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POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			TOKARCZYK, CHRISTOPHER B	
			ART UNIT	PAPER NUMBER
			3622	
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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):

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Office Action Summary

Application No. 15/855,124	Applicant(s) TAKEI et al.	
Examiner CHRISTOPHER B TOKARCZYK	Art Unit 3622	AIA (FITF) Status Yes

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

Period for Reply

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

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

Status

- 1) Responsive to communication(s) filed on 17 July 2020.
 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5a) Of the above claim(s) ____ is/are withdrawn from consideration.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 ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

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

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

Attachment(s)

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

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Status of Application

2. This action is in reply to the reply filed July 17, 2020 (hereinafter "Reply") and the accompanying request for continued examination.

3. Claims 1 and 19 are amended.

4. Claims 1-20 are pending.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 17, 2020 has been entered.

Priority

6. Receipt is acknowledged of certified copies of papers required by 37 CFR 1.55. However, applicant cannot rely upon the certified copy of the foreign priority application to overcome prior art rejections because a translation of said application has not been made of record in accordance with 37 C.F.R. § 1.55. See M.P.E.P. §§ 215 and 216.

Claim Rejections - 35 U.S.C. § 101

7. 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.

8. **Claims 1-20** are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-20 are directed to an abstract idea without significantly more as required by the *Alice* test as discussed below.

Step 1

Claims 1-20 are directed to a process, machine, manufacture, or composition of matter.

Step 2A

Claims 1-20 are directed to abstract ideas, as explained below.

Prong one of the Step 2A analysis requires identifying the specific limitation(s) in the claim under examination that the examiner believes recites an abstract idea; and determining whether the identified limitation(s) falls within at least one of the groupings of abstract ideas of mathematical concepts, mental processes, and certain methods of organizing human activity.

The claims recite the following limitations. **Claim 1** recites controlling implementation of a game; selecting an input element from an entertainment element, related to the game, possessed by a user; presenting an offer menu for accepting an offer and denying the offer, wherein the offer is for advertisement watching to be started, and then receiving user input to confirm or deny advertisement watching to be started; when the user input confirms advertisement watching to be started, providing a menu that presents (a) options for selecting by user as the input element to be used in the conversion and (b) a preview of a result of a power up and/or evolution to be given with input, starting advertisement watching and performing watching control of an advertisement return for advertisement watching, the

improvement control including improving a parameter value associated with the input element; when the user input denies advertisement watching, not starting the watching control; and performing the improvement control when the watching control satisfies a completion equivalent condition. **Claims 2-16** recite limitations that further specify how the advertisement is selected, how the improvement/reward is selected, how the watching is performed, and conditions for obtaining the improvement/reward. **Claim 19** recites using the reward (i.e., the power up and/or evolution) given to the user in the game.

These limitations describe abstract ideas that correspond to concepts identified as abstract ideas by the courts as certain methods of organizing human activity—such as fundamental economic principles or practices (including hedging, insurance, mitigating risk), commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations), managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions)—for the following reasons. First, the claimed features identified above are commercial or legal interactions including advertising, marketing or sales activities or behaviors and business relations. Second, the claimed features identified above manage personal behavior or relationships or interactions between people, particularly as they relate to rules of trading and rules of a game. Thus, the concepts set forth in 1-20 recite abstract ideas.

Prong two of the Step 2A requires identifying whether there are any additional elements recited in the claim beyond the judicial exception(s), and evaluating those additional elements to determine whether they integrate the exception into a practical application of the exception. “Integration into a practical application” requires an additional element or a combination of additional elements in the claim to apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the exception. Further, “integration into a practical application” uses the considerations laid out by the Supreme Court

and the Federal Circuit to evaluate whether the judicial exception is integrated into a practical application, such as considerations discussed in M.P.E.P. § 2106.05(a)-(h).

