

REMARKS

No new matter is added by this amendment. The present application was filed on September 29, 2017 with original claims 1-20. In the prior amendment, claims 1, 9, and 17 were amended. By this amendment, claims 1, 9, and 17 have been amended. The claims remaining in consideration are claims 1-20 of which claims 1, 9, and 17 are independent. Reconsideration is respectfully requested.

Rejections under 35 U.S.C. § 101

Claims 1-20 stand rejected under 35 U.S.C. §101 as being directed to an abstract idea without significantly more. This rejection is respectfully traversed.

Under the USPTO's 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (hereinafter "2019 Revised Guidance"), the Examiner should first look to whether the claim recites:

(1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activities such as a fundamental economic practice, or mental processes) (hereinafter "Step 2A, Prong 1"); and

(2) additional elements that integrate the judicial exception into a practical application (see MPEP § 2106.05(a)-(c), (e)-(h)) (hereinafter "Step 2A, Prong 2").

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, should the Examiner then look to whether the claim

(3) adds a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field (see MPEP § 2106.05(d)); or

(4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. *See* 2019 Revised Guidance.

In accordance with the 2019 Revised Guidance, the Examiner is required to determine whether the claims recite subject matter that fall within the following groupings of abstract ideas:

(a) **Mathematical concepts** - mathematical relationships, mathematical formulas or

equations, mathematical calculations;

(b) **Certain methods of organizing human activity** - fundamental economic principles or practices; commercial or legal interactions; managing personal behavior or relationships or interactions between people; and

(c) **Mental processes** – concepts performed in the human mind.

The Examiner asserts that the claimed invention is directed to a Method of Organizing Human Activity because it 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 present claims have been amended to address the issues noted by the Examiner.

As discussed in the October 2019 Update on Subject Matter Eligibility, issued October 17, 2019, the *Certain Methods of Organizing Human Activity* group is limited to activity that falls within the enumerated sub-groupings of fundamental economic principles or practices, commercial or legal interactions, managing personal behavior, and relationships or interactions between people, and is not to be expanded beyond these enumerated sub-groupings except in rare circumstances as explained in Section III(C) of the 2019 PEG.

According to the 2019 PEG, “fundamental economic principles” or “fundamental economic practices” include subject matter relating to the economy and commerce, hedging, insurance, and mitigating risk. Examples of subject matter where the fundamental economic principles or fundamental economic practices is relating to the economy and commerce, hedging, insurance, and mitigating risk include:

- local processing of payments for remotely purchased goods, *Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*;
- using a marking affixed to the outside of a mail object to communicate information about the mail object, i.e., the sender, recipient, and contents of the mail object, *Secured Mail Solutions LLC v. Universal Wilde, Inc.*; and
- placing an order based on displayed market information, *Trading Technologies Int’l, Inc. v. IBG, LLC*.

The present invention does not define a system for local processing of payments for remotely purchased goods, using a marking affixed to the outside of a mail object to communicate information about the mail object, i.e. the sender, recipient, and contents of the mail object, or placing an order based on displayed market information. As such, the present invention does not define subject matter where the fundamental economic principle or practice is relating to the economy and commerce, hedging, insurance, or mitigating risk, and cannot be found to fall within the *Certain Methods of Organizing Human Activity* group, according to the 2019 PEG.

In addition, under the 2019 PEG, “managing personal behavior” or “relationships” or “interactions between people” include subject matter relating to social activities, teaching, and following rules or instructions. Examples of subject matter where managing personal behavior or relationships or interaction between people include:

- a set of rules for playing a dice game, *In re Marco Guldenaar Holding B.V.*;
- voting, verifying the vote, and submitting the vote for tabulation, *Voter Verified, Inc. v. Election Systems & Software LLC*;
- assigning hair designs to balance head shape, *In re Brown*; and
- a series of instructions of how to hedge risk, *Bilski v. Kappos*.

The present invention does not define a set of rules for playing a dice game, voting, verifying the vote, and submitting the vote for tabulation, assigning hair designs to balance head shape, or a series of instructions of how to hedge risk. As such, the present invention does not define subject matter managing personal behavior or relationships or interactions between people is social activities, teaching, or following rules or instructions, and cannot be found to fall within the *Certain Methods of Organizing Human Activity* group, according to the 2019 PEG.

In addition, under the 2019 PEG, in evaluating whether a claim recites an abstract idea, examiners should carefully consider the broadest reasonable interpretation of the claim in light of the specification. The examiner should review the specification to determine if the underlying claimed invention is described as a concept that is performed in the human mind and recites a mental process.

