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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/358,173	06/30/2015	9069648	051007-1040	6859

24504 7590 06/10/2015

THOMAS | HORSTEMEYER, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA, GA 30339

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 392 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

M. Kelly Jones, Vancouver, CANADA;
Scott Andrew Horstemeyer, Atlanta, GA;

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
13/358,173	25 January, 2012	JONES ET AL.	051007-1040

THOMAS | HORSTEMEYER, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA, GA 30339

EXAMINER	
UBACHUKWU ODUNUKWE	
ART UNIT	**PAPER**
2654	20150529

DATE MAILED:

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

Commissioner for Patents

Form PTO-892 submitted on 9/30/2014 did not automatically populate the date, name, and classification in rows k – m. However, the listed PG Publications in rows k – m in the PTO 892 submitted on 9/30/2014 were accurate. A corrected PTO-892 form is attached with the date, name, and classification fields populated in rows K - M.

/VIVIAN CHIN/ Supervisory Patent Examiner, Art Unit 2654	/UBACHUKWU ODUNUKWE/ Examiner, Art Unit 2654

Notice of References Cited	Application/Control No. 13/358,173	Applicant(s)/Patent Under Reexamination JONES ET AL.	
	Examiner UBACHUKWU ODUNUKWE	Art Unit 2654	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2011/0009241	01-2011	Lane et al.	482/8
*	B	US-2012/0253485	10-2012	Weast et al.	700/91
*	C	US-2009/0144369	06-2009	Brown, Stephen J.	709/205
*	D	US-2011/0231478	09-2011	WHEELER et al.	709/203
*	E	US-2007/0117557	05-2007	Adjali et al.	455/418
*	F	US-5,442,553	08-1995	Parrillo, Louis C.	455/420
*	G	US-6,754,485	06-2004	Obradovich et al.	455/414.1
*	H	US-7,508,298	03-2009	Pisz et al.	340/436
*	I	US-2009/0215502	08-2009	Griffin, JR., Paul P.	455/569.1
*	J	US-7,872,574	01-2011	Betts et al.	340/539.26
*	K	US-2003/0058752	03-2003	Birnbach et al.	369/19
*	L	US-2004/0133081	07-2004	Teller et al.	600/300
*	M	US-2004/0152957	08-2004	Stivoric et al.	600/300

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Pioneer,DVD Multimedia AV Navigation Server AVIC-D3 (operation manual), 03/2006, pdf, whole document
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

24504 7590 05/22/2015
THOMAS | HORSTEMEYER, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA, GA 30339

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/358,173	01/25/2012	M. Kelly Jones	051007-1040	6859

TITLE OF INVENTION: SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	08/24/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
ODUNUKWE, UBACHUKWU A	2654	381-119000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Thomas | Horstemeyer, LLP
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

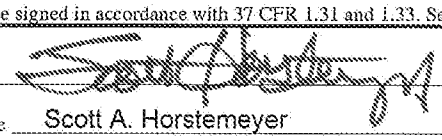
Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ☐ A check is enclosed.
- ☒ Payment by credit card. ~~Form PTO-2038 is attached.~~
- ☒ The director is hereby authorized to charge ~~the required fee(s)~~, any deficiency, or credits any overpayment, to Deposit Account Number 20-0778 (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
  NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
  NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
- ☐ Applicant changing to regular undiscounted fee status.
  NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature  Date May 27, 2015

Typed or printed name Scott A. Horstemeyer Registration No. 34,183

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Electronic Patent Application Fee Transmittal

Application Number:	13358173
Filing Date:	25-Jan-2012
Title of Invention:	SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES
First Named Inventor/Applicant Name:	M. Kelly Jones
Filer:	Scott A. Horstemeyer/Julie Campbell
Attorney Docket Number:	051007-1040

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	2501	1	480	480

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**480**

Electronic Acknowledgement Receipt

EFS ID:	22459346
Application Number:	13358173
International Application Number:	
Confirmation Number:	6859
Title of Invention:	SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES
First Named Inventor/Applicant Name:	M. Kelly Jones
Customer Number:	24504
Filer:	Scott A. Horstemeyer/Julie Campbell
Filer Authorized By:	Scott A. Horstemeyer
Attorney Docket Number:	051007-1040
Receipt Date:	27-MAY-2015
Filing Date:	25-JAN-2012
Time Stamp:	14:57:17
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$480
RAM confirmation Number	1299
Deposit Account	200778
Authorized User	HORSTEMEYER, SCOTT A.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	02207505.PDF	766467 ccb3262a3ebcbfd34623420f0cfece35c7e18c39	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30574 1f29bcb830622806a23f68e7285503023e46a857	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	797041		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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NOTICE OF ALLOWANCE AND FEE(S) DUE

24504 7590 05/22/2015

THOMAS | HORSTEMEYER, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA, GA 30339

EXAMINER
ODUNUKWE, UBACHUKWU A

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 05/22/2015

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/358,173	01/25/2012	M. Kelly Jones	051007-1040	6859

TITLE OF INVENTION: SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	08/24/2015

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

24504 7590 05/22/2015
THOMAS | HORSTEMEYER, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA, GA 30339

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/358,173	01/25/2012	M. Kelly Jones	051007-1040	6859

TITLE OF INVENTION: SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	08/24/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
ODUNUKWE, UBACHUKWU A	2654	381-119000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:
- ❑ Issue Fee
- ❑ Publication Fee (No small entity discount permitted)
- ❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ❑ A check is enclosed.
- ❑ Payment by credit card. Form PTO-2038 is attached.
- ❑ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ❑ Applicant certifying micro entity status. See 37 CFR 1.29
  NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
- ❑ Applicant asserting small entity status. See 37 CFR 1.27
  NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
- ❑ Applicant changing to regular undiscounted fee status.
  NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/358,173	01/25/2012	M. Kelly Jones	051007-1040	6859

24504 7590 05/22/2015

THOMAS | HORSTEMEYER, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA, GA 30339

EXAMINER	
ODUNUKWE, UBACHUKWU A	

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 05/22/2015

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 13/358,173	Applicant(s) JONES ET AL.	
	Examiner UBACHUKWU ODUNUKWE	Art Unit 2654	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *4 May 2015*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
2. ☐ 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.
3. ☒ The allowed claim(s) is/are *1-28*. As a result of the allowed claim(s), 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 .
4. ☐ 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)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
5. ☐ Examiner's Amendment/Comment
6. ☐ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/UBACHUKWU ODUNUKWE/ Examiner, Art Unit 2654	/VIVIAN CHIN/ Supervisory Patent Examiner, Art Unit 2654

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CONFIRMATION NO. 6859

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
13/358,173	01/25/2012	381	2654	051007-1040

APPLICANTS

INVENTORS

M. Kelly Jones, Vancouver, CANADA;
Scott Andrew Horstemeyer, Atlanta, GA;

**** CONTINUING DATA ***************************

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
02/06/2012

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /UBACHUKWU A ODUNUKWE/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		CANADA	5	28	4

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UNITED STATES

TITLE

SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES

FILING FEE RECEIVED		
895	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
		(select$3 near2 messag$3) with (selection near2 condition)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/05/18 13:09
		S94 same (select$3 near5 (message or sound or tone or communication or report or notice or directive))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:37
		S21 and (message with (retriev$3 or fetch or reacquire or recover)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:04
		(A63B2024/0071 OR A63B2220/803 OR A63B2225/50 OR A63B24/0062 OR A63B71/0622 OR G06F1/163 OR G06K9/00342 OR G06Q30/02).CPC.)	US-PGPUB	OR	ON	2014/03/21 20:56
L1	356	(702/160).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/05/18 14:26
L2	22977	(G06F17/00 A63B24/00 G06F1/163 G06F19/3481 A63B24/0062).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/05/18 14:27
L3	113	L1 and L2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/05/18 14:27
L4	90059	("702").CLAS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/05/18 14:33

EAST Search History (Prior Art)

L5	0	("L2andL4").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/05/18 14:33
L6	901	L2 and L4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/05/18 14:33
L7	111964	(G06F17/00)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/05/18 14:41
S1	257613	((analyze or examine or inspect or survey or study or review or evaluate or research or dissect) near3 (data))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:07
S2	121577	personal and navigation and system	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:13
S3	314462	(navigation and (system or device or apparatus or unit or module))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:15
S4	227075	S3 and (electronic or circuit or digital or electrical)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:16
S5	4751	S4 and (route adj guidance)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:20

EAST Search History (Prior Art)

S6	8520	route adj guidance	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:21
S7	3	S6 and (personal adj electronic adj device)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:27
S8	1	("7894984").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 16:41
S9	1	(12/127815).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 17:35
S10	2	("20030058752").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 19:13
S11	1	(13/358173).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 20:05
S12	1740	(482/8).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 08:01
S13	0	("L1andTreadmill").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 08:02

EAST Search History (Prior Art)

S14	606	S12 and Treadmill	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:02
S15	274	S14 and simulat$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:03
S16	152	S15 and (user with (Preference or choice or desire or option or favorite or selection))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:04
S17	135	S16 and (audio or video or media or mp3 or cd or player)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:05
S18	72	S17 and ((analyz$3 or evaluat$3 or determin$5) near2 (data or statistics or info or input or information or details or reports or score or results))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:13
S19	0	("L7and(accelerometerorgpsormap)").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 08:14
S20	426040	remote with (server or computer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:01
S21	463062	remot$3 with (server or computer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:02

EAST Search History (Prior Art)

S22	26690	S21 and (message with (retriev$3 or fetch or reacquire or recover))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:05
S23	23547	S22 and ((communicat$3 or broadcast or connect or interface or relay or transfer or transmit or announce or network) with ((location or area or position or section or site or station or bearings or region) and (data or information or material or info or input or results or report or score or figure or statistics)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:10
S24	15167	S23 and ((user or (end adj user) or player or character or client) with (preference or choice or selection or option or election or favorite or scheme))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:15
S25	486	S24 and ((activity or action or excercise) adj (status or condition or state or mode))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:18
S26	1783	S24 and ((activity or action or excercise) near2 (status or condition or state or mode))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:18
S27	125	S26 and ((gps) with (receiver))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:20
S28	32	S27 and ((audio) with (output))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:21
S29	6	S27 and ((audio) adj (output))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:21

EAST Search History (Prior Art)

S30	0	(61/241370).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 16:43
S31	0	(61/241370).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 16:43
S32	1740	(482/8).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 17:06
S33	606	S32 and Treadmill	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S34	274	S33 and simulat$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S35	152	S34 and (user with (Preference or choice or desire or option or favorite or selection))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S36	135	S35 and (audio or video or media or mp3 or cd or player)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S37	72	S36 and ((analyz$3 or evaluat$3 or determin$5) near2 (data or statistics or info or input or information or details or reports or score or results))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06

EAST Search History (Prior Art)

S38	35	S37 and(accelerometer or gps or map)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S39	35	S38 and (remote or server or computer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S40	3	(US-20110009241-$ or US-20020104083-$ or US-20110231478-$).did.	US-PGPUB	OR	ON	2014/03/11 17:07
S41	7192	(A63B2024/0071 OR A63B2024/0096 OR G06F17/30864 OR G06F3/011 OR G06K9/00342).CPC.	US-PGPUB	OR	ON	2014/03/11 17:10
S42	35	S37 and(accelerometer or gps or map)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:24
S43	1	("20090144369").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/20 09:57
S44	1	("20120253485").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/20 10:24
S45	1	("20110231478").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/21 17:51
S46	645	Oesterling.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/21 18:58

EAST Search History (Prior Art)

S47	188	(Christopher and Oesterling).in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/21 18:59
S48	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:49
S49	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:52
S50	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:52
S51	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:53
S52	1	("20090215502").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/26 16:20
S53	1	("6754485").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/26 16:53
S54	1	(13/358173).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/27 10:39
S55	5	WO "2006110617"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	ON	2014/03/27 14:56
S56	1	("20060226960").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/27 15:15

EAST Search History (Prior Art)

S57	4	("7508298").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/27 15:16
S58	2	("20030058752").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/31 11:45
S59	1	("7872574").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/31 12:11
S60	1096	(381/119).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/11 16:06
S61	272	(369/19).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/11 16:07
S62	43924	(G06Q10/00).cpc. or (G09B19/00).cpc. or (H04B1/00).cpc. or (G06F17/00).cpc. or (G09B5/06).cpc. or (S60) or (S61) or (G06F1/163).cpc. or (G06F19/3481).cpc. or (A63B24/0062).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:09
S63	9691	S62 and (preference or choice or option or favorite or selection) with (user or person$2 or consumer or (end adj user))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:12
S64	9691	S62 and ((preference or choice or option or favorite or selection) with (user or person$2 or consumer or (end adj user)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:12

EAST Search History (Prior Art)

S65	8268	((output$3 or produc$3 or play$3 or transmit$4) with (message or media or music or sound or tone or image or display or information or activity or audio or audible or visual or picture)) and S64	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:16
S66	4083	((determin$3 or detect$3 or decid$3 or analyz$3 or calculat$3 or choos$3) with (activity or action or excercise or movement or motion or direction or travel)) and S65	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:19
S67	3413	((message or sound or instruction or media or music or sound or tone or image or display or information or activity or audible or visual or picture or audio) with (between or interval or insert$3)) and S66	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:25
S68	2617	((determin$3 or detect$3 or decid$3 or analyz$3 or calculat$3 or choos$3) with (locat$3 or position$3 or attitude or area or region or coordinate)) and S67	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:28
S69	959	((concurrent$2 or parellel or simultaneous$2) with (operation or activity or action or exercise or message or output or input or process or motion or performance)) and S68	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:30
S70	2450	((start$3 or commenc$3 or begun or begin or initiat$3 or launch$3 or chang$3 or terminat$3 or end$3 or cancel$3 or complet$3 or resum$3 or paus$3 or finish$3) with (operation or activity or action or exercise or message or output or input or process or motion or performance)) and S68	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:34
S71	931	((start$3 or commenc$3 or begun or begin or initiat$3 or launch$3 or chang$3 or terminat$3 or end$3 or cancel$3 or complet$3 or resum$3 or paus$3 or finish$3) with (operation or activity or action or exercise or message or output or input or process or motion or performance)) and S69	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:34
S72	384	((receiv$3) with (message or sound or instruction or media or music or sound or tone or image or display or information or activity or audible or visual or picture or audio) with (remot$2 or distant or wireless) with (computer or device or apparatus or machine)) and S71	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:37

EAST Search History (Prior Art)

S73	115	((prefer$3 or choos$3 or pick$3 or select$3) with (message or sound or instruction or media or music or sound or tone or image or display or information or activity or audible or visual or picture or audio) with (based or determined) with (activity or status or start$3 or commenc$3 or begun or begin or initiat$3 or launch$3 or chang$3 or terminat$3 or end$3 or cancel$3 or complet$3 or resum$3 or paus$3 or finish$3 or operation or action or exercise or message or output or input or process or motion or performance)) and S72	US-PGPUB	OR	ON	2014/09/11 16:41
S74	1	("7872574").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/15 12:03
S75	1	("20090144369").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/15 13:11
S76	1274	user near3 (preference adj database)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 10:37
S77	143918	(select$3) near (condition)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 10:38
S78	7	S77 and S76	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 10:39
S79	279732	output near5 (condition or message)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 10:39

EAST Search History (Prior Art)

S80	0	S79 and S78	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 10:39
S81	90739	(user) near3 (activity)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 12:03
S82	1	((user adj3 activity) near7 (output adj3 condition))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 12:04
S83	1	((user adj3 activity) with (output adj3 condition))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 12:04
S84	80	((user adj3 activity) same (output near7 condition))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 12:18
S85	23	((user adj3 activity) near7 ((meets or satisf$6) adj2 (condition or parameter)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:18
S86	16	((user adj activity) near7 ((meets or satisf$6) adj2 (condition or parameter)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:19
S87	7	((user adj activity) near7 ((meets or satisf$6) adj (condition or parameter)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:19

EAST Search History (Prior Art)

S88	0	S86 same (select$3 near7 (message or output or sound or audio or signal))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:35
S89	203	((user near5 activity) with ((initiat$3 or output or produc$3) near3 (message)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:55
S90	82	S89 and (select$3 near5 message)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:56
S91	21082	((determin$3 or detect$3 or identif$7 or select$3) near5 (user near3 activity))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:30
S92	430825	((determin$3 or detect$3 or identif$7 or select$3) near5 ((user near3 activity) or (activity)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:31
S93	4420	(activity) near5 (meets or equal or correspond$3 or equivalent or identical or match$3 or comparabl$1 or parallel or equat$3) near5 (condition or parameter or status or situation or criter$3 or limitation)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:35
S94	3127	S92 and S93	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:35
S95	272	S94 and (select$3 near5 (message or sound or tone or communication or report or notice or directive))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:37

EAST Search History (Prior Art)

S96	15525	(H04B1/00 or G06F17/00 or G11B31/00 or A61B5/04 or A63B71/00 or G06F15/16).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:40
S97	0	S95 and S96	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:41
S98	1	("5702323").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/01/14 14:53
S99	0	("(determin$3near5activity)andL46").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/01/14 14:54
S100	0	(determin$3 near5 activity) and S98	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:54
S101	1	(condition with activity) and S98	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:55
S102	2603	((heart near2 rate) near2 (monitor)) same (activity)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:07
S103	286000	((determin$3 or detect$3 or identif$7 or select$3) near2 ((user near3 activity) or (activity)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:09

EAST Search History (Prior Art)

S104	9125	((select$3 near3 message) with (output or condition or parameter))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:11
S105	444	S103 and S104	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:11
S106	15	S103 same S104	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:11
S107	2	("20080098074").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/01/14 15:42
S108	0	("L55and(determin$3withactivity)").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/01/14 15:43
S109	0	S107 and (determin$3 with activity)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:43
S110	1	S107 and (determin$3 same4 activity)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:43
S111	1	S107 and (determin$3 same activity)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:43

EAST Search History (Prior Art)

S112	6730	((determin$3 or detect$3 or identif$7) near (user near2 activity))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:49
S113	6189	((determin$3 or detect$3 or identif$7) adj2 (user near2 activity))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:50
S114	7501	((determin$3 or detect$3 or identif$7) adj3 (user near2 activity))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:50
S125	248935	("455").CLAS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/01/20 12:46
S126	66	(trigger$3 with heart) and S125	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/20 12:47
S127	821	(((user near3 activity) near7 (trigger$3 or produc$3 or prompt$3 or activat$3 or generat$3 or caus$3)) with (output or (output near3 message) or message))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/20 12:54
S128	9333	((measur$3 or calculat$3 or comput$5) adj7 (user near3 activity)) or ((user near3 activity) adj3 (measured or measur$5 or calculat$3 or comput$5))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/20 13:01
S129	178	S127 and S128	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/20 13:04

EAST Search History (Prior Art)

S130	20	S129 and ((user near5 (preference or option or choice or elect$3 or select$3)) with ((trigger$3 or produc$3 or prompt$3 or activat$3 or generat$3 or caus$3) near5 (output or (output near3 message) or message)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/20 13:08
S131	104	((select$3 near2 messag$3) with (selection near2 condition))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/05/18 13:09
S132	17	((selecting near2 message) with (selection near2 condition))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/05/18 13:10
S133	4803	(G06F17/00).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/05/18 13:28
S134	2	("20030058752").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/05/18 13:35

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
		(((select$3 or choos$3) near2 (message)) with ((selection near2 condition) or (preference))	US-PGPUB; USPAT; UPAD	OR	ON	2015/05/18 13:58
L9	135	(369/19).ccls.	US-PGPUB; USPAT; UPAD	OR	ON	2015/05/18 14:50
L10	891	(((select$3 or choos$3) near2 (message)) with ((selection near2 condition) or (preference)))	US-PGPUB; USPAT; UPAD	OR	ON	2015/05/18 14:51
L11	0	L9 and L10	US-PGPUB; USPAT; UPAD	OR	ON	2015/05/18 14:51

EAST Search History (Interference)

S115	985	(G11B31/00).cpc.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:00
S116	2616	(H04B1/00 or G06F17/00).cpc.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:00
S117	0	S115 and S116	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:01
S118	281	(H04B1/00).cpc.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:01
S119	2337	(G06F17/00).cpc.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:01
S120	2616	S118 or S119	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:01
S121	0	S120 and S115	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:01
S122	5732	(381/119 or 700/94).ccls.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:02
S123	135	(369/19).ccls.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:02
S124	0	S122 and S123	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:02
S135	9764	(G06F17/00 A63B24/00 G06F1/163 G06F19/3481 A63B24/0062).cpc.	US-PGPUB; USPAT; UPAD	OR	ON	2015/05/18 13:16
S136	73	(((select$3 or choos$3) near2 (message)) with (selection near2 condition))	US-PGPUB; USPAT; UPAD	OR	ON	2015/05/18 13:19
S137	0	S135 and S136	US-PGPUB; USPAT; UPAD	OR	ON	2015/05/18 13:19
S138	2396	(G06F17/00).cpc.	US-PGPUB; USPAT; UPAD	OR	ON	2015/05/18 13:28
S139	891	(((select$3 or choos$3) near2 (message)) with ((selection near2 condition) or (preference)))	US-PGPUB; USPAT; UPAD	OR	ON	2015/05/18 13:58
S140	7	S135 and S139	US-PGPUB; USPAT; UPAD	OR	ON	2015/05/18 13:58

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13358173	JONES ET AL.
	Examiner	Art Unit
	UBACHUKWU ODUNUKWE	2651

CPC- SEARCHED		
Symbol	Date	Examiner
G06Q10/00	9/15/2014	U.O.
G09B19/00	9/15/2014	UO
H04B1/00	9/15/2014	UO
G06F17/00	9/15/2014	UO
G09B5/06	9/15/2014	UO
G06F17/00	5/18/2015	U.O.
A63B24/00	5/18/2015	U.O.
G06F1/163	5/18/2015	U.O.
G06F19/3481	5/18/2015	U.O.

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
381	119	3/21/2014	U.O.
369	19	9/15/2014	U.O.
600	300	9/15/2014	U.O.
348	77	3/21/2014	U.O.
709	205	3/21/2014	U.O.
455	414.1	3/21/2014	U.O.
340	539.26	9/15/2014	U.O.
700	91	9/15/2014	U.O.
455	345, 414.3	1/21/2015	U.O.
700	94	1/21/2015	U.O.
482	8	1/21/2015	U.O.
482	8	5/18/2015	U.O.
340	539.26	5/18/2015	U.O.
369	19	5/18/2015	U.O.
700	91	5/18/2015	U.O.

