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

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

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

patents@saul.com

Office Action Summary

Application No.

15/951,371

Applicant(s)

NORDEN 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 9 July 2020.

A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a) This action is **FINAL**.

2b) This action is non-final.

3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) Claim(s) 1-12 and 14-32 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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) 1-12 and 14-32 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)

3) Interview Summary (PTO-413)

Paper No(s)/Mail Date _____.

2) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

4) Other: _____.

Paper No(s)/Mail Date _____.

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 9 July 2020 wherein applicant amends claims 1, 4, 7, 11-12, 15, 25, 29, 31-32 and claims 1-12 and 14-32 are pending in this application.

Claim Rejections - 35 USC § 101

1. 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.

2. Claims 1-12 and 14-32 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) “retrieving (by the at least one processor), from the at least one memory of the device, information associated with a plurality of game objects and one or more characteristics of each of the plurality of game objects;” “determining (by the at least one processor), a position for each of the plurality of game objects in dependence on the information;” “displaying by the display, in the first arrangement the plurality of game objects with the respective one or more characteristics on an area of the display in dependence on the determined position and in a group, wherein at least two of the plurality of game objects are adjacent to one another;” “receiving user input via the user interface;” in response to the received user input received via the user interface, “causing, by the at least one processor, a further game object to be shot towards the plurality of game objects such that the further game object is added to

the plurality of game objects in the group;" "determining, by (the at least one processor) a position for the further game object and an updated position for the plurality of game objects, wherein as the further game object is added, a relative position of the at least two of the plurality of game objects changed by the adding of the further game object, the at least two game object while remaining part of said group and being no longer adjacent one another;" "causing, (by the at least one processor), the display to display an updated arrangement of game objects with the further game object and the plurality of game objects with the respective one or more characteristics on the area of the display in the group and in dependence on the determined position for the further game object and the updated position for the plurality of game objects;" and determining, (by the at least one processor) after causing the updated arrangement to be displayed, if the addition of the further game object causes a matching condition between the further game object and associated game objects to be satisfied and if so, removing the game objects satisfying the matching condition from the display area."

The limitations of "retrieving", "determining", "displaying", "receiving", and "causing" steps is a process that, under its broadest reasonable interpretation, covers performance of the limitations in the mind and following rules and instruction to implement play of the game. That is, other than reciting "by the at least one preprocessor," nothing in the claim elements precludes the steps from practically being performed in the mind and on a computer readable medium having a program to implement the game. For example, but the "by the processor" language, "retrieving" in the context of the claim encompasses the user visually associating a plurality of different colored spheres/bubbles (game objects) having one or more different colors (characteristics) of each of the plurality of objects. If the claim limitations, under its broadest reasonable interpretation, covers performance of the limitations in the mind and following rules and instruction to implement play of

the game but for the recitation of generic computer components, then it falls within the “Mental Process” and “Certain Methods of Organizing Human Activity” groupings 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 “retrieving”, “determining”, “displaying”, “receiving”, and “causing” steps. The processor in the “retrieving”, “determining”, “displaying”, “receiving”, and “causing” 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 at least one memory, a display a user interface, and computer code 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. 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 “retrieving”, “determining”, “displaying”, “receiving”, and “causing” 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.

Claims 2-12, 14 and 16-32 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

3. Applicant's arguments filed 9 July 2020 have been fully considered but they are not persuasive.

Applicant contends that the amendments to the claims are implemented by a particular machine.

The examiner respectfully disagrees. What applicant considers to be a particular machine is nothing more than generic computer component. Applicant does not provide any evidence within the specification that deems there particular machine (at least one processor, a memory, a display and user interface) configured in a particular way is different from any other processor, a memory, a display and user interface. In the disclosure on paragraph 67, recites, "The system comprises a display 455 on a device 405. The display 455 is configured to display a game board 400. The device may be any suitable device such as a mobile phone, tablet, PC, laptop etc." 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 "retrieving", "determining", "displaying", "receiving", and "causing" 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 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.

Applicant's amendments to the claims with respect to the arguments regarding prior art rejection are deemed persuasive and the examiner hereby withdraws the prior art rejection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** 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 mailing date of this final action.

