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Ellenoff Grossman & Schole LLP Attn: James Smedley and Alex Korona 1345 Avenue of the Americas 15th Floor New York, NY 10105			EXAMINER BROWN, LUIS A	
			ART UNIT	PAPER NUMBER
			3682	
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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.

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Office Action Summary

Application No.

16/023,354

Applicant(s)

Hain, Robert James Mark

Examiner

LUIS A BROWN

Art Unit

3682

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 09/23/2020.
☐ 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) 1-19 and 21 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5a) Of the above claim(s) ____ is/are withdrawn from consideration.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) 1-19 and 21 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

Status of Claims

1. The following is a FINAL OFFICE ACTION in response to applicant's amendments to and response for **Application #16/023,354, filed on 09/23/2020**.
2. **Claims 1-19 and 21** are currently pending and have been examined.
3. **Claim 20** has been cancelled by the applicant.

Claim Rejections - 35 USC § 101

4. 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.

5. **Claims 1-19 and 21** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The rationale for this finding is explained below.
6. **Per Step 1 of the analysis**, the independent claims are directed to statutory subject matter. Claims 12 and 17 are directed to a method or process, which is a statutory category for patentability. Claim 1 is directed to a system, which is interpreted as an apparatus. The system includes at least a processor and memory, and is therefore directed to a statutory category for patentability as an apparatus.
7. **Per Step 2A, Prong 1 of the analysis**, the examiner determines of the claims are directed to an abstract idea. The claims are directed to receiving a request for content view, recording the content view in a database chunk, hashing the database chunk, appending

the hashed chunk to a block on a blockchain, and comparing the content view with the block on the blockchain. The claims are therefore directed to an abstract idea, namely a mental process. The claims automate the storage of content view data in a structured database using blockchain techniques. The data is then evaluated and compared to make a judgment regarding the content view being valid. The steps can be performed mentally by a user with access to the data and the database. Claim 12 adds the determining a value of a channel, generating a stake offering, and updating the value. This aspect of the claim is also considered an abstract idea, namely an organization of human activity, such as conducting of an auction or sale. The steps could also be said to be able to be performed mentally using the available data and database. The limitation added by amendment, namely the unique user ID, does not change the analysis. A unique user ID can include such as a 6-digit number, an email, or a social security number. Generation and storage of a unique user ID followed by comparison of the data for verification, which has already discussed, could still easily be done as part of the mental process, just as decades ago before digital devices a merchant owner could assign an account number to a customer and store the information in a written ledger and then use the account number for verification. Therefore, the claims are considered to be directed to one or more abstract ideas.

- 8. Per Step 2A, Prong 2 of the analysis,** the examiner now determines if the claimed invention integrates the abstract idea into a practical application. The examiner sees no practical application. The receiving of a request to view content or to sell a stake of a channel are considered “receiving and/or transmission of data,” which is an example of conventional computer functioning (see MPEP 2106.05 (a) (ii)). The use of the processor is not an example of a practical application, but only the using of the computer as a tool to implement the abstract idea on a computer. The blockchain being publically available merely dictates who has access to the data, and this is not considered a practical

application but only insignificant extra-solution activity (see MPEP 2106.05 (g)). The abstract idea is not considered to be integrated into a practical application.

9. Per Step 2B of the analysis, the examiner must determine if the claim steps include, individually or as an ordered combination, limitations that are “significantly more” than the abstract idea itself. This includes an improvement to another technology or technical field, an improvement to the functioning of the computer itself, or meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment, and/or limitations that go beyond that which is well-understood, routine, and ordinary in the particular arts. The claims include “receiving” of content view requests and a request to sell a stake in a channel. These steps are considered “receiving and/or transmission of data” which is listed in 2106.05 (d) (ii) as an example of conventional computer functioning (see “receiving or transmitting data over a network,” citing *Symantec* and *TLI Communications* and “sending messages over a network,” citing *buySAFE v Google*). The claims also include a processing device. But the processing device as claimed is considered a generic processor used as a tool to implement the abstract idea and not a special purpose computer or transformation (see MPEP 2106.06 (b) and (c)). Claim 17 also includes providing of an alert when the content view data does not match the block. This is considered conventional computer functioning. As evidence, the examiner sets forth **Saperstein, et al., Patent No., 9,485,265 B1- see Abstract, Cronk, et al., Pre-Grant Publication No. 2012/0011567 A1- see at least Appendix I, and Kidder, et al., Pre-Grant Publication No. 2008/0270164 A1- see at least [0105].**

10. When looking at the claimed invention claim steps as an ordered combination, while there are several technical aspects of the invention recited in the claim, the combination simply includes the logical steps to store content view data using blockchain data structure. The data can be used to determine the value of a channel based on verified content views. The combination of steps only recite the logical four steps in the particular order needed

to store the content view data, and in claim 12 to use the data to determine a value.