The present claims define a gaming machine that includes a display device that displays a game screen including a plurality of user input buttons and a user input device that includes a

touch button unit that is configured to transmit a signal indicating a player touch operation associated with each of the user input buttons. The controller of the gaming machine is programmed to conduct a round of the skill contest game including displaying skill events on the game screen, detect a player touch operation associated with each skill event via the touch button unit, and determine a timing period of each detected player touch operation. The controller is also programmed to determine a total amount of base points associated with the detected player touch operations based on a corresponding timing period, determine a normalized skill game point total based on the total amount of base points and the reference point total, and determine an award as a function of the normalized skill game point total.

For example, paragraphs [0066], [0070], [0073], and [0169]-[0171] describe, “*In the illustrated embodiment, the gaming machine 10 also includes a cabinet assembly 18 that is configured to support the display device 14, the user input device 16, and/or the gaming controller 12 from a gaming stand 20 and/or a supporting surface... The user input device 16 includes a player selection device 32 including a touch button unit 34 for receiving a player's selection... The touch button unit 34 includes a plurality of transparent touch buttons 46 that are positioned over a portion of the first display 26... In method step 1008, the gaming controller 12 conducts a round of the skill contest game 170 including displaying the skill events on the game screen in a sequential display pattern. For example, the gaming controller 12 may be programmed to select a musical soundtrack associated with the skill contest game and synchronize the display of the skill events in the sequential display pattern with the selected musical soundtrack. In method step 1010, the gaming controller 12 detects a player's touch operation associated with each displayed skill event marker 90 and determines a total amount of base points as a function of the detected touch operations . . . In method step 1012, the gaming controller 12 determines a normalized skill game point total as a function of the total amount of base points achieved by the player. For example, in one embodiment, the gaming controller 12 detects a player touch operation associated with each skill event, determines a total amount of base points associated with the detected player touch operations, and determines a normalized skill game point total based on the total amount of base points and the reference point total....”*

