1) collecting data (i.e., athletic performance data), 2) recognizing certain data within the collected data set (i.e., amount of athletic activity performed by the user), and 3) storing that recognized data in a memory (i.e., the athletic performance module/processor receiving athletic activity from the sensor - for the purpose of comparing with the second user).” *Content Extraction & Transmission v. Wells Fargo Bank, N.A.*, 776 F.3d 1343 (Fed. Cir. 2014). “The concept of data collection, recognition, and storage is undisputedly well-known.” *Id.* Forming athletic competition between competitors is also abstract for encompassing a method of organizing human behavior. Furthermore, the claims do not include additional elements (i.e., processor and sensor) that are sufficient to amount to significantly more than the judicial exception because challenging and monitoring an athletic activity can be

Art Unit: 3764

completed by a person's mental processes (e.g., a coach or trainer monitoring the performance of both the first and second users).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of pre-AIA 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 –

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

Claims 1, 7, and 8 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Karkanias 2008/0300914.

Regarding claim 1, Karkanias discloses a system comprising: an athletic performance module configured to receive athletic activity data (paragraph 0045) from a wirelessly-connected (paragraph 0072) sensor worn on an appendage of a first user (paragraph 0050), wherein the first user is performing athletic activities at a first location; and a challenge module configured to: receive information specifying a challenge (paragraphs 0027-0030), wherein the challenge includes a competition between the first user, and a second user performing athletic activities at a second location (paragraph 0033); determine, from the received athletic activity data, a first amount of athletic activity performed by the first user (paragraph 0050); receive data from a second sensor indicating a second amount of athletic activity performed by the

Art Unit: 3764

second user (paragraphs 0033 and 0036); and determine whether the challenge has been met by the first user based on a comparison of the first amount of athletic activity performed by the first user and a second amount of athletic activity performed by the second user (paragraphs 0033 and 0036).

Regarding claim 7, the challenge is defined in terms of a common unit used for multiple types of athletic activities (paragraph 0033).

Regarding claim 8, the challenge is specified in terms of a unit in which the athletic activity is measured (paragraphs 0039, 0045, and 0046).

Claim Rejections - 35 USC § 103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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

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

Claims 2-6, 9-11, and 13-20 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Karkanias.

Regarding claims 2 and 14, Karkanias discloses the invention as substantially claimed, see above. However, Karkanias fails to disclose: the challenge is received from the second user.

Karkanias discloses that an exercise challenge can be received from a third party (paragraphs 0030 and 0040). It is notoriously well known that an exerciser can receive a challenge from a competitor (second user). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the first user receive the challenge from the second user.

Regarding claims 3 and 11 (see also rejection of claim 1 above for other limitations of claim 11), Karkanias discloses the invention as substantially claimed, see above. However, Karkanias fails to disclose: the first user is prompted, by the challenge module, to accept the challenge.

Karkanias describes the first user competing against a second user in a competition (paragraphs 0033 and 0036). It is notoriously well known that a user who decides to exercise must accept some sort of prompt or notification before entering into a competition against another user; a user does not spontaneously compete against another person every time (s)he exercises. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the first user prompted, by the challenge module, to accept the challenge.

Regarding claims 4-6, Karkanias discloses the invention as substantially claimed, see above. However, Karkanias fails to disclose: the challenge comprises travelling a predetermined distance in a shortest amount of time, the challenge comprises travelling

Art Unit: 3764

as far as possible within a predetermined time, and the challenge comprises travelling a predetermined distance in a predetermined time.

Karkanias describes the first user competing against a second user in a competition or race (paragraphs 0033 and 0036). It is notoriously well known that travelling a predetermined distance in a shortest amount of time (e.g., a marathon), travelling as far as possible within a predetermined time (e.g., multiday running), and travelling a predetermined distance in a predetermined time (e.g., qualifying for the Boston marathon) are types of races. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the challenge comprise these types of races.

Regarding claims 9, 10, and 18-20, Karkanias discloses the invention as substantially claimed, see above. However, Karkanias fails to disclose: the challenge includes a competition between a first athletic training facility (provider) and a second athletic training facility (provider), the first and second athletic training facilities correspond to an athletic training facility provider, and the first athletic training facility provider includes multiple athletic training facilities.

Karkanias discloses either real or virtual team competitions (paragraph 0036). Although Karkanias does not specifically state that athletic facilities (and its providers) can form the basis for a team, it would be obvious to one of ordinary skill in the art at the time of the invention to allocate the teams as deemed appropriate.

