

(A)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Dolph Gan
Application No.: 12/345,678
Filed: 3/30/2012 *present*
For: SYSTEM FOR DATA
EXCHANGE INVOLVING A
PORTABLE ELECTRONIC
DEVICE

Examiner: Smith, Luke
Group Art Unit: 2349
Attorney Docket No.: 2095
Confirmation No.: 1234

AMENDMENT

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

Dear Examiner Smith:

This Amendment is in response to the Office Action mailed April 6, 2012. This Amendment is timely because it is being submitted within the period for reply which expires July 6, 2012. Please enter and consider the following: ✓

*Please return so that
it can be used as
an example*

AMENDMENTS TO THE CLAIMS

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

LISTING OF CLAIMS

1. (Currently Amended) A system, said system including:
 - a server including:
 - a wireless transceiver; and
 - a server memory storing a plurality of multimedia files,wherein each said multimedia file has a corresponding predetermined geographic coordinate location,
wherein each said multimedia file includes at least one image; and ✓
 - a portable computing device including:
 - a global positioning system detector; and
 - a wireless transceiver,wherein said portable computing device wireless transceiver is in wireless communication with said server wireless transceiver,
wherein said portable computing device downloads from said server a dataset representing at least one of said predetermined geographic coordinate locations,

wherein said global positioning system detector sends an actual geographic coordinate location to said portable computing device,

wherein said portable computing device compares said actual geographic location to said dataset,

when said actual geographic location is a match of at least one of said predetermined geographic coordinate locations of said dataset, said portable computing device sends a data signal corresponding to said match to said server,

wherein said server receives said data signal,

wherein said data signal is compared by said server to said plurality of multimedia files,

when said data signal matches said corresponding predetermined geographic coordinate location of at least one of said plurality of multimedia files, said server sends said at least one of said plurality of multimedia files to said portable computing device,

wherein said portable computing device displays said at least one of said plurality of multimedia files.

2. (Original) The system of claim 1 wherein said portable computing device is a smartphone.

3. (Original) The system of claim 1 wherein said portable computing device's current geographic coordinate location is sent at regular time intervals to a computing device.
4. (Original) The system of claim 3 wherein said current geographic coordinate location is displayed on a webpage.
5. (Original) The system of claim 1 wherein at least one of said plurality of multimedia files is a video file.
6. (Currently Amended) The system of claim 1 wherein at least one of said plurality of multimedia files is includes a sound file.
7. (Original) The system of claim 1 wherein at least one of said plurality of multimedia files is an image file.
8. (Currently Amended) The system of claim 1 wherein at least one of said plurality of multimedia files is-a includes text file.
9. (Original) The system of claim 1 wherein at least one of said plurality of multimedia files is a software program file.

10. (Currently Amended) A system, said system including:

a server including:

a wireless transceiver; and

a server memory storing a plurality of multimedia files,

wherein each said multimedia file has a corresponding optical representation of code data,

wherein each said multimedia file includes at least one image; and ✓

a portable computing device including:

optical image capturing; and

a wireless transceiver,

wherein said portable computing device wireless transceiver is in wireless communication with said server wireless transceiver,

wherein said portable computing device uses said optical image capturing to detect an optical representation code, converts said optical representation code to detected optical representation code data,

wherein said portable computing device sends a data signal containing said detected optical representation code data to said server,

wherein said server receives said data signal,

wherein said data signal is compared by said server to said corresponding optical representation code data,

when said data signal matches at least one of said corresponding optical representation code data on said server storage, said server sends at least one of said plurality of multimedia files to said portable computing device,

wherein said portable computing device displays said least one of said plurality of multimedia files.

11. (Original) The system of claim 10 wherein said optical representation code data is a QR code.

12. (Original) The system of claim 10 wherein said optical representation code data is a UPC code.

13. (Original) The system of claim 10 wherein said optical representation code data is a picture file.

14. (Original) The system of claim 10 wherein said portable computing device is a smartphone.

15. (Original) The system of claim 10 wherein said optical image capturing is a camera.

16. (Original) The system of claim 10 wherein said optical image capturing is a bar code scanner.

17. (Original) The system of claim 10 wherein at least one of said plurality of multimedia files is a video file.

18. (Currently Amended) The system of claim 10 wherein at least one of said plurality of multimedia files ~~is~~ includes a sound file.

19. (Original) The system of claim 10 wherein at least one of said plurality of multimedia files is an image file.

20. (Currently Amended) The system of claim 10 wherein at least one of said plurality of multimedia files ~~is a~~ includes text ~~file~~.

21. (Original) The system of claim 10 wherein at least one of said plurality of multimedia files is a software program file.

22. (Original) The system of claim 10 wherein said optical representation code is associated with a physical location in said server memory.