/UBACHUKWU ODUNUKWE/ Examiner.Art Unit 2654	

SEARCH NOTES

Search Notes	Date	Examiner
Palm Inventor Name Search	3/21/2014	U.O.
East Search	3/21/2014	U.O.
East Search	9/15/2014	U.O.
East Search	1/21/2015	U.O.
QEM Consoltation	1/21/2015	U.O.
Consulted Lewis West (2648)	1/16/2015	U.O.
East Search	5/18/2015	U.O.

INTERFERENCE SEARCH

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
G06F17	00	5/18/2015	U.O.
A63B24	00	5/18/2015	U.O.
G06F1	163	5/18/2015	U.O.
369	19	5/18/2015	U.O.

/UBACHUKWU ODUNUKWE/ Examiner.Art Unit 2654	

Issue Classification

Application/Control No.	Applicant(s)/Patent Under Reexamination
13358173	JONES ET AL.
Examiner	**Art Unit**
UBACHUKWU ODUNUKWE	2654

CPC						
Symbol					**Type**	**Version**
G06F		17	/	00	F	2013-01-01
H04B		1	/	00	I	2013-01-01
G06Q		10	/	00	I	2013-01-01
G09B		19	/	00	I	2013-01-01
G09B		5	/	06	I	2013-01-01
A63B		24	/	00	A	2013-01-01
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CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
			/					
			/					

/UBACHUKWU ODUNUKWE/ Examiner.Art Unit 2654	05/18/2015	**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	28	
/VIVIAN CHIN/ Supervisory Patent Examiner.Art Unit 2654	05/18/2015	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	22	FIG. 9

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13358173	JONES ET AL.
	Examiner	**Art Unit**
	UBACHUKWU ODUNUKWE	2654

US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION										
CLASS	SUBCLASS	CLAIMED					NON-CLAIMED					
369	19	H	0	4	B	1 / 00 (2006.0)						

CROSS REFERENCE(S)					
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
482	8				
340	539.26				
700	91				

/UBACHUKWU ODUNUKWE/ Examiner.Art Unit 2654	05/18/2015	**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	28	
/VIVIAN CHIN/ Supervisory Patent Examiner.Art Unit 2654	05/18/2015	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	22	FIG. 9

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13358173	JONES ET AL.
	Examiner	**Art Unit**
	UBACHUKWU ODUNUKWE	2654

☒ **Claims renumbered in the same order as presented by applicant** ☐ **CPA** ☐ **T.D.** ☐ **R.1.47**

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	17	17												
2	2	18	18												
3	3	19	19												
4	4	20	20												
5	5	21	21												
6	6	22	22												
7	7	23	23												
8	8	24	24												
9	9	25	25												
10	10	26	26												
11	11	27	27												
12	12	28	28												
13	13														
14	14														
15	15														
16	16														

/UBACHUKWU ODUNUKWE/ Examiner.Art Unit 2654	05/18/2015	**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	28	
/VIVIAN CHIN/ Supervisory Patent Examiner.Art Unit 2654	05/18/2015	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	22	FIG. 9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	Confirmation: 6859
M. Kelly Jones, *et al.*	Art Unit: 2651
Application Number: 13/358,173	Examiner: Odunukwe, Ubachukwu A.
Filing Date: January 25, 2012	Docket No.: 051007-1040

Title: **SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES**

RESPONSE TO NON-FINAL OFFICE ACTION DATED FEBRUARY 2, 2015

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

Sir:

In regard to the outstanding non-final Office Action mailed on February 2, 2015, the following Response is submitted.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including, but not limited to, fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 20-0778.

IN THE CLAIMS:

Please amend the claims as indicated below, where added text is underlined ("__") and deleted text is indicated by double brackets ("[[ ]]") or strikethrough ("—").

1. (Currently Amended) A method for delivering messages in a personal electronic device (PED), comprising:

enabling a user to input one or more user preferences associated with one or more activity based suggestive (ABS) messages, the one or more user preferences defining at least one selection condition for selection of the one or more ABS messages and at least one output condition for output of the one or more ABS messages;

playing media from the PED;

determining a user activity associated with the user;

selecting an ABS message from among the one or more ABS messages based on the at least one selection condition and the user activity; and

in response to ~~when~~ the user activity meeting ~~meets~~ the at least one output condition, ~~selecting an ABS message from among the one or more ABS messages based on the at least one selection condition and~~ initiating output of the ~~selected~~ ABS message from the PED.

2. (Currently Amended) The method of claim 1, further comprising:

determining that an event has occurred in a local environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED; [[and]]

determining the user activity based at least in part on the event; and

selecting the ABS message from among the one or more ABS messages based on the at least one selection condition, the user activity, and the event.

3. (Currently Amended) The method of claim 1, further comprising:

determining that an event has occurred in a local environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED; and

initiating output of the ABS message ~~at least one of the one or more ABS messages~~ from the PED ~~when~~ in response to at least one of the user activity and the event meeting ~~meets~~ the at least one output condition.

4. (Previously Presented) The method of claim 1, wherein the PED includes a user interface having a keyboard and display that enables the user to select or input the user preferences.

5. (Previously Presented) The method of claim 1, wherein the one or more ABS messages are input by the user.

6. (Previously Presented) The method of claim 1, wherein the one or more ABS messages are provided between audio tracks played from the PED.

7. (Previously Presented) The method of claim 1, wherein the one or more ABS messages are provided during an audio track played from the PED.

8. (Previously Presented) The method of claim 7, further comprising lowering a volume associated with the audio track played from the PED while playing the one or more ABS messages.

9. (Previously Presented) The method of claim 1, further comprising accessing a remote computer server and retrieving the one or more ABS messages.

10. (Currently Amended) The method of claim 1, further comprising:

monitoring location data associated with the PED; [[and]]

selecting the ABS message from among the one or more ABS messages based on the at least one selection condition, the user activity, and the location data; and

initiating output of the ~~selected~~ ABS message ~~when~~ in response to at least one of the user activity and the location data meeting ~~meets~~ the at least one output condition.

11. (Previously Presented) The method of claim 10, further comprising:

communicating the location data to a remote server computer system; and

receiving the one or more ABS messages from the remote server computer system based on the location data.

12. (Currently Amended) The method of claim 1, further comprising mixing an audio signal and the ~~selected~~ ABS message so that the audio signal and the ~~selected~~ ABS message are played concurrently.

13. (Currently Amended) The method of claim 1, further comprising:

determining an event associated with the PED; [[and]]

selecting the ABS message from among the one or more ABS messages based on the at least one selection condition, the user activity, and the event; and

initiating output of the ~~selected~~ ABS message in response to at least one of the user activity and ~~based at least in part on~~ the event meeting the at least one output condition.

14. (Previously Presented) The method of claim 1, further comprising:

detecting a speed associated with the PED; and

selecting the ABS message from among the one or more ABS messages based further on the speed.

15. (Currently Amended) The method of claim 14, further comprising:

determining a location associated with the PED; and

selecting the ABS message from among the one or more ABS messages based further ~~upon~~ on the location and the speed.

16. (Currently Amended) A method for delivering messages in a personal electronic device (PED), comprising:

enabling a user to perform a first electronic based intelligence function including playing media from the PED; and

enabling the user to perform a second electronic based intelligence function, comprising:

enabling the user to input one or more user preferences associated with one or more activity based suggestive (ABS) messages, the one or more user preferences defining at least one selection condition for selection of the one or more ABS messages and at least one output condition for output of the one or more ABS messages;

determining an activity associated with the PED;

selecting an ABS message from among the one or more ABS messages based on the at least one selection condition and the activity associated with the PED; and

initiating output of the ~~selected~~ ABS message from the PED in response to ~~when~~ the activity associated with the PED meeting ~~meets~~ the at least one output condition.

17. (Previously Presented) The method of claim 16, further comprising permitting concurrent operation of the first and second electronic based intelligence functions.

18. (Currently Amended) A method for delivering messages in a personal electronic device (PED) having a GPS receiver and storing map data, comprising:

performing, with the PED, a first electronic based intelligence function; and

performing, with the PED, a second electronic based intelligence function, comprising:

receiving one or more conditions for output of one or more activity based suggestive (ABS) messages, the one or more conditions including at least one selection condition for selection of the one or more ABS messages and at least one output condition for output of the one or more ABS messages;

receiving location information from the GPS receiver;

determining an activity status for the PED based on ~~upon~~ the location information and the map data;

selecting an ABS message from among the one or more ABS messages based on the at least one selection condition and the activity status; and

initiating output of the ~~selected~~ ABS message from the PED ~~when~~ in response to the activity status of the PED meeting ~~meets~~ the at least one output condition.

19. (Currently Amended) The method of claim 18, further comprising:

determining that an event has occurred in a local environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED; and

selecting the ABS message from among the one or more ABS messages based ~~further~~ on the activity status and the event.

20. (Previously Presented) The method of claim 18, further comprising:

communicating the location information to a remote computer system; and

receiving the one or more ABS messages from the remote computer system based on the location information.

21. (Previously Presented) The method of claim 18, wherein the activity status includes at least one of an activity commenced status, an activity terminated status, or an activity changed status.

22. (Currently Amended) A method for delivering messages in a personal electronic device (PED), comprising:

performing, with the PED, a first electronic based intelligence function; and

performing, with the PED, a second electronic based intelligence function, comprising:

receiving conditions associated with one or more messages, the conditions including a selection condition and an output condition;

sensing a signal in a local environment associated with the PED;

converting the signal to sensed data;

detecting an event, at least in part, by comparing the sensed data with reference data that corresponds to the event;

selecting a message from among the one or more messages based on the at least one selection condition and the event; and

initiating output of the message ~~at least one of the one or more messages~~ from the PED ~~based on the selection condition when~~ in response to the event meeting ~~meets~~ the output condition.

23. (Previously Presented) The method of claim 22, further comprising:

storing identification information relating to a plurality of events; and

enabling a user to select the event from the identification information.

24. (Previously Presented) The method of claim 22, further comprising:

determining location information associated with the PED; and

using the location information to assist with detecting the event.

25. (Currently Amended) The method of claim 22, further comprising:

determining a user activity associated with the PED; and

selecting the message ~~at least one of the one or more messages for output~~ based on ~~upon~~ the selection condition, the event, and the user activity.

26. (Currently Amended) The method of claim 22, further comprising concurrently outputting media and the message ~~at least one of the one or more messages~~ from the PED.

27. (Currently Amended) The method of claim 26, wherein the media comprises an audio signal and the method further comprises adjusting a volume associated with the message ~~at least one of the one or more messages~~ so that the volume is lower than that associated with an audio signal associated with the media.

28. (Currently Amended) The method of claim 22, further comprising outputting the message ~~at least one of the one or more messages~~ between tracks of media played by the PED.

REMARKS

As of entry of this Response, claims 1-28 are pending, with claims 1, 16, 18 and 22 being independent. Claims 1-3, 10, 12, 13, 15, 16, 18, 19, 22, and 25-28 are amended by this Response. No new matter is added.

Reconsideration and allowance of the pending application and claims is respectfully requested in light of the following remarks.

I. Rejection of claims 1-5, 9, 10, 12-14, 16, 17, 22, 23, 25, and 26 under 35 U.S.C. § 102

At pages 2-8, the Office Action rejects claims 1-5, 9, 10, 12-14, 16, 17, 22, 23, 25, and 26 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Publication No. 2008/0090703 filed by *Rosenberg* (herein "*Rosenberg*").

A claim is anticipated under 35 U.S.C. § 102 only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Stated differently, to anticipate a claim, it is required "that the four corners of a single, prior art document describe every element of the claimed invention." *Xerox Corp. v. 3Com Corp.*, 458 F.3d 1310, 1322 (Fed. Cir. 2006). Further, "unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). *See also* MPEP § 2131.

Applicants respectfully request that the rejection of claims 1-5, 9-10, 12-14, 16, 17, 22, 23, 25, and 26 be withdrawn for at least the reasons discussed below.

A. Claims 1-5, 9, 10, 12-14: *Rosenberg* does not describe selecting an ABS message based on at least one selection condition and user activity, and initiating output of the ABS message in response to the user activity meeting an output condition

Applicants respectfully request that the rejection of claim 1 be withdrawn because *Rosenberg* does not disclose every feature of claim 1. For example, claim 1 recites "selecting an ABS message from among the one or more ABS messages based on the at least one selection condition and the user activity," and "in response to the user activity meeting the at least one output condition, initiating output of the ABS message from the PED," which *Rosenberg* does not describe.

As outlined in the Abstract, *Rosenberg* is directed to a "method and apparatus for automated personal rep-counting and exercise orchestration." At paragraph [0010], *Rosenberg* describes "a portable computing device" including "a user interface . . . for receiving the user's selection of one of a plurality of predefined stationary exercise regimens to be performed." At paragraph [0125], *Rosenberg* further describes that an "exercise regimen comprises one or more exercise scripts" and "[e]ach exercise regimen includes a number of distinct exercise activity sets, each with a predefined number of repetitive motions." Further, at paragraphs [0083] and [0084], *Rosenberg* describes that "if a user performs a rep at a rate (or at a total time) slower than a defined minimum threshold value, the system may output a verbal prompt such as 'speed up' or

'too slow'," and "[u]pon completion of the required number of repetitions, the portable computing device 100C may also be configured to output a supportive message visually or through an auditory output of spoken language."

However, *Rosenberg* does not describe the above-quoted elements of claim 1. Instead, at paragraph [0010], *Rosenberg* describes "a user interface . . . for receiving the user's selection of one of a plurality of predefined stationary exercise regimens to be performed," without describing the user's input of "at least one selection condition for selection of the one or more ABS messages" and "at least one output condition for output of the one or more ABS messages," as recited by claim 1. In other words, *Rosenberg* describes a user interface for the input of a "predefined stationary exercise regimen" *and not* "at least one selection condition" for the selection of and "at least one output condition" for the output of an ABS message, as defined by claim 1. Further, *Rosenberg* merely describes that a "speed up" or "too slow" prompt may be output "if a user performs a rep at a rate (or at a total time) slower than a defined minimum threshold value" at paragraph [0083], but *Rosenberg* does not describe, for example, selecting one of the "speed up" or "too slow" prompts for output "based on the at least one selection condition and the user activity," as recited by claim 1. Even if *Rosenberg* describes or suggests that one of the prompts is output based on some user activity, the selection of such output *is not based on a selection condition defined by a user input*. Rather, the output is determined by a "predefined stationary exercise regimen," as described at paragraphs [0010] and [0125] of *Rosenberg*.

Similarly, although *Rosenberg* describes that one of the "speed up" or "too slow" prompts may be output "if a user performs a rep at a rate (or at a total time) slower than a defined minimum threshold value" at paragraph [0083], the "defined minimum threshold value" described by *Rosenberg* is not a user-defined (or user-input) "output condition for output of the one or more ABS messages," as recited by claim 1. In contrast, the "defined minimum threshold value" is determined by a "predefined stationary exercise regimen," as described at paragraphs [0010] and [0125] of *Rosenberg*. Applicants submit that *Rosenberg* does not describe the separate input of selection and output conditions, much less the separate elements of "selecting an ABS message" based on the input selection condition and user activity *and* "initiating output of the ABS message" in response to the input output condition. As noted above, "unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008).

Accordingly, because *Rosenberg* does not disclose all of the elements of claim 1 arranged or combined in the same way as recited in claim 1, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of claim 1 and claims 2-5, 9, 10, 12-14, which depend therefrom, be withdrawn. Claims 2-5, 9, 10, 12-14 are also believed to recite additional elements which further distinguish from *Rosenberg*, and Applicants respectfully request that the rejection under

35 U.S.C. § 102(b) of claims 2-5, 9, 10, 12-14 be withdrawn based on those additional elements.

B. Claims 16, 17, 22, 23, 25, and 26 recite features distinguishable from *Rosenberg*

Claims 16 and 22, although differing in scope and/or statutory class from claim 1, each recites features distinguishable from *Rosenberg* for at least reasons similar to those discussed above with regard to claim 1, to the extent applicable. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of claims 16 and 22 and claims 17, 23, 25, and 26, which depend therefrom, be withdrawn. Claims 17, 23, 25, and 26 are also believed to recite additional elements which further distinguish from *Rosenberg*, and Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of claims 17, 23, 25, and 26 be withdrawn based on those additional elements.

II. Rejection of claims 6-8, 11, 15, 18-21, 24, 27, and 28 under 35 U.S.C. § 103

At pages 8-16, the Office Action rejects claims 6-8, 27, and 28 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Rosenberg* in view Non-Patent Literature article titled "Operation Manual, DVD Multimedia AV Navigation Server" (herein "*Pioneer*"); rejects claims 11, 15, and 24 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Rosenberg* in view of U.S. Patent No. 7,872,574 issued by *Betts, et al.* (herein "*Betts*"); and rejects claims 18-21 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Betts* in view of *Rosenberg*.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103, each and every element of a claim must be described or suggested by the prior art or obvious in view of the prior art. *See In re Fine*, 837 F.2d 1071, 1073-1074 (Fed. Cir. 1988); *Ex Parte Wada and Murphy*, Appeal 2007-3733 (BPAI 2008); *See also, KSR Int'l v. Teleflex, Inc.*, 550 U.S. 398, 411 (2007) (claim deemed obvious to one of ordinary skill where all claim elements were disclosed in the cited prior art references). In addition, "[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l*, 550 U.S. at 418 (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully request that the rejections of claims 6-8, 11, 15, 18-21, 24, 27, and 28 be withdrawn for at least the reasons discussed below.

A. Claims 6-8, 11, 15, 24, 27, and 28 recite features distinguishable from *Rosenberg, Pioneer,* and *Betts*

Claims 6-8, 11, and 15 depend from claim 1, and claims 24, 27, and 28 depend from claim 22. Therefore, claims 6-8, 11, 15, 24, 27, and 28 are distinguishable over *Rosenberg* for at least the same reasons as claims 1 and 22. Further, *Pioneer*, which is additionally asserted against claims 6-8, 11, and 15, fails to cure the above-discussed deficiencies of the rejection in view of *Rosenberg* and is not asserted for the features of claim 1 that are discussed above as deficient in the rejection in view of *Rosenberg*. Similarly, *Betts*, which is additionally asserted against claims 24, 27, and 28, fails to cure the above-

discussed deficiencies of the rejection in view of *Rosenberg* and is not asserted for the features of claim 22 that are discussed above as deficient in the rejection in view of *Rosenberg*. Accordingly, Applicants respectfully request that the rejections of claims 6-8, 11, 15, 24, 27, and 28, under 35 U.S.C. 103(a), be withdrawn.

B. Claims 18-21: *Betts* and *Rosenberg* do not describe or suggest selecting an ABS message based on a selection condition and user activity, and initiating output of the ABS message in response to the user activity meeting an output condition

Applicants respectfully request that the rejection of claim 18 be withdrawn because *Betts* and *Rosenberg* not describe or suggest every feature of claim 18. For example, claim 18 recites "selecting an ABS message from among the one or more ABS messages based on the at least one selection condition and the activity status," and "initiating output of the ABS message from the PED in response to the activity status of the PED meeting the at least one output condition," which neither *Betts* nor *Rosenberg* describes or suggests.

At page 14, the Office Action concedes that *Betts* does not describe or suggest "selecting an ABS message from among the one or more ABS messages based on the at least one selection condition" and "initiating output of the selected ABS message . . . when the activity status of the PED meets the at least one output condition," but asserts *Rosenberg* for the features. As outlined above, *Rosenberg* is directed to a "method and apparatus for automated personal rep-counting and exercise orchestration." At paragraph [0010], *Rosenberg* describes "a portable computing device" including "a user

interface . . . for receiving the user's selection of one of a plurality of predefined stationary exercise regimens to be performed." At paragraphs [0083] and [0084], *Rosenberg* describes that "if a user performs a rep at a rate (or at a total time) slower than a defined minimum threshold value, the system may output a verbal prompt such as 'speed up' or 'too slow'," and "[u]pon completion of the required number of repetitions, the portable computing device 100C may also be configured to output a supportive message visually or through an auditory output of spoken language."

However, for reasons similar to those discussed above with regard to claim 1, *Rosenberg* does not describe the above-quoted elements of claim 18. At paragraph [0010], *Rosenberg* describes "a user interface . . . for receiving the user's selection of one of a plurality of predefined stationary exercise regimens to be performed," without describing the user's input of "at least one selection condition for selection of the one or more ABS messages" and "at least one output condition for output of the one or more ABS messages," as recited by claim 18. In other words, *Rosenberg* describes a user interface for the input of a "predefined stationary exercise regimen" *and not* "at least one selection condition" for the selection of and "at least one output condition" for the output of ABS messages, as defined by claim 1. Because *Rosenberg* does not describe "at least one selection condition" and "at least one output condition" for ABS messages as recited by claim 18, *Rosenberg* cannot describe the selection of any ABS message based on the selection condition and the output of such ABS message in response to the output condition. In contrast, *Rosenberg* merely

describes that a "speed up" or "too slow" prompt may be output "if a user performs a rep at a rate (or at a total time) slower than a defined minimum threshold value" at paragraph [0083], but those prompts are output based on a "predefined stationary exercise regimen" and not selected and output based on separate selection and output conditions. Therefore, *Rosenberg* does not describe the above-quoted elements of claim 18 and, thus, cannot cure the deficiencies of *Betts* conceded in the Office Action.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of claim 18 and claims 19-21, which depend therefrom, be withdrawn. Claims 19-21 are also believed to recite additional elements which further distinguish from *Rosenberg*, and Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of claims 19-21 be withdrawn based on those additional elements.

CONCLUSION

It is requested that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding this Response, the Examiner is encouraged to telephone Applicants' undersigned representative.

Respectfully submitted,

/Jason M. Perilla/

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Electronic Acknowledgement Receipt

EFS ID:	22249298
Application Number:	13358173
International Application Number:	
Confirmation Number:	6859
Title of Invention:	SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES
First Named Inventor/Applicant Name:	M. Kelly Jones
Customer Number:	24504
Filer:	Jason M. Perilla/Sofia Safina
Filer Authorized By:	Jason M. Perilla
Attorney Docket Number:	051007-1040
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Application Type:	Utility under 35 USC 111(a)

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	02195867.PDF	134318 3d927a21b3afbc428a1b5c4d5ec0034bb2f24024	no	21

Warnings:	
Information:	

Total Files Size (in bytes):	134318

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
13/358,173	01/25/2012	

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **05/04/2015**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 28	Minus	** 28	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/SHAREILL COLES/

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/358,173	01/25/2012	M. Kelly Jones	051007-1040	6859

24504 7590 02/02/2015

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ART UNIT	PAPER NUMBER
2654	

NOTIFICATION DATE	DELIVERY MODE
02/02/2015	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):

uspatents@tkhr.com
kristen.layton@tkhr.com
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Office Action Summary	Application No. 13/358,173	Applicant(s) JONES ET AL.	
	Examiner UBACHUKWU ODUNUKWE	Art Unit 2654	AIA (First Inventor to File) Status No

-- 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 January 2015*.