Therefore, it is determined that the claims do not include "significantly more" than the abstract idea(s).

11. Dependent claims 2-4 are considered an extension of the abstract idea, as the fact that third parties can edit or audit the data does not change the nature of the abstract idea, and the limitation is not even positively recited as actually occurring. Claims 5 and 6 limit the content and content view to specific types, but this is considered non-functional descriptive data relative to the claimed invention as the type of content or content view would not change the nature of the invention. Claim 7 is considered part of the abstract idea, as blockchains inherently include the limitation. Claims 8 and 9 are considered conventional computer functioning, as the examiner takes official notice that it is old and well known in the advertising and computer arts to provide a unique user ID associated with user data, accounts, and actions. Claim 10 is considered part of the abstract idea as the claim only adds the limitation of the comparing being done automatically, but this was already assumed as the processor automates what would be manual mental steps. Claim 11 includes providing of an alert when the content view data does not match the block. This is considered conventional computer functioning. As evidence, the examiner puts forth **Saperstein, et al., Patent No., 9,485,265 B1- see Abstract, Cronk, et al., Pre-Grant Publication No. 2012/0011567 A1- see at least Appendix I, and Kidder, et al., Pre-Grant Publication No. 2008/0270164 A1- see at least [0105]**. Claim 19 includes counting of the content view after verification. The examiner considers this conventional computer functioning. As evidence the examiner puts forth **Schler, et al. Pre-Grant Publication No. 2017/0053307 A1- see at least Abstract, Green, et al. Pre-Grant Publication No. 2019/0108545 A1- see at least [0096], Asbun, et al. Pre-Grant Publication No. 2016/0219332 A1- see at least [0082]**. The other dependent claims in the application mirror those of the claims discussed above.

12. Therefore, claims **1-19 and 21** are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. See *Alice Corporation Pty. Ltd. Vs. CLS Bank International et al.*, 2014 (please reference link to updated publically available Alice memo at http://www.uspto.gov/patents/announce/alice_pec_25jun2014.pdf), and subsequent December 2014, July 2015, and May 2016 updates.

Claim Rejections - 35 USC § 103(a)

13. 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.

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.

14. **Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher, et al., Pre-Grant Publication No. 2016/0283920 A1 in view of Rizk, et al., Pre-Grant Publication No. 2019/0034975 A1 and in further view of Hanna, Pre-Grant Publication No. 2018/0374097 A1.**

Regarding claim 1, Fisher teaches:

A system ... comprising:

- *record content data in a database chunk (see Figure 3, [0014]-[0015], [0024], and [0027])*
- *hash the database chunk into a hashed database chunk (see Figure 3, [0014]-[0015], [0024], and [0027])*
- *append the hashed database chunk to a block on a blockchain (of the Proof of View verification system) (see [0024], [0027])*
- *wherein the blockchain is publicly available (see [0024])*

Fisher, however, does not appear to specify:

- *receive a request for a content view to view a piece of content*
- *record content view data*
- *compare the content view data with the block on the blockchain*

Rizk teaches:

- *receive a request for a content view to view a piece of content (see Figure 4 and [0094] in which an ad targeting opportunity in a game is received)*
- *record content view data (see [0058])*
- *compare the content view data with the block on the blockchain (see [0058])*

It would be obvious to one of ordinary skill in the art to combine **Rizk** with **Fisher** because **Fisher** already uses blockchain techniques to manage content data, and using it for tracking and verification of content views would allow for public oversight of content views, especially when issues of payment, authenticity, and value arise.

Fisher and Rizk, however, does not appear to specify:

- *provide a unique ID data for a user*
- *compare the content view data with the block on a blockchain by using the unique ID data*

Hanna teaches:

- *provide a unique ID data for a user (see [0054] in which a user ID is generated for the user)*
- *compare the content view data with the block on a blockchain by using the unique ID data (see at least Abstract, [0062], and [0064] in which the unique user ID is stored with the profile data in the blockchain, and upon authentication requests that include the user ID, the ID is compared to the user ID stored in the blockchain for verification)*

It would be obvious to one of ordinary skill in the art to combine **Hanna** with **Fisher and Rizk** because **Rizk** already uses blockchain techniques to manage tracking and verification of content views, and using unique ID's would allow for another means of comparison and verification for legitimizing content views.