23. (Original) The system of claim 22 wherein said physical location is displayed on a webpage.
24. (Original) A system, said system including:
a server including:
a server wireless transceiver; and
a server memory storing at least one unique data value, wherein said at least one unique data value is associated with an associated server output signal;
a portable electronic device including:
a wireless signal receiver;
a processor; and
a display system; and
a portable computing device including a portable computing device wireless signal transmitter,
wherein said portable computing device wireless signal transmitter is in wireless communication with said server wireless transceiver,
wherein said portable computing device sends a portable computing device output signal to said server,
wherein said server receives said portable computing device output signal and compares said portable computing device output signal to said at least one unique data value stored in said server,

when said portable computing device output signal matches said unique data value said server transmits said associated server output signal to said portable electronic device wireless signal receiver,

wherein said portable electronic device wireless signal receiver receives said associated server output signal and sends said associated server output signal to said portable electronic device processor,

wherein said portable electronic device processor sends a portable electronic device display signal to said portable electronic device display system,

when said portable electronic device display system receives said portable electronic device display signal, said portable electronic device display signal initiates said display system and provides a display.

25. (Original) The system of claim 24 wherein said display system is at least one light emitting diode (LED).

26. (Original) The system of claim 24 wherein said display system is a video display screen.

27. (Original) The system of claim 24 wherein said display system is an auditory device that receives an auditory signal from said processor causing said auditory device to emit a sound wave for auditory display.

28. (Original) The system of claim 24 wherein said wireless signal receiver is a cellular transceiver.

29. (Original) The system of claim 24 wherein said wireless signal receiver is a radio frequency identification (RFID) receiver.

30. (Original) The system of claim 24 wherein said portable computing device output signal is optical representation code data.

31. (Original) The system of claim 24 wherein said portable computing device output signal is a geographic coordinate location.

32. (Original) A method including:

associating a unique identifier with at least one portable computing device,
wherein said unique identifier corresponds to a database in at least one server,
wherein said database includes a plurality of multimedia files;

associating each file of said plurality of media files with particular data input from
said at least one portable computing device,
wherein said data input includes geographic coordinate location from said at least one
portable computing device,

acquiring an array of data from a plurality of sources, wherein said plurality of sources includes:

said database including a plurality of multimedia files from said at least one server,

said unique identifier corresponding with said at least one portable computing device, and

said data input including said geographic coordinate location from said at least one portable computing device; and

displaying said array of data as a webpage.

33. (Original) The method of claim 32 further including:
commenting by a user on said webpage.

34. (Original) The method of claim 32 further including:
displaying on said webpage a first user's compiled completion data with a second user's compiled completion data.

35. (Original) The method of claim 32 further including:
displaying on said webpage the time of day said at least one portable computing device's said geographic coordinate location was acquired.

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REMARKS

The present application includes claims 1-35. Claims 1-35 were rejected. By this[✓] Amendment, claims 1, 6, 8, 10, 18, & 20 have been amended.

Claims 1-23 were rejected under 35 U.S.C. §102(e) as being anticipated by Khan, U.S. Patent App. No. US2012/0072311.

Claims 24-31 were rejected under 35 U.S.C. §102(e) as being anticipated by Clark, U.S. Patent App. No. US2012/0059875.

Claims 32-35 were rejected under 35 U.S.C. §102(e) as being anticipated by Dutilly, U.S. Patent App. No. US2012/0040754.

Claims 1-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Khan, U.S. Patent App. No. US2012/0072311, in view of Perea-OcHoa, U.S. Patent App. No. US2012/0083324.

The Applicant now turns to the rejection of claims 1-23 under 35 U.S.C. § 102(e) as being anticipated by Khan. Khan teaches a system where an electronic device such as a smart phone is detected to be in a certain physical location (paragraph 5) and this can be achieved using GPS location (paragraph 18) or a QR code (paragraph 14). Khan also teaches that in its system such a smart phone may be sent certain information such as item pickup data (paragraph 16) or item purchase information (paragraph 18).

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Khan does not teach the smart phone being sent any sort of file involving an image, including an actual image file, a video file, or a file containing any of video, images, and sound. ✓

As amended, claim 1 recites “a plurality of multimedia files . . . wherein each said multimedia file includes at least one image.” As mentioned above, Khan does not teach a system involving an image file of any type, including videos. Consequently, claim 1 is respectfully submitted to be free of Khan and allowable. Additionally, claims 2-9 depend from claim 1 and thus include all the limitations of claim 1. Consequently, claims 2-9 are also submitted to be allowable.

As amended claim 10 recites “a plurality of multimedia files . . . wherein each said multimedia file includes at least one image.” As mentioned above, Khan does not teach a system involving an image file of any type, including videos. Consequently, claim 10 is respectfully submitted to be free of Khan and allowable. Additionally, claims 11-23 depend from claim 10 and thus include all the limitations of claim 10. Consequently, claims 11-23 are also submitted to be allowable.

The Applicant now turns to the rejection of claims 24-31 under 35 U.S.C. § 102(e) as being anticipated by Clark. Clark teaches a system where, by using a unique identifier such as a QR code or a GPS location, one computing device is able to control a second computing device. ✓

*could be
more clear
by reciting what
Clark actually does
in more detail*

Clark does not teach a first computing device using a QR code or GPS location to enable a second computing device to control yet a third computing device.