☐ 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) *1-28* 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) *1-28* 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 *25 January 2012* 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 is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1 – 5, 9, 10, 12 - 14, 16, 17, 22, 23, 25 and 26** are rejected under 35 U.S.C 102(b) as being unpatenable over Rosenberg US PG Publication 20080090703 (herein referred to as Rosenberg).

Regarding **claim 1**, Rosenberg teaches **a method for delivering messages in a personal electronic device (PED)** (para 0118)**, comprising:**

enabling a user to input one or more user preferences associated with one or more activity based suggestive (ABS) messages (para 0010; 0125)**, the one or more user preferences defining at least one selection condition for selection of the one or more ABS messages and at least one output condition for output of the one or more ABS messages** (para 0083 - 0084)**; playing media from the PED** (para 0033; para 0038)**; determining a user activity associated with the user** (para 0032; para 0042 - 0043)**; and when the user activity meets the at least one output condition, selecting an ABS message from among the one or more ABS messages based on the at least one selection condition and initiating output of the selected ABS message from the PED** (para 0046 – 0047; 0075 – 0077, 0081; 0083 - 0084).

Regarding **claim 16**, claim 1 covers the same scope as disclosed in claim 16, see claim 1.

Rosenberg further teaches **enabling a user to perform a first electronic based intelligence function including playing media from the PED; and enabling the user to perform a second electronic based intelligence function** (para 0033: "perform the automated exercise regimen orchestration while also playing music files to the user"; para 0038: "perform both exercise regimen orchestration and musical media play functionality"; para 0087).

Regarding **claim 2**, Rosenberg teaches **further comprising: determining that an event has occurred in a local environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED** (para 0058; 0060 – 0061; 0067)**; and determining the user activity based at least in part on the event** (para 0046 – 0047; 0075 - 0077)**.**

Regarding **claim 3**, Rosenberg teaches **further comprising determining that an event has occurred in a local environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED** (para 0058; 0060 – 0061; 0067)**; and initiating output of at least one of the one or more ABS messages from the PED when the event meets the at least one output condition** (para 0047)**.**

Regarding **claim 4**, Rosenberg teaches **wherein the PED** (para 0004) **includes a user interface having a keyboard** (para 0044: "thumbwheel or trackball, an optional touch screen; one or more push-button switches…") **and display** (para 0010) **that enables the user to select or input the user preferences** (Figure 4; para 0039)**.**

Regarding **claim 5**, Rosenberg further teaches **wherein the one or more ABS messages are input by the user** (para 0125).

Regarding **claim 9**, Rosenberg further teaches **further comprising accessing a remote computer server and retrieving the one or more ABS messages** (para 0040 - 0042).

Regarding **claim 10**, Rosenberg further teaches **further comprising: monitoring** (para 0067) **location data** (para 0010; 0028; 0046; 0067: monitoring the user's physical motion as a weight is lifted and lowered, the physical location of the exercise equipment in relation to the user may prompt emulated sounds during rep counting)**; and initiating output of the selected ABS message when the location data meets the at least one output condition** (para 0046 – 0047; 0080 - 0083).

Regarding **claim 12**, Rosenberg further teaches **further comprising mixing an audio signal and the selected ABS message so that the audio signal and the selected ABS message are played concurrently** (para 0033: "perform the automated exercise regimen orchestration while also playing music files to the user"; para 0038: "perform both exercise regimen orchestration and musical media play functionality"; para 0087).

Regarding **claim 26**, claim 12 covers the same scope as disclosed in claim 26, see claim 12.

Regarding **claim 13**, Rosenberg further teaches **further comprising determining an event associated with the PED; and initiating output of the selected ABS message based at least in part on the event activity** (para 0047).

Regarding **claim 14**, Rosenberg further teaches **further comprising; detecting a speed associated with the PED; and selecting the ABS message from among the one or more ABS messages based further on the speed** (para 0047).

Regarding **claim 17**, Rosenberg further teaches **further comprising permitting concurrent operation of the first and second electronic based intelligence functions** (para 0033: "perform the automated exercise regimen orchestration while also playing music files to the user"; para 0038: "perform both exercise regimen orchestration and musical media play functionality"; para 0087).

Regarding **claim 22**, Rosenberg teaches **a method for delivering messages in a personal electronic device (PED)** (para 0118)**, comprising:**

performing, with the PED, a first electronic based intelligence function; and performing, with the PED, a second electronic based intelligence function (para 0033: "perform the automated exercise regimen orchestration while also playing music files to the user"; para 0038: "perform both exercise regimen orchestration and musical media play functionality"; para 0087)**, comprising: receiving conditions associated with one or more messages, the conditions including a selection condition and an output condition** (para 0125)**; sensing a signal in a local environment associated with the PED** (para 0009)**; converting the signal to sensed data** (para 0045)**; detecting an event, at least in part, by comparing the sensed data with reference data that corresponds to the event** (para 0042 - 0043)**; and initiating output of at least one of the one or more messages from the PED based on the selection condition when the event meets the output condition** (para 0045 - 0047).

Regarding **claim 23**, Rosenberg further teaches **further comprising storing identification information relating to a plurality of events; and enabling a user to select the event from the identification information** (para 0010; para 0038; 0042).

Regarding **claim 25**, Rosenberg further teaches **further comprising selecting the at least one of the one or more messages for output based upon the selection condition** (para 0010).

Claim Rejections - 35 USC § 103

3. The following is a quotation of pre-AIA 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 negatived by the manner in which the invention was made.

4. Claims **6 – 8, and 27 - 28** are rejected under 35 U.S.C 103(a) as being unpatenable over Rosenberg US PG Publication 20080090703 in view of Pioneer AVIC D3, 2007 (herein referred to as Pioneer).

Regarding **claim 6**, Rosenberg does not explicitly teach wherein the one or more ABS messages are provided between audio tracks played from the PED.

Pioneer teaches **wherein the one or more ABS messages are provided between audio tracks played from the PED** (page 123, {125 of 173}) for the benefit of switching the sound, muting, or attenuation. Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Rosenberg with Pioneer, for control over the output device.

Regarding **claim 28**, claim 6 covers the same scope as disclosed in claim 28, see claim 6.

Regarding **claim 7**, Rosenberg does not explicitly teach wherein the one or more ABS messages are provided during audio tracks played from the PED.

Pioneer teaches **wherein the one or more ABS messages are provided during audio tracks played from the PED** (page 123, {125 of 173}) for the benefit of switching the sound, muting, or attenuation. Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Rosenberg with Pioneer, for control over the output device.

Regarding **claim 8**, Rosenberg does not explicitly teach further comprising lowering a volume associated with the audio track played from the PED while playing the one or more ABS messages.

Pioneer teaches **further comprising lowering a volume associated with the audio track played from the PED while playing the one or more ABS messages** (page 123, {125 of 173}) for the benefit of switching the sound, muting, or attenuation. Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Rosenberg with Pioneer, for control over the output device.

Regarding **claim 27**, claim 8 covers the same scope as disclosed in claim 27.

Pioneer teaches adjustment of both the volume of audio sounds from media and system sounds such as voice prompts. Adjustment of the output where the volume of audio sounds from media are louder than system sounds or adjustment of the output where the volume of audio sounds from media are lower than system sounds can be performed. See Pioneer page 123, {125 of 173}.

5. Claims **11, 15, and 24** are rejected under 35 U.S.C 103(a) as being unpatenable over Rosenberg US PG Publication 20080090703 in view of Betts et al US Patent No. 7872574 (herein referred to as Betts).

Regarding **claim 11**, Rosenberg teaches **communicating to a remote server computer system**; **and receiving the one or more ABS messages from the remote server computer system** (para 0040; 0043).

Rosenberg does not explicitly teach communicating the location data to a remote server computer system; and receiving the one or more ABS messages based on the location data.

Betts teaches **further comprising: communicating the location data to a remote computer system; and receiving the one or more ABS messages from the remote computer system based on the location data** (Column 20, lines 8 – 12: use of GPS to receive information and provide alert when PED is within a certain region of the earth or at a particular

location) for monitoring environmental conditions and detecting environmental events to changes in acoustic, thermal, optical, electromagnetic, chemical, dynamic, wireless, atmospheric, or biometric signals in an environment to which the PED is exposed and generate appropriate notification signals.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Rosenberg with Betts, for initiating an ABS message based at least in part on the determined location or change in location.

Regarding **claim 15**, Rosenberg teaches **selecting the ABS message from among the one or more ABS messages** (para 0084 - 0085).

Rosenberg does not explicitly teach further comprising: determining a location associated with the PED; and based further upon the location and the speed.

Betts teaches **further comprising: determining a location associated with the PED** (Column 11, lines 34 -50)**; and based further upon the location and the speed** (Column 11, lines 34 - 50) for the benefit of warning user of objects nearby.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as

taught by Rosenberg with Betts, for initiating an ABS message based upon a detected activity, location, or speed of the user.

Regarding **claim 24**, Rosenberg does not explicitly teach further comprising determining location information associated with the PED; and using the location information to assist with detecting the event.

Betts teaches **further comprising determining location information associated with the PED** (Column 11, lines 34 -50)**; and using the location information to assist with detecting the event** (Column 11, lines 34 -50; Column 20, lines 8 – 12: use of GPS to receive information and provide alert when PED is within a certain region of the earth or at a particular location).

6. Claims **18 - 21** are rejected under 35 U.S.C 103(a) as being unpatenable over Betts et al US Patent No. 7872574 in view of Rosenberg US PG Publication 20080090703.

Regarding **claim 18**, Betts teaches **a method for delivering messages in a personal electronic device (PED) having a GPS receiver and storing map data** (Figure 2, Abstract; Column 5, lines 23 – 38: Column 19, lines 8 - 10)**, comprising: performing, with the PED, a first electronic based intelligence function; and performing, with the PED, a second electronic based intelligence function** (Column 16, lines 9 – 30: "Physical

conditioning assistance…PED 300 can provide audio entertainment, music, or exercise instructions while exercising”), **comprising: receiving one or more conditions for output of one or more activity based suggestive (ABS) messages, the one or more conditions including at least one selection condition for selection of the one or more ABS messages and at least one output condition for output of the one or more ABS messages** (Column 12, lines 15 – 40: “Audio announcements can be issued when values change, when limits are exceeded or periodically)**; receiving location information from the GPS receiver** (Column 10, lines 15 - 31)**; determining an activity status for the PED based upon the location information and the map data** (Column 2; lines 1 – 10: “detecting…sensing a signal in the environment…correlating the signal with the reference signature…indicating the detection of the event based upon the correlating")**.**

Betts does not explicitly teach selecting an ABS message from among the one or more ABS messages based on the at least one selection condition; and initiating output of the selected ABS message from the PED when the activity status of the PED meets the at least one output condition.

Rosenberg teaches **selecting an ABS message from among the one or more ABS messages based on the at least one selection condition; and initiating output of the selected ABS message from the PED when the activity status of the PED meets the at least one output condition** (para

0046 – 0047; 0075 – 0077; 0081; 0083 - 0084) for the benefit of a portable computing device that is interfaced with a sensor and configured to monitor**.**

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Betts with Rosenberg, for providing suggestive messages to a user based upon an activity of the user.

Regarding **claim 19**, Betts does not explicitly teach further comprising selecting the ABS message from among the one or more ABS messages based further on the activity status.

Rosenberg teaches **further comprising selecting the ABS message from among the one or more ABS messages based further on the activity status** (para 0047) for the benefit of a portable computing device that is interfaced with a sensor and configured to monitor.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Betts with Rosenberg, for providing suggestive messages to a user based upon an activity of the user.

Regarding **claim 20**, claim 11 covers the same scope as disclosed in claim 20, see claim 11.

Regarding **claim 21**, Betts does not explicitly teach wherein the activity status includes at least one of an activity commenced status, an activity terminated status, or an activity changed status.

Rosenberg teaches **wherein the activity status includes at least one of an activity commenced status, an activity terminated status, or an activity changed status** (Figure 9B; para 00017; 0019; 0023; 0047) for the benefit of a portable computing device that is interfaced with a sensor and configured to monitor.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Betts with Rosenberg, for providing suggestive messages to a user based upon an activity of the user.

Response to Arguments

7. Applicant's arguments with respect to claims 1 – 28 filed 09 January 2015 have been fully considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Regarding claims **1 – 5, 9, 10, 12 - 14, 16, 17, 22, 23, 25 and 26**, new grounds of rejection have been made using Rosenberg US PG Publication 20080090703.

Regarding claims **6 – 8, and 27 - 28**, new grounds of rejection have been made using Rosenberg US PG Publication 20080090703 in view of Pioneer AVIC D3, 2007.

Regarding claims **11, 15, and 24**, new grounds of rejection have been made using Rosenberg US PG Publication 20080090703 in view of Betts et al US Patent No. 7872574.

Regarding claims **18 - 21**, new grounds of rejection have been made using Rosenberg US PG Publication 20080090703 in view of Betts et al US Patent No. 7872574.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UBACHUKWU ODUNUKWE whose telephone number is (571)272-8927. The examiner can normally be reached on Monday - Wednesday 8am - 4pm. Thursday 8am - 9am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571)272-7848. 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.

/UBACHUKWU ODUNUKWE/

Examiner, Art Unit 2651

/VIVIAN CHIN/

Supervisory Patent Examiner, Art Unit 2654

Notice of References Cited	Application/Control No. 13/358,173	Applicant(s)/Patent Under Reexamination JONES ET AL.	
	Examiner UBACHUKWU ODUNUKWE	Art Unit 2654	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2008/0090703	04-2008	Rosenberg, Louis B.	482/8
*	B	US-7,872,574	01-2011	Betts et al.	340/539.26
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Pioneer, DVD Multimedia AV Navigation Server AVIC-D3 (operation manual), 03/2006 , pdf, pertinent pages
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
		S94 same (select$3 near5 (message or sound or tone or communication or report or notice or directive))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:37
		S21 and (message with (retriev$3 or fetch or reacquire or recover)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:04
		(A63B2024/0071 OR A63B2220/803 OR A63B2225/50 OR A63B24/0062 OR A63B71/0622 OR G06F1/163 OR G06K9/00342 OR G06Q30/02).CPC.)	US-PGPUB	OR	ON	2014/03/21 20:56
S1	257613	((analyze or examine or inspect or survey or study or review or evaluate or research or dissect) near3 (data))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:07
S2	121577	personal and navigation and system	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:13
S3	314462	(navigation and (system or device or apparatus or unit or module))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:15
S4	227075	S3 and (electronic or circuit or digital or electrical)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:16
S5	4751	S4 and (route adj guidance)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:20

EAST Search History (Prior Art)

S6	8520	route adj guidance	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:21
S7	3	S6 and (personal adj electronic adj device)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:27
S8	1	("7894984").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 16:41
S9	1	(12/127815).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 17:35
S10	2	("20030058752").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 19:13
S11	1	(13/358173).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 20:05
S12	1740	(482/8).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 08:01
S13	0	("L1andTreadmill").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 08:02

EAST Search History (Prior Art)

S14	606	S12 and Treadmill	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:02
S15	274	S14 and simulat$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:03
S16	152	S15 and (user with (Preference or choice or desire or option or favorite or selection))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:04
S17	135	S16 and (audio or video or media or mp3 or cd or player)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:05
S18	72	S17 and ((analyz$3 or evaluat$3 or determin$5) near2 (data or statistics or info or input or information or details or reports or score or results))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:13
S19	0	("L7and(accelerometerorgpsormap)").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 08:14
S20	426040	remote with (server or computer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:01
S21	463062	remot$3 with (server or computer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:02

EAST Search History (Prior Art)

S22	26690	S21 and (message with (retriev$3 or fetch or reacquire or recover))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:05
S23	23547	S22 and ((communicat$3 or broadcast or connect or interface or relay or transfer or transmit or announce or network) with ((location or area or position or section or site or station or bearings or region) and (data or information or material or info or input or results or report or score or figure or statistics)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:10
S24	15167	S23 and ((user or (end adj user) or player or character or client) with (preference or choice or selection or option or election or favorite or scheme))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:15
S25	486	S24 and ((activity or action or excercise) adj (status or condition or state or mode))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:18
S26	1783	S24 and ((activity or action or excercise) near2 (status or condition or state or mode))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:18
S27	125	S26 and ((gps) with (receiver))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:20
S28	32	S27 and ((audio) with (output))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:21
S29	6	S27 and ((audio) adj (output))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:21

EAST Search History (Prior Art)

S30	0	(61/241370).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 16:43
S31	0	(61/241370).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 16:43
S32	1740	(482/8).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 17:06
S33	606	S32 and Treadmill	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S34	274	S33 and simulat$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S35	152	S34 and (user with (Preference or choice or desire or option or favorite or selection))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S36	135	S35 and (audio or video or media or mp3 or cd or player)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S37	72	S36 and ((analyz$3 or evaluat$3 or determin$5) near2 (data or statistics or info or input or information or details or reports or score or results))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06

EAST Search History (Prior Art)

S38	35	S37 and(accelerometer or gps or map)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S39	35	S38 and (remote or server or computer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S40	3	(US-20110009241-$ or US-20020104083-$ or US-20110231478-$).did.	US-PGPUB	OR	ON	2014/03/11 17:07
S41	7192	(A63B2024/0071 OR A63B2024/0096 OR G06F17/30864 OR G06F3/011 OR G06K9/00342).CPC.	US-PGPUB	OR	ON	2014/03/11 17:10
S42	35	S37 and(accelerometer or gps or map)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:24
S43	1	("20090144369").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/20 09:57
S44	1	("20120253485").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/20 10:24
S45	1	("20110231478").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/21 17:51
S46	645	Oesterling.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/21 18:58

EAST Search History (Prior Art)

S47	188	(Christopher and Oesterling).in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/21 18:59
S48	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:49
S49	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:52
S50	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:52
S51	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:53
S52	1	("20090215502").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/26 16:20
S53	1	("6754485").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/26 16:53
S54	1	(13/358173).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/27 10:39
S55	5	WO "2006110617"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	ON	2014/03/27 14:56
S56	1	("20060226960").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/27 15:15

EAST Search History (Prior Art)

S57	4	("7508298").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/27 15:16
S58	2	("20030058752").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/31 11:45
S59	1	("7872574").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/31 12:11
S60	1096	(381/119).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/11 16:06
S61	272	(369/19).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/11 16:07
S62	43924	(G06Q10/00).cpc. or (G09B19/00).cpc. or (H04B1/00).cpc. or (G06F17/00).cpc. or (G09B5/06).cpc. or (S60) or (S61) or (G06F1/163).cpc. or (G06F19/3481).cpc. or (A63B24/0062).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:09
S63	9691	S62 and (preference or choice or option or favorite or selection) with (user or person$2 or consumer or (end adj user))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:12
S64	9691	S62 and ((preference or choice or option or favorite or selection) with (user or person$2 or consumer or (end adj user)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:12

EAST Search History (Prior Art)

S65	8268	((output$3 or produc$3 or play$3 or transmit$4) with (message or media or music or sound or tone or image or display or information or activity or audio or audible or visual or picture)) and S64	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:16
S66	4083	((determin$3 or detect$3 or decid$3 or analyz$3 or calculat$3 or choos$3) with (activity or action or excercise or movement or motion or direction or travel)) and S65	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:19
S67	3413	((message or sound or instruction or media or music or sound or tone or image or display or information or activity or audible or visual or picture or audio) with (between or interval or insert$3)) and S66	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:25
S68	2617	((determin$3 or detect$3 or decid$3 or analyz$3 or calculat$3 or choos$3) with (locat$3 or position$3 or attitude or area or region or coordinate)) and S67	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:28
S69	959	((concurrent$2 or parellel or simultaneous$2) with (operation or activity or action or exercise or message or output or input or process or motion or performance)) and S68	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:30
S70	2450	((start$3 or commenc$3 or begun or begin or initiat$3 or launch$3 or chang$3 or terminat$3 or end$3 or cancel$3 or complet$3 or resum$3 or paus$3 or finish$3) with (operation or activity or action or exercise or message or output or input or process or motion or performance)) and S68	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:34
S71	931	((start$3 or commenc$3 or begun or begin or initiat$3 or launch$3 or chang$3 or terminat$3 or end$3 or cancel$3 or complet$3 or resum$3 or paus$3 or finish$3) with (operation or activity or action or exercise or message or output or input or process or motion or performance)) and S69	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:34
S72	384	((receiv$3) with (message or sound or instruction or media or music or sound or tone or image or display or information or activity or audible or visual or picture or audio) with (remot$2 or distant or wireless) with (computer or device or apparatus or machine)) and S71	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:37

EAST Search History (Prior Art)

S73	115	((prefer$3 or choos$3 or pick$3 or select$3) with (message or sound or instruction or media or music or sound or tone or image or display or information or activity or audible or visual or picture or audio) with (based or determined) with (activity or status or start$3 or commenc$3 or begun or begin or initiat$3 or launch$3 or chang$3 or terminat$3 or end$3 or cancel$3 or complet$3 or resum$3 or paus$3 or finish$3 or operation or action or exercise or message or output or input or process or motion or performance)) and S72	US-PGPUB	OR	ON	2014/09/11 16:41
S74	1	("7872574").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/15 12:03
S75	1	("20090144369").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/15 13:11
S76	1274	user near3 (preference adj database)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 10:37
S77	143918	(select$3) near (condition)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 10:38
S78	7	S77 and S76	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 10:39
S79	279732	output near5 (condition or message)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 10:39

EAST Search History (Prior Art)

S80	0	S79 and S78	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 10:39
S81	90739	(user) near3 (activity)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 12:03
S82	1	((user adj3 activity) near7 (output adj3 condition))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 12:04
S83	1	((user adj3 activity) with (output adj3 condition))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 12:04
S84	80	((user adj3 activity) same (output near7 condition))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 12:18
S85	23	((user adj3 activity) near7 ((meets or satisf$6) adj2 (condition or parameter)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:18
S86	16	((user adj activity) near7 ((meets or satisf$6) adj2 (condition or parameter)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:19
S87	7	((user adj activity) near7 ((meets or satisf$6) adj (condition or parameter)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:19

EAST Search History (Prior Art)