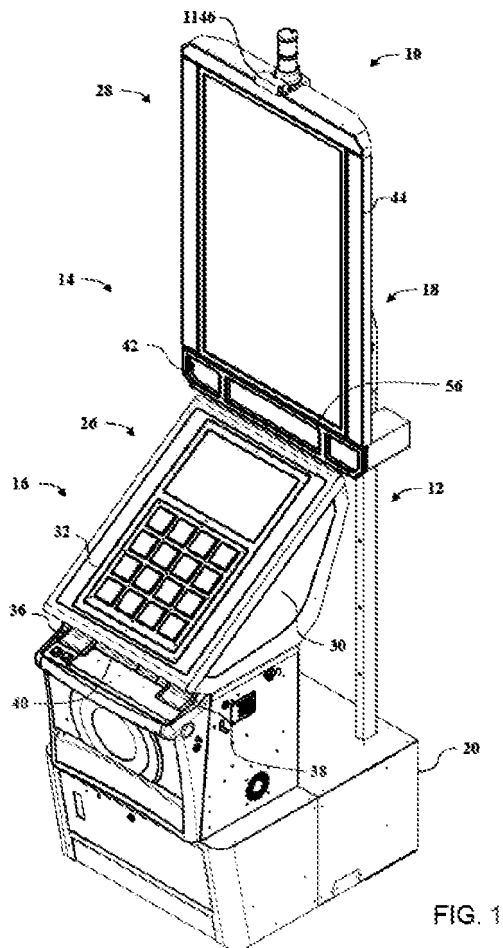


FIG. 1

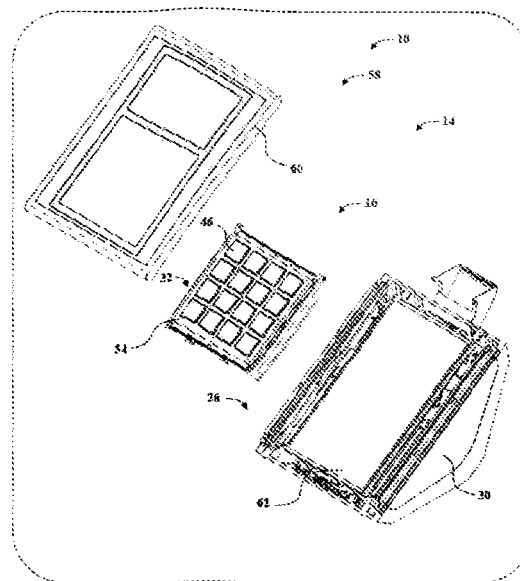
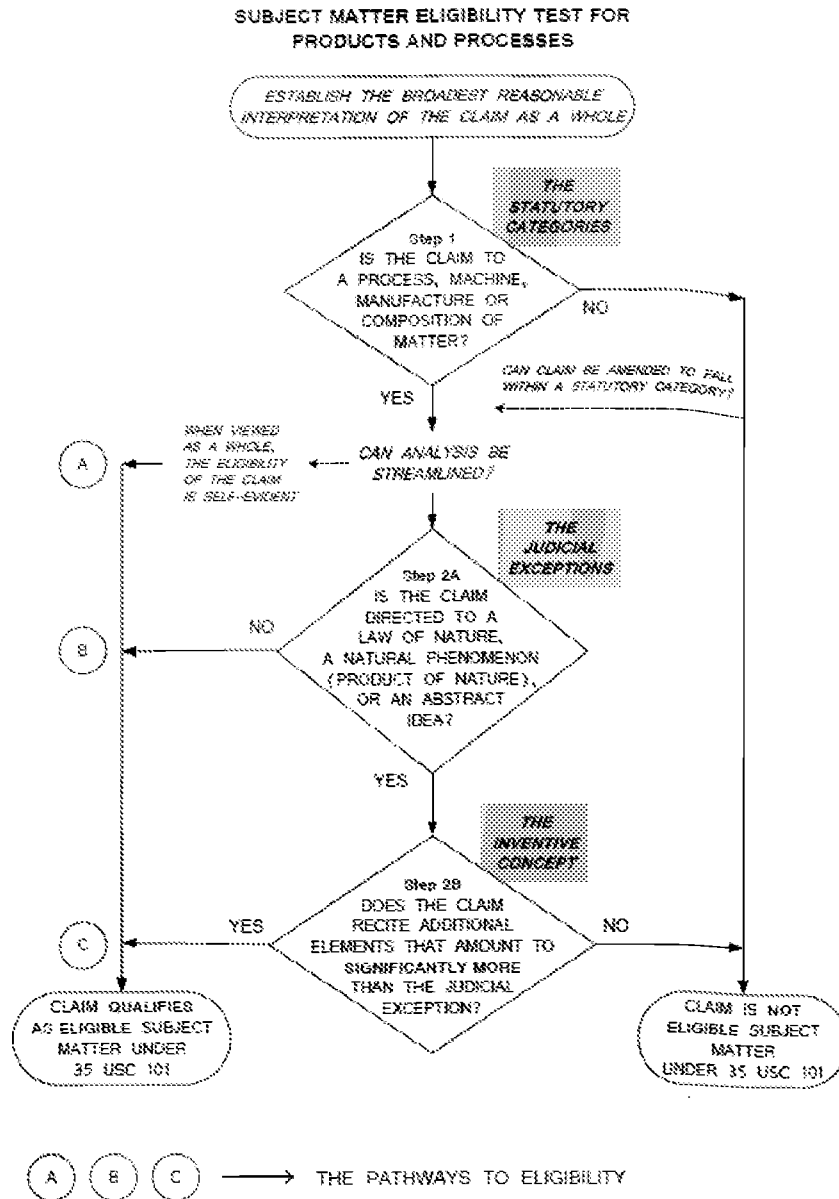


FIG. 6

Under the broadest reasonable interpretation of the claims in light of the specification, the present invention cannot be determined to recite concepts found to fall within the *Certain Methods of Organizing Human Activity* group, according to the 2019 PEG. Accordingly, the claimed invention does not fall within any of the enumerated groupings of abstract ideas.

In accordance with MPEP 2106 – Patent Subject Matter Eligibility, once the claimed invention has been determined to not fall within enumerated groupings of abstract ideas listed in the 2019 PEG, the claims qualifies as eligible subject matter under 35 U.S.C. § 101, shown as Pathway to Eligibility “B”, in the subject matter eligibility analysis flow chart presented below.



Accordingly, for at least the reasons set forth above, Applicant submits that claims 1-20 are eligible under 35 U.S.C. § 101, and requests the rejection under Section 101 be withdrawn.

Conclusion

All of the Examiner's objections and rejections having been successfully traversed and/or made moot, Applicant respectfully asserts that the present application is in condition for allowance. An early Notice of Allowance is respectfully solicited.

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Applicant believes that no fees are due; however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789.

Respectfully submitted,

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Date

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