5. 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 <https://ppair-my.uspto.gov/pair/PrivatePair>. 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

In the Claims

1. (Currently amended) A computer implemented method performed by a computer device configured to provide ~~of providing~~ a computer game, the method ~~being provided by a~~ computer device comprising at least one memory, at least one processor, a user interface, and a display which are configured to perform[[,]] the method ~~of comprising~~:

retrieving by the at least one processor, from the at least one memory of the device, information associated with a plurality of game objects and one or more characteristics of each of the plurality of game objects;

determining, by the at least one processor, a position for each of the plurality of game objects in dependence on the information;

displaying, by the display, in a first arrangement the plurality of game objects with the respective one or more characteristics on an area of the display in dependence on the determined position and in a group, wherein at least two of the plurality of game objects are adjacent to one another;

receiving user input via the user interface;

in response to the received user input received via the user interface, causing, by the at least one processor, a further game object to be shot towards the plurality of game objects such that the further game object is added to the plurality of game objects in the group;

determining, by the at least one processor, a position for the further game object and an updated position for the plurality of game objects, wherein as the further game object is added, a relative position of the at least two of the plurality of game objects is changed by the adding of the further game object, the at least two game objects remaining part of said group and being no longer adjacent one another;

causing, by the at least one processor, the display to display an updated arrangement of game objects with the further game object and the plurality of game objects with the respective one or more characteristics on the area of the display in the group and in dependence on the determined position for the further game object and the updated position for the plurality of game objects; and

determining, by the at least one processor after causing the updated arrangement to be displayed, if the addition of the further game object causes a matching condition between the further game object and associated game objects to be satisfied, and if so, removing the game objects satisfying the matching condition from the display area.

2. (Previously presented) The computer implemented method of claim 1, wherein the user input is configured to control the position for the further game object added to the plurality of game objects.

3. (Previously presented) The computer implemented method of claim 1, wherein the user input is configured to cause the further game object to be propelled into the plurality of game objects.

4. (Previously presented) The computer implemented method of claim 1, comprising determining, by the at least one processor, an association between the two or more of the plurality of game objects, wherein the association comprises a constraint which limits a distance between the two or more game objects having the respective association to up to a threshold distance.

5. (Previously presented) The computer implemented method of claim 1, wherein the position for the further game object and the determined updated position for the plurality of game objects is determined in dependence on an imposed movement of the plurality of game objects generated by the at least one processor.

6. (Previously presented) The computer implemented method as claimed in claim 4, wherein a respective association is removed when the adding of the further game object causes a distance between the two or more of the plurality of game objects to be greater than the threshold distance.

7. (Previously presented) The computer implemented method according to claim 4, comprising determining, by the at least one processor, positions of the two or more of the plurality of game objects in dependence on a weight of the constraint.

8. (Original) The computer implemented method according to claim 7, wherein said weight is dependent on a number of game objects having a respective association with a respective game object.

9. (Original) The computer implemented method according to claim 5, wherein the imposed movement is a wave motion.

10. (Original) The computer implemented method as claimed in claim 5, wherein the imposed movement includes a gravity component.

11. (Previously presented) The computer implemented method according to claim 1, wherein the matching condition is satisfied when at least three game objects share a common characteristic.

12. (Previously presented) The computer implemented method as according to claim 1, comprising determining, by the at least one processor, that adding of the further game object causes an association between two or more of the plurality of game objects to be added such that the respective two or more of the plurality of game objects for which the respective association has been added have up to a threshold distance therebetween.

13. (Cancelled)

14. (Previously presented) The computer implemented method as claimed in claim 1, wherein said updated position for the plurality of game objects is determined in dependence on a movement associated with said further game object.

15. (Currently amended) ~~An apparatus comprising~~ A computer device configured to provide a computer game, the computer device comprising at least one processor and at least one memory, a display, a user interface and computer code stored in the memory,
wherein:

the at least one processor is configured to retrieve, from at least one memory of the apparatus, information associated with a plurality of game objects and one or more characteristics of each of the plurality of game objects;

the at least one processor is configured to determine a position for each of the plurality of game objects in dependence on the information;

[[a]] the display is configured to display in a first arrangement the plurality of game objects with the respective one or more characteristics on an area of the display in dependence on the determined position and in a group, wherein at least two of the plurality of game objects are adjacent to one another;

[[a]] the user interface is configured to receive user input;

the at least one processor is configured to, responsive to the user input received via the user interface, cause the display to display a further game object to be shot towards the plurality of game objects such that the further game object is added to the plurality of game objects;

the at least one processor is configured to determine a position for the further game object and an updated position for the plurality of game objects, wherein as the further game object is added, a relative position of the at least two of the plurality of game objects is changed by the adding of the further game object, the at least two game objects remaining part of said group and being no longer adjacent one another;

the at least one processor is configured to cause the display to display an updated arrangement of game objects with the further game object and the plurality of game objects with the respective one or more characteristics on the area of the display in the group and in

dependence on the determined position for the further game object and the updated position for the plurality of game objects; and

the at least one processor is configured to determine, after causing the updated arrangement to be displayed, if the addition of the further game object causes a matching condition between the further game object and associated game objects to be satisfied, and if so, remove the game objects satisfying the matching condition from the display area.