Regarding claim 13, the sensor worn on the appendage of the first user comprises an accelerometer (paragraph 0050).

Regarding claim 15, the challenge is defined in terms of a common unit used for multiple types of athletic activities (paragraph 0033).

Regarding claim 16, the challenge is specified in terms of a unit in which the athletic activity is measured (paragraphs 0039, 0045, and 0046).

Claims 12 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Karkanias in view of Root 6,013,007.

Karkanias discloses the invention as substantially claimed, see above. However, Karkanias fails to disclose: the sensor worn on the appendage of the first user comprises a location-determining sensor.

Root teaches an analogous system wherein the sensor 301/604.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Karkanias's invention with Root's GPS sensor in order to allow the user to track his/her exercise performance over a distance traversed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OREN GINSBERG whose telephone number is (571)270-3074. The examiner can normally be reached on Mon-Thur, 8:00-4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn Thanh can be reached on (571)272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3764

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.

/OREN GINSBERG/
Primary Examiner, Art Unit 3764

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Patent Application Of:)	
)	Group Art Unit: 3764
Tchao et al.)	
)	Examiner: Oren Isaac Ginsberg
Appln. No. 14/726,023)	
)	Confirmation No.: 3934
Filed: May 29, 2015)	
)	Attorney Docket No.: 215127.02069
For: INTERACTIVE ATHLETIC)	
EQUIPMENT SYSTEM)	

RESPONSE TO OFFICE ACTION MAILED JUNE 26, 2015

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

Dear Sir:

This paper is filed in response to the non-final office action mailed June 26, 2015, in connection with the above-identified patent application. Applicants' undersigned representative authorizes the charging of Deposit Account No. 19-0733 for any fee that might be due upon entry and full consideration of this amendment.

Listing of the Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

Listing of Claims:

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

1. (Currently Amended) A system comprising:
 - an athletic performance module configured to receive athletic activity data from a wirelessly-connected sensor worn on an appendage of a first user, wherein the first user is performing athletic activities at a first location; and
 - a challenge module configured to:
 - receive information specifying a challenge, wherein the challenge includes a competition between the first user, and a second user performing athletic activities at a second location, different to, and remote from, the first location;
 - determine, from the received athletic activity data, a first amount of athletic activity performed by the first user;
 - receive data from a second sensor indicating a second amount of athletic activity performed by the second user; ~~and~~
 - determine whether the challenge has been met by the first user based on a comparison of the first amount of athletic activity performed by the first user and a second amount of athletic activity performed by the second user; and
 - continuously generate and simultaneously communicate in real-time to the first user at the first location and the second user at the second location, an interface indicating whether the challenge has been met.
2. (Original) The system of claim 1, wherein the challenge is received from the second user.
3. (Original) The system of claim 2, wherein the first user is prompted, by the challenge module, to accept the challenge.
4. (Original) The system of claim 1, wherein the challenge comprises travelling a predetermined distance in a shortest amount of time.
5. (Original) The system of claim 1, wherein the challenge comprises travelling as far as possible within a predetermined time.

6. (Original) The system of claim 1, wherein the challenge comprises travelling a predetermined distance in a predetermined time.

7. (Original) The system of claim 1, wherein the challenge is defined in terms of a common unit used for multiple types of athletic activities.

8. (Original) The system of claim 1, wherein the challenge is specified in terms of a unit in which the athletic activity is measured.

9. (Original) The system of claim 1, wherein the challenge includes a competition between a first athletic training facility and a second athletic training facility.

10. (Original) The system of claim 9, wherein the first and second athletic training facilities correspond to an athletic training facility provider.

11. (Currently Amended) A method comprising:

receiving a prompt inviting a first user to participate in a challenge, wherein the challenge includes a competition between the first user performing athletic activities at a first location and a second user performing athletic activities at a second location different to, and remote from, the first location;

determining an amount of athletic activity performed by the first user based on sensor data received from a sensor worn on an appendage of the first user; and

receiving data from a second sensor indicative of an amount of athletic activity performed by the second user; ~~and~~

determining whether the challenge has been met by the first user based on a comparison of the amount of athletic activity performed using the first user to the amount of athletic activity performed by the second user; and

continuously generating and simultaneously communicating in real-time to the first user at the first location and the second user at the second location, an interface indicating whether the challenge has been met.