S88	0	S86 same (select$3 near7 (message or output or sound or audio or signal))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:35
S89	203	((user near5 activity) with ((initiat$3 or output or produc$3) near3 (message)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:55
S90	82	S89 and (select$3 near5 message)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 13:56
S91	21082	((determin$3 or detect$3 or identif$7 or select$3) near5 (user near3 activity))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:30
S92	430825	((determin$3 or detect$3 or identif$7 or select$3) near5 ((user near3 activity) or (activity)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:31
S93	4420	(activity) near5 (meets or equal or correspond$3 or equivalent or identical or match$3 or comparabl$1 or parallel or equat$3) near5 (condition or parameter or status or situation or criter$3 or limitation)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:35
S94	3127	S92 and S93	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:35
S95	272	S94 and (select$3 near5 (message or sound or tone or communication or report or notice or directive))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:37

EAST Search History (Prior Art)

S96	15525	(H04B1/00 or G06F17/00 or G11B31/00 or A61B5/04 or A63B71/00 or G06F15/16).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:40
S97	0	S95 and S96	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:41
S98	1	("5702323").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/01/14 14:53
S99	0	("(determin$3near5activity)andL46").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/01/14 14:54
S100	0	(determin$3 near5 activity) and S98	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:54
S101	1	(condition with activity) and S98	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 14:55
S102	2603	((heart near2 rate) near2 (monitor)) same (activity)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:07
S103	286000	((determin$3 or detect$3 or identif$7 or select$3) near2 ((user near3 activity) or (activity)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:09

EAST Search History (Prior Art)

S104	9125	((select$3 near3 message) with (output or condition or parameter))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:11
S105	444	S103 and S104	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:11
S106	15	S103 same S104	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:11
S107	2	("20080098074").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/01/14 15:42
S108	0	("L55and(determin$3withactivity)").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/01/14 15:43
S109	0	S107 and (determin$3 with activity)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:43
S110	1	S107 and (determin$3 same4 activity)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:43
S111	1	S107 and (determin$3 same activity)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:43

EAST Search History (Prior Art)

S112	6730	((determin$3 or detect$3 or identif$7) near (user near2 activity))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:49
S113	6189	((determin$3 or detect$3 or identif$7) adj2 (user near2 activity))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:50
S114	7501	((determin$3 or detect$3 or identif$7) adj3 (user near2 activity))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/14 15:50
S125	248935	("455").CLAS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2015/01/20 12:46
S126	66	(trigger$3 with heart) and S125	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/20 12:47
S127	821	(((user near3 activity) near7 (trigger$3 or produc$3 or prompt$3 or activat$3 or generat$3 or caus$3)) with (output or (output near3 message) or message))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/20 12:54
S128	9333	((measur$3 or calculat$3 or comput$5) adj7 (user near3 activity)) or ((user near3 activity) adj3 (measured or measur$5 or calculat$3 or comput$5))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/20 13:01
S129	178	S127 and S128	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/20 13:04

EAST Search History (Prior Art)

S130	20	S129 and ((user near5 (preference or option or choice or elect$3 or select$3)) with ((trigger$3 or produc$3 or prompt$3 or activat$3 or generat$3 or caus$3) near5 (output or (output near3 message) or message)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2015/01/20 13:08

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S115	985	(G11B31/00).cpc.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:00
S116	2616	(H04B1/00 or G06F17/00).cpc.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:00
S117	0	S115 and S116	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:01
S118	281	(H04B1/00).cpc.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:01
S119	2337	(G06F17/00).cpc.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:01
S120	2616	S118 or S119	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:01
S121	0	S120 and S115	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:01
S122	5732	(381/119 or 700/94).ccls.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:02
S123	135	(369/19).ccls.	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:02
S124	0	S122 and S123	US-PGPUB; USPAT; UPAD	OR	ON	2015/01/14 12:02

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13358173	JONES ET AL.
	Examiner	Art Unit
	UBACHUKWU ODUNUKWE	2651

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/21/2014	09/16/2014	01/22/2015						
	1	✓	✓	✓						
	2	✓	✓	✓						
	3	✓	✓	✓						
	4	✓	✓	✓						
	5	✓	✓	✓						
	6	✓	✓	✓						
	7	✓	✓	✓						
	8	✓	✓	✓						
	9	✓	✓	✓						
	10	✓	✓	✓						
	11	✓	✓	✓						
	12	✓	✓	✓						
	13	✓	✓	✓						
	14	✓	✓	✓						
	15	✓	✓	✓						
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	23	✓	✓	✓						
	24	✓	✓	✓						
	25	✓	✓	✓						
	26	✓	✓	✓						
	27	✓	✓	✓						
	28	✓	✓	✓						

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13358173	JONES ET AL.
	Examiner	Art Unit
	UBACHUKWU ODUNUKWE	2651

CPC- SEARCHED

Symbol	Date	Examiner
G06Q10/00	9/15/2014	UO
G09B19/00	9/15/2014	UO
H04B1/00	9/15/2014	UO
G06F17/00	9/15/2014	UO
G09B5/06	9/15/2014	UO

CPC COMBINATION SETS - SEARCHED

Symbol	Date	Examiner

US CLASSIFICATION SEARCHED

Class	Subclass	Date	Examiner
381	119	3/21/2014	U.O.
369	19	9/15/2014	U.O.
600	300	9/15/2014	U.O.
348	77	3/21/2014	U.O.
709	205	3/21/2014	U.O.
455	414.1	3/21/2014	U.O.
340	539.26	9/15/2014	U.O.
700	91	9/15/2014	U.O.
455	345, 414.3	1/21/2015	U.O.
700	94	1/21/2015	U.O.
482	8	1/21/2015	U.O.

SEARCH NOTES

Search Notes	Date	Examiner
Palm Inventor Name Search	3/21/2014	U.O.
East Search	3/21/2014	U.O.
East Search	9/15/2014	U.O.
East Search	1/21/2015	U.O.

/UBACHUKWU ODUNUKWE/ Examiner.Art Unit 2654	

SEARCH NOTES		
Search Notes	**Date**	**Examiner**
QEM Consoltation	1/21/2015	U.O.

INTERFERENCE SEARCH			
US Class/ CPC Symbol	**US Subclass / CPC Group**	**Date**	**Examiner**

/UBACHUKWU ODUNUKWE/ Examiner.Art Unit 2654	

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	13358173	Filing Date	2012-01-25	Docket Number (if applicable)	051007-1040	Art Unit	2651
First Named Inventor	M. Kelly Jones			Examiner Name	Odunukwe, Ubachukwu A.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____ (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 200778

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Signature of Registered U.S. Patent Practitioner			
Signature	/Jason M. Perilla/	Date (YYYY-MM-DD)	2015-01-09
Name	Jason M. Perilla	Registration Number	65731

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/AIA/22 (03-13)
Approved for use through 3/31/2013. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional): 051007-1040

Application Number: 13/358,173

Filed: January 25, 2012

For: Systems and Methods For Delivering Activity Based Suggestive (ABS) Messages

Art Unit: 2651

Examiner: Odunukwe, Ubachukwu A.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	Micro Entity Fee	
☑ One month (37 CFR 1.17(a)(1))	$200	$100	$50	$ 100.00
☐ Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$
☐ Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$
☐ Four months (37 CFR 1.17(a)(4))	$2,200	$1,100	$550	$
☐ Five months (37 CFR 1.17(a)(5))	$3,000	$1,500	$750	$

☑ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☑ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☑ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 20-0778.

☑ Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant.

☐ attorney or agent of record. Registration number _____.

☑ attorney or agent acting under 37 CFR 1.34. Registration number 65,731.

/Jason M. Perilla/ — Signature

January 9, 2015 — Date

Jason M. Perilla — Typed or printed name

770-738-2320 — Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☐ * Total of _____ forms are submitted.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	13358173
Filing Date:	25-Jan-2012
Title of Invention:	SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES
First Named Inventor/Applicant Name:	M. Kelly Jones
Filer:	Jason M. Perilla/Adrienne Jackson
Attorney Docket Number:	051007-1040

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 1 month with $0 paid	2251	1	100	100
Miscellaneous:				
Request for Continued Examination	2801	1	600	600
		Total in USD ($)		**700**

Electronic Acknowledgement Receipt

EFS ID:	21169136
Application Number:	13358173
International Application Number:	
Confirmation Number:	6859
Title of Invention:	SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES
First Named Inventor/Applicant Name:	M. Kelly Jones
Customer Number:	24504
Filer:	Jason M. Perilla/Adrienne Jackson
Filer Authorized By:	Jason M. Perilla
Attorney Docket Number:	051007-1040
Receipt Date:	09-JAN-2015
Filing Date:	25-JAN-2012
Time Stamp:	14:31:01
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$700
RAM confirmation Number	783
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		02134044.PDF	146050 092baad057a511153eec4ebaad91cb37c862ce0f	yes	23

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment Submitted/Entered with Filing of CPA/RCE	1	1
Claims	2	10
Applicant Arguments/Remarks Made in an Amendment	11	23

Warnings:					
Information:					
2	Request for Continued Examination (RCE)	02134058.PDF	697910 950c385af9c51f873d943ebb95c1f9624b55b05e	no	3
Warnings:					
Information:					
3	Extension of Time	02134066.PDF	152310 f0274cc8e7298f4ae456655c6463935b5914e6f3	no	2
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	32709 4d10678805fc3645741d00e1689a2997d9556881	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1028979		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	Confirmation: 6859
M. Kelly Jones, *et al.*	Art Unit: 2651
Application Number: 13/358,173	Examiner: Odunukwe, Ubachukwu A.
Filing Date: January 25, 2012	Docket No.: 051007-1040

Title: **SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES**

RESPONSE TO FINAL OFFICE ACTION DATED SEPTEMBER 30, 2014

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

Sir:

In regard to the outstanding final Office Action mailed on September 30, 2014, the following Response is submitted.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including, but not limited to, fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 20-0778.

AMENDMENTS

IN THE CLAIMS:

Please amend the claims as indicated below, where added text is underlined ("__") and deleted text is indicated by double brackets ("[[ ]]") or strikethrough ("—").

1. (Currently Amended) A method for delivering messages in a personal electronic device (PED), comprising:

enabling a user to input one or more user preferences associated with ~~for output of~~ one or more activity based suggestive (ABS) messages, the one or more user preferences defining at least one selection condition for selection of the one or more ABS messages and at least one output condition for output of the one or more ABS messages;

playing media from the PED;

determining a user activity associated with the user; and

~~playing media from the PED; and~~

when the user activity meets the at least one output condition, selecting an ABS message from among the one or more ABS messages based on the at least one selection condition and initiating output of the selected ABS message ~~one or more ABS messages~~ from the PED.

2. (Previously Presented) The method of claim 1, further comprising:

determining that an event has occurred in a local environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED; and

determining the user activity based at least in part on the event.

3. (Currently Amended) The method of claim 1, further comprising:

determining that an event has occurred in a local environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED; and

initiating output of at least one of the one or more ABS messages from the PED when the event meets the at least one output condition ~~of the user preferences~~.

4. (Previously Presented) The method of claim 1, wherein the PED includes a user interface having a keyboard and display that enables the user to select or input the user preferences.

5. (Currently Amended) The method of claim 1, wherein the one or more ABS messages are input ~~or selected~~ by the user.

6. (Previously Presented) The method of claim 1, wherein the one or more ABS messages are provided between audio tracks played from the PED.

7. (Previously Presented) The method of claim 1, wherein the one or more ABS messages are provided during an audio track played from the PED.

8. (Previously Presented) The method of claim 7, further comprising lowering a volume associated with the audio track played from the PED while playing the one or more ABS messages.

9. (Previously Presented) The method of claim 1, further comprising accessing a remote computer server and retrieving the one or more ABS messages.

10. (Currently Amended) The method of claim 1, further comprising:

monitoring location data; and

initiating output of the selected ABS message ~~one or more ABS messages~~ when the location data meets the at least one output condition ~~of the user preferences~~.

11. (Previously Presented) The method of claim 10, further comprising:

communicating the location data to a remote server computer system; and

receiving the one or more ABS messages from the remote server computer system based on the location data.

12. (Currently Amended) The method of claim 1, further comprising mixing an audio signal and the selected ABS message ~~one or more ABS messages~~ so that the audio signal and the selected ABS message ~~one or more ABS messages~~ are played concurrently.

13. (Currently Amended) The method of claim 1, further comprising:

determining an event ~~activity~~ associated with ~~a user of~~ the PED; and

initiating output of the selected [[an]] ABS message based at least in part on the event ~~activity~~.

14. (Currently Amended) The method of claim 1, further comprising:

detecting a speed associated with the PED; and

selecting the ~~determining an~~ ABS message from among the one or more ABS messages based further ~~at least in part~~ on the speed.

15. (Currently Amended) The method of claim 14, further comprising:

determining a location associated with the PED; and

selecting the ~~determining an~~ ABS message from among the one or more ABS messages based further ~~at least in part~~ upon the location and the speed.

16. (Currently Amended) A method for delivering messages in a personal electronic device (PED), comprising:

enabling a user to perform a first electronic based intelligence function including playing media from the PED; and

enabling the user to perform a second electronic based intelligence function, comprising:

enabling the user to input one or more user preferences associated with ~~for output of~~ one or more activity based suggestive (ABS) messages, the one or more user preferences defining at least one selection condition for selection of the one or more ABS messages and at least one output condition for output of the one or more ABS messages;

determining an activity associated with the PED; [[and]]

selecting an ABS message from among the one or more ABS messages based on the at least one selection condition; and

initiating output of the selected ABS message ~~one or more ABS messages~~ from the PED when the activity associated with the PED meets the at least one output condition ~~of the user preferences~~.

17. (Previously Presented) The method of claim 16, further comprising permitting concurrent operation of the first and second electronic based intelligence functions.

18. (Currently Amended) A method for delivering messages in a personal electronic device (PED) having a GPS receiver and storing map data, comprising:

performing, with the PED, a first electronic based intelligence function; and

performing, with the PED, a second electronic based intelligence function, comprising:

receiving one or more conditions for output of one or more activity based suggestive (ABS) messages, the one or more conditions including at least one selection condition for selection of the one or more ABS messages and at least one output condition for output of the one or more ABS messages;

receiving location information from the GPS receiver;

determining an activity status for the PED based upon the location information and the map data; [[and]]

selecting an ABS message from among the one or more ABS messages based on the at least one selection condition; and

initiating output of the selected ABS message ~~one or more ABS messages~~ from the PED when the activity status of the PED meets the at least one output condition ~~one or more conditions~~.

19. (Currently Amended) The method of claim 18, further comprising selecting the ABS message from among ~~at least one of~~ the one or more ABS messages based further on the activity status.

20. (Previously Presented) The method of claim 18, further comprising:

communicating the location information to a remote computer system; and

receiving the one or more ABS messages from the remote computer system based on the location information.

21. (Previously Presented) The method of claim 18, wherein the activity status includes at least one of an activity commenced status, an activity terminated status, or an activity changed status.

22. (Currently Amended) A method for delivering messages in a personal electronic device (PED), comprising:

performing, with the PED, a first electronic based intelligence function; and

performing, with the PED, a second electronic based intelligence function, comprising:

receiving ~~local environment event~~ conditions associated with ~~for output of~~ one or more messages, the conditions including a selection condition and an output condition;

sensing a signal in a local environment associated with the PED;

converting the signal to sensed data;

detecting an event, at least in part, by comparing the sensed data with reference data that corresponds to the event; and

initiating output of at least one of the one or more messages from the PED based on the selection condition when the event meets the output condition ~~local environment event conditions~~.

23. (Previously Presented) The method of claim 22, further comprising:

storing identification information relating to a plurality of events; and

enabling a user to select the event from the identification information.

24. (Previously Presented) The method of claim 22, further comprising:

determining location information associated with the PED; and

using the location information to assist with detecting the event.

25. (Currently Amended) The method of claim 22, further comprising~~:~~ ~~storing user preferences for output of the one or more messages; and~~ selecting the at least one of the one or more messages for output based upon the selection condition ~~user preferences~~.

26. (Currently Amended) The method of claim 22, further comprising concurrently outputting media and the at least one of the one or more messages from the PED.

27. (Currently Amended) The method of claim 26, wherein the media comprises an audio signal and [[and]] the method further comprises adjusting a volume associated with the at least one of the one or more messages so that the volume is lower than that associated with an audio signal associated with the media.

28. (Currently Amended) The method of claim 22, further comprising outputting the at least one of the one or more messages between tracks of media played by the PED.

REMARKS

As of entry of this Response, claims 1-28 are pending, with claims 1, 16, 18, and 22 being independent. Claims 1, 3, 5, 10, 12-16, 18, 19, 22, and 25-28 are amended by this Response. No new matter is added.

Reconsideration and allowance of the pending application and claims is respectfully requested in light of the following remarks.

I. Rejection of claims 16-19 and 21 under 35 U.S.C. § 102

At pages 2-5, the Office Action rejects claims 16-19 and 21 under 35 U.S.C. § 102(b) as allegedly anticipated by a Non-Patent Literature article titled "Operation Manual, DVD Multimedia AV Navigation Server" (herein "*Pioneer*").

A claim is anticipated under 35 U.S.C. § 102 only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Stated differently, to anticipate a claim, it is required "that the four corners of a single, prior art document describe every element of the claimed invention." *Xerox Corp. v. 3Com Corp.*, 458 F.3d 1310, 1322 (Fed. Cir. 2006). Further, "unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot

anticipate under 35 U.S.C. § 102." *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). *See also* MPEP § 2131.

Applicants respectfully request that the rejection of claims 16-19 and 21 be withdrawn for at least the reasons discussed below.

A. Claims 16 and 17: *Pioneer* does not disclose selecting an ABS message based on a selection condition and initiating output of the selected ABS message when activity meets an output condition

Applicants respectfully request that the rejection of claim 16 be withdrawn because *Pioneer* does not disclose at least the features of claim 16 emphasized below. Claim 16 recites (emphasis added):

> 16. A method for delivering messages in a personal electronic device (PED), comprising:
>
> . . .
>
> enabling the user to input . . . ***one or more user preferences defining at least one selection condition for selection of the one or more ABS messages and at least one output condition for output of the one or more ABS messages;***
>
> . . .
>
> ***selecting an ABS message from among the one or more ABS messages based on the at least one selection condition; and***
>
> ***initiating output of the selected ABS message from the PED when the activity associated with the PED meets the at least one output condition***.

At pages 2 and 3, the Office Action references *Pioneer* in connection with every feature of claim 16. As outlined at page 9, *Pioneer* describes a manual for a DVD Multimedia AV Navigation Server, including "the important information you need to make full use of your new navigation system." At page 26, *Pioneer* describes the "basic flow of operation" for using the DVD Multimedia AV Navigation Server to navigate, including "select[ing] the method of searching for

your destination," "enter[ing] the information about your destination," "calculat[ing] the route to your destination," and "driv[ing] in accordance with the navigation guidance." With regard to the navigation guidance, at page 28, *Pioneer* describes that the navigation system provides "[d]istance to the next turning point," "[d]irection of travel," "waypoint," and "[y]our destination" information.

Pioneer does not describe, however, "enabling the user to input one or more user preferences" including "at least one selection condition" and "at least one output condition," as recited by claim 16. Specifically, the "information about your destination" (*i.e.*, destination address), as described by *Pioneer* at pages 26 and 27, is distinguished from the selection and output conditions recited by claim 16, because *Pioneer* describes that the destination information is relied upon by the DVD Multimedia AV Navigation Server to *determine a route* and not to *define selection or output conditions for output of one or more activity based suggestive messages*.

Further, *Pioneer* does not describe "selecting an ABS message from among the one or more ABS messages based on the at least one selection condition" and "initiating output of the selected ABS message from the PED," as recited by claim 16, "when the activity . . . meets the at least one output condition." Instead, at page 28, *Pioneer* describes that the DVD Multimedia AV Navigation Server outputs "[d]istance to the next turning point," "[d]irection of travel," "waypoint," and "[y]our destination" information, as navigation guidance, without selecting an ABS message based on a selection condition or initiating output of such ABS message when certain activity meets an output condition. In

other words, *Pioneer* describes *outputting navigation guidance* according to a destination *and not*, for example, selecting an ABS message based on a selection condition and initiating output the selected ABS message from the Navigation Server when an activity meets an output condition. Applicants submit that, in fact, *Pioneer* is entirely silent as to any selection condition, selecting an ABS message, or initiating output of the selected ABS message, as recited by claim 1, when an activity meets an output condition. Therefore, *Pioneer* does not disclose the above-emphasized features of claim 16.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of claim 16 and claim 17, which depends therefrom, be withdrawn. Claim 17 is also believed to recite additional elements which further distinguish from *Pioneer*, and Applicants respectfully request that the rejection of claim 17 be withdrawn based on those additional elements.

B. Claims 18, 19, and 21 recite features distinguishable from *Pioneer*

Claim 18, although differing in scope from claim 16, recites features distinguishable from *Pioneer* for at least reasons similar to those discussed above with regard to claim 16, to the extent applicable. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of claim 18 and claims 19 and 21, which depend therefrom, be withdrawn. Claims 19 and 21 are also believed to recite additional elements which further distinguish from *Pioneer*, and Applicants respectfully request that the rejection of claims 19 and 21 be withdrawn based on those additional elements.

II. Rejections of claims 1-15, 20, and 22-28 under 35 U.S.C. § 103

At pages 6-25, the Office Action rejects claim 1 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Publication No. 2003/0058752 filed by *Birnbach et al.* (herein "*Birnbach*") in view of U.S. Publication No. 2009/0144369 filed by *Brown et al.* (herein "*Brown*"); rejects claims 2-5, 9-11, and 13-15 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Birnbach* in view of *Brown*, further in view of U.S. Patent No. 7,872,574 issued to *Betts et al.* (herein "*Betts*"); rejects claims 6-8 and 12 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Birnbach* in view of *Brown*, further in view of *Pioneer*; rejects claim 20 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Pioneer* in view of *Betts*; rejects claims 22-25 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Birnbach* in view of *Betts*; and rejects claims 26-28 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Birnbach* in view of *Betts*, further in view of *Pioneer.*

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103, each and every element of a claim must be described or suggested by the prior art or obvious in view of the prior art. *See In re Fine*, 837 F.2d 1071, 1073-1074 (Fed. Cir. 1988); *Ex Parte Wada and Murphy*, Appeal 2007-3733 (BPAI 2008); *See also, KSR Int'l v. Teleflex, Inc.*, 550 U.S. 398, 411 (2007) (claim deemed obvious to one of ordinary skill where all claim elements were disclosed in the cited prior art references). In addition, "[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support

the legal conclusion of obviousness." *KSR Int'l*, 550 U.S. at 418 (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully request that the rejections of claims 1-15, 20, and 22-28 be withdrawn for at least the reasons discussed below.