Regarding claim 2, the combination of Fisher, Rizk, and Hanna teaches:

- *the Proof of View verification system of claim 1*

Fisher further teaches:

- *wherein the blockchain is available for review by any third party (see [0024])*

Regarding claim 3, the combination of Fisher, Rizk, and Hanna teaches:

- *the Proof of View verification system of claim 2*

Fisher further teaches:

- *wherein each top hash added to the blockchain is auditable by any third party*
(see [0014]-[0015] and [0024]-[0026])

Regarding claim 4, the combination of Fisher, Rizk, and Hanna teaches:

- *the Proof of View verification system of claim 2*

Fisher further teaches:

- *wherein each new block added to the blockchain is auditable by any third party*
(see [0024])

Regarding claim 5, the combination of Fisher, Rizk, and Hanna teaches:

- *the Proof of View verification system of claim 1*

Fisher further teaches:

- *wherein the piece of content is selected from the group consisting of textual data, graphical data, multimedia data, audio data, and visual data (see [0029] and [0032]-[0033])*

Regarding claim 6, the combination of Fisher, Rizk, and Hanna teaches:

- *the Proof of View verification system of claim 1*

Fisher, Rizk, and Hanna, however, does not appear to specify:

- *wherein the content view is an internet webpage view*

Rizk does, however, teach the content view in an online application such as an online game (see at least [0023] and [0029]) and teaches that the content view could be a webpage (see [0059]). Therefore, it would be obvious to one of ordinary skill in the art to combine *wherein the content view is an internet webpage view* with Fisher and Rizk because Rizk already teaches the same techniques applied to online applications, and content views for websites would allow for another popular ad placement channel to be tracked and authenticated as far as content views go.

Regarding claim 7, the combination of Fisher, Rizk, and Hanna teaches:

- *the Proof of View verification system of claim 1*

Fisher further teaches:

- *wherein the Proof of View verification system includes a plurality of parties engaged in mining and recording transactions on the blockchain (see at least [0024])*

Regarding claim 8, the combination of Fisher, Rizk, and Hanna teaches:

- *the Proof of View verification system of claim 1*

Rizk further teaches:

- *wherein the data on the blockchain corresponding to that user's content view data (see [0058])*

Hanna further teaches:

- *wherein the unique ID data is associated with data on the blockchain corresponding to that user's data (see at least Abstract and [0053]-[0056])*

It would be obvious to one of ordinary skill in the art to combine **Hanna** with **Fisher** and **Rizk** because **Rizk** already uses blockchain techniques to manage tracking and verification of content views, and using unique ID's would allow for another means of comparison and verification for legitimizing content views.

Regarding claim 9, the combination of Fisher, Rizk, and Hanna teaches:

- *the Proof of View verification system of claim 8*

Rizk further teaches:

- *wherein the blockchain data corresponds to that user's content view data (see [0058])*

Hanna further teaches:

- *wherein the Proof of View verification module and the processor are configured to compare the content view data with the unique ID data to ensure that the data on the blockchain corresponding to that user's content view data is accurate (see at least Abstract, [0062], and [0064] in which the unique user ID is stored*

with the profile data in the blockchain, and upon authentication requests that include the user ID, the ID is compared to the user ID stored in the blockchain for verification)

It would be obvious to one of ordinary skill in the art to combine **Hanna** with **Fisher** and **Rizk** because **Rizk** already uses blockchain techniques to manage tracking and verification of content views, and using unique ID's would allow for another means of comparison and verification for legitimizing content views.

Regarding claim 10, the combination of Fisher, Rizk, and Hanna teaches:

- *the Proof of View verification system of claim 1*

Rizk further teaches:

- *wherein the Proof of View verification system automatically compares the content view data with the block on the blockchain (see [0058])*

It would be obvious to one of ordinary skill in the art to combine **Rizk** with **Fisher** because **Fisher** already uses blockchain techniques to manage content data, and using it for tracking and verification of content views would allow for public oversight of content views, especially when issues of payment, authenticity, and value arise.