12. (Original) The method of claim 11, wherein the sensor worn on the appendage of the first user comprises a location-determining sensor.
13. (Original) The method of claim 11, wherein the sensor worn on the appendage of the first user comprises an accelerometer.
14. (Original) The method of claim 11, wherein the challenge is received from the second user.
15. (Original) The method of claim 11, wherein the challenge is defined in terms of a common unit used for multiple types of athletic activities.
16. (Original) The method of claim 11, wherein the challenge is specified in terms of a unit in which the athletic activity is measured.
17. (Original) The method of claim 11, wherein the challenge includes a competition between a first athletic training facility and a second athletic training facility.
18. (Original) The method of claim 17, wherein the first and second athletic training facilities correspond to an athletic training facility provider.
19. (Original) The method of claim 11, wherein the challenge includes a competition between a first athletic training facility provider and a second athletic training facility provider.
20. (Original) The method of claim 17, wherein the first athletic training facility provider includes multiple athletic training facilities.

REMARKS

The Non-Final Office Action of June 26, 2015, has been reviewed and the comments therein were carefully considered. Claims 1-20 have been rejected. Claims 1-20 are pending, with claims 1 and 11 being independent. Claims 1 and 11 have been amended. No new subject matter has been added. Applicant respectfully submits that all claims are in condition for allowance and respectfully request such notification.

Interview Summary

Applicant would like to thank Examine Ginsberg for the courtesies extended to the Applicant's representative during the Applicant-initiated Interview held on Sept. 1, 2015 by telephone. The interview was attended by Examiner Ginsberg and Ronan Lonergan. The following remarks describe the substance of the interview:

1. No exhibits were shown and no demonstrations were conducted.
2. The rejections of primarily independent claim 1 were discussed.
3. It was agreed that claim 1, as amended, would likely positively advance the prosecution of the instant application.
4. No final agreement was reached as to patentability of any claim.

Claim Rejections 35 U.S.C. § 101

Claims 1-20 are rejected under 35 U.S.C. § 101, because the claimed invention is allegedly directed to non-statutory subject matter. Applicant respectfully requests reconsideration in view of the Remarks below.

The Action, at page 2, lines 8-10 alleges that the claims "do not fall within at least one of the four categories of patent eligible subject matter." Further, the Action, alleges that the "claims do not include additional elements (i.e., processor and sensor) that are sufficient to amount to significantly more than the judicial exception because challenging and monitoring an athletic activity can be completed by a persons' mental processes (e.g., a coach or trainer monitoring the performance of both the first and second users)." (Action, page 2, line 21–page 3, line 2). Applicant respectfully disagrees.

However, without conceding to the merits of the rejection, and in order to expedite the prosecution of the instant application, Applicant has amended claim 1 to recite:

...wherein the first user is performing athletic activities at a first location... and a second user performing athletic activities at **a second location, different to, and remote from, the first location... continuously generate and simultaneously communicate in real-time** to the first user at the first location and the second user at the second location, an interface indicating that the challenge has been met..

(Claim 1, emphasis added) As such, Applicant notes that the claimed elements *recite significantly more* than the alleged abstract idea. In particular, the elements of amended claim 1 are directed towards a patent-eligible **technological process**, and utilize a specific computer system to, among others, “continuously generate and simultaneously communicate in real-time to the first user at the first location and the second user at the second location, an interface...” In particular, it will be readily appreciated that the claimed “*continuously* generate and simultaneously communicate *in real-time* to... the first location and... the second location [remote from the first location] [of] an interface” (emphases added) is distinct from, and goes beyond the capabilities of “a person’s mental processes.” Instead, the claimed elements are rooted in a patent-eligible technological process, and to reject them as being directed to **an abstract idea would be an over simplification** of the claimed recitations.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 101 rejections of independent claim 1.

Independent claim 11 has been amended to recite elements similar to claim 1. Thus, for at least the same reasons as claim 1, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 101 rejections of independent claim 11 also.

Claims 2-10 and 12-20 depend from claims 1 and 11 and contain all the elements thereof. Thus, for at least the same reasons as claims 1 and 11, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 101 rejections of claims 2-10 and 12-20 also.

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

Claims 1, 7 and 8 are rejected under 35 U.S.C. § 102(e), as allegedly anticipated by Karkanias (U.S. Publication No. 2008/0300914). Applicant respectfully requests reconsideration and withdrawal of these rejections in view of the remarks below.