The claims recite the following additional elements beyond those identified above as being directed to an abstract idea. **Claim 1** recites at least one *processor* or *circuit* programmed to execute method steps, changing a *display mode* of the input element, and *presenting* a menu to present the advertising offer, *presenting* a menu that changes a preview based on and associated with a selected input element, and *receive* the responses (to accept or deny the offer and select an item for conversion) via an *input*. **Claim 2** recites receiving an operation *input* by a user. **Claim 17** recites a *user terminal* for receiving user input and that the computer system of claim 1 is a *server system* capable of *communicating* with the user terminal. **Claim 18** recites an advertisement output *control device* is the computer system of claim 1. **Claims 19 and 20** recite characteristics of information when *presenting* a menu to present the advertising offer and to *receive* the response (to accept or deny the offer) via menu *inputs*.

The identified judicial exception(s) are not integrated into a practical application for the following reasons.

First, evaluated individually, the additional elements do not integrate the identified abstract ideas into a practical application. The additional computer elements identified above—the *processor*, *circuit*, *control device*, *server system*, and *user terminal*—are recited at a high level of generality (see, e.g., pp. 3, 5, and 6 of applicant's specification as originally filed). Inclusion of these elements amounts to mere instructions to implement the identified abstract ideas on a computer. See M.P.E.P. § 2106.05(f). The use of conventional computer elements to *communicate* information between devices (e.g., receiving an input from a user terminal or sending an advertisement or menu to a device) such as *presenting* a menu to present the advertising offer and *receive* the response (to accept or deny the offer or specify an object involved in the deal) via an *input* is the insignificant, extra-solution activity of mere data gathering or outputting in conjunction with a law of nature or abstract idea. See M.P.E.P. § 2106.05(g). To the extent that the claims transform data, the mere manipulation of data is not a transformation. See M.P.E.P.

§ 2106.05(c). Inclusion of the computer system in the claims amounts to generally linking the use of the judicial exception to a particular technological environment or field of use, such as a game, and is not even required to be an electronic video game. See M.P.E.P. § 2106.05(h). Thus, taken alone, the additional elements do not amount to significantly more than a judicial exception.

Second, evaluating the claim limitations as an ordered combination adds nothing that is not already present when looking at the elements taken individually. There is no indication that the combination of elements improve the functioning of a computer or improves any other technology. See M.P.E.P. § 2106.05(a). Their collective functions merely provide an implementation of the identified abstract ideas on a computer system in the general field of use of in-game and/or online advertising. See M.P.E.P. § 2106.05(h).

Thus, claims 1-20 recite mathematical concepts, mental processes, or certain methods of organizing human activity without including additional elements that integrate the exception into a practical application of the exception.

Accordingly, claims 1-20 are directed to **abstract ideas**.

Step 2B

Claims 1-20 do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional elements, when considered both individually and as an ordered combination, do not amount to significantly more than the abstract idea.

The analysis above describes how the claims recite the additional elements beyond those identified above as being directed to an abstract idea, as well as why identified judicial exception(s) are not integrated into a practical application. These findings are hereby incorporated into the analysis of the additional elements when considered both individually and in combination. Additional features of these analyses are discussed below.

Evaluated individually, the additional elements do not amount to significantly more than a judicial exception. In addition to the factors discussed regarding **Step 2A**, prong two, these additional

computer elements also provide conventional computer functions that do not add meaningful limits to practicing the abstract idea. Generic computer components recited as performing generic computer functions that are well-understood, routine and conventional activities amount to no more than implementing the abstract idea with a computerized system. The use of generic computer components to *communicate* information between devices (e.g., receiving an input from a user terminal or sending an advertisement to a device) such as *presenting* a menu to present the advertising offer or specify terms of the deal and *receive* the response (to accept or deny the offer or alter parameters of the deal) via menu *inputs* is the well-understood, routine, and conventional computer functions of i) receiving or transmitting data over a network, e.g., the Internet and ii) receiving, processing, and storing data and does not impose any meaningful limit on the computer implementation of the identified abstract ideas. See M.P.E.P. § 2106.05(d)(II). Thus, taken alone, the additional elements do not amount to significantly more than a judicial exception.

Evaluating the claim limitations as an ordered combination adds nothing that is not already present when looking at the elements taken individually. In addition to the factors discussed regarding **Step 2A**, prong two, there is no indication that the combination of elements improves the functioning of a computer or improves any other technology. Their collective functions merely amount to mere instructions to implement the identified abstract ideas on a computer.