15. Claims 11 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher, et al., Pre-Grant Publication No. 2016/0283920 A1 in view of Rizk, et al., Pre-Grant Publication No. 2019/0034975 A1 and in further view of Hanna, Pre-Grant Publication No. 2018/0374097 A1 and in further view of Saperstein, et al., Patent No. 9,485,265 B1.

Regarding claim 11, the combination of Fisher, Rizk, and Hanna teaches:

- *the Proof of View verification system of claim 10*

Fisher, Rizk, and Hanna, however, does not appear to specify:

- *wherein the Proof of View verification system automatically provides an alert notice when the content view data does not match the block*

Saperstein teaches:

- *wherein the Proof of View verification system automatically provides an alert notice when the content view data does not match the block (see at least Abstract)*

It would be obvious to one of ordinary skill in the art to combine **Saperstein** with **Fisher, Rizk, and Hanna** because **Rizk** already uses blockchain techniques to manage content view and other impression and interaction data for advertisers, and providing an alert when potential erroneous or fraudulent data appears would allow for quick management of the potential concern.

Regarding claim 17, Fisher teaches:

A method... comprising:

- *record content data in a database chunk (see Figure 3, [0014]-[0015], [0024], and [0027])*
- *hash the database chunk into a hashed database chunk (see Figure 3, [0014]-[0015], [0024], and [0027])*
- *append the hashed database chunk to a block on a blockchain (of the Proof of View verification system) (see [0024], [0027])*

- *wherein the blockchain is publicly available (see [0024])*

Fisher, however, does not appear to specify:

- *receive a request for a content view to view a piece of content*
- *record content view data*
- *compare the content view data with the block on the blockchain*

Rizk teaches:

- *receive a request for a content view to view a piece of content (see Figure 4 and [0094] in which an ad targeting opportunity in a game is received)*
- *record content view data (see [0058])*
- *compare the content view data with the block on the blockchain (see [0058])*

It would be obvious to one of ordinary skill in the art to combine **Rizk** with **Fisher** because **Fisher** already uses blockchain techniques to manage content data, and using it for tracking and verification of content views would allow for public oversight of content views, especially when issues of payment, authenticity, and value arise.

Fisher and Rizk, however, does not appear to specify:

- *provide a unique ID data for a user*
- *compare the content view data with the block on a blockchain by using the unique ID data*

Hanna teaches:

- *provide a unique ID data for a user* (see [0054] in which a user ID is generated for the user)
- *compare the content view data with the block on a blockchain by using the unique ID data* (see at least Abstract, [0062], and [0064] in which the unique user ID is stored with the profile data in the blockchain, and upon authentication requests that include the user ID, the ID is compared to the user ID stored in the blockchain for verification)

It would be obvious to one of ordinary skill in the art to combine **Hanna** with **Fisher** and **Rizk** because **Rizk** already uses blockchain techniques to manage tracking and verification of content views, and using unique ID's would allow for another means of comparison and verification for legitimizing content views.

Fisher, Rizk, and Hanna, however, does not appear to specify:

- *providing an alert notice when the unique ID data is included in the content view and missing from the block*

Saperstein teaches:

- *providing an alert notice when the unique ID data is included in the content view and missing from the block* (see at least Abstract)

It would be obvious to one of ordinary skill in the art to combine **Saperstein** with **Fisher, Rizk, and Hanna** because **Rizk** already uses blockchain techniques to manage content view and other impression and interaction data for advertisers, and providing an alert when potential erroneous or fraudulent data appears would allow for quick management of the potential concern.

Regarding claim 18, the combination of Fisher, Rizk, Hanna, and Saperstein teaches:

- *the method of claim 17*

Fisher, Rizk, Hanna, and Saperstein, however, does not appear to specify:

- *wherein the content view is an internet webpage view*

Rizk does, however, teach the content view in an online application such as an online game (see at least [0023] and [0029]) and teaches that the content view could be a webpage (see [0059]). Therefore, it would be obvious to one of ordinary skill in the art to combine *wherein the content view is an internet webpage view* with Fisher, Rizk, Hanna, and Saperstein because Rizk already teaches the same techniques applied to online applications, and content views for websites would allow for another popular ad placement channel to be tracked and authenticated as far as content views go.

16. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher, et al., Pre-Grant Publication No. 2016/0283920 A1 in view of Rizk, et al., Pre-Grant Publication No. 2019/0034975 A1 and in further view of Hanna, Pre-Grant Publication No. 2018/0374097 A1 and in further view of Saperstein, et al., Patent No. 9,485,265 B1 and in further view of Schler, et al., Pre-Grant Publication No. 2017/0053307 A1.