The Action, at page 3, lines 22-23, alleges that Karkanias, at paragraph [0033], discloses “...between the first user, and a second user performing athletic activities at a second location.” Applicant respectfully disagrees. However, without conceding to the merits of the rejection, and in order to expedite the prosecution of the instant application, Applicant has amended claim 1 to provide further clarification. As such, claim 1 recites “...at a second location, different to, and remote from, the first location.” In contrast, the disclosure of Karkanias at paragraph [0033] states “an exerciser can race (or otherwise compete) against other users” (Karkanias, paragraph [0033], lines 1-2). However, Karkanias’ disclosed competition is at a *same* location (i.e. a same gym), as suggested at paragraph [0036] by: “[t]hus, when the exerciser get to the gym, he/she becomes part of a team that is competing with other teams for the entire workout time.” (Karkanias, paragraph [0036], lines 5-7).

Accordingly, Karkanias does not disclose, teach or suggest “the first user performing athletic activities at a first location... and a second user performing athletic activities at a second location, different to, and remote from, the first location,” as recited in amended claim 1.

Furthermore, even assuming, for the sake of argument, and without admission, that Karkanias discloses the claimed “the first user performing athletic activities at a first location... and a second user performing athletic activities at a second location, different to, and remote from, the first location,” *nothing* in Karkanias discloses, teaches or suggests “**continuously generate and simultaneously communicate in real-time** to the first user at the first location and the second user at the second location, an interface...” (emphasis added), as recited in amended claim 1.

In view of the foregoing, Applicant respectfully submits that Karkanias does not disclose each and every element of, and hence, does not anticipate, claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(e) rejection of claim 1.

Claims 7 and 8 depend from claim 1 and contain all the elements thereof. Thus, for at least the same reasons as claim 1, claims 7 and 8 should also be allowed.

Claim Rejection under 35 U.S.C. § 103

Claims 2-6, 9-11 and 13-20 were rejected under 35 U.S.C. 103(a) as unpatentable over Karkanias.

Claims 12 is rejected under 35 U.S.C. 103(a) as unpatentable over Karkanias in view of Root (U.S. Patent No. 6,013,007).

Applicant respectfully requests reconsideration and withdrawal of these rejections in view of the remarks below.

Claims 2-6 and 9-10 depend from claim 1 and contain all the elements thereof. Thus, for at least the same reasons as claim 1, as discussed above in relation to the “Claim Rejections 35 under U.S.C. § 102,” claims 2-6 and 9-10 should also be allowed.

Independent claim 11 has been amended to recite elements similar to claim 1. Thus, for at least the same reasons as claim 1, as discussed above with respect to the “Claim Rejections 35 under U.S.C. § 102,” claim 11 should also be allowed.

Claims 12-20 depend from claim 11 and contain all the elements thereof. Thus, for at least the same reasons as claim 11, claims 12-20 should also be allowed.

Conclusion

Applicants believe that no additional fees are due to facilitate entry and consideration of this Amendment. If, however, the Office determines that any additional fees are required, such as fees under 37 C.F.R. §§ 1.16 or 1.17, or if an extension of time is necessary that is not accounted for in the papers filed with this Amendment, the Commissioner is authorized to debit our Deposit Account No. 19-0733 for any necessary fees, including any necessary extension fees or other fees needed to maintain the pendency of this application.

All objections and rejections having been addressed, Applicants respectfully submit that this application is in condition for immediate allowance and respectfully solicits prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: **Sept. 24, 2015**

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NOTICE OF ALLOWANCE AND FEE(S) DUE

11333 7590 10/26/2015
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EXAMINER

GINSBERG, OREN ISAAC

ART UNIT

PAPER NUMBER

3764

DATE MAILED: 10/26/2015

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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14/726,023

05/29/2015

Michael Tchao

215127.02069

3934

TITLE OF INVENTION: Interactive Athletic Equipment System

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	01/26/2016

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

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

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

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

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

11333 7590 10/26/2015
Banner & Witcoff, Ltd.
 Attorneys for client 215127 & 315127
 10 South Wacker Drive
 Suite 3000
 Chicago, IL 60606

Certificate of Mailing or Transmission

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/726,023	05/29/2015	Michael Tchao	215127.02069	3934

TITLE OF INVENTION: Interactive Athletic Equipment System

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	01/26/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
GINSBERG, OREN ISAAC	3764	482-008000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

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

2. For printing on the patent front page, list

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

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

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

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

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

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/726,023	05/29/2015	Michael Tchao	215127.02069	3934

11333 7590 10/26/2015
Banner & Witcoff, Ltd.
Attorneys for client 215127 & 315127
10 South Wacker Drive
Suite 3000
Chicago, IL 60606

EXAMINER

GINSBERG, OREN ISAAC

ART UNIT PAPER NUMBER

3764

DATE MAILED: 10/26/2015

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

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

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