Thus, claims 1-20, taken individually and as an ordered combination of elements, are not directed to eligible subject matter since they are directed to an abstract idea without significantly more.

Statement Regarding Prior Art

9. **Claim 1** has been amended to recite, *inter alia*, when a user input confirms advertisement watching to be started, providing a menu which presents (a) a plurality of input element options for selecting by the user as the input element to be used in conversion and (b) preview a result of a power up and/or evolution to be given with a selected input element of the plurality of input elements, changing the preview each time the selected input element is changed, starting advertisement watching and performing

watching control of an advertisement for improvement control in return for advertisement watching, the improvement control including 1) improving a parameter value associated with the selected input element, or 2) improving the parameter value associated with the selected input element and changing a display mode of the input element.

10. The closest art of record, including the combination of Ellis et al. (U.S. Pat. No. 9,047,609 B2) (hereinafter “Ellis”), Brown et al. (U.S. Pub. No. 2014/0278853 A1) (hereinafter “Brown”), Mahajan et al. (U.S. Pub. No. 2013/0005475 A1) (hereinafter “Mahajan”), Harris et al. (U.S. Pub. No. 2009/0328088 A1) (hereinafter “Harris”), Dawson et al. (U.S. Pub. No. 2009/0048918 A1) (hereinafter “Dawson”), and Lange-Nielsen (“The Power-up Experience: A Study of Power-ups in Games and Their Effect on Player Experience,” Proceedings of DiGRA 2011 Conference: Think Design Play, 2011), does not teach, suggest, or render obvious each and every element of the claims, including, among others, those features discussed above.

11. Ellis discloses providing a the game client system that includes enhanced game objects, which are game objects or components that have been modified to take advantage of branding and that the user can retrieve. For example, when a race car in a racing game drives by a billboard that advertises Ferraris, the player’s car may inherit additional speed power. See, e.g., Ellis at [25:43-60]. Ellis also discloses techniques for monitoring duration of ad watching and providing rewards therefor. See, e.g., *id.* at [14:30-65]. However, Ellis does not explicitly disclose *when a user input confirms advertisement watching to be started, providing a menu which presents (a) a plurality of input element options for selecting by the user as the input element to be used in conversion and (b) preview a result of a power up and/or evolution to be given with a selected input element of the plurality of input elements, changing the preview each time the selected input element is changed or presenting an advertisement offer menu for accepting an offer and denying the offer, wherein the offer is for advertisement watching to be started, and then receiving user input to confirm or deny advertisement watching to be started.*

12. Brown teaches techniques for extrinsic incentivized scaffolding in computer games via advertising responsive to intrinsic game events. Among these techniques, Brown teaches presenting an

advertisement offer menu for accepting an offer and denying the offer, in which the offer is for advertisement watching to be started, and then receiving user input to confirm or deny advertisement watching to be started. See, e.g., Brown at ¶¶ [0030] (a user of app 202 may be provided with a reward in exchange for viewing a displayed ad or interacting with a displayed ad in a specified manner), [0061] (an app user may be presented with the option to perform the actions and receive an associated reward, or to decline performing the actions and proceed in the app without receiving the reward. Examples of user actions that may be specified include instructing a user to watch an advertiser video, fill out an online survey, post a message to a social networking site, register a provided offer, subscribe to a commercial service, or view product information), and [0090]. However, Brown does not explicitly teach *when a user input confirms advertisement watching to be started, providing a menu which presents (a) a plurality of input element options for selecting by the user as the input element to be used in conversion and (b) preview a result of a power up and/or evolution to be given with a selected input element of the plurality of input elements, changing the preview each time the selected input element is changed.*