Regarding claim 19, the combination of Fisher, Rizk, Hanna, and Saperstein teaches:

- *the method of claim 17*

Rizk further teaches:

- *record content view data (see [0058])*
- *compare the content view data with the block on the blockchain (see [0058])*

Hanna further teaches:

- *provide a unique ID data for a user (see [0054] in which a user ID is generated for the user)*
- *compare the data with the block on a blockchain by using the unique ID data (see at least Abstract, [0062], and [0064] in which the unique user ID is stored with the profile data in the blockchain, and upon authentication requests that include the user ID, the ID is compared to the user ID stored in the blockchain for verification)*

Fisher, Rizk, Hanna, and Saperstein, however, does not appear to specify:

- *counting a verified view by the user when the unique ID data is associated with data on the blockchain corresponding to that user's content view data*

Schler teaches:

- *counting a verified view by the user when the comparison of the received data to the stored data can verify the impression (see at least Abstract, [0014], [0016]-[0017], [0026], [0029]-[0030], [0034], and [0036] in which the advertisement impression is verified by comparing the incoming impression source data with the stored data)*

It would be obvious to one of ordinary skill in the art to combine **Schler** with **Fisher, Rizk, Hanna, and Saperstein** because **Rizk** already uses blockchain techniques to manage tracking and verification of content views, and **Hanna** already uses unique ID's stored in a blockchain to compare and verify legitimate users for an incoming request, and counting the verified view would allow the system to tally actual verified views, allowing better data tracking for the advertiser.

Regarding claim 21, the combination of Fisher, Rizk, Hanna, Saperstein, and Schler teaches:

- *the method of claim 19*

Rizk further teaches:

- *wherein the verified view is an internet webpage view by the user (see [0059] and [0120] in which the ads that are tracked and impressions and responses stored on such as a blockchain could be presented in a game environment or on such as a webpage)*

****The examiner also notes that gaming on user portable devices, such as those described in [0029], are also known in the art to commonly be online games at the time of filing of the cited reference, and therefore the ad views in-game could also be on an internet webpage as any moment of an internet-enabled game, such as an introduction screen, is an internet webpage.****

Response to Arguments

17. Regarding the applicant's arguments in response to the rejections under 35 USC § 101:

Regarding the applicant's argument on page 8 of the response that the claimed invention is rooted in computer technology because it addresses a problem of verifying a proof of view via blockchain that specifically arises in the realm of computer networks:

The applicant seems to be basing their argument on language from the DDR Holdings decision. However, in the DDR decision, the Court sided with the applicant/patent holder not only because, as quoted, “[T]he claimed solution is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” *DDR Holdings*, 773 F.3d at 1257. This rationale from the DDR decision cannot be taken in a vacuum, as the court made clear that the fundamental ultimate reasoning for their decision hinged upon, as they explain, that “It is also clear that the claims at issue do not attempt to preempt every application of the idea of increasing sales by making two web pages look the same, or of any other variant suggested by [defendants]. Rather, they recite a specific way to automate the creation of a composite web page by an “outsourced provider” that incorporates elements from multiple sources in order to solve a problem faced by websites on the Internet.” So, the computer in the DDR case doing more than just fundamental, routine functioning, but it is doing what is described, creating a website that has the look and feel of the competitor website using a composite of information from multiple sources. Such capability for the computer to dynamically generate a composite webpage not from predetermined instructions, but from a dynamic composite of several sources of dynamic information, was considered a technical improvement of the computer by the Court. The Court further points to the technical improvement of the hyperlink, in which the hyperlink is not used in the traditional manner of simply transferring the user to a corresponding URL, but instead the engagement of the

hyperlink triggers the process of dynamic webpage generation. It was ultimately these reasons that took the claims beyond simply generic functioning, not only that it was solving a problem that specifically rose in the realm of computer networks.

In the claimed invention, there is the technical solution to the technical problem uses techniques that can be performed in the human mind, and automates them using the computer as a tool. The abstract idea is being APPLIED to the internet environment and specifically to content view verification. Even the reference **Hanna** cited in this office action shows the use of blockchain and stored unique user ID's as applied to bank transactions and other similar interaction verification over electronic networks, which is another separate application to a particular technological environment different than that of the claimed invention.