Claim 24, as originally presented, recites “a server . . . a portable electronic device . . . and a portable computing device . . . wherein said portable computing device sends a . . . signal to said server . . . said server transmits . . . signal to said portable electronic device . . . [and] said portable electronic device display signal initiates said display system and provides a display.” As mentioned above, Clark does not teach a three device system where the first device enables the second device to control the third device.

Consequently, claim 24 is respectfully submitted to be free of Clark and allowable.

Additionally, claims 25-31 depend from claim 24 and thus include all the limitations of claim 24. Consequently, claims 25-31 are also submitted to be allowable.

The Applicant now turns to the rejection of claims 32-35 under 35 U.S.C. § 102(e) as being anticipated by Dutilly. Dutilly teaches a system for dynamic video game recap including a succession of player events.

Dutilly does not teach a recap including data from a second electronic device, like a smart phone, outside of the video game system. Dutilly also does not teach that the data compiled from a second device for a recap may include geographic coordinate location data of the second device. Dutilly also does not teach displaying the recap on a webpage.

Claim 32, as originally presented, recites a requirement for “data input from said at least one portable computing device.” As mentioned above, Dutilly does not teach its recap containing data from a second device. Additionally, claim 32 recites data for a recap “geographic coordinate location from . . . portable computing device.” As mentioned above, Dutilly does not teach its recap including geographic coordinate location data of the second device. Additionally, claim 32 recites “displaying said array of data as a webpage.” As mentioned above, Dutilly does not teach displaying its recap as a webpage. Consequently, claim 32 is respectfully submitted to be free of Clark and allowable. Additionally, claims 33-35 depend from claim 32 and thus include all the limitations of claim 32. Consequently, claims 33-35 are also submitted to be allowable.

The Applicant now turns to the rejection of claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over Khan in further view of Perea-OcHoa. Khan teaches a system where an electronic device such as a smart phone is detected to be in a certain physical location (paragraph 5) and this can be achieved using GPS location (paragraph 18) or a QR code (paragraph 14). Khan also teaches that in its system such a smart phone may be sent certain information such as item pickup data (paragraph 16) or item purchase information (paragraph 18).

Perea-OcHoa teaches a system where participants in a game are linked together through portable electronic devices. Participants use their devices to participate in the game, and can also communicate with each other using text, video, and sound, platforms.

Khan does not teach the smart phone being sent any sort of file involving an image, including an actual image file, a video file, or a file containing any of video, images, and sound. Perea-OcHoa, while teaching image and video transfer between participants, does not teach image and video transfer between a server and participants.

✓ You would only need to look that up to see how Perea-OcHoa POWERS

Consequently, neither Khan nor Perea-OcHoa teaches a system where image and video transfer occurs between a server and a participant, and where that video is not for real time communication, but based on an optical image or geographic location data from the participants electronic device as taught in claims 1 and 10 as presently amended.

Thus, unlike *KSR*, where two previously known claim elements were combined, here we have a new claim element, the image transfer between server and participant based on optical codes or geographic location data, that does not appear in the prior art.

Consequently, claim 1 is respectfully submitted to be free of Khan and Perea-OcHoa and allowable. Additionally, claims 2-9 depend from claim 1 and thus include all the limitations of claim 1. Consequently, claims 2-9 are also submitted to be allowable.

Consequently, claim 10 is respectfully submitted to be free of Khan and Perea-OcHoa and allowable. Additionally, claims 11-23 depend from claim 10 and thus include all the limitations of claim 10. Consequently, claims 11-23 are also submitted to be allowable.

Further, although the PTO's published guidelines of October 10, 2007 outline other rationales that may support a conclusion of obviousness, all of them fail here, as further discussed below. These rationales include:

- (A) Combining prior art elements according to known methods to yield predictable results;

(B) Simple substitution of one known element for another to obtain predictable results;

(C) Use of known technique to improve similar devices (methods, or products) in the same way;

(D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;

(E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;

(F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;

Rationale A fails because the image transfer between server and participant based on optical codes or geographic location data is not found in the prior art, and therefore prior art elements could not have been combined here.

Similarly, rationale B fails because rationale B requires the substitution of a known element for another, but the image transfer between server and participant based on optical codes or geographic location data is not a known element.

In the same fashion, rationales E and F are also lacking. Rationale E fails because the image transfer between server and participant based on optical codes or geographic location data was not known in the prior art and consequently cannot be one of a finite number of identified solutions. Rationale F fails because there has been no showing that the image transfer between server and participant based on optical codes or geographic location data was known in any field of endeavor.

Finally, rationales C and D also fail because none of the findings necessary for these rationales have been articulated by the Examiner as required.

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Thus, both the TSM test and the other rationales identified by the PTO fail to support a finding of obviousness.

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CONCLUSION

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of Pat, Ent, & Win Ltd., Account No. 111111.

Respectfully submitted,

Date: 4/13/12

/2095/
2095
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