13. Dawson teaches techniques related to acquisition of virtual and/or tangible avatar rewards through advertisement exposure. More specifically, Dawson teaches at ¶ [0021] that “the avatar 10 can be presented with the reward 16 and can decide to accept/decline the reward 10. If the reward 16 is accepted, it is then placed in the in the inventory 18 of the avatar 10.” Dawson teaches at ¶ [0022] that “The reward 16 can be predetermined or can be chosen randomly. A reward 16 can be selected from among a group of available rewards 16. Many other reward selection scenarios are also possible. Pictures and/or other indicators of the type of available rewards 16 can be displayed in conjunction with the advertising content 14.” However, Dawson does not explicitly teach *when a user input confirms advertisement watching to be started, providing a menu which presents (a) a plurality of input element options for selecting by the user as the input element to be used in conversion and (b) preview a result of a power up and/or evolution to be given with a selected input element of the plurality of input elements, changing the preview each time the selected input element is changed.*

14. Mahajan teaches several techniques for virtual item management. For example, Mahajan teaches at ¶ [0111] that its incentive offer search system may generate an incentive reward that is a composite in-game asset, where each of a set of in-game assets corresponds to a component of the composite in-game asset. Further, Mahajan teaches at ¶ [0185] that the incentive reward offer may be rendered, for example, in a discrete section of the online game interface viewed by user 101—i.e., to provide a preview of the offer. The offer can include a variety of information about the incentive reward and location-based action, including a description of the in-game reward, an image, a description of the location 115 and the action to be performed, and other details, as instructed by the script and other content transmitted in the response received from game networking system 120b. However, Mahajan does not explicitly teach *when a user input confirms advertisement watching to be started, providing a menu which presents (a) a plurality of input element options for selecting by the user as the input element to be used in conversion and (b) preview a result of a power up and/or evolution to be given with a selected input element of the plurality of input elements, changing the preview each time the selected input element is changed.*

15. Harris teaches techniques for iteratively playing media by incrementing and decrementing of an ad-to-program variable. Particularly, Harris teaches at ¶ [0019] that each ad is also associated with an ad increment that sets the amount of increase to the ad score when that ad is watched. For instance, the score may increase by 1 for each 15 seconds of advertisement that is watched. However, Harris does not explicitly teach *when a user input confirms advertisement watching to be started, providing a menu which presents (a) a plurality of input element options for selecting by the user as the input element to be used in conversion and (b) preview a result of a power up and/or evolution to be given with a selected input element of the plurality of input elements, changing the preview each time the selected input element is changed.*

16. Lange-Nielsen has been cited to further show the state of the art regarding power-ups and video game reward techniques.

17. Thus, the combination of Ellis, Brown, Mahajan, Harris, Dawson, and Lange-Nielsen, does not teach, suggest, or render obvious each and every element of the claims, including, among others, those

features discussed above. Moreover, one of ordinary skill in the art at the time of the invention was made would not look to combine Ellis, Brown, Mahajan, Harris, Dawson, and Lange-Nielsen to arrive at the present claims

Response to Arguments

18. Applicant's arguments filed July 17, 2020 have been fully considered. The amendments obviate the rejections under § 103. The remaining arguments are not persuasive.

Arguments Regarding Rejections Under 35 U.S.C. § 101

19. Applicant argues that "claim 19 expressly recites the use in the game of the result of the power up/evolution, which is expressly an integration into a practical application." Reply, p. 9. Examiner disagrees, because providing a benefit in a game as a reward has been identified as part of the identified abstract ideas and not an additional element that would provide a practical application of the identified abstract ideas. For example, providing a power up in a game could be as simple as giving an extra point to increase a point score, which amounts to altering the rules the game and does not require any particular game, technology, or context that could place any limits on the identified abstract ideas.

20. Applicant argues that the claims recite "an improvement to gaming technology and a user interface therefore. Such an improvement is not an improvement to advertising [...], but is an improvement to technology which is not considered to be abstract." Reply, p. 10.

Examiner disagrees for the following reasons.

Of these elements indicated by the rejections under § 101 as being directed to the abstract idea, they are not tied to any technical aspects. Because the game and improvements thereto are not defined as particular games, they include any games, such as rules for playing solitaire or poker, and any improvements thereto, such as treating a card as a wildcard. Thus, an improvement to these aspects of gaming is not tied to any particular technology. Further, the claims do not require any particulars details of the menu that confine it to any particular technological context. For example, the menu could be a

placard or a verbally-presented menu that in response to a person asking about what they could get in exchange for an item, hearing a preview of how the item could be changed.