A. Claim 1: *Birnbach* and *Brown* do not describe or suggest selecting an ABS message based on a selection condition and initiating output of the selected ABS message when user activity meets an output condition

Applicants respectfully request that the rejection of claim 1 be withdrawn because *Birnbach* and *Brown* do not describe, teach, or suggest at least the features of claim 1 emphasized below. Claim 1 recites (emphasis added):

> 1. A method for delivering messages in a personal electronic device (PED), comprising:
>
> enabling a user to input . . . one or more user preferences defining at least one selection condition for selection of the one or more ABS messages and at least one output condition for output of the one or more ABS messages;
>
> . . .
>
> ***determining a user activity*** associated with the user; and
>
> ***when the user activity meets the at least one output condition, selecting an ABS message from among the one or more ABS messages based on the at least one selection condition and initiating output of the selected ABS message from the PED***.

At pages 6 and 7, the Office Action references *Birnbach* and *Brown* in connection with every feature of claim 1. As outlined in the Abstract, *Birnbach* is generally directed to "delivering a prerecorded psycho-suggestive message such as a pre-recorded motivational message." At paragraph [0012], *Birnbach* states:

> [0012] As such, the present invention provides an apparatus and corresponding method for delivering a pre-recorded psycho-

> suggestive or other motivational message to a person that includes and involves one or more of the following components, e.g., a personal electronic device configured to perform a function (e.g., a radio that plays a radio broadcast, etc.), a storage unit for digitally storing at least one pre-recorded psycho-suggestive message, and a playback unit for playing the pre-recorded psycho-suggestive message(s) for perception by the person, and a control unit for selecting a predetermined psycho-suggestive message(s) to be played at a specific time and/or date. The personal electronic device may be prevented from performing its function when the playback unit plays the psycho-suggestive message(s).

Birnbach does not describe, however, "determining a user activity associated with the user" and "initiating output of the selected ABS message," as recited by claim 1, "when the user activity meets the at least one output condition." Instead, at paragraph [0012], *Birnbach* describes "playing the pre-recorded psycho-suggestive message(s) . . . at a specific time and/or date." Specifically, *Birnbach* describes playing a pre-recorded message *at a "specific time and/or date"* and not *when user activity "meets at least one output condition*," as recited by claim 1. Applicants submit that, in fact, *Birnbach* is entirely silent as to "determining a user activity," as recited by claim 1, and the Office Action concedes at page 6 that *Birnbach* does not describe such feature. Because, *Birnbach* does not describe determining user activity, *Birnbach* cannot describe or suggest initiating output of a selected ABS message when such *user activity* meets an output condition, as recited by claim 1. Similarly, *Birnbach* also cannot describe "selecting an ABS message from among the one or more ABS messages based on the at least one selection condition" when such *user activity* meets an output condition, as recited by claim 1. Therefore, *Birnbach* does not

describe or suggest the above-emphasized features of claim 1, and *Brown* fails to cure these deficiencies.

Brown is generally directed to "[c]alibration and publication of user activity on a computer implemented social network." At paragraphs [0005] and [0006], *Brown* states:

> [0005] The present invention is directed to calibrating activity measured by an activity monitor and publishing the activity to a computer implemented social network. An activity monitor is operated by a user of the social network and measures an activity signal due to the activity of the user. The measured activity can be identified by earlier user-calibrated activities and published on the social network website to friends of the user. The publication can be done essentially concurrently with the actual activity of the user. . . .
>
> [0006] In the present invention, the activity signal is stored and compared with previously calibrated activities. If the activity signal is identified with one of the previously calibrated activities, the identifier is published on the social networking website. The publication can be on a newsfeed on a user profile of the user. If the activity signal does not correspond with any of the previously calibrated activities, the user can calibrate the activity by assigning an identifier to the activity.

Brown does not teach or suggest, however, "determining a user activity associated with the user" and "initiating output of the selected ABS message," as recited by claim 1, "when the user activity meets the at least one output condition." Instead of initiating output of a selected ABS message when user activity meets at least one output condition, as recited by claim 1, *Brown* describes publishing a user's activity if an "activity signal is identified with one of the previously calibrated activities" at paragraphs [0005] and [0006]. In other words, when publishing a user's measured activity, *Brown* describes identifying the activity based on some comparison with "earlier user-calibrated activities,"

without relying upon referring to any "output condition," as recited by claim 1. Applicants submit that, in fact, *Brown* is entirely silent as to any "selection condition for selection of the one or more ABS messages" or any "output condition for output of the one or more ABS messages," as recited by claim 1. As such, *Brown* cannot describe or suggest initiating output of a selected ABS message when such user activity meets an output condition, as recited by claim 1. Similarly, *Brown* also cannot describe "selecting an ABS message from among the one or more ABS messages based on the at least one selection condition," as recited by claim 1. Therefore, *Brown* does not teach or suggest the above-emphasized features of claim 1 and, thus, cannot cure the deficiencies of *Birnbach*.

Accordingly, Applicants respectfully request that the rejection of claim 1, under 35 U.S.C. § 103(a), be withdrawn.

B. Claims 22-25: *Birnbach* and *Betts* do not describe or suggest detecting an event and initiating output of at least one message based on a selection condition when the event meets an output condition

Applicants respectfully request that the rejection of claim 22 be withdrawn because *Birnbach* and *Betts* do not describe, teach, or suggest at least the features of claim 22 emphasized below. Claim 22 recites (emphasis added):

> 22. A method for delivering messages in a personal electronic device (PED), comprising:
>
> . . .
>
> sensing a signal in a local environment associated with the PED;
>
> converting the signal to sensed data;
>
> ***detecting an event***, at least in part, by comparing the sensed data with reference data that corresponds to the event; and

initiating output of at least one of the one or more messages from the PED based on the selection condition when the event meets the output condition.

At pages 19-21, the Office Action references *Birnbach* and *Betts* in connection with every feature of claim 22. As noted above, *Birnbach* is generally directed to delivering a prerecorded psycho-suggestive message. *Birnbach* does not describe, however, "detecting an event" and "initiating output of at least one of the one or more messages . . . based on the selection condition when the event meets the output condition," as recited by claim 22. Instead, at paragraph [0012], *Birnbach* describes "playing the pre-recorded psycho-suggestive message(s) . . . at a specific time and/or date." Specifically, *Birnbach* describes playing a pre-recorded message *at a "specific time and/or date"* and not "*when the event meets the output condition*," as recited by claim 22. Applicants submit that, in fact, *Birnbach* is entirely silent as to "detecting an event," as recited by claim 22, and the Office Action concedes at page 19 that *Birnbach* does not describe such feature. Because, *Birnbach* does not describe detecting an event, *Birnbach* cannot describe or suggest "initiating output of at least one of the one or more messages . . . based on the selection condition when the event meets the output condition," as recited by claim 22. Therefore, *Birnbach* does not describe or suggest the above-emphasized features of claim 22, and *Betts* fails to cure these deficiencies.

As outlined in the Abstract, *Betts* is generally directed to "personal electronic devices (PEDs) having a sensory enhancement (SE) system for

monitoring environmental conditions and detecting environmental events." At column 4, line 49, to column 5, line 15, *Betts* states:

> In a third mode of operation, the SE system 100 monitors the environment continuously (at discrete successive short time intervals due to the computer-based architecture) for signals that match those stored in the reference memory array 160. . . . Then, array addressing logic 180 begins selecting one reference signature at a time for correlation. Each reference signature is correlated by a correlator 190 with the active signal to determine if the reference signature matches the active signal from the environment.
>
> The comparator 200 compares the magnitude of the output of the correlator 190 with a threshold to determine a match. When searching for events in the active signal such as emergency signals, the correlator 190 is compared with a fixed threshold. In this case, the switch 210 selects a fixed threshold 211 for comparison. If the correlation magnitude exceeds the fixed threshold 211, then the comparator 200 has detected a match. The comparator 200 then activates the correlation identifier register 220 and the correlation magnitude register 230. The magnitude of the comparison result is stored in the correlation magnitude register 230, and the identity of the source is stored in the correlation identifier register 220. For emergency events, an immediate alert signal may be given. This may be an audible signal via a speaker 250, a visual signal via a display 260, a vibration signal via vibrator 270, or some other signal that can be communicated to a user of the SE system 100.

Even if *Betts* describes a personal electronic device, claim 22 defines a method for delivering messages in a personal electronic device which is distinguished from any method described by *Betts*. For example, *Betts* does not describe "initiating output of at least one of the one or more messages . . . based on the selection condition when the event meets the output condition," as recited by claim 22. Rather than initiating output of any messages based on a "selection condition," as recited by claim 22, *Betts* describes that "an immediate alert signal may be given" for emergency events, at column 5, lines 9-11, without reference

to any selection conditions. In other words, *Betts* describes giving an alert for emergency events, without describing initiating any output based on or with reference to a "selection condition," as recited by claim 22. Therefore, *Betts* does not teach or suggest the above-emphasized features of claim 22 and, thus, cannot cure the deficiencies of *Birnbach*.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of claim 22 and claims 23-25, which depend therefrom, be withdrawn. Claims 23-25 are also believed to recite additional elements which further distinguish from *Birnbach* and *Betts*, and Applicants respectfully request that the rejection of claims 23-25 be withdrawn based on those additional elements.

C. Claims 2-15, 20, and 26-28 recite features distinguishable from *Birnbach*, *Brown*, *Betts*, and *Pioneer*

Claims 2-15 depend from claim 1, claim 20 depends from claim 18, and claims 26-28 depend from claim 22. Therefore, claims 2-15 are distinguishable over the combination of *Birnbach* and *Brown* for at least the same reasons as claim 1, claim 20 is distinguishable over *Pioneer* for at least the same reasons as claim 18, and claims 26-28 are distinguishable over the combination of *Birnbach* and *Betts* for at least the same reasons as claim 22. Further, for reasons similar to those discussed above with regard to one or more of claims 1, 18, or 22, niether *Betts*, which is additionally asserted against claims 2-5, 9, 10, 11, 13-15, and 20, nor *Pioneer*, which is additionally asserted against claims 6-8, 12, and 26-28, cures the above-discussed deficiencies of the rejections of claims 1, 18, or 20.

Accordingly, Applicants respectfully request that the rejections of claims 2-15, 20, and 26-28, under 35 U.S.C. 103(a), be withdrawn.

CONCLUSION

It is requested that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding this Response, the Examiner is encouraged to telephone Applicants' undersigned representative.

Respectfully submitted,

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
13/358,173	01/25/2012	

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **01/09/2015**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 28	Minus	** 28	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/DENISE HOPKINS/

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13/358,173	01/25/2012	M. Kelly Jones	051007-1040	6859

24504 7590 09/30/2014

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ART UNIT	PAPER NUMBER
2651	

NOTIFICATION DATE	DELIVERY MODE
09/30/2014	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):

uspatents@tkhr.com
kristen.layton@tkhr.com
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Office Action Summary	Application No. 13/358,173	Applicant(s) JONES ET AL.	
	Examiner UBACHUKWU ODUNUKWE	Art Unit 2651	AIA (First Inventor to File) Status No

-- 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 *3 June 2014*.

☐ 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) *1-28* 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) *1-28* 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 *25 January 2012* 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 is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 16 – 19, and 21 are rejected under 35 U.S.C 102(b) as being unpatenable over Pioneer AVIC D3, 2007 (herein referred to as Pioneer).

Regarding claim 16, Pioneer teaches a method for delivering messages (voice guidance (page 28), displayed prompts (distance to a turning point, page 37), visual alerts (checker flag, page 37)) in a personal electronic device (PED) (DVD multimedia AV navigation server), comprising:

enabling a user to perform a first electronic based intelligence function

including playing media from the PED (playing a music CD or DVD-Video); and enabling the user to perform a second electronic based intelligence function (While the DVD Map Disc is inserted, you can store the map data into the internal memory of the navigation system, page 29 {31 of 173}), comprising: enabling the user to input one or more user preferences (Sorting waypoints automatically, page 46 {48 of 173}) for output of one or more activity based suggestive (ABS) messages (showing the nearest way point from the current location as way point 1, page 47 {49 of 173}), the one or more user preferences defining at least one condition for output of the one or more ABS messages (System will show the nearest way point from the current location as way point 1, page 47 {49 of 173}); determining an activity associated with the PED (Distance to the guidance point, page 37 {39 of 173}); and initiating output of the one or more ABS messages from the PED when the activity associated with the PED meets the at least one condition of the user preferences (Arrival at waypoint, page 37 {39 of 173}).

The automatic sorting of way points outputs an activity based suggestive message where the personal electronic device shows the nearest way point from the current location as way point 1. Touching the up or down arrows on the left of the list allows the user to sort the way points manually. Support can be found on page 46 {48 of 173}.

Regarding claim 17, Pioneer teaches further comprising permitting concurrent operation of the first and second electronic based intelligence

functions (When [*proprietary symbol*] disappears, memory navi mode is ready. You can now remove the DVD Map Disc. In the memory navi mode, you can play a music CD or DVD-Video on the navigation system while navigating at the same time, page 29 {31 of 173}).

Regarding claim 18, Pioneer teaches a method for delivering messages in a personal electronic device (PED) (DVD multimedia AV navigation server), a GPS receiver (GPS Antenna, page 69 {71 of 173}), and storing map data (The memory navi mode uses the following map data to perform navigation, page 29 {31 of 173}), comprising: performing, with the PED, a first electronic based intelligence function (playing a music CD or DVD-Video); and performing, with the PED a second electronic based intelligence function (While the DVD Map Disc is inserted, you can store the map data into the internal memory of the navigation system, page 29 {31 of 173}), comprising: receiving one or more conditions (setting/and or automatically sorting a way point, page 47 {49 of 173}) for output of one or more activity based suggestive (ABS) messages (System will show the nearest way point from the current location as way point 1, page 47 {49 of 173}); receiving location information from the GPS receiver (The current location of your vehicle. The tip of the triangle mark indicates your heading and the display moves automatically as you drive, page 37 {39 of 173}); determining an activity status (Distance to the guidance point, page 37 {39 of 173}) for the PED based upon the location information and the map data; and

initiating output of the one or more ABS messages from the PED when the activity status of the PED meets at least one of the one or more conditions (Arrival at waypoint, page 37 {39 of 173}).

Regarding claim 19, Pioneer teaches further comprising selecting at least one of the one or more ABS messages (Editing a way point, page 46 {48 of 173}) based on the activity status (Distance to the guidance point, page 37 {39 of 173}).

Regarding claim 21, Pioneer teaches wherein the activity status includes at least one of an activity commenced status, an activity terminated status (a checker-flag indicates your destination; the route guidance is terminated once the user has reached their destination, page 37 {39 of 173}), or an activity changed status (recalculating the route to your destination, page 46 {48 of 173}).

Claim Rejections - 35 USC § 103

3. The following is a quotation of pre-AIA 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 negatived by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C 103(a) as being unpatenable over Birnbach et al US PG Publication 20030058752 (herein referred to as Birnbach) in view of Brown et al US PG Publication 20090144369 (herein referred to as Brown).

Regarding claim 1, Birnbach teaches a method for delivering messages in a personal electronic device (PED) (Abstract), comprising: enabling a user to input one or more user preferences for output of one or more activity based suggestive (ABS) messages (para 0012: specific time and/or date), the one or more user preferences defining at least one condition for output of the one or more ABS messages (para 0012); playing media from the PED (para 0028); and initiating output of the one or more ABS messages from the PED when the user activity meets the at least one condition of the user preferences (para 0012).

Birnbach does not explicitly teach determining a user activity associated with the user.

Brown teaches determining a user activity associated with the user (para 0005) for measuring an activity signal due to the activity of the user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Birnbach with Brown, enabling a user to input one or more user preferences, determining a user activity associated with the user, playing

media, and initiating output of one or more ABS messages based at least in part upon the user preferences and the user activity.

5. Claims 2 – 5, 9, 10, 11, and 13 - 15 are rejected under 35 U.S.C 103(a) as being unpatenable over Birnbach et al US PG Publication 20030058752 (herein referred to as Birnbach) in view of Brown et al US PG Publication 20090144369 (herein referred to as Brown), and further in view of Betts et al US Patent No. 7872574 (herein referred to as Betts).

Regarding claim 2, Birnbach does not explicitly teach determining the user activity based at least in part on the event.

Brown teaches determining the user activity based at least in part on the event (para 0005) for measuring an activity signal due to the activity of the user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Birnbach with Brown, enabling a user to input one or more user preferences, determining a user activity associated with the user, playing media, and initiating output of one or more ABS messages based at least in part upon the user preferences and the user activity.

The combination of Birnbach and Brown does not explicitly teach further comprising determining that an event has occurred in a local

environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED.

Betts teaches further comprising determining that an event has occurred in a local environment associated with the PED by analyzing data (Figure 1, detection engine 215) measured by one or more transducers situated in or communicatively coupled to the PED (Figure 1, input transducers 105) for the benefit of invoking a notification, an alert, a corrective action, or some other action, depending upon the implementation to the PED user or another party.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Brown with Betts, for delivering activity based suggestive messages to a user based upon the current or anticipated activity of the user.

Regarding claim 3, the combination of Birnbach and Brown does not explicitly teach further comprising: determining that an event has occurred in a local environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED; and initiating output of the one or more ABS messages from the PED when the event meets the at least one condition of the user preferences.

Betts teaches further comprising: determining that an event has occurred in a local environment associated with the PED by analyzing data (Figure 1, detection engine 215) measured by one or more transducers situated in or communicatively coupled to the PED (Figure 1, input transducers 105); and initiating output of the one or more ABS messages from the PED (Column 3, lines 45 – 49: advising of detection of environmental or physiological events) when the event meets the at least one condition of the user preferences (Column 4, lines 49 - 64) for the benefit of invoking a notification, an alert, a corrective action, or some other action, depending upon the implementation to the PED user or another party.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Brown with Betts, for delivering activity based suggestive messages to a user based upon the current or anticipated activity of the user.

Regarding claim 4, Birnbach teaches a display (para 0018: displayed on graphic screens) that enables the user to select or input the user preferences (para 0012).

The combination of Birnbach and Brown does not explicitly teach wherein the PED includes a user interface having a keyboard.

Betts teaches wherein the PED includes a user interface having a keyboard (Column 7, lines 25 - 35) for the benefit of controlling the PED.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Brown with Betts, for enabling the user to select or input the user preferences.

Regarding claim 5, Birnbach further teaches wherein the one or more ABS messages are input or selected by the user (para 0002: pre-recorded messages).

Regarding claim 9, Birnbach does not explicitly teach further comprising accessing a remote computer server and retrieving the one or more ABS messages.

Brown teaches further comprising accessing a remote computer server and retrieving the one or more ABS messages (FIG. 2 shows a display 230 on the monitor 150, in which an encouraging message sent by a friend of the user is displayed. A message-receiving button 260 is available to connect with the application server 120 and receive messages from friends of the user) for the benefit of enabling users of the social network to connect to each other around the activities by communicating with each other.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Birnbach with Brown, for receiving the ABS message from the remote server computer system.

Regarding claim 10, the combination of Birnbach and Brown does not explicitly teach further comprising: monitoring location data; and initiating output of the one or more ABS messages when the location data meets the at least one condition of the user preferences.

Betts teaches further comprising: monitoring location data (GPS receiver 374; Column 10, lines 15 - 31); and initiating output of the one or more ABS messages when the location data meets the at least one condition of the user preferences (Column 10, lines 15 – 31: alert operator of proximity to various locations) for the benefit of invoking a notification, an alert, a corrective action, or some other action, depending upon the implementation to the PED user or another party.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Brown with Betts, for delivering activity based suggestive messages to a user based upon the current or anticipated activity of the user.

Regarding claim 11, the combination of Birnbach and brown does not explicitly teach further comprising: communicating the location data to a remote computer system; and receiving the one or more ABS messages from the remote computer system based on the location data.

Betts teaches further comprising: communicating the location data to a remote computer system; and receiving the one or more ABS messages from the remote computer system based on the location data (Column 20, lines 8 – 12: use of GPS to receive information and provide alert when PED is within a certain region of the earth or at a particular location) for monitoring environmental conditions and detecting environmental events to changes in acoustic, thermal, optical, electromagnetic, chemical, dynamic, wireless, atmospheric, or biometric signals in an environment to which the PED is exposed and generate appropriate notification signals.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Brown with Betts, for initiating an ABS message based at least in part on the determined location or change in location.

Regarding claim 13, Birnbach does not explicitly teach further comprising: determining an activity associated with a user of the PED; and initiating an ABS message based at least in part on the activity.

Brown teaches further comprising: determining an activity (para 0006, the activity signal is compared with the calibrated activity signals, if the activity signal is identified with one of the previously calibrated activities, the identifier is published) associated with a user of the PED (activity is published on the user profile 400 of the user who is undertaking or has undertaken the activity); and initiating an ABS message based at least in part on the activity (para 0025; The application server 120 publishes the activity after the activity signal is compared with the calibrated activity signals and matching has been attempted) for the benefit of enabling users of the social network to connect to each other around the activities by communicating with each other.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Birnbach with Brown, for receiving the ABS message from the remote server computer system.

Regarding claim 14, the combination of Birnbach and Brown does not explicitly teach further comprising: detecting a speed associated with the PED; and determining an ABS message from among the one or more ABS messages based at least in part on the speed.

Betts teaches further comprising: detecting a speed associated with the PED; and determining an ABS message from among the one or more

ABS messages based at least in part on the speed (Column 11, lines 34 – 50: speed and distance are measured and displayed with selectable warning thresholds) for the benefit of warning user of objects nearby.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Brown with Betts, for message selection based upon a detected activity, location, or speed of the user.

Regarding claim 15, the combination of Birnbach and Brown does not teach further comprising: determining a location associated with the PED; and determining an ABS message from among the one or more ABS messages based at least in part upon the location and the speed.

Betts teaches further comprising: determining a location associated with the PED (Column 11, lines 34 -50); and determining an ABS message from among the one or more ABS messages based at least in part upon the location and the speed (Column 11, lines 34 - 50) for the benefit of warning user of objects nearby.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Brown with Betts, for initiating an ABS message based upon a detected activity, location, or speed of the user.

6. Claims 6 – 8, 12 are rejected under 35 U.S.C 103(a) as being unpatenable over Birnbach et al US PG Publication 20030058752 (herein referred to as Birnbach) in view of Brown et al US PG Publication 20090144369 (herein referred to as Brown), and further in view of Pioneer AVIC D3, 2007 (herein referred to as Pioneer).