Regarding the applicant's argument on page 9 of the response that claims do not recite a mental process when they do not claim limitations that can practically be performed in the human mind... and that the human mind is not equipped to perform comparing a content view data with a block on the blockchain... because blockchain is required to be performed by computers and is performed more quickly than can be performed in the human mind:

The examiner points out that the applicant seems to contradict themselves first stating that blockchain is required to be performed by a computer and then stating that the computer can perform more quickly than the human mind. So, can the human mind perform using blockchain or not? The examiner also points out that human operators "mine" bitcoin by using a distributed ledger blockchain-type data storage to create, manage, and organize the bitcoin blockchain. While they may be using a computer the computer is simply a tool to automate the mental process. In the same manner, in the claimed invention the computer is merely used as a tool to automate the mental process. The January 2019 PEG under the Step 2A,

Prong 2 analysis guidelines on page 55, it is stated that “the courts have also identified examples in which a judicial exception has not been integrated into a practical application: An additional element merely recites the words ‘apply it’ (or an equivalent) with the judicial exception, or merely includes instructions to implement an abstract idea on a computer, or merely uses a computer as a tool to perform the abstract idea.”

Therefore, the arguments are not persuasive and the rejection is sustained.

18. *Regarding the applicant’s arguments in response to the rejections under 35 USC § 103:*

The arguments have been considered, but are MOOT in light of the new grounds of rejection necessitated by the applicant’s amendments to the claims.

Conclusion

19. Applicant amendment(s) and/or arguments necessitated the new grounds of rejection set forth in this Office Action. Therefore, **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).

20. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no

event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

- 21.** Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Luis A. Brown** whose telephone number is **571.270.1394**. The Examiner can normally be reached on Monday-Friday 8:30am-5:00pm EST. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **WASEEM ASHRAF** can be reached at **571.270.3948**.
- 22.** 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://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

/LUIS A BROWN/
Primary Examiner, Art Unit 3682

REMARKS

As a preliminary matter, Applicant thanks the Examiner for the courtesies extended to Applicant's representative during the interview of January 20, 2021. The following remarks reflect the substance of the discussion that took place during the interview.

The final Office Action issued on October 6, 2020, has been received and its contents carefully considered. A Request for Continued Examination (RCE) and RCE fee are submitted herewith.

Claims 1-7, 9-19, 21, and 22 will be pending upon entry of this response. Without prejudice or disclaimer, Applicant has amended claims 1, 5, 6, 9, 12, 17, 18, and 21, added new claim 22, and canceled claim 8.

Claims 1-19 and 21 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to an abstract idea without significantly more. Applicant respectfully submits that the currently amended claims overcome the 35 U.S.C. § 101 rejections. *For example in at least some exemplary embodiments, the combination of the claimed data flows, the claimed unique ID data, and the claimed proof of content view data amounts to significantly more than both an organization of human activity or a mental process that may be performed in the human mind or by a human using a pen and paper.* The currently amended claims are therefore patent eligible because they are not abstract and they also recite "significantly more." Accordingly, Applicant respectfully submits that the claims fully satisfy all of the requirements of 35 U.S.C. § 101, and respectfully requests that the 35 U.S.C. § 101 rejection of claims 1-19 and 21 be withdrawn.

Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of: claims 1-10 over *Fisher* (2016/0283920) in view of *Rizk* (US 2019/0034975) and *Hanna* (US 2018/0374097); claims 11, 17, and 18 over *Fisher* in view

of *Rizk, Hanna*, and *Saperstein* (US 9,485,265); and claims 19 and 21 over *Fisher* in view of *Rizk, Hanna, Saperstein*, and *Schler* (US 2017/0053307). Applicant respectfully submits that the claims are patentably distinguishable over *Fisher, Rizk, Hanna, Saperstein*, and *Schler* for at least the reasons described below.

“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.” M.P.E.P. § 2141(III). A proper prima facie case of obviousness requires, inter alia, that all claim limitations must be considered when judging the patentability of a claim against the prior art. M.P.E.P. § 2143.03.