Similarly, applicant appears to overstate the technical import of limitations which have been indicated as additional elements that are not sufficient to add a “practical application” or “significantly more” as discussed in the analysis of Steps 2A, prong 2 and 2B of the *Alice* test. As noted in the rejection, these features are discussed at such a high level of generalization that they include any type of menu for receiving and accepting or denying an offer.

21. Applicant argues that almost every feature other than the word “advertisement” in the claims is not an abstract idea and are non-abstract elements. Reply, pp. 11-12. Examiner disagrees for the reasons presented above in the rejections under § 101 for what the identified abstract ideas have been identified as such.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Tokarczyk whose telephone number is (571)272-9594. The examiner can normally be reached on M-H 5:30 AM-4:00 PM.

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Peter Choi can be reached at 469-295-9171. 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.

/CHRISTOPHER B TOKARCZYK/
Examiner, Art Unit 3622

REMARKS***Claims Status Summary***

C-20 are pending. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

In the following discussion, figures, reference signs, and/or paragraph numbers may be inserted for ease of illustrating support, but without limiting the claimed invention. Also, reference is made to paragraph numbers in the specification as filed; paragraph numbers in the PG PUB are different.

Priority

The office action, page 2, repeats a warning that the applicant cannot rely on a certified copy of the priority application to overcome the rejection because a translation of the application has not been made of record. The warning does not apply in this application. The examiner cannot require an English language translation because there is no rejection citing an intervening reference to be overcome and the application is not involved in an interference or derivation proceeding (37 CFR 1.55(g)(3)(i-iii)).

Interview

Applicant appreciates the courtesy shown by the examiner during the telephone interview of October 5, 2020. The following may incorporate a summary of issues discussed therein.

Claims Rejection – 35 USC 101

Claims 1-20 were rejected under 35 USC 101 as being directed to an abstract idea, namely, methods of organizing human activity. The examiner considers that the claim limitations are "advertising, marketing or sales activities or behaviors and business relations",

and also "manage personal behavior or relationships or interactions between people." The examiner considers that the additional elements are not integrated into a practical application.

Claim 1 is extensively reviewed and revised to be cleaned up along the lines of the examiner's general guidance during the interview:

- To recite "*controlling ~~execution implementation~~ of a video game*". This prevents a broad interpretation that would cover instructions for a conventional poker game (as one example provided in the office action).
- To clarify "*an advertisement offer menu for accepting an offer and denying the offer*":
"presenting an advertisement offer menu ~~for accepting that receives user input that confirms an offer and denying denies the offer~~, wherein the offer is for advertisement watching to be started, and then receiving the user input to confirm or deny advertisement watching to be started"
- To avoid phrases beginning "for" which the examiner may interpret as an intended use, e.g., "*for accepting an offer ...*", "*for selecting by the user ...*".
- To avoid the phrase "*and/or*".
- With reference to FIG. 5, to be clear that a visual display screen of a menu presents input element options (30), and then the user selects one of the input element options as a base input element (32, sword), and selects at least another one of the input element options as the material input element (32, drink):
"providing a visual display screen of a menu which presents:
(a) a plurality of input element options, which are entertainment elements, related to the video game, possessed by the user, and receiving a selection among the input element options for selecting by the user including selecting
(i) at least one of the input elements as ~~[[the]] a base input element as a base to power up/evolve, and~~
(ii) at least another one of the input elements as a material input element as a material to power up/evolve the base input element,
both the base input element and the material input element are ~~[[to be]] used in conversion a power up/evolution~~"
- To tie the feature "*performing the improvement control*" to an effect on the video game, namely, "*performing the improvement control that improves, by the power up/evolution, the parameter value associated with the selected base input element in the video game when the watching control satisfies a completion equivalent condition.*"
- The phrase "*selecting an input element from an entertainment element, related to the game, possessed by a user*" is omitted because it is subsumed by features recited subsequently in claim 1.