Regarding claim 6, the combination of Birnbach and Brown does not explicitly teach wherein the one or more ABS messages are provided between audio tracks played from the PED.

Pioneer teaches wherein the one or more ABS messages are provided between audio tracks played from the PED (page 123, {125 of 173}) for the benefit of switching the sound, muting, or attenuation. Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Brown with Pioneer, for control over the output device.

Regarding claim 7, the combination of Birnbach and Brown does not explicitly teach wherein the one or more ABS messages are provided during audio tracks played from the PED.

Pioneer teaches wherein the one or more ABS messages are provided during audio tracks played from the PED (page 123, {125 of 173}) for the benefit of switching the sound, muting, or attenuation. Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Brown with Pioneer, for control over the output device.

Regarding claim 8, the combination of Birnbach and Brown does not explicitly teach further comprising lowering a volume associated with the audio track played from the PED while playing the one or more ABS messages.

Pioneer teaches further comprising lowering a volume associated with the audio track played from the PED while playing the one or more ABS messages (page 123, {125 of 173}) for the benefit of switching the sound,

muting, or attenuation. Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Brown with Pioneer, for control over the output device.

Regarding claim 12, the combination of Birnbach and Brown does not explicitly teach further comprising mixing an audio signal and the one or more ABS messages so that the audio signal and the one or more ABS messages are played concurrently.

Pioneer teaches further comprising mixing an audio signal and the one or more ABS messages so that the audio signal and the one or more ABS messages are played concurrently (page 123, {125 of 173}) for the benefit of switching the sound, muting, or attenuation. Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Brown with Pioneer, for control over the output device.

7. Claim 20 is rejected under 35 U.S.C 103(a) as being unpatenable over Pioneer AVIC D3, 2007 (herein referred to as Pioneer) in view of Betts et al US Patent No. 7872574 (herein referred to as Betts).

Regarding claim 20, Pioneer does not explicitly teach further comprising: communicating the location information to a remote computer system; and receiving the one or more ABS messages from the remote computer system based on the location information.

Betts teaches further comprising: communicating the location information to a remote computer system; and receiving the one or more ABS messages from the remote computer system based on the location information (Column 20, lines 8 – 12: use of GPS to receive information and provide alert when PED is within a certain region of the earth or at a particular location) for monitoring environmental conditions and detecting environmental events to changes in acoustic, thermal, optical, electromagnetic, chemical, dynamic, wireless, atmospheric, or biometric

signals in an environment to which the PED is exposed and generate appropriate notification signals.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Pioneer with Betts, for initiating an ABS message based at least in part on the determined location or change in location.

8. Claims 22 - 25 are rejected under 35 U.S.C 103(a) as being unpatenable over Birnbach et al US PG Publication 20030058752 (herein referred to as Birnbach) in view of Betts et al US Patent No. 7872574 (herein referred to as Betts).

Regarding claim 22, Birnbach teaches a method for delivering messages (Abstract: psycho-suggestive message) in a personal electronic device (PED) (Figure 1), comprising: performing, with the PED, a first electronic based intelligence function (para 0002: play pre-recorded messages); and performing, with the PED, a second electronic based intelligence function (para 0012: playing the pre-recorded psycho-suggestive message(s) at a specific time and/or date).

Birnbach does not explicitly teach comprising: receiving local environment event conditions for output of one or more messages; sensing a signal in a local environment associated with the PED; converting the signal to sensed data; detecting an event, at least in part, by comparing the sensed data with reference data that corresponds to the event; and initiating output of

the one or more messages from the PED when the event meets the local environment event conditions.

Betts teaches comprising: receiving local environment event conditions (Column 1, lines 5 – 15: monitoring environmental conditions) for output of one or more messages (Column 3, lines 45 – 49: advising of detection of environmental or physiological events); sensing a signal in a local environment associated with the PED (Figure 1; Column 1, lines 40 – 45: detect acoustic, thermal, optical, electromagnetic…signals); converting the signal to sensed data (Column 4, lines 34 – 45); detecting an event (Abstract: detecting environmental events), at least in part, by comparing the sensed data with reference data that corresponds to the event (Correlator 190); and initiating output of the one or more messages from the PED when the event meets the local environment event conditions (Column 4, lines 49 - 64) for the benefit of invoking a notification, an alert, a corrective action, or some other action, depending upon the implementation to the PED user or another party.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Birnbach with Betts, for delivering activity based suggestive messages to a user based upon the current or anticipated activity of the user.

Regarding claim 23, Birnbach does not explicitly teach further comprising: storing identification information relating to a plurality of events; and enabling a user to select the event from the identification information.

Betts teaches further comprising: storing identification information relating to a plurality of events (Column 2, lines 1 – 10: storing a reference signature); and enabling a user to select the event from the identification information (Claim 6: enabling the user to select an event from the stored identification information) for monitoring environmental conditions and detecting environmental events to changes in acoustic, thermal, optical, electromagnetic, chemical, dynamic, wireless, atmospheric, or biometric signals in an environment to which the PED is exposed and generate appropriate notification signals.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Birnbach with Betts, for sensing an environmental condition and converting it into an electrical signal for analysis.

Regarding claim 24, Birnbach does not explicitly teach further comprising: determining location information associated with the PED; and using the location information to assist with detecting the event.

Betts teaches further comprising: determining location information associated with the PED (GPS receiver 374; Column 10, lines 15 - 31); and using the location information to assist with detecting the event (Column 5, lines 23 – 41) for the benefit of displaying the location or direction of the detected event.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by Birnbach with Betts, for delivering activity based suggestive messages to a user based upon the current or anticipated activity of the user.

Regarding claim 25, Birnbach further teaches comprising storing (Abstract: storage unit for storing at least one pre-recorded psycho-suggestive message) user preferences (para 0012: specified time and/or date) for output of the one or more messages; and selecting at least one of the one or more messages for output based upon user preferences (para 0012: selecting a predetermined psycho-suggestive message to be played at a specified time and/or date).

9. Claims 26 - 28 are rejected under 35 U.S.C 103(a) as being unpatenable over Birnbach et al US PG Publication 20030058752 (herein referred to as Birnbach) in view of Betts et al US Patent No. 7872574 (herein referred to as Betts), and further in view of Pioneer AVIC D3, 2007 (herein referred to as Pioneer).

Regarding claim 26, the combination of Birnbach and Betts does not explicitly teach further comprising concurrently outputting media and the one or more messages from the PED.

Pioneer teaches further comprising concurrently outputting media and the one or more messages from the PED (navigation is performed using the data in the memory (memory navi mode).

In the memory navi mode, you can play a music CD or DVD-video on the navigation system while navigating at the same time, page 29 {31 of 173}) for the benefit of switching the sound, muting, or attenuation.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Betts with Pioneer, for control over the output device.

Regarding claim 27, the combination of Birnbach and Betts does not explicitly teach wherein the media comprises an audio signal and the method further comprises adjusting a volume associated with the one or more messages so that the volume is lower than that associated with an audio signal associated with the media.

Pioneer teaches wherein the media comprises an audio signal and the method further comprises adjusting a volume associated with the one or more

messages so that the volume is lower than that associated with an audio signal associated with the media (page 71 - 72 {73 – 74 of 173}) for the benefit of switching the sound, muting, or attenuation.

The sound volume for the navigation can be set. You can set the volume of the route guidance and the beep sound separately. To display the Volume setting screen, touch "Volume" in the Settings menu.

Switching the sound muting/attenuation Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Betts with Pioneer, for control over the output device.

Regarding claim 28, the combination of Birnbach and Betts does not explicitly teach further comprising outputting the one or more messages between tracks of media played by the PED.

Pioneer teaches further comprising outputting the one or more messages between tracks of media played by the PED (page 123, {125 of 173}) for the benefit of switching the sound, muting, or attenuation. Sound

from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claimed invention as taught by the combination of Birnbach and Betts with Pioneer, for control over the output device.

Response to Arguments

10. Applicant's arguments filed 3 July 2014 have been fully considered and are not persuasive.

Applicant's first argument on page 13 and 16 of the remark section regarding claims 16 – 19 and 21, is that Pioneer does not disclose initiating output of one or more messages when activity associated with a personal electronic device meets at least one condition of user preferences.

Regarding claims 16 – 19 and 21, Pioneer clearly shows initiating output of one or more messages, showing the nearest way point from the current location as way point 1, when activity associated with a personal electronic device meets at least one condition of user preferences, sorting way points automatically. Support can be found on page 46 – 47.

11. Applicant's arguments with respect to claims 1 - 15, 20, 22 - 28 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Regarding claims 1—15, 20, and 22 -18, new grounds of rejection have been made using Birnbach et al US PG Publication 20030058752 (herein referred to as Birnbach) in view of Brown et al US PG Publication 20090144369 (herein referred to as Brown), and further in view of Betts et al US Patent No. 7872574 (herein referred to as Betts) and Pioneer AVIC D3, 2007 (herein referred to as Pioneer).

Conclusion

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.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UBACHUKWU ODUNUKWE whose telephone number is (571)272-8927. The examiner can normally be reached on Monday - Wednesday 8am - 4pm. Thursday 8am - 9am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc NGUYEN can be reached on (571)272-7503. 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.

/UBACHUKWU ODUNUKWE/

Examiner, Art Unit 2651

/CURTIS KUNTZ/

Supervisory Patent Examiner, Art Unit 2656

Notice of References Cited	Application/Control No. 13/358,173	Applicant(s)/Patent Under Reexamination JONES ET AL.	
	Examiner UBACHUKWU ODUNUKWE	Art Unit 2651	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2011/0009241	01-2011	Lane et al.	482/8
*	B	US-2012/0253485	10-2012	Weast et al.	700/91
*	C	US-2009/0144369	06-2009	Brown, Stephen J.	709/205
*	D	US-2011/0231478	09-2011	WHEELER et al.	709/203
*	E	US-2007/0117557	05-2007	Adjali et al.	455/418
*	F	US-5,442,553	08-1995	Parrillo, Louis C.	455/420
*	G	US-6,754,485	06-2004	Obradovich et al.	455/414.1
*	H	US-7,508,298	03-2009	Pisz et al.	340/436
*	I	US-2009/0215502	08-2009	Griffin, JR., Paul P.	455/569.1
*	J	US-7,872,574	01-2011	Betts et al.	340/539.26
*	K	US-20030058752			
*	L	US-20040133081			
*	M	US-20040152957			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Pioneer, DVD Multimedia AV Navigation Server AVIC-D3 (operation manual), 03/2006 , pdf, pertinent pages
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 13/358,173	Applicant(s)/Patent Under Reexamination JONES ET AL.	
	Examiner UBACHUKWU ODUNUKWE	Art Unit 2651	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2013/0190903	07-2013	Balakrishnan et al.	700/91
*	B	US-2013/0184843	07-2013	ELLIS et al.	700/94
*	C	US-2014/0039840	02-2014	Yuen et al.	702/189
*	D	US-2014/0221774	08-2014	Teller et al.	600/301
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
		S21 and (message with (retriev$3 or fetch or reacquire or recover)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:04
		(A63B2024/0071 OR A63B2220/803 OR A63B2225/50 OR A63B24/0062 OR A63B71/0622 OR G06F1/163 OR G06K9/00342 OR G06Q30/02).CPC.)	US-PGPUB	OR	ON	2014/03/21 20:56
S1	257613	((analyze or examine or inspect or survey or study or review or evaluate or research or dissect) near3 (data))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:07
S2	121577	personal and navigation and system	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:13
S3	314462	(navigation and (system or device or apparatus or unit or module))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:15
S4	227075	S3 and (electronic or circuit or digital or electrical)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:16
S5	4751	S4 and (route adj guidance)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:20
S6	8520	route adj guidance	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:21

EAST Search History (Prior Art)

S7	3	S6 and (personal adj electronic adj device)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/07 16:27
S8	1	("7894984").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 16:41
S9	1	(12/127815).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 17:35
S10	2	("20030058752").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 19:13
S11	1	(13/358173).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/07 20:05
S12	1740	(482/8).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 08:01
S13	0	("L1andTreadmill").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 08:02
S14	606	S12 and Treadmill	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:02

EAST Search History (Prior Art)

S15	274	S14 and simulat$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:03
S16	152	S15 and (user with (Preference or choice or desire or option or favorite or selection))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:04
S17	135	S16 and (audio or video or media or mp3 or cd or player)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:05
S18	72	S17 and ((analyz$3 or evaluat$3 or determin$5) near2 (data or statistics or info or input or information or details or reports or score or results))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 08:13
S19	0	("L7and(accelerometerorgpsormap)").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 08:14
S20	426040	remote with (server or computer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:01
S21	463062	remot$3 with (server or computer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:02
S22	26690	S21 and (message with (retriev$3 or fetch or reacquire or recover))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:05

EAST Search History (Prior Art)

S23	23547	S22 and ((communicat$3 or broadcast or connect or interface or relay or transfer or transmit or announce or network) with ((location or area or position or section or site or station or bearings or region) and (data or information or material or info or input or results or report or score or figure or statistics)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:10
S24	15167	S23 and ((user or (end adj user) or player or character or client) with (preference or choice or selection or option or election or favorite or scheme))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:15
S25	486	S24 and ((activity or action or excercise) adj (status or condition or state or mode))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:18
S26	1783	S24 and ((activity or action or excercise) near2 (status or condition or state or mode))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:18
S27	125	S26 and ((gps) with (receiver))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:20
S28	32	S27 and ((audio) with (output))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:21
S29	6	S27 and ((audio) adj (output))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 16:21
S30	0	(61/241370).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 16:43

EAST Search History (Prior Art)

S31	0	(61/241370).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 16:43
S32	1740	(482/8).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/11 17:06
S33	606	S32 and Treadmill	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S34	274	S33 and simulat$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S35	152	S34 and (user with (Preference or choice or desire or option or favorite or selection))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S36	135	S35 and (audio or video or media or mp3 or cd or player)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S37	72	S36 and ((analyz$3 or evaluat$3 or determin$5) near2 (data or statistics or info or input or information or details or reports or score or results))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S38	35	S37 and(accelerometer or gps or map)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06

EAST Search History (Prior Art)

S39	35	S38 and (remote or server or computer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:06
S40	3	(US-20110009241-$ or US-20020104083-$ or US-20110231478-$).did.	US-PGPUB	OR	ON	2014/03/11 17:07
S41	7192	(A63B2024/0071 OR A63B2024/0096 OR G06F17/30864 OR G06F3/011 OR G06K9/00342).CPC.	US-PGPUB	OR	ON	2014/03/11 17:10
S42	35	S37 and(accelerometer or gps or map)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/11 17:24
S43	1	("20090144369").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/20 09:57
S44	1	("20120253485").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/20 10:24
S45	1	("20110231478").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/21 17:51
S46	645	Oesterling.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/21 18:58
S47	188	(Christopher and Oesterling).in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/03/21 18:59
S48	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:49

EAST Search History (Prior Art)

S49	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:52
S50	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:52
S51	4	(US-20110009241-$ or US-20110231478-$ or US-20120253485-$ or US-20090144369-$).did.	US-PGPUB	OR	ON	2014/03/21 20:53
S52	1	("20090215502").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/26 16:20
S53	1	("6754485").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/26 16:53
S54	1	(13/358173).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/27 10:39
S55	5	WO "2006110617"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	ON	2014/03/27 14:56
S56	1	("20060226960").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/27 15:15
S57	4	("7508298").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/27 15:16
S58	2	("20030058752").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/31 11:45

EAST Search History (Prior Art)

S59	1	("7872574").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/03/31 12:11
S60	1096	(381/119).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/11 16:06
S61	272	(369/19).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/11 16:07
S62	43924	(G06Q10/00).cpc. or (G09B19/00).cpc. or (H04B1/00).cpc. or (G06F17/00).cpc. or (G09B5/06).cpc. or (S60) or (S61) or (G06F1/163).cpc. or (G06F19/3481).cpc. or (A63B24/0062).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:09
S63	9691	S62 and (preference or choice or option or favorite or selection) with (user or person$2 or consumer or (end adj user))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:12
S64	9691	S62 and ((preference or choice or option or favorite or selection) with (user or person$2 or consumer or (end adj user)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:12
S65	8268	((output$3 or produc$3 or play$3 or transmit$4) with (message or media or music or sound or tone or image or display or information or activity or audio or audible or visual or picture)) and S64	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:16
S66	4083	((determin$3 or detect$3 or decid$3 or analyz$3 or calculat$3 or choos$3) with (activity or action or excercise or movement or motion or direction or travel)) and S65	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:19

EAST Search History (Prior Art)

S67	3413	((message or sound or instruction or media or music or sound or tone or image or display or information or activity or audible or visual or picture or audio) with (between or interval or insert$3)) and S66	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:25
S68	2617	((determin$3 or detect$3 or decid$3 or analyz$3 or calculat$3 or choos$3) with (locat$3 or position$3 or attitude or area or region or coordinate)) and S67	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:28
S69	959	((concurrent$2 or parellel or simultaneous$2) with (operation or activity or action or exercise or message or output or input or process or motion or performance)) and S68	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:30
S70	2450	((start$3 or commenc$3 or begun or begin or initiat$3 or launch$3 or chang$3 or terminat$3 or end$3 or cancel$3 or complet$3 or resum$3 or paus$3 or finish$3) with (operation or activity or action or exercise or message or output or input or process or motion or performance)) and S68	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:34
S71	931	((start$3 or commenc$3 or begun or begin or initiat$3 or launch$3 or chang$3 or terminat$3 or end$3 or cancel$3 or complet$3 or resum$3 or paus$3 or finish$3) with (operation or activity or action or exercise or message or output or input or process or motion or performance)) and S69	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:34
S72	384	((receiv$3) with (message or sound or instruction or media or music or sound or tone or image or display or information or activity or audible or visual or picture or audio) with (remot$2 or distant or wireless) with (computer or device or apparatus or machine)) and S71	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2014/09/11 16:37
S73	115	((prefer$3 or choos$3 or pick$3 or select$3) with (message or sound or instruction or media or music or sound or tone or image or display or information or activity or audible or visual or picture or audio) with (based or determined) with (activity or status or start$3 or commenc$3 or begun or begin or initiat$3 or launch$3 or chang$3 or terminat$3 or end$3 or cancel$3 or complet$3 or resum$3 or paus$3 or finish$3 or operation or action or exercise or message or output or input or process or motion or performance)) and S72	US-PGPUB	OR	ON	2014/09/11 16:41

EAST Search History (Prior Art)

S74	1	("7872574").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/15 12:03
S75	1	("20090144369").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2014/09/15 13:11

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13358173	JONES ET AL.
	Examiner	Art Unit
	UBACHUKWU ODUNUKWE	2651

CPC- SEARCHED

Symbol	Date	Examiner
G06Q10/00	9/15/2014	UO
G09B19/00	9/15/2014	UO
H04B1/00	9/15/2014	UO
G06F17/00	9/15/2014	UO
G09B5/06	9/15/2014	UO

CPC COMBINATION SETS - SEARCHED

Symbol	Date	Examiner

US CLASSIFICATION SEARCHED

Class	Subclass	Date	Examiner
381	119	3/21/2014	U.O.
369	19	9/15/2014	U.O.
600	300	9/15/2014	U.O.
348	77	3/21/2014	U.O.
709	205	3/21/2014	U.O.
455	414.1	3/21/2014	U.O.
340	539.26	9/15/2014	U.O.
700	91	9/15/2014	U.O.

SEARCH NOTES

Search Notes	Date	Examiner
Palm Inventor Name Search	3/21/2014	U.O.
East Search	3/21/2014	U.O.
East Search	9/15/2014	U.O.

INTERFERENCE SEARCH

/U.O./ Examiner.Art Unit 2651	

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

/U.O./ Examiner.Art Unit 2651	

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13358173	JONES ET AL.
	Examiner	Art Unit
	UBACHUKWU ODUNUKWE	2651

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/21/2014	09/16/2014							
	1	✓	✓							
	2	✓	✓							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							
	6	✓	✓							
	7	✓	✓							
	8	✓	✓							
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	24	✓	✓							
	25	✓	✓							
	26	✓	✓							
	27	✓	✓							
	28	✓	✓							

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	Confirmation: 6859
M. Kelly Jones	Art Unit: 2651
Application Number: 13/358,173	Examiner: Odunukwe, Ubachukwu A.
Filing Date: January 25, 2012	Docket No.: 051007-1040

Title: **SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES**

RESPONSE TO NON-FINAL OFFICE ACTION DATED APRIL 9, 2014

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

Sir:

In regard to the outstanding non-final Office Action mailed on April 9, 2014, the following Response is submitted.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including, but not limited to, fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 20-0778.

AMENDMENTS

Please amend the application as follows:

IN THE CLAIMS:

Please amend the claims as indicated below, where added text is underlined ("__") and deleted text is indicated by double brackets ("[[ ]]") or strikethrough ("—").

1. (Currently Amended) A method for delivering messages ~~implementing~~ in a personal electronic device (PED) ~~that has an media player~~, comprising ~~the steps of~~:

enabling a user to input one or more user preferences for output of one or more activity based suggestive (ABS) messages, the one or more user preferences defining at least one condition for output of the one or more ABS messages;

determining a user activity associated with the user;

playing media from the PED; and

initiating output of the one or more ABS ~~activity based suggestive (ABS)~~ messages from the PED when the user activity meets the at least one condition of ~~based at least in part upon~~ the user preferences ~~and the user activity~~.

2. (Currently Amended) The method of claim 1, ~~wherein the enabling, determining, playing, and initiating steps are part of a first electronic based intelligence function and~~ further comprising ~~the steps of~~:

~~enabling the user to perform a second electronic based intelligence function that is different than the first electronic based intelligence function;~~

determining that an event has occurred in a local environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED; and

determining the user activity based at least in part on the event.

3. (Currently Amended) The method of claim 1, further comprising:

determining that an event has occurred in a local environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED; and

initiating output of the one or more ABS messages from the PED when the event meets the at least one condition of the user preferences ~~wherein the activity is determined by any one or more of the following: accelerometer data, GPS data, and map data~~.

4. (Currently Amended) The method of claim 1, ~~further comprising~~ wherein the PED includes a user interface having a keyboard and display that enables the user to select or input the user preferences.

5. (Currently Amended) The method of claim 1, wherein the one or more ABS messages are ~~message is~~ input or selected by the user.

6. (Currently Amended) The method of claim 1, wherein the one or more ABS messages are provided between audio tracks played from the PED.

7. (Currently Amended) The method of claim 1, wherein the one or more ABS messages are provided during an audio track played from the PED.