16. (Currently amended) The ~~apparatus~~ computer device of claim 15, wherein the at least one processor and at least one memory are configured such that said user input controls the position of the further game object added to the plurality of game objects.

17. (Currently amended) The ~~apparatus~~ computer device of claim 15, wherein the at least one processor and at least one memory are configured such that the user input is configured to cause the further game object to be propelled into the plurality of game objects.

18. (Currently amended) The ~~apparatus~~ computer device claim 15, wherein the at least one processor is configured to determine an association between the two or more of the plurality of game objects, wherein the association comprises a constraint which limits a distance between two or more game objects having the respective association to up to a threshold distance.

19. (Currently amended) The ~~apparatus~~ computer device of claim 15, wherein the at least one processor and at least one memory are configured such that the position for the

further game object and the determined updated position for the plurality of game objects is determined in dependence on an imposed movement of the plurality of game objects generated by the at least one processor.

20. (Currently amended) The ~~apparatus~~ computer device as claimed in claim 18, wherein the at least one processor and at least one memory are configured such that a respective association is removed when the adding of the further game object causes a distance between the two or more of the plurality of game objects to be greater than the threshold distance.

21. (Currently amended) The ~~apparatus~~ computer device according to claim 18, wherein the at least one processor and at least one memory are configured to determine positions of the two or more of the plurality of game objects in dependence on a weight of the constraint.

22. (Currently amended) The ~~apparatus~~ computer device according to claim 21, wherein said weight is dependent on a number of game objects having a respective association with a respective game object.

23. (Currently amended) The ~~apparatus~~ computer device according to claim 19, wherein the imposed movement is a wave motion.

24. (Currently amended) The ~~apparatus~~ computer device as claimed in claim 19, wherein the imposed movement includes a gravity component.

25. (Currently amended) The ~~apparatus~~ computer device according to claim 15, wherein the at least one processor and at least one memory are configured to determine if a matching condition is satisfied if at least three game objects share a common characteristic.

26. (Currently amended) The ~~apparatus~~ computer device as according to claim 15, wherein the at least one processor and at least one memory are configured such that adding of the further game object causes an association between two or more of the plurality of game objects to be added such that the respective two or more of the plurality of game objects for which the respective association has been added have up to a threshold distance therebetween.

27. (Currently amended) The ~~apparatus~~ computer device as according to claim 15, wherein said adding of said further game object causes a change in the arrangement of the plurality of game objects.

28. (Currently amended) The ~~apparatus~~ computer device as according to claim 15, wherein said updated position for the plurality of game objects is determined by said at least one processor in dependence on a movement associated with said further game object.

29. (Currently amended) A non-transitory computer readable medium encoded with instructions which, when executed by at least one processor of a computer device cause the computer device to be configured to provide a computer game, said computer device comprising at least one memory, at least one processor, a user interface, and a display, ~~the computer device being adapted to play a computer game,~~ said instructions when executed by the at least one processor configure the computer device to implement a ~~perform a method for~~ controlling a display of the computer device, said method comprising:

retrieving, by the at least one processor, from the at least one memory of the device, information associated with a plurality of game objects and one or more characteristics of each of the plurality of game objects;

determining, by the at least one processor, a position for each of the plurality of game objects in dependence on the information;

displaying, by the display in a first arrangement, the plurality of game objects with the respective one or more characteristics on an area of the display in dependence on the determined position and in a group, wherein at least two of the plurality of game objects are adjacent to one another;

receiving user input via the user interface;

in response to the received user input received via the user interface, causing, by the at least one processor, a further game object to be shot towards the plurality of game objects such that the further game object is added to the plurality of game objects in the group;

determining, by the at least one processor, a position for the further game object and an updated position for the plurality of game objects, wherein as the further game object is added, causes a relative position of the at least two of the plurality of game objects is changed

by the adding of the further game object, the at least two game objects while remaining part of said group and being no longer adjacent one another; and

causing, by the at least one processor, the display to display an updated arrangement of game objects with the further game object and the plurality of game objects with the respective one or more characteristics on the area of the display in the group and in dependence on the determined position for the further game object and the updated position for the plurality of game objects; and

determining, by the at least one processor after causing the updated arrangement to be displayed, if the addition of the further game object causes a matching condition between the further game object and associated game objects to be satisfied, and if so, removing the game objects satisfying the matching condition from the display area.

30. (Previously presented) The computer implemented method according to claim 1, wherein the further game object is a projectile and said user input causes said further game object to be shot into said plurality of game objects.

31. (Previously presented) The computer implemented method according to claim 1, wherein said method comprises displaying, on the display, at least two of said plurality of game objects having an increased distance therebetween in response to the adding of said further game object to said plurality of game objects in said group.

32. (Previously presented) The computer implemented method according to claim 1, comprising iteratively updating, by the at least one processor, the position of one or more

of said plurality of game objects as said further game object moves with respect to said plurality of game objects in said group.

