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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/720,823	09/29/2017	Tomoaki Hirai	060518.04365	7018
27305	7590	10/25/2019	EXAMINER	
HOWARD & HOWARD ATTORNEYS PLLC 450 West Fourth Street Royal Oak, MI 48067			RADA, ALEX P	
			ART UNIT	PAPER NUMBER
			3715	
			NOTIFICATION DATE	DELIVERY MODE
			10/25/2019	ELECTRONIC

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

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

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

IPDocket@HowardandHoward.com
dtrost@HowardandHoward.com

Office Action Summary

Application No. 15/720,823	Applicant(s) Hirai et al.	
Examiner ALEX P RADA	Art Unit 3715	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 27 September 2019.
 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

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

Response to Amendment

In response to the amendment filed 27 September 2019 wherein applicant amends claims 1, 9, 17 and claims 1-20 are pending in this application.

Terminal Disclaimer

1. The terminal disclaimer filed on 27 September 2019 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of application number 15/720680 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 101

2. 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.

3. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to an abstract idea without significantly more. The claim(s) recite(s) “receive a signal from the user input device indicating a wager being placed by the player;” “initiate a skill contest game and display the skill contest game on the display device;” “determine a number of skill events being included in the skill contest game, each skill event including an image being displayed in a corresponding user input button for a predefined event time period;” “determine a reference point total as a function of the

number of skill events; “conduct a round of the skill contest game including displaying the skill events on the game screen in a sequential display pattern;” “detect a player touch operation associated with each skill event being displayed in a corresponding user input button and determine a timing period of each detected player touch operation;” “determine a total amount of base points associated with the detected player touch operations based on a corresponding timing period associated with each detected player touch operation;” “determine a normalized skill game point total based on the total amount of base points and the reference point total; determine an award as a function of the normalized skill game point total;” and adjust the credit balance based on the award.”

The limitations of “receive”, “initiate”, “determine”, “conduct”, “detect”, and “adjust” steps is a process that, under its broadest reasonable interpretation, covers performance of fundamental economic principles or practices (including hedging, insurance, mitigating risk) and managing person behavior or relationships or interactions between people (including social activities, teaching and following rules or instructions. That is, other than reciting “a processor,” nothing in the claim elements precludes the steps from being performed by generic computer components of a program that implements the rules and instruction of a game. If the claim limitations, under its broadest reasonable interpretation, covers performance of fundamental economic principles or practices (including hedging, insurance, mitigating risk) and managing person behavior or relationships or interactions between people (including social activities, teaching and following rules or instructions but for the recitation of generic computer components, then it falls within the “Certain Methods of Organizing Human Activity” grouping of abstract ideas.

This judicial exception is not integrated into a practical application. The claim recites an additional element using a processor to perform the “receive”, “initiate”, “determine”, “conduct”, “detect”, and “adjust” steps. The processor in the “receive”, “initiate”, “determine”, “conduct”,

“detect”, and “adjust” steps is recited at a high-level of generality such that it amounts no more than mere instructions to apply the exception using a generic computer component. The 2019 PEG (Revised Patent Subject Matter Eligibility Guidance) defines the phrase “integration into a practical application” to require 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 it is more than a drafting effort designed to monopolize the exception. Limitations that are indicative of integration into a practical application when recited in a claim with a judicial exception include:

- Improvements to the functioning of a computer, or to any other technology or technical field, as discussed in MPEP 2106.05(a);
- Applying or using a judicial exception to effect a particular treatment or prophylaxis for disease or medical condition — see *Vanda* Memo
- Applying the judicial exception with, or by use of, a particular machine, as discussed in MPEP 2106.05(b);
- Effecting a transformation or reduction of a particular article to a different state or thing, as discussed in MPEP 2106.05(c); and
- Applying or using the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception, as discussed in MPEP 2106.05(e) and the *Vanda* Memo issued in June 2018.

Limitations that are not indicative of integration into a practical application when recited in a claim with a judicial exception include:

- Adding the words “apply it” (or an equivalent) with the judicial exception, or mere instructions to implement an abstract idea on a computer, or merely uses a computer as a tool to perform an abstract idea, as discussed in MPEP 2106.05(f);
- Adding insignificant extra-solution activity to the judicial exception, as discussed in MPEP 2106.05(g); and

- Generally linking the use of the judicial exception to a particular technological environment or field of use, as discussed in MPEP 2106.05(h).

Accordingly, this additional element does not integrate the abstract idea into a practical application because it does not impose any meaningful limits on practicing the abstract idea.