8. (Currently Amended) The method of claim 7, further comprising ~~the step of~~ lowering a volume associated with the audio track played from the PED while playing the one or more ABS messages.

9. (Currently Amended) The method of claim 1, further comprising ~~the steps of~~ accessing a remote computer server and retrieving the one or more ABS messages.

10. (Currently Amended) The method of claim 1, further comprising ~~the steps of~~:

monitoring location data; and

initiating output of the one or more [[an]] ABS messages when the location data meets the at least one condition of the user preferences ~~message based at least in part on the location data~~.

11. (Currently Amended) The method of claim 10, further comprising ~~the steps of~~:

communicating the location data to a remote server computer system; and

receiving the one or more ABS messages from ~~message that is selected by~~ the remote server computer system based on the location data.

12. (Currently Amended) The method of claim 1, further comprising ~~the step of~~ mixing an audio signal and the one or more ABS messages ~~message signal~~ so that the audio signal and the one or more ABS messages ~~message~~ are played concurrently ~~on the same one or more speakers~~.

13. (Currently Amended) The method of claim 1, further comprising ~~the steps of~~:

determining an activity associated with a user of the PED; and

initiating an ABS message based at least in part on the ~~determined~~ activity.

14. (Currently Amended) The method of claim 1, further comprising ~~the steps of~~:

detecting a speed associated with the PED[[:]]; and

determining an ABS message from among the one or more ABS messages ~~that is~~ based at least in part on the speed.

15. (Currently Amended) The method of claim 14, further comprising ~~wherein the determining steps of~~:

determining a location associated with the PED; and

determining an ~~wherein the~~ ABS message from among the one or more ABS messages ~~is determined~~ based at least in part upon the location and ~~in addition to~~ the speed.

16. (Currently Amended) A method for delivering messages ~~implementing~~ in a personal electronic device (PED) ~~having one or more audio outputs~~, comprising ~~the steps of~~:

enabling a user to perform a first electronic based intelligence function including playing media from the PED; and

enabling the user to perform a second electronic based intelligence function, comprising:

enabling the user to input one or more user preferences ~~that will cause the PED to play in the future~~ for output of one or more activity based suggestive (ABS) messages, the one or more user preferences defining at least one condition for output of the one or more ABS messages;

determining an activity associated with the PED; and

initiating output of the one or more ABS messages from the PED when the activity associated with the PED meets the at least one

condition of ~~based upon~~ the user preferences ~~to the one or more audio outputs~~.

17. (Currently Amended) The method of claim 16, further comprising ~~the step of~~ permitting concurrent operation of the first and second electronic based intelligence functions.

18. (Currently Amended) A method for delivering messages ~~implementing~~ in a personal electronic device (PED) having ~~one or more audio outputs,~~ a GPS receiver[[,]] and storing map data, comprising ~~the steps of~~:

performing, with the PED, ~~enabling a user to perform~~ a first electronic based intelligence function; and

performing, with the PED, ~~enabling the user to perform~~ a second electronic based intelligence function, comprising:

receiving one or more conditions for output of one or more activity based suggestive (ABS) messages;

receiving location information from the GPS receiver;

determining an activity status for the PED based upon the location information and the map data~~, the activity status relating to an activity associated with the user~~; and

initiating output of the one or more ABS messages from the PED when the activity status of the PED meets at least one of the one or

more conditions ~~based upon the activity status to the one or more audio outputs~~.

19. (Currently Amended) The method of claim 18, further comprising ~~the step of~~ selecting at least one of the one or more ABS messages based on the activity status.

20. (Currently Amended) The method of claim 18, further comprising ~~the steps of~~:

communicating the location information to a remote computer system; and

receiving the one or more ABS messages from the remote computer system based on the location information.

21. (Currently Amended) The method of claim 18, wherein the activity status includes at least one of an activity commenced status, an activity terminated status, or an activity changed status ~~is one of the following: the activity has commenced, the activity has terminated, or the activity has changed~~.

22. (Currently Amended) A method for delivering messages ~~implementing~~ in a personal electronic device (PED) ~~having one or more outputs~~, comprising ~~the steps of~~:

performing, with the PED, ~~enabling a user to perform~~ a first electronic based intelligence function; and

performing, with the PED, ~~enabling the user to perform~~ a second electronic based intelligence function, comprising:

receiving local environment event conditions for output of one or more messages;

sensing a signal in a local environment associated with the PED;

converting the ~~sensed~~ signal to sensed data;

detecting an event, at least in part, by comparing the sensed data with reference data that corresponds to the event; and

initiating output of the one or more ~~activity based (ABS)~~ messages from the PED when the event meets the local environment event conditions ~~to the one or more outputs based, at least in part, upon the detected event~~.

23. (Currently Amended) The method of claim 22, further comprising:

storing identification information relating to a plurality of events; and

enabling [[the]] a user to select the event from the ~~stored~~ identification information ~~relating to the plurality of events~~.

24. (Currently Amended) The method of claim 22, further comprising ~~the steps of~~:

determining location information associated with the PED; and

using the location information to assist with detecting the event.

25. (Currently Amended) The method of claim 22, further comprising ~~the steps of~~:

storing user preferences for output of the one or more messages; and

selecting at least one of the one or more messages for output ~~the message~~ based upon user preferences.

26. (Currently Amended) The method of claim 22, further comprising ~~the step of~~ concurrently outputting [[the]] media and the one or more [[ABS]] messages from the PED ~~on the same one or more outputs devices~~.

27. (Currently Amended) The method of claim 26, wherein the media comprises an audio signal and ~~further comprising the step of~~ and the method further comprises adjusting a volume associated with the one or more messages so that the volume is lower than that associated with [[the]] an audio signal associated with the media.

28. (Currently Amended) The method of claim 22, further comprising ~~the step of~~ outputting the one or more [[ABS]] messages ~~on the one or more outputs devices~~ between tracks ~~associated with the~~ of media played by the PED.

REMARKS

As of entry of this Response, claims 1-28 are pending, with claims 1, 16, 18, and 22 being independent. Claims 1-28 are amended by this Response. The changes to claims 1-28 are supported in the originally filed disclosure at least at Figures 1 and 3-8 and the associated descriptions. No new matter is added.

Reconsideration and allowance of the pending application and claims is respectfully requested in light of the following remarks.

I. Rejections of claims 16-19, 21, 22, and 24-26 under 35 U.S.C. § 102

At pages 2-5, the Office Action rejects claims 16-19 and 21 under 35 U.S.C. § 102(b) as allegedly anticipated by a Non-Patent Literature article titled "Operation Manual, DVD Multimedia AV Navigation Server" (herein "*Pioneer*"), and rejects claims 22 and 24-26 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Publication No. 2012/0253485 filed by *Weast et al.* (herein "*Weast*").

A claim is anticipated under 35 U.S.C. § 102 only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Stated differently, to anticipate a claim, it is required "that the four corners of a single, prior art document describe every element of the claimed invention." *Xerox Corp. v. 3Com Corp.*, 458 F.3d 1310, 1322 (Fed. Cir. 2006). Further, "unless a reference discloses within the

four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). *See also* MPEP § 2131.

Applicants respectfully request that the rejections of claims 16-19, 21, 22, and 24-26 under 35 U.S.C. § 102 be withdrawn for at least the reasons discussed below.

A. Claims 16 and 17: *Pioneer* does not disclose initiating output of one or more messages when activity associated with a personal electronic device meets at least one condition of user preferences

Applicants respectfully request that the rejection of claim 16 be withdrawn because *Pioneer* does not disclose at least the features of claim 16 emphasized below. Claim 16 recites (emphasis added):

> 16. A method for delivering messages in a personal electronic device (PED), comprising:
>
> enabling a user to perform a first electronic based intelligence function including playing media from the PED; and
>
> enabling the user to perform a second electronic based intelligence function, comprising:
>
> ***enabling the user to input one or more user preferences*** for output of one or more activity based suggestive (ABS) messages, ***the one or more user preferences defining at least one condition for output of the one or more ABS messages***;
>
> determining an activity associated with the PED; and
>
> ***initiating output of the one or more ABS messages from the PED when the activity associated with the PED meets the at least one condition of the user preferences***.

At pages 2 and 3, the Office Action references pages 28 and 29 of *Pioneer* in connection with every feature of claim 16. As outlined at page 9, *Pioneer* describes a manual for a DVD Multimedia AV Navigation Server, including "the important information you need to make full use of your new navigation system." At page 26, *Pioneer* describes the "basic flow of operation" for using the DVD Multimedia AV Navigation Server to navigate, including "select[ing] the method of searching for your destination," "enter[ing] the information about your destination," "calculat[ing] the route to your destination," and "driv[ing] in accordance with the navigation guidance." With regard to the navigation guidance, at page 28, *Pioneer* describes that the navigation system provides "[d]istance to the next turning point," "[d]irection of travel," "waypoint," and "[y]our destination" information.

At the outset, Applicants submit that the "navigation guidance" provided by the DVD Multimedia AV Navigation Server, as described by *Pioneer*, is distinguished from "activity based suggestive (ABS) messages," as recited by claim 16, at least because the "navigation guidance" is not suggested based on activity. Instead, at pages 27 and 28, *Pioneer* describes that the "navigation guidance" is determined based on the information entered to identify a destination without regard to any certain activity. *Pioneer* also does not describe "enabling the user to input one or more user preferences for output of one or more activity based suggestive (ABS) messages," as recited by claim 16. Specifically, the "information about your destination" (*i.e.*, destination address), as described by *Pioneer* at pages 26 and 27, is distinguished from "one or more user preferences defining at

least one condition for output of the one or more ABS messages," as recited by claim 16, because *Pioneer* describes that the destination information is relied upon by the DVD Multimedia AV Navigation Server to *determine a route* and not to *define a condition for output of one or more activity based suggestive messages*.

Further, *Pioneer* does not describe "initiating output of the one or more ABS messages from the PED when the activity associated with the PED meets the at least one condition of the user preferences," as recited by claim 16. Instead, at page 28, *Pioneer* describes that the DVD Multimedia AV Navigation Server outputs "[d]istance to the next turning point," "[d]irection of travel," "waypoint," and "[y]our destination" information, as navigation guidance, without the determination of whether a certain activity meets a condition of user preferences. In other words, *Pioneer* describes *outputting navigation guidance* along a route defined by a destination and not, for example, initiating output of one or more ABS messages from the Navigation Server when a certain activity meets at least one condition of user preferences. Therefore, *Pioneer* does not describe the above-emphasized features of claim 16.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of claim 16 and claim 17, which depends therefrom, be withdrawn. Claim 17 is also believed to recite additional elements which further distinguish from *Pioneer*, and Applicants respectfully request that the rejection of claim 17 be withdrawn based on those additional elements.

B. Claims 18, 19, and 21 recite features distinguishable from *Pioneer*

Claim 18, although differing in scope from claim 16, recites features distinguishable from *Pioneer* for at least reasons similar to those discussed above with regard to claim 16, to the extent applicable. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of claim 18 and claims 19 and 21, which depend therefrom, be withdrawn. Claims 19 and 21 are also believed to recite additional elements which further distinguish from *Pioneer*, and Applicants respectfully request that the rejection of claims 19 and 21 be withdrawn based on those additional elements.

C. Claims 22 and 24-26: *Weast* does not disclose initiating output of one or more messages when an event meets local environment event conditions for output of the one or more messages

Applicants respectfully request that the rejection of claim 16 be withdrawn because *Pioneer* does not disclose at least the features of claim 16 emphasized below. Claim 16 recites (emphasis added):

> 22. A method for delivering messages in a personal electronic device (PED), comprising:
>
> . . .
>
> ***receiving local environment event conditions for output of one or more messages***;
>
> sensing a signal in a local environment associated with the PED;
>
> converting the signal to sensed data;
>
> ***detecting an event, at least in part, by comparing the sensed data with reference data that corresponds to the event***; and
>
> ***initiating output of the one or more messages from the PED when the event meets the local environment event conditions***.

At pages 4 and 5, the Office Action references *Weast* in connection with every feature of claim 22. As outlined at the Abstract, *Weast* is generally directed to a "wearable device assembly" including "a controller [that] has at least one sensor wherein activity of a user wearing the device is detected." At paragraph [0253], *Weast* states:

> [0253] Additionally, various other metrics and progress information may be displayed in the interface including calories burned, amount of time the individual has been active, a number of steps taken and/or a distance traveled. The application may also provide various messages to the user including motivational messages, instructional messages (to improve activity level), information messages (e.g., a number of activity points needed to complete the goal), trivia information and the like.

Weast does not describe, however, "initiating output of the one or more messages" when an event detected from a signal in a local environment "meets the local environment event conditions," as recited by claim 22. Instead, at paragraph [0253], *Weast* merely describes that "metrics and progress information may be displayed . . . including calories burned, amount of time the individual has been active, a number of steps taken and/or a distance traveled," without referring to conditions of any local environment or detecting any event from a signal sensed in a local environment. Applicants submit that, in fact, *Weast* is entirely silent at paragraph [0253] (and the associated paragraphs) as to "sensing a signal *in a local environment* associated with the PED" or detecting any event from such a signal. Likewise, Applicants submit that *Weast* is entirely silent as to "receiving local environment event conditions for output of one or more messages" and "initiating output of the one or more messages" when an event detected from a signal in a local environment "meets the local environment

event conditions," as recited by claim 22. In contrast, although *Weast* describes that "messages," such as "motivational messages," "instructional messages," or "information messages," may be provided to a user, *Weast* does not describe or suggest the initiation of the output of those messages, for example, when an event detected *from a signal in a local environment* meets *local environment event conditions*, as recited by claim 22. Therefore, *Weast* does not describe the above-emphasized features of claim 22.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of claim 22 and claims 24-26, which depend therefrom, be withdrawn. Claims 24-26 are also believed to recite additional elements which further distinguish from *Weast*, and Applicants respectfully request that the rejection of claims 24-26 be withdrawn based on those additional elements.

II. Rejections of claims 1-15, 20, 23, 27, and 28 under 35 U.S.C. § 103

At pages 5-17, the Office Action rejects claims 1, 2-5, 9, 10, 13, and 14 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Weast* in view of U.S. Publication No. 2009/0144369 filed by *Brown et al.* (herein "*Brown*"); rejects claims 6, 7, 8, 12, and 15 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Weast* in view of *Brown*, further in view of *Pioneer*; rejects claim 20 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Pioneer* in view of U.S. Patent No. 6,754,485 issued to *Obradovich et al.* (herein "*Obradovich*"); rejects claim 11 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Weast* in view of *Brown*, further in view of U.S. Patent No. 7,508,298 issued to *Pisz et al.* (herein "*Pisz*");

rejects claim 23 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Weast* in view of U.S. Patent No. 7,872,574 issued to *Betts et al.* (herein "*Betts*"); and rejects claims 27 and 28 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Weast* in view of *Pioneer*.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103, each and every element of a claim must be described or suggested by the prior art or obvious in view of the prior art. *See In re Fine*, 837 F.2d 1071, 1073-1074 (Fed. Cir. 1988); *Ex Parte Wada and Murphy*, Appeal 2007-3733 (BPAI 2008); *See also, KSR Int'l v. Teleflex, Inc.*, 550 U.S. 398, 411 (2007) (claim deemed obvious to one of ordinary skill where all claim elements were disclosed in the cited prior art references). In addition, "[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l*, 550 U.S. at 418 (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully request that the rejections of claims 1-15, 20, 23, 27, and 28 under 35 U.S.C. § 103 be withdrawn for at least the reasons discussed below.

A. Claims 1, 2-5, 9, 10, 13, and 14: *Weast* and *Brown* do not describe, teach, or suggest initiating output of one or more messages when user activity meets at least one condition of user preferences

Applicants respectfully request that the rejection of claim 1 be withdrawn because *Weast* and *Brown* do not describe, teach, or suggest at least the features of claim 1 emphasized below. Claim 1 recites (emphasis added):

> 1. A method for delivering messages in a personal electronic device (PED), comprising:
>
> enabling a user to input one or more user preferences for output of one or more activity based suggestive (ABS) messages, the one or more user preferences defining at least one condition for output of the one or more ABS messages;
>
> ***determining a user activity associated with the user***;
>
> playing media from the PED; and
>
> ***initiating output of the one or more ABS messages from the PED when the user activity meets the at least one condition of the user preferences***.

At pages 6 and 7, the Office Action asserts *Weast* for every feature of claim 1, except "determining a user activity associated with the user," as recited by claim 1, which *Brown* was asserted to teach. Particularly, at page 6, the Office Action states that "Brown teaches determining a user activity associated with the user (para 0005; an activity monitor is operated by a user of the social network and measures an activity signal due to the activity of the user)."

Weast does not describe "determining a user activity associated with the user," as conceded at page 6 of the Office Action. Further, for reasons similar to those described above with regard to claim 22, *Weast* does not describe "initiating output of the one or more ABS messages from the PED when the user activity meets the at least one condition of the user preferences," as recited by claim 1. Instead, at paragraph [0253], *Weast* merely describes that "metrics and

progress information may be displayed . . . including calories burned, amount of time the individual has been active, a number of steps taken and/or a distance traveled," without referring to or considering "when the user activity meets the at least one condition of the user preferences," as recited by claim 1. Therefore, *Weast* does not describe the above-emphasized features of claim 22.

Brown is generally directed to "[c]alibration and publication of user activity on a computer implemented social network." At paragraphs [0005] and [0006], *Brown* states:

> [0005] The present invention is directed to calibrating activity measured by an activity monitor and publishing the activity to a computer implemented social network. An activity monitor is operated by a user of the social network and measures an activity signal due to the activity of the user. The measured activity can be identified by earlier user-calibrated activities and published on the social network website to friends of the user. The publication can be done essentially concurrently with the actual activity of the user. . . .
>
> [0006] In the present invention, the activity signal is stored and compared with previously calibrated activities. If the activity signal is identified with one of the previously calibrated activities, the identifier is published on the social networking website. The publication can be on a newsfeed on a user profile of the user. If the activity signal does not correspond with any of the previously calibrated activities, the user can calibrate the activity by assigning an identifier to the activity.

Brown does not teach or suggest, however, "determining a user activity associated with the user" and "initiating output of the one or more ABS messages from the PED when the user activity meets the at least one condition of the user preferences," as recited by claim 1. Instead of initiating output of one or more messages when user activity meets at least one condition of user preferences, as recited by claim 1, *Brown* describes publishing a user's activity if an "activity

signal is identified with one of the previously calibrated activities" at paragraphs [0005] and [0006]. In other words, when publishing a user's measured activity, *Brown* describes identifying the activity based on some comparison with "earlier user-calibrated activities," without relying upon or any reference to "one or more user preferences defining at least one condition for output of the one or more ABS messages," as recited by claim 1. Applicants submit that, in fact, *Brown* is entirely silent as to "one or more user preferences defining at least one condition for output" of messages or "enabling a user to input" such user preferences. Therefore, *Brown* does not teach or suggest the above-emphasized features of claim 1 and, thus, cannot cure the deficiencies of *Weast*.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of claim 1 and claims 2-5, 9, 10, 13, and 14, which depend therefrom, be withdrawn. Claims 2-5, 9, 10, 13, and 14 are also believed to recite additional elements which further distinguish from *Weast* and *Brown*, and Applicants respectfully request that the rejection of claims 2-5, 9, 10, 13, and 14 be withdrawn based on those additional elements.

B. Claims 6-8, 11, 12, 15, 20, 23, 27, and 28 recite features distinguishable from *Pioneer*, *Weast*, *Obradovich, Pisz, and Betts*

Claims 6-8, 11, 12, and 15 depend from claim 1, claim 20 depends from claim 18, and claims 23, 27, and 28 depend from claim 22. Therefore, claims 6-8, 11, 12, 15, 20, 23, 27, and 28 are distinguishable over *Pioneer* or *Weast* and *Brown* for at least the same reasons as claims 1, 18, and 22. Further, *Obradovich*, *Pisz*, and *Betts*, which are additionally asserted against one or more

of claims 6-8, 11, 12, 15, 20, 23, 27, and 28, fail to cure the above-discussed deficiencies of the rejections in view of *Pioneer*, *Weast*, or *Brown* and are not asserted for the features of claims 1, 18, and 22 that are discussed above as deficient in the rejection in view of *Pioneer*, *Weast*, and *Brown*. Accordingly, Applicants respectfully request that the rejections of claims 6-8, 11, 12, 15, 20, 23, 27, and 28, under 35 U.S.C. 103(a), be withdrawn.

CONCLUSION

It is requested that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding this Response, the Examiner is encouraged to telephone Applicants' undersigned representative.

Respectfully submitted,

/Jason M. Perilla/

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Electronic Acknowledgement Receipt

EFS ID:	19489521
Application Number:	13358173
International Application Number:	
Confirmation Number:	6859
Title of Invention:	SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES
First Named Inventor/Applicant Name:	M. Kelly Jones
Customer Number:	24504
Filer:	Jason M. Perilla/Maddie Weller
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1	Amendment/Req. Reconsideration-After Non-Final Reject	02043462.PDF	152364 d51f2df381d0bdda24ab167d1ea3cc185106e52c	no	23

Warnings:	
Information:	

Total Files Size (in bytes):	152364

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
13/358,173	01/25/2012	

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **07/03/2014**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 28	Minus	** 28	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/MINNIE JACKSON/

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13/358,173	01/25/2012	M. Kelly Jones	051007-1040	6859

24504 7590 04/09/2014

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ART UNIT	PAPER NUMBER
2651	

NOTIFICATION DATE	DELIVERY MODE
04/09/2014	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):

uspatents@tkhr.com
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Office Action Summary	Application No. 13/358,173	Applicant(s) JONES ET AL.	
	Examiner UBACHUKWU ODUNUKWE	Art Unit 2651	AIA (First Inventor to File) Status No

-- 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 *25 January 2012*.

☐ 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) *1-28* 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) *1-28* 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 *25 January 2014* 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 is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 16 – 19, and 21 are rejected under 35 U.S.C 102(b) as being unpatenable over Pioneer AVIC D3, 2007 (herein referred to as Pioneer).

Regarding claim 16, Pioneer teaches a method for implementing in a personal electronic device (PED) having one or more audio outputs (subwoofer output), comprising the steps of: enabling a user to perform a first electronic based intelligence function (playing a music CD or DVD-Video); and enabling the user to perform a second electronic based intelligence function (page 29; While the DVD Map Disc is inserted, you can store the map data into the internal memory of the navigation system), comprising: enabling the user to input one or more user preferences (address) that will cause the PED to play in the future one or more activity (e.g., driving activity) based suggestive (ABS) messages (turn-by-turn route guidance); and initiating output of the one or

more ABS messages based upon the user preferences to the one or more audio outputs (page 28; Drive in accordance with the screen and voice information).