REMARKS

In the Office Action, the Office indicated that claims 1-12 and 14-32 are pending in the application and the Office rejected all of the claims.

In the interest of achieving compact prosecution the Applicant respectfully requests a telephonic interview with the Office if the present Response is not considered as placing the claims in allowable condition.

Amendments and Basis

The independent claims have been amended to limit the claims to being performed by a particular machine.

In particular, claim 1 has been amended as follows:

A computer implemented method performed by a computer device configured to provide a computer game, the computer device comprising at least one memory, at least one processor, a user interface, and a display which are configured to perform the method of:...

Claim 15 has been amended as follows:

A computer device configured to provide a computer game, the computer device comprising at least one processor and at least one memory, a display, a user interface and computer code stored in the memory, wherein...

Claim 29 has been amended as follows:

A non-transitory computer readable medium encoded with instructions which, when executed by at least one processor of a computer device cause the computer device to be configured to provide a computer game, said computer device comprising at least one memory, at least one processor, a user interface, and a display, said instructions when executed by the at least one processor configure the computer device to implement a method comprising:...

The §101 Rejection

On page 2 of the Office Action, claims 1-12 and 14-32 have again been rejected under 35 U.S.C. §101 as being directed to an abstract idea without significantly more.

In the final Office Action, the Office contends that the claims are directed to an abstract idea without significantly more.

The Office further contends that the subject matter is not integrated into a practical application, as the additional elements such as “at least one processor” are well-understood and routine, and as such the result is implemented by nothing more than a generic computer component rather than a particular machine.

As explained above, claim 1 has been amended to limit the claim to being provided by a particular machine.

Specifically, claim 1 states that the method is “performed by a computer device configured to provide a computer game” where the device comprises “at least one memory, at least one processor, a user interface, and a display which are configured to perform the method” of claim 1.

According to MPEP 2106.05(b), “*Integral use of a machine to achieve performance of a method may integrate the recited judicial exception into a practical application or provide significantly more*”.

The computer device of claim 1 is integral to the claimed method, as claim 1 relates to “a computer implemented method performed by a computer device”.

Furthermore, claim 1 requires a particular device to implement the method. The at least one processor, user interface, and display of the device must be configured in a particular way to perform particular functions, which are recited in claim 1.

That is to say, a generic, off-the-shelf computer device would not be configured to perform the method of claim 1.

A generic device would require specific configuring to perform the claimed method, which amounts to turning the generic device into a particular device.

Claim 15 has been amended similarly to claim 1 to limit the claim to a particular machine.

Specifically, claim 15 states that the computer device is “configured to provide a computer game” where the computer device comprises “at least one processor and at least one memory, a display, a user interface and computer code stored in the memory, and in which the computer code generates computer game graphics for display on the display”, wherein the components of the computer device are configured to perform particular functions.

For example, the at least one processor is configured to retrieve, from the at least one memory of the apparatus, information associated with a plurality of game objects and one or more characteristics of each of the plurality of game objects and so on.

The device of claim 15 is a particular device. The particular components of the device are configured in a particular way to perform particular functions.

A generic, off-the-shelf computer device would not be configured as claimed in claim 15.

A generic device would require specific configuring to have all the features of claim 15, which amounts to turning the generic device into a particular device.

Claim 29 has been similarly amended in line with claim 1, and now states “A non-transitory computer readable medium encoded with instructions which, when executed by at

least one processor of a computer device cause the computer device to be configured to provide a computer game, said computer device comprising at least one memory, at least one processor, a user interface, and a display, said instructions when executed by the at least one processor configure the computer device to implement a method comprising” the steps of claim 29.

For example, the computer device is caused to retrieve, by at least one processor from at least one memory of the device, information associated with a plurality of game objects and one or more characteristics of each of the plurality of game objects and so on.

The non-transitory computer readable configures the computer device in a particular way to implement particular functions as set out in claim 29. The device of claim 29 is therefore a particular device configured (by the instructions encoded on the non-transitory computer readable medium) in a particular way. The device is therefore not a generic device.

In addition the above, the claims, as recited, could not be performed by the human mind. For example, displaying results on a display of a computer device cannot possibly be performed by the human mind or merely by human activity. Rather, a processor, after receiving input and performing the steps is it configured to perform, displays a game arrangement on a screen while the user merely observes, and then the user is able to react to the displayed game arrangement. Thus, in addition to the above, discussion of the claiming of a particular machine, the claimed invention also is not a mental process or method of organizing human activity.

In view of the above, the Office is respectfully requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. §101.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fee deficiencies associated with this communication to applicant's Deposit Account No. 50-4364.

Respectfully submitted

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Date

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