Currently amended independent claim 1 recites a system comprising, among other things, “[a] Proof of View verification module, [a] processor, [a] first computing device, and [a] second computing device [that] are configured to: ... transfer data of [a] piece of content from the second computing device to the first computing device; ... compare [a] content view data with [a] block on [a] blockchain by using [a] unique ID data; wherein the blockchain is publicly available and accessible via a third party computing device; and wherein the unique ID data is associated with data on the blockchain corresponding to the user’s content view data.” Currently amended independent claim 12 recites a method comprising, among other things, “determining [a] value of [a] channel [that] includes determining the amount of verified content views of the channel; wherein determining the amount of verified content views includes transferring data of a piece of content between a plurality of computing devices; wherein determining the amount of verified content views of the channel includes providing a unique ID data for a user, recording a content view data, which corresponds to the transferred data of the piece of content, in a database chunk, ... [and] determining whether or not the unique ID data is included in both the content view data and [a] block; and wherein the blockchain is publicly available and accessible via a

third party computing device.” Currently amended independent claim 17 recites a method comprising, among other things, “transferring data of [a] piece of content from a second computing device to [a] first computing device; recording a content view data, corresponding to the transferred data of the piece of content, in a database chunk; ... comparing the content view data with [a] block on [a] blockchain by determining whether or not the unique ID data is included in both the content view data and the block; ... wherein each new block added to the blockchain is auditable by any third party via a third party computing device.”

In at least some exemplary embodiments, the currently amended claims recite a novel combination of claimed data flows, claimed unique ID data, and claimed proof of content view data that is not disclosed by *Fisher, Rizk, Hanna, Saperstein, and Schler*, either alone or in any proper combination.

Further, *Fisher, Rizk, Hanna, Saperstein, and Schler*, either alone or in any proper combination, do not disclose or suggest at least “[a] Proof of View verification module, [a] processor, [a] first computing device, and [a] second computing device [that] are configured to: ... transfer data of [a] piece of content from the second computing device to the first computing device; ... compare [a] content view data with [a] block on [a] blockchain by using [a] unique ID data; wherein the blockchain is publicly available and accessible via a third party computing device; and wherein the unique ID data is associated with data on the blockchain corresponding to the user’s content view data” as recited in claim 1, “determining [a] value of [a] channel [that] includes determining the amount of verified content views of the channel; wherein determining the amount of verified content views includes transferring data of a piece of content between a plurality of computing devices; wherein determining the amount of verified content views of the channel includes providing a unique ID data for a user, recording a content view data, which corresponds to

the transferred data of the piece of content, in a database chunk, ... [and] determining whether or not the unique ID data is included in both the content view data and [a] block; and wherein the blockchain is publicly available and accessible via a third party computing device” as recited in claim 12, and “transferring data of [a] piece of content from a second computing device to [a] first computing device; recording a content view data, corresponding to the transferred data of the piece of content, in a database chunk; ... comparing the content view data with [a] block on [a] blockchain by determining whether or not the unique ID data is included in both the content view data and the block; ... wherein each new block added to the blockchain is auditable by any third party via a third party computing device” as recited in claim 17.

Accordingly, claims 1, 12, and 17 are patentable over *Fisher, Rizk, Hanna, Saperstein*, and *Schler*. Claims 2-7, 9-11, and 22 depend from claim 1, claims 13-16 depend from claim 12, and claims 18, 19, and 21 depend from claim 17, and are therefore patentable for at least all of the same reasons that independent claims 1, 12, and 17, respectively, are patentable. Thus, Applicant respectfully requests that the 35 U.S.C. § 103 rejections of the claims over *Fisher, Rizk, Hanna, Saperstein*, and *Schler* be withdrawn.

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, entry of the claim amendments, and the timely allowance of the pending claims.

Customer No. 94,884
Attorney Docket No. 16574.003
Application No. 16/023,354

An RCE fee of \$680.00 and a one-month extension fee are submitted herewith.

However, should any fee be required, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 50-5761, and is requested to advise us accordingly.

Respectfully submitted,

Dated: January 21, 2021

By: /Stephen L. Keefe/
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AMENDMENTS TO THE CLAIMS:

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

1. (Currently Amended) A Proof of View verification system, comprising:

a Proof of View verification module, comprising computer-executable code stored in non-volatile memory; ~~and~~

a processor;

a first computing device; and

a second computing device;

wherein the Proof of View verification module ~~and~~ , the processor, the first computing device, and the second computing device are configured to:

provide a unique ID data for a user;

receive a request for a content view from the first computing device to view a piece of content;

transfer data of the piece of content from the second computing device to the first computing device;

record a content view data, corresponding to the transferred data of the piece of content, in a database chunk;

hash the database chunk into a hashed database chunk;

append the hashed database chunk to a block on a blockchain of the Proof of View verification system; and

compare the content view data with the block on the blockchain by using the unique ID data;

wherein the blockchain is publicly available and accessible via a third party computing device; and

wherein the unique ID data is associated with data on the blockchain corresponding to the user's content view data.