The claim(s) does/do not include additional elements that are sufficient to amount to significantly more than the judicial exception. The additional limitations of a display, computer generated graphical image, a user input, touch operation, computer-readable and storage media are considered to be extra-solution activity. Adding these generic computer elements to perform generic functions that are well-understood, routine and conventional, such as gathering data, performing calculations, and outputting a result as evidence by Alice Corp., 134 S. Ct. at 2355–56 (mere instruction to implement an abstract idea (game rules) on a computer "cannot impart patent eligibility), and *Versata Dev. Group, Inc. v. SAP Am.* (Storing and retrieving information in memory) see MPEP (2106.05(d)(II), does not transform the claims into eligible subject matter. Regarding the acceptor device and cashout device, as further evidence by Singer et al. (US Pub. No. 2004/0192431) in paragraph 21; and Kadlic (US 5,816,915) in col. 3, lines 35-59, discloses that a credit input mechanism (coins and bill acceptors) and ticket reader are conventional and well known in the art. Nothing in the claims, understood in light of the specification, requires anything other than off-the-shelf, conventional computer, network, and display technology for gathering, sending, and presenting the desired information. As discussed above with respect to integration of the abstract idea into a practical application, the additional element of using a processor to perform the “receive”, “initiate”, “determine”, “conduct”, “detect”, and “adjust” steps amounts to no more than mere instructions to apply the exception using a generic computer component. Mere instruction to apply an exception using a generic computer component cannot provide an inventive concept.

The dependent claims 2-8, 10-16 and 18-20 each recite a further step of the abstract game method that when taken as a whole fails to contribute significantly more because each is merely another step that merely defines another rule/instruction, may be carried out by hand or in the mind as part of the overall method without integration into a practical application to any particular machine or device, improvement to any particular machine or device, or contribution of substantially more than an abstract method and generic computer components.

Response to Arguments

4. Applicant's arguments filed 27 September 2019 have been fully considered but they are not persuasive.

Applicant contends that the claimed invention does not recite an abstract idea and a judicial exception.

The examiner respectfully disagrees. As noted above, the limitations of “receive”, “initiate”, “determine”, “conduct”, “detect”, and “adjust” steps is a process that, under its broadest reasonable interpretation, covers performance of fundamental economic principles or practices (including hedging, insurance, mitigating risk) and managing person behavior or relationships or interactions between people (including social activities, teaching and following rules or instructions. The “receive” step of indicating a wager being placed by the player covers fundamental economic principles or practices (including hedging, insurance, mitigating risk) and the “initiate”, “determine”, “conduct”, “detect”, and “adjust” steps is a program that implements the rules and instruction of a game, managing person behavior or relationships or interactions between people (including social activities, teaching and following rules or instructions. If the claim limitations, under its broadest reasonable interpretation, covers performance of fundamental economic principles or practices (including hedging, insurance, mitigating risk) of placing a wager to initiate play of a game and

managing person behavior or relationships or interactions between people (including social activities, teaching and following rules or instructions) of a program that implements the rules and instruction of a game, but for the recitation of generic computer components, then it falls within the “Certain Methods of Organizing Human Activity” grouping of abstract ideas.

This judicial exception is not integrated into a practical application. The processor in the “receive”, “initiate”, “determine”, “conduct”, “detect”, and “adjust” steps is recited at a high-level of generality such that it amounts no more than mere instructions to apply the exception using a generic computer component. The 2019 PEG (Revised Patent Subject Matter Eligibility Guidance) defines the phrase “integration into a practical application” to require 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 it is more than a drafting effort designed to monopolize the exception. Limitations that are indicative of integration into a practical application when recited in a claim with a judicial exception include:

- Improvements to the functioning of a computer, or to any other technology or technical field, as discussed in MPEP 2106.05(a);
- Applying or using a judicial exception to effect a particular treatment or prophylaxis for disease or medical condition – see *Vanda* Memo
- Applying the judicial exception with, or by use of, a particular machine, as discussed in MPEP 2106.05(b);
- Effecting a transformation or reduction of a particular article to a different state or thing, as discussed in MPEP 2106.05(c); and
- Applying or using the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception, as discussed in MPEP 2106.05(e) and the *Vanda* Memo issued in June 2018.

Limitations that are not indicative of integration into a practical application when recited in a claim with a judicial exception include:

- Adding the words “apply it” (or an equivalent) with the judicial exception, or mere instructions to implement an abstract idea on a computer, or merely uses a computer as a tool to perform an abstract idea, as discussed in MPEP 2106.05(f);
- Adding insignificant extra-solution activity to the judicial exception, as discussed in MPEP 2106.05(g); and
- Generally linking the use of the judicial exception to a particular technological environment or field of use, as discussed in MPEP 2106.05(h).

Accordingly, this additional element does not integrate the abstract idea into a practical application because it does not impose any meaningful limits on practicing the abstract idea. The claims do not purport to improve the functioning of the computer itself or to improve any other technology or field. Use of an unspecified generic computer does not transform an abstract idea into a patent-eligible invention. Thus, the claims does not amount to significantly more than the abstract idea itself.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of 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.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX P RADA whose telephone number is (571)272-4452. The examiner can normally be reached on M-F 8-5.

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, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/A.P.R/
Examiner, Art Unit 3715

/Jay Trent Liddle/
Primary Examiner, Art Unit 3715