Claim 1 is also amended along the lines proposed at the interview (with cleanup mentioned above):

- Clarification based on FIG. 5, FIG. 13, and FIG. 14
- Feature of input element serving as the base (e.g., #32 (REGULAR SWORD Lv.2")) and input element serving as the material (e.g., #32 (POWER-UP DRINK (RARITY C))) (see specification, page 21, lines 16-20; and page 27, lines 9-13)
- Clarification that the menu is a visual display screen (see, e.g., FIG. 5 and specification, page 2, line 21 and page 20, line 27).

All of claims 2-20 have been reviewed and revised for conformance to amended claim 1 and for similar issues. Additional support for amended claim 6 is found in, e.g., specification, page 7, lines 13-18. Additional support or amended claim 9 is found in, e.g., specification, page 39, lines 7-9.

The office action, page 11, explains that the power up could be as simple as giving an extra point to increase a point score. These features integrate into practical applications which detail the two inputs in the menu.

The office action, pages 11-12, explains that the recited menu could be a (physical) placard or verbal menu. This feature limits claim 1 to a technological environment involving a particular visual display screen of the menu and integrates claim 1 into a practical application.

Finally, note that:

- the game of amended claim 1 is a video game whose execution is controlled by the at least one processor or circuit, which is different from a game using real cards such as solitaire and poker, as indicated by the examiner (see office action, page 11).
- the game of the present invention enables power up / evolution of a base input element by selecting a base input element and a material input element from among the entertainment elements used in the video game. This means that the game is a

particular video game having such characteristics, e.g., different from solitaire and poker.

- the improvement control actually uses the power up/evolution to improve “the parameter value associated with the selected base input element in the video game...”.

Furthermore, dependent claim 19 specifically addresses the 35 USC 101 rejection by reciting the additional element “*using, in the video game, the result of the power up/evolution which was given to the user based on the selected base input element and the selected material input used in the improvement control.*” That is, claim 19 expressly recites the use in the video game of the result of the power up/evolution based on the selected base input element and selected material input element used in the improvement control, which is expressly an integration into a practical application.

Insofar as the rejection may be applied to the claims as amended, the 35 USC 101 rejection is respectfully traversed.

Current claim 1 recites an improvement to video game technology and a user interface therefore. Such an improvement is not an improvement to advertising (which is allegedly an abstract idea, namely, method of organizing human activity), but is an improvement to technology which is not considered to be abstract.

Under Step 2A, Prong 2, the office action finds that the judicial exception is not integrated into a practical application. To the contrary, amended claim 1 is directed to a particular practical application of any judicial exception recited therein. Claim 1 as amended recites additional details to specify the integration into a practical application regarding the feature of the additional menu and regarding the effect upon use of the menu, namely, that the

improvement control “improves, by the power up/evolution, the parameter value associated with the selected base input element in the video game when the watching control” is satisfied.

Accordingly, claim 1 recites several features which are “additional elements”. These additional elements impose a meaningful limit on the judicial exception.

Amended claim 1 recites a combination of additional elements which provide an improvement to the video game technology by providing an additional way to gain an improvement in the implementation of the video game. This is not a method of organizing human activity; this is a specific manner of displaying a user menu and content and is integrated into a practical application. This is not practical to perform in the human mind, and is not fundamental economic concept or interactions between people.

The above limitations are indicative of integration, as improvements to video gaming technology. MPEP 2106.05(a). Furthermore, amended claim 1 recites a particular way to select and convert the base input element in which both the base input element and the material input element are used in the power up/evolution, and the parameter value of the selected base input element in the video game is expressly improved by the improvement control.

Furthermore, it is respectfully submitted that these additional elements, and combination thereof, keep the invention as recited from monopolizing the judicial exception.

Finally, it is noted that the claims are not rejected under 35 USC 102 or 35 USC 103 over any reference(s).

For reasons including those discussed above, it is respectfully requested that the 35 USC 101 rejection be reconsidered and withdrawn.

The examiner is respectfully reminded to individually consider amended dependent claim 19.

Conclusion

Reconsideration of the pending claims is respectfully requested in view of the foregoing amendments and remarks. This reply is believed to place the application in condition for allowance, however, the right is reserved to later traverse additional aspects of the office action.