2. (Original) The Proof of View verification system of claim 1, wherein the blockchain is available for review by any third party.

3. (Original) The Proof of View verification system of claim 2, wherein each top hash added to the blockchain is auditable by any third party.

4. (Original) The Proof of View verification system of claim 2, wherein each new block added to the blockchain is auditable by any third party.

5. (Currently Amended) The Proof of View verification system of claim 1, wherein the data of the piece of content is selected from the group consisting of textual data, graphical data, multimedia data, audio data, and visual data.

6. (Currently Amended) The Proof of View verification system of claim 1, wherein;

the content view is an internet webpage view; and

transferring the data of the piece of content from the second computing device to the first computing device includes streaming video data from the second computing device to the first computing device via a local area network or a wide area network.

7. (Original) The Proof of View verification system of claim 1, wherein the Proof of View verification system includes a plurality of parties engaged in mining and recording transactions on the blockchain.

8. (Canceled)

9. (Currently Amended) The Proof of View verification system of claim [[8]] 1, wherein the Proof of View verification module, [[and]] the processor, the first computing device, and the second computing device are configured to compare the content view data with the unique ID data to ensure that the data on the blockchain corresponding to ~~that~~ the user's content view data is accurate.

10. (Original) The Proof of View verification system of claim 1, wherein the Proof of View verification system automatically compares the content view data with the block on the blockchain.

11. (Previously Presented) The Proof of View verification system of claim 10, wherein the Proof of View verification system provides an alert notice when the content view data does not include the unique ID data.

12. (Currently Amended) A method, comprising:

receiving a request to sell a stake of a channel;

determining a value of the channel;

generating a stake offering based on the value of the channel; and

updating the value of the channel;

wherein determining the value of the channel includes determining the amount of verified content views of the channel; ~~and~~

wherein determining the amount of verified content views includes transferring data of a piece of content between a plurality of computing devices;

wherein determining the amount of verified content views of the channel includes providing a unique ID data for a user, recording a content view data, which corresponds to the transferred data of the piece of content, in a database chunk, hashing the database chunk into a hashed database chunk, appending the hashed database chunk to a block on a blockchain, and comparing the content view data with the block on the blockchain by determining whether or not the unique ID data is included in both the content view data and the block; and

wherein the blockchain is publicly available and accessible via a third party computing device.

13. (Original) The method of claim 12, wherein the value of the channel is based on the number of verified content views retrieved from the blockchain.

14. (Original) The method of claim 12, further comprising issuing the stake of the channel to a user who purchased the stake of the channel based on the stake offering.

15. (Original) The method of claim 12, wherein the value of the channel is based on data points selected from the group consisting of growth rate of the channel, number of subscribers to the channel, history of the channel, and history of stake offerings.

16. (Original) The method of claim 12, wherein updating the value of the channel includes determining an updated amount of verified content views of the channel.

17. (Currently Amended) A method for providing a Proof of View, comprising:

providing a unique ID data for a user;

receiving a request for a content view from a first computing device to view a piece of content;

transferring data of the piece of content from a second computing device to the first computing device;

recording a content view data, corresponding to the transferred data of the piece of content, in a database chunk;

hashing the database chunk into a hashed database chunk;

appending the hashed database chunk to a block on a blockchain;

comparing the content view data with the block on the blockchain by determining whether or not the unique ID data is included in both the content view data and the block; and

providing an alert notice when the unique ID data is included in the content view data and missing from the block;

wherein each new block added to the blockchain is auditable by any third party via a third party computing device.

18. (Currently Amended) The method of claim 17, wherein:

the content view is an internet webpage view; and

transferring the data of the piece of content from the second computing device to the first computing device includes streaming video data from the second computing device to the first computing device via a local area network or a wide area network.

19. (Previously Presented) The method of claim 17, further comprising counting a verified view by the user when the unique ID data is associated with data on the blockchain corresponding to that user's content view data.

20. (Canceled)

21. (Currently Amended) The method of claim 19, wherein the verified view is an internet webpage view by the user via the first computing device.

22. (New) The Proof of View verification system of claim 1, wherein the Proof of View verification module, the processor, the first computing device, and the second computing device are configured to transfer the content view data with the unique ID data to the first computing device, the second computing device, and the third party computing device to ensure that the data on the blockchain corresponding to the user's content view data is accurate.