Applicant wishes to clarify for the record, if necessary, that the claims have been amended to recite that which is already present within the claims as interpreted in view of the specification; applicant reserves the right to pursue original and/or complementary subject matter. No new matter is believed to have been introduced as a result of the amendments, if any, to the specification and/or claims; the specification is believed to support any amendment introduced herein. In addition, no disclaimer of any disclosed embodiment(s) is intended by the presently pending claims. Any narrowing amendment, if any, made to the claims is not to be construed as a surrender of any subject matter between the previous claims and the present claims; rather these are merely applicant's best attempt at providing one or more definitions of what applicant believes to be suitable patent protection. No estoppel should be presumed, and applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents and/or statutory equivalents.

The applicant may disagree with various of the examiner's characterizations in the official actions, but for the sake of conciseness and examination economy, the applicant has not addressed every assertion, argument, legal or technical point, and/or characterization made in any official action; the applicant responds in a way which is believed to sufficiently overcome current rejections; the applicant expressly reserves the right to later respond and/or make any argument(s) in the future; silence regarding an assertion/argument/point/characterization does not constitute an admission or acquiescence or waiver; the applicant is not conceding any argument which has not been made.

Applicant hereby retracts any arguments and/or statements made during prosecution that were rejected by the examiner and/or were unnecessary to obtain allowance, and only maintains any argument that persuaded the examiner with respect to allowability. That is, applicant specifically retracts statements that one would recognize were not necessary, not used, and/or were rejected by the examiner in allowing the patent application.

In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions arise, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,
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LISTING OF CLAIMS

1. (Currently amended))) A computer system comprising: at least one processor or circuit programmed to execute as:

~~controlling implementation-execution of a video game;~~

~~selecting an input element from an entertainment element, related to the game, possessed by a user;~~

~~presenting an advertisement offer menu for accepting that receives user input that confirms an offer and denying-denies the offer, wherein the offer is for advertisement watching to be started, and then receiving the user input to confirm or deny advertisement watching to be started, and~~

~~when the user input confirms advertisement watching to be started, providing a visual display screen of a menu which presents:~~

~~_____ (a) a plurality of input element options, which are entertainment elements, related to the video game, possessed by the user, and receiving a selection among the input element options for selecting-by the user including selecting~~

~~_____ (i) at least one of the input elements as [[the]] a base input element as a base to power up/evolve, and~~

~~_____ (ii) at least another one of the input elements as a material input element as a material to power up/evolve the base input element,~~

~~both the base input element and the material input element are [[to be]] used in conversion-a power up/evolution, and~~

~~_____ (b) a preview of a result of [[a]] the power up/evolution and/or evolution to be given with [[a]] the selected base input element of the plurality of input elements and the selected material input element of the plurality of input elements, changing the preview each time the selected base input element or the selected material input element is changed,~~

starting advertisement watching and performing watching control of an advertisement for improvement control in return for advertisement watching, the improvement control including improving a parameter value 1) ~~improving a parameter value~~ associated with the selected base input element, or 2) ~~improving the parameter value~~ associated with the selected base input element and changing a display mode of the base input element; and

performing the improvement control that improves, by the power up/evolution, the parameter value associated with the selected base input element in the video game when the watching control satisfies a completion equivalent condition.

2. (Previously presented) The computer system as defined in claim 1, wherein the at least one processor or circuit is further programmed to execute selecting the advertisement as a target of the watching control based on an operation input by the user.

3. (Previously presented) The computer system as defined in claim 1, wherein the at least one processor or circuit is further programmed to execute determining a level of improving the parameter value in the improvement control at least based on an advertisement that is a target of the watching control.

4. (Previously presented) The computer system as defined in claim 1, wherein the at least one processor or circuit is further programmed to execute performing watching setting related to the watching control.

5. (Previously presented) The computer system as defined in claim 4, wherein the at least one processor or circuit is further programmed to execute determining a level of improving the parameter value in the improvement control at least based on the watching setting.

6. (Currently amended) The computer system as defined in claim 1, the ~~selecting-receiving~~ the user input element including selecting the material input element based on an operation input by the user,

wherein the at least one processor or circuit is further programmed to execute determining a level of improving the parameter value in the improvement control at least based on the material input element.

7. (Currently amended) The computer system as defined in claim 6, wherein the at least one processor or circuit is further programmed to execute determining ~~[[a]] the~~ level of improving the parameter value in the improvement control based on a combination, the combination being a combination of entertainment elements, possessed by the user, which are the same as at least one of the base input element and the material input element ~~input elements and/or or~~ based on a combination of the selected ~~input elements~~ base input element and the selected material input element.

8. (Currently amended) The computer system as defined in claim 1, the ~~selecting-receiving~~ the user input element including selecting the base input element serving as ~~[[a]] the~~ base and the material input element serving as ~~[[a]] the~~ material based on an operation input by the user, wherein the at least one processor or circuit is further programmed to execute as:

determining a level of improving the parameter value of the base input element serving as the base in the improvement control based on the material input element serving as the material;
and

consuming the material input element serving as the material.

9. (Currently amended) The computer system as defined in claim 6, wherein the at least one processor or circuit is further programmed to execute determining ~~[[a]]~~ the level of improving the parameter value in the improvement control based on predetermined compatibility between the base input element and the advertisement as a target of the watching control.

10. (Currently amended) The computer system as defined in claim 7, wherein the at least one processor or circuit is further programmed to execute determining ~~[[a]]~~ the level of improving the parameter value in the improvement control based on predetermined compatibility between the base input element and the advertisement as a target of the watching control.

11. (Currently amended) The computer system as defined in claim 8, wherein the at least one processor or circuit is further programmed to execute determining ~~[[a]]~~ the level of improving the parameter value in the improvement control based on predetermined compatibility between the base input element and the advertisement as a target of the watching control.

12. (Currently amended) The computer system as defined in claim 1, the advertisement being associated with information indicating a designated position,

wherein the at least one processor or circuit is further programmed to execute:

acquiring positional information indicating a position of the user; and

determining [[a]] the level of improving the parameter value in the improvement control at least based on positional relationship between the designated position and the position indicated by the positional information.

13. (Currently amended) The computer system as defined in claim 1, the entertainment ~~element~~ elements being associated with a valid period during which the entertainment elements are ~~element~~ is-selectable as the base input element,

wherein the at least one processor or circuit is further programmed to execute selecting the base input element from the entertainment elements each having the valid period not expired yet.

14. (Previously presented) The computer system as defined in claim 1, wherein the at least one processor or circuit is further programmed to execute providing a preview of a content of the improvement control to be performed when the completion equivalent condition is satisfied, before the watching control satisfies the completion equivalent condition.

15. (Previously presented) The computer system as defined in claim 1, wherein the at least one processor or circuit is further programmed to execute setting a performing possibility of the improvement control,

the performing the improvement control including determining whether or not to perform the improvement control based on the performing possibility.

16. (Previously presented) The computer system as defined in claim 15, wherein the at least one processor or circuit is further programmed to execute changing the performing possibility based

on a progress of the watching control, in such a manner that the performing possibility is set to gradually increase toward the end of the watching control of the advertisement.

17. (Original) An advertisement output control system comprising: a server system that is the computer system as defined in claim 1; and

a user terminal to which the user inputs an operation,

the server system and the user terminal being connected to the advertisement output control system to be capable of performing a communication with each other.

18. (Original) An advertisement output control device comprising an operation input section to which the user inputs an operation, the advertisement output control device being the computer system as defined in claim 1.

19. (Currently amended) The computer system as defined in claim 1, wherein the at least one processor or circuit is further programmed to execute

presenting, by the watching control which is started by the user input that confirming confirms advertisement watching to be started, a further menu to select the parameter value to be used in ~~conversion~~-power up/evolution of the base input element of the video game; and

using, in the video game, the result of the ~~power up and/or evolution-up/evolution~~ which was given to the user based on the selected base input element and the selected material input element used in ~~conversion~~the improvement control.

20. (Previously presented) The computer system of claim 1, wherein the advertisement offer menu provides a first user input accepting the offer, and a second user input accepting the offer,

the first user input confirms advertisement watching only and starts advertisement watching only;

the second user input confirms the advertisement watching with watching control to improve the parameter value.