Regarding claim 17, Pioneer teaches the step of permitting concurrent operation of the first and second electronic based intelligence functions (page 29; When [*proprietary symbol*] disappears, memory navi mode is ready. You can now remove the DVD Map Disc. In the memory navi mode, you can play a music CD or DVD-Video on the navigation system while navigating at the same time).

Regarding claim 18, Pioneer teaches a method for implementing in a personal electronic device (PED) having one or more audio outputs (subwoofer output), a GPS receiver (page 69; GPS Antenna), and map data (page 29; The memory navi mode uses the following map data to perform navigation), comprising the steps of: enabling a user to perform a first electronic based intelligence function (para 35; switching the current position screen display mode); enabling the user to perform a second electronic based intelligence function (para 35; view the map of the current location), comprising: receiving location information from the GPS receiver (para 37; The current location of your vehicle. The tip of the triangle mark indicates your heading and the display moves automatically as you drive); determining an activity status based upon the location information and the map data (page 37; Distance to the guidance point), the activity status relating to an activity associated with the user (e.g, driving in according to the Driving directions); and initiating output of the one or more ABS messages based upon the activity status (page 28; Screen and voice information; Checker flag is displayed on screen when the destination is reached. Voice information is given when your destination is reached) to the one or more audio outputs (front/rear speaker).

Regarding claim 19, Pioneer teaches the step of selecting the one or more ABS messages (page 50; Editing Current Route – Route Condition {e.g. Fast or Short}; This setting controls whether the route should be calculated by taking into account the time or the distance).

The activity based suggestive message pertains to route guidance with suggestive messages to the user for a plurality of route suggestions between current location and desired destination, and enables the user to select between taking the fastest route or the shortest route to desired destination.

Regarding claim 21, Pioneer teaches the activity status is one of the following: the activity has commenced, the activity has terminated, or the activity has changed (page 37, a checker-flag indicates your destination; the route guidance is terminated once the user has reached their destination).

3. Claims 22, 24, 25, and 26 are rejected under 35 U.S.C 102(e) as being unpatenable over Weast et al, U.S PG Publication 20120253485 (herein referred to as Weast).

Regarding claim 22, Weast teaches implementing in a personal electronic device (PED) having one or more outputs (para 0161; the device 4300 may further include various input and output adapters), comprising the steps of: enabling a user to perform a first electronic based intelligence function (para 0219; a user may be instructed to initially plug-in the device, download the software and pair the device with the device through which registration will be performed (e.g., a network-connected device)) ; and enabling the user to perform a second electronic based intelligence function (para 303, ability for a performance tracking application to record a route taken by a user), comprising: sensing a signal in a local environment associated with the PED (para 0304, calibrate sensor data and algorithms to measure performance) converting the sensed signal to sensed data (para 0304; data processing algorithms may be used to more closely align the data with the user's actual amount of activity (e.g., steps taken, calories burned, miles run or moved)); detecting an event (Figure 66; Location change), at least in part, by comparing the sensed data (Figure 66; new location) with reference data (Figure 66; current location) that corresponds to the

event (Figure 66; Location change); and initiating output of the one or more activity based (ABS) messages (calories burned) to the one or more outputs (Display) based, at least in part, upon the detected event (Figure 66; location change).

Regarding claim 24, Weast teaches the steps of: determining location information (para 0216; relative positions of the two users…Competition status) associated with the PED (Figure 66); and using the location information to assist with detecting the event (para 0216; the distance of an illuminated light from a center point of the set of edge lights {sensed sig nal} may represent a degree by which the user is ahead or behind {sensed data}).

Regarding claim 25, Weast teaches the steps of: storing user preferences (Specify the type and content of the contact information); and selecting the message based upon user preferences (para 0207; the contact information or identification that is transferred between devices may be configurable such that a user may specify the type and content of the contact information or identification that is transmitted to the other device and user).

Regarding claim 26, Weast teaches the step of concurrently outputting the media and the one or more ABS messages on the same one or more outputs devices (para 0192; If a message (reminder or otherwise) is too wide or too tall to be displayed simultaneously on the device display, the message may be scrolled in a specified direction so that all information is displayed. Text may also be used to convey other metrics, type of metrics and/or units of measurement such as calories burned, steps taken, activity points earned and the like).

Claim Rejections - 35 USC § 103

4. The following is a quotation of pre-AIA 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 negatived by the manner in which the invention was made.

5. Claims 1, 2, 3 – 5, 9, 10, 13, and 14 are rejected under 35 U.S.C 103(a) as being unpatenable over Weast et al, U.S. PG Publication 20120253485 (herein referred to as Weast) in view of Brown et al, U.S. PG Publication 20090144369 (herein referred to as Brown).

Regarding claim 1, Weast teaches a method for implementing in a personal electronic device (PED):

- that has an media player (para 0196; allow a user to connect the activity tracking device to another device such as a mobile phone or a portable music player),
- comprising the steps of: enabling a user to input (para 205; The user input device may include a button, a scroll wheel, a touch sensitive input device, a joystick, a trackball and the like) one or more user preferences (para 234; the Home, Activity and Me modes or interfaces may be displayed as a drop down menu or other type of menu that is displayed upon user selection of a menu option as illustrated in FIG. 82C);
- playing media (Figure 141; para 0096, displaying information for tracking progress)

Weast does not teach determining a user activity associated with the user; and initiating output of one or more activity based suggestive (ABS) messages based at least in part upon the user preference and the user activity.

Brown teaches determining a user activity associated with the user (para 0005; an activity monitor is operated by a user of the social network and measures an activity signal due to the activity of the user); and initiating output of one or more activity based suggestive (ABS) messages based at least in part upon the user preferences and the user activity (para 0006; If the activity signal is identified with one of the previously calibrated activities, the identifier is published on the social networking website. The publication can be on a newsfeed on a user profile of the user. If the activity signal does not correspond with any of the previously calibrated activities, the user can calibrate the activity by assigning an identifier to the activity).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Brown into the teachings of Weast in order to be beneficial for users of a social network for behavioral change such as weight loss or fitness (see paragraph 0008 of Brown).

Regarding claim 2, the combination of Weast and Brown teaches wherein the enabling, determining, playing, and initiating steps are part of a first electronic based intelligence function and further comprising the steps of: enabling the user to perform a second electronic based intelligence function that is different than the first electronic based intelligence function (sleep mode; sleep mode may correspond to a mode in which the display is not activated); determining that an event (sleep mode) has occurred in a local environment associated with the PED (displays are deactivated) by analyzing data measured by one or more transducers (specified amount of time of no user interaction) situated in or communicatively coupled to the PED (Weast; para 0169; The various checks and warning messages may be performed and displayed, respectively, upon a button on the device being pressed or other interaction with an input component on the device when the device is in a sleep mode. A sleep mode may correspond to a mode in which the display is not activated. For example, the sleep mode may correspond to a mode in which one or more displays are deactivated after a specified amount of time of no user interaction); and determining the user activity based at least in part on the event (no user interaction).

Regarding claim 3, the combination of Weast and Brown teaches wherein the activity is determined by any one or more of the following: accelerometer data, GPS data, and map data (Weast; para 0210, The location of the other device may then be used to tag the activity or a location of the user or wearable device may be determined based on a known or approximated distance between the wearable device and the other device).

Regarding claim 4, the combination of Weast and Brown teaches a user interface having a keyboard (Weast; para 205; the user input device may include a button, a scroll wheel, a touch sensitive input device, a joystick, a trackball and the like. In such cases, different types of interaction with the input device may correspond to different actions such as activating and scrolling through the action loop, activating and scrolling through an information loop, toggling functions on and off, activating various functions) and display (Weast; para 0101; include a display that may include an indicator system wherein performance data can be displayed or otherwise conveyed to the user) that enables the user to select or input the user preferences (Weast; para 235; the user may be presented with options such as synchronization (e.g., with a wearable activity tracking device, view notifications, settings and share).

Regarding claim 5, the combination of Weast and Brown teaches wherein the ABS message is input or selected by the user (Brown; para 0030; In addition to a custom message, the sender of the message can also choose from a list of stored messages).

Regarding claim 9, the combination of Weast and Brown teach the steps of accessing a remote computer server and retrieving the one or more ABS messages (Brown; FIG. 2 shows a display 230 on the monitor 150, in which an encouraging message sent by a friend of the user is displayed. A message-receiving button 260 is available to connect with the application server 120 and receive messages from friends of the user).

Regarding claim 10, the combination of Weast and Brown teaches the steps of: monitoring location data (Brown; para 0020; The activity monitor…a GPS navigational device… device for measuring locations and distances traveled) and initiating an ABS message based at least in part on the location data (Brown; para 0007; measuring motion of the user and/or distances

traveled by the user). The measurement of the motion or of the distance traveled would be the ABS message based in part on the location data.

Regarding claim 13, the combination of Weast and Brown teaches the steps of determining an activity (Brown; para 0006, the activity signal is compared with the calibrated activity signals, if the activity signal is identified with one of the previously calibrated activities, the identifier is published) associated with a user of the PED (Brown; activity is published on the user profile 400 of the user who is undertaking or has undertaken the activity); and initiating an ABS message (Brown; application server 120 publishes the activity; para 0006, the identifier is published on the social networking website. The publication can be on a newsfeed on a user profile of the user) based at least in part on the determined activity (Brown; Figure 4; para 0025; The application server 120 publishes the activity after the activity signal is compared with the calibrated activity signals and matching has been attempted. In a preferred embodiment, the activity is published on the user profile 400 of the user who is undertaking or has undertaken the activity. An example of a user profile is shown on FIG. 4. The user profile 400 has a newsfeed 410, which displays current and past activities of the user with the activity identifiers. If an activity signal cannot be identified with the calibrated activity signals, the activity corresponding to the activity signal is denoted as unidentified on the newsfeed 410. The time and date 430 of the activities are also published. If an activity were unidentified, the time and date 430 would aid in calibrating the activity).

Regarding claim 14, the combination of Weast and Brown teaches the steps of: detecting a speed associated with the PED (Weast; para 0108; the sensor 2 in one exemplary embodiment is mounted on the shoe of a user as shown in FIG. 1. The sensor 2 is used in conjunction with the other components of the system to record data such as speed and distance among other parameters of athletic performance): and determining an ABS message that is based at least in part on the speed (Weast; para 0107; The athletic performance data or overall activity can

include a variety of different parameters, metrics or physiological characteristics including but not limited to speed, distance, steps taken, and energy expenditure such as calories, heart rate and sweat detection).

6. Claims 6, 7, 8, 12, 15 are rejected under 35 U.S.C 103(a) as being unpatenable over Weast and Brown in view of Pioneer AVIC D3 (herein referred to as Pioneer).

Regarding claim 6, the combination of Weast and Brown does not teach wherein the ABS messages are provided between audio tracks.

Pioneer teaches the ABS messages are provided between audio tracks (Pioneer; page 123; Switching the sound muting/attenuation Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output).

In regards to claim 6, the method wherein the ABS messages are provided between audio tracks can be accomplished by muting an audio track during playback and providing an ABS message such as voice guidance.

Therefore; It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to modify a method of claim 1, as taught by the combination of Weast and Brown with the ABS messages are provided between audio tracks, as taught by pioneer for the benefit of the user to clearly hear activity based suggestive messages without the risk of masking the message due to the audio track containing frequency content over a broader range and potentially at a higher volume.

Regarding claim 7, the combination of Weast and Brown does not teach the ABS messages are provided during audio tracks.

Pioneer teaches the ABS messages are provided during audio tracks (Pioneer; page 123; Switching the sound muting/attenuation Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output)

Allowing the user to choose the level at which the ABS messages are played or whether any audio tracks should be played concurrently with the ABS message has been executing in several prior inventions and is considered as a design choice. Therefore; It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to modify a method of claim 1, as taught by the combination of Weast and Brown with a method wherein the ABS messages are provided between audio tracks, as taught by pioneer for the benefit of the user to hear activity based suggestive messages such as sound effects or other software application based ABS messages that may be needed in conjunction with a specific media.

Regarding claim 8, the combination of Weast and Brown does not teach the steps of lowering volume associated with the audio track while playing the ABS messages.

Pioneer teaches the step of lowering volume associated with the audio track while playing the ABS messages (Pioneer; page 123; Switching the sound muting/attenuation Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output).

Allowing the user to choose the level at which the ABS messages are played or whether any audio tracks should be played concurrently with the ABS message has been executing in several prior inventions and is considered as a design choice. Therefore; It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to modify a method of claim 1, as taught by the combination of Weast and Brown with a method wherein the ABS messages are provided between audio tracks, as taught by pioneer for the benefit of the user

to hear activity based suggestive messages such as sound effects or other software application based ABS messages that may be needed in conjunction with a specific media.

Regarding claim 12, the combination of Weast and Brown does not teach the step of mixing an audio signal and the ABS message signal so that the audio and ABS message are played concurrently on the same one or more speakers.

Pioneer teaches the step of mixing an audio signal and the ABS message signal so that the audio and ABS message are played concurrently on the same one or more speakers (Pioneer; page 123; Switching the sound muting/attenuation Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output).

Allowing the user to choose the level at which the ABS messages are played or whether any audio tracks should be played concurrently with the ABS message has been executing in several prior inventions and is considered as a design choice. Therefore; It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to modify a method of claim 1, as taught by the combination of Weast and Brown with a method wherein the ABS messages are provided between audio tracks, as taught by pioneer for the benefit of the user to hear activity based suggestive messages such as sound effects or other software application based ABS messages that may be needed in conjunction with a specific media.

Regarding claim 15, the combination of Weast and Brown does not teach the determining steps of: determining a location associated with the PED; and wherein the ABS message is determined based at least in part upon the location in addition to the speed.

Pioneer teaches the determining steps of: determining a location associated with the PED (Name of the street your vehicle is traveling along (or City Name, etc.)); and wherein the ABS

message (Estimated Time of Arrival) is determined based at least in part upon the location (Distance to a turning point* Displayed on the enlarged intersection map. The green bar gets shorter as your vehicle approaches a turning point) in addition to the speed (estimated time of arrival is automatically calculated from the Average Speed set and the actual average speed).

7. Claim 20 is rejected under 35 U.S.C 103(a) as being unpatenable over Pioneer AVIC D3, 2007 (herein referred to as Pioneer) in view of Obradovich et al, US Patent 6754485 (herein referred to as Obradovich).

Regarding claim 20, Pioneer does not teaches steps of: communicating the location information to a remote computer system; and receiving the one or more ABS messages from the remote computer.

Obradovich teaches steps of: communicating the location information to a remote computer system (abstract; Another message may contain just-in-time map information for navigation, depending on the current location of the automobile); and receiving the one or more ABS messages from the remote computer system (abstract; The message may be delivered to the automobile from a remote server through a communications network).

The marriage of communications and GPS technologies benefitting automobiles has been observed. The resulting service is known as the "OnStar service." This service requires that an OnStar system including a GPS receiver, and a cellular phone be installed in an automobile subscribing to the service. When an automobile user calls an OnStar service representative via the cellular phone, the system automatically communicates the vehicle's location tracked by the GPS receiver. The service representative may then provide the user with directions, restaurant recommendations, and/or roadside assistance depending on the vehicle's location.

Therefore, it would have been prima facie obvious to modify a method for implementing in a personal electronic device (PED) having audio outputs, GPS receiver, and map data as taught by pioneer, with steps of communicating location information to a remote computer

system and receiving an ABS message from the remote computer system as taught by Obradovich.

You need to provide a copy of the NPL. I will review these claims after you submitted the NPL.

8. Claim 11 is rejected under 35 U.S.C 103(a) as being unpatenable over Weast and Brown in view of Pisz et al, US Patent 7508298 (herein referred to as Pisz).

Regarding claim 11, the combination of Weast and Brown does not teach the steps of: communicating the location data to a remote server computer system; and receiving the ABS message that is selected by the remote server computer system.

Pisz teaches the steps of: communicating the location data to a remote server computer system (para 15, the automatic crash notification system may include a GPS receiver configured to generate location information indicative of the location of the transportation system. The processing system may be configured to cause the location information to be included in the notice of the crash that is transmitted to the remote location); and receiving the ABS message that is selected by the remote server computer system (para 37; call center may receive the notice of crash and transmit back to the wireless communication system 105 notice that it has been received).

In regards to claim 11, Pisz provides assistance to drivers in emergency situations. Exercise and fitness have become increasingly popular and the benefits from such activities are well known. Various types of technology have been incorporated into fitness and other athletic activities. Extreme sporting activities provide a higher risk of injury to the athlete. Providing an emergency system that would communicate location data to a remote computer and receive a selected message from the remote server, such as help is on the way, or questions regarding status of mobility would have been prima-facie obvious at the time of the invention to modify the personal electronic device taught by the combination of Weast and Brown with steps of communicating the location data to a remote server computer system and receiving the ABS

message that is selected by the remote server computer system, as taught by Pisz for the benefit of tracking injured athletes in scarcely populated areas.

9. Claim 23 is rejected under 35 U.S.C 102(e) as being unpatenable over Weast in view of Betts et al, US Patent 7872574 (herein referred to as Betts).

Regarding claim 23, Weast does not teach storing identification information relating to a plurality of events; and enabling the user to select the event from the stored identification information relating to the plurality of events.

Betts teaches storing identification information (para 9; comprises a means for storing a reference signature) relating to a plurality of events (para 7; systems and methods that can detect acoustic, thermal, optical, electromagnetic, chemical, dynamic, wireless, atmospheric, or biometric signals in an environment to which the PED is exposed and generate appropriate notification signals); and enabling the user to select the event from the stored identification information relating to the plurality of events (para 34; normal operation, when the user enunciates a command, that command is compared with all stored reference commands. The reference that most closely matches the command is used to select and dial the respective phone number).

Weast discloses the claimed invention except for storing identification information relating to a plurality of events; and enabling the user to select the event from the stored identification information relating to the plurality of events. It would have been obvious to one having ordinary skill in the art at the time the invention was made to store identification information relating to a plurality of events; and enabling the user to select the event from the stored identification information relating to the plurality of events since it was known in the art that the detection of environmental events (acoustic, thermal, optical, electromagnetic, chemical, etc.) can be used to invoke a notification, an alert, a corrective action, or communication to another device.

10. Claims 27 and 28 are rejected under 35 U.S.C 103(a) as being unpatenable over Weast in view of Pioneer AVIC D3 (herein referred to as Pioneer).

Regarding claim 27, Weast does not teach wherein the media comprises an audio signal and further comprising the step of adjusting a volume associated with the one or more messages so that the volume is lower than that associated with the audio signal associated with the media.

Pioneer teaches wherein the media comprises an audio signal and further comprising the step of adjusting a volume associated with the one or more messages so that the volume is lower than that associated with the audio signal associated with the media (Pioneer; page 72; This setting controls whether the volume of the audio source is automatically muted during voice guidance.

- On*: During voice guidance, the volume of the Audio source is muted automatically.
- Off: Volume of the Audio source stays the same during voice guidance)

(Pioneer; page 71; the sound volume for the navigation can be set. You can set the volume of the route guidance and the beep sound separately. To display the Volume setting screen, touch "Volume" in the Settings menu).

In regards to claim 27, Setting the voice guidance to the "Off" position will play the audio source at the same level during voice guidance. Furthermore, the guidance volume is adjustable, and can be set to a volume that is lower than that associated with the audio signal associated with the media. Allowing the user to choose the level at which the ABS messages are played or whether any audio tracks should be played concurrently with the ABS message has been executing in several prior inventions and is considered as a design choice. Therefore; It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to modify a method of claim 1, as taught by Weast with a method wherein the ABS messages are provided between audio tracks, as taught by pioneer for the benefit of the user to hear activity based suggestive messages such as sound effects or other software application based ABS messages that may be needed in conjunction with a specific media.

Regarding claim 28, Weast does not teach the step of outputting the one or more ABS messages on the one or more outputs devices between tracks associated with the media.

Pioneer teaches the step of outputting the one or more ABS messages on the one or more outputs devices between tracks associated with the media (Pioneer; page 123; Switching the sound muting/attenuation Sound from this system is muted, attenuated or mixed automatically in the following cases:

• When a call is made or received using a cellular phone connected to navigation system.

• When the voice guidance is output).

In regards to claim 28, muting an audio track during playback and providing an ABS message such as voice guidance meets the aforementioned limitations.

Therefore; It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to modify a method of claim 1, as taught by Weast with the ABS messages are provided between audio tracks, as taught by pioneer for the benefit of the user to clearly hear activity based suggestive messages without the risk of masking the message due to the audio track containing frequency content over a broader range and potentially at a higher volume.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to UBACHUKWU ODUNUKWE whose telephone number is (571)272-8927. The examiner can normally be reached on Monday - Wednesday 8am - 4pm. Thursday 8am - 9am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc NGUYEN can be reached on (571)272-7503. 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.

/UBACHUKWU ODUNUKWE/

Examiner, Art Unit 2651

/DUC NGUYEN/

Supervisory Patent Examiner, Art Unit 2651

Notice of References Cited	Application/Control No. 13/358,173	Applicant(s)/Patent Under Reexamination JONES ET AL.	
	Examiner UBACHUKWU ODUNUKWE	Art Unit 2651	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2011/0009241	01-2011	Lane et al.	482/8
*	B	US-2012/0253485	10-2012	Weast et al.	700/91
*	C	US-2009/0144369	06-2009	Brown, Stephen J.	709/205
*	D	US-2011/0231478	09-2011	WHEELER et al.	709/203
*	E	US-2007/0117557	05-2007	Adjali et al.	455/418
*	F	US-5,442,553	08-1995	Parrillo, Louis C.	455/420
*	G	US-6,754,485	06-2004	Obradovich et al.	455/414.1
*	H	US-7,508,298	03-2009	Pisz et al.	340/436
*	I	US-2009/0215502	08-2009	Griffin, JR., Paul P.	455/569.1
*	J	US-7,872,574	01-2011	Betts et al.	340/539.26
	K	US-			
	L	US-			
	M	US-			

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Pioneer, DVD Multimedia AV Navigation Server AVIC-D3 (operation manual), 03/2006 , pdf, pertinent pages
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13358173	JONES ET AL.
	Examiner	Art Unit
	UBACHUKWU ODUNUKWE	2651

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
(A63B2024/0071 OR A63B2220/803 OR A63B2225/50 OR A63B24/0062 OR A63B71/0622 OR G06F1/163 OR G06K9/00342 OR G06Q30/02).CPC.	3/21/2014	U.O.

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
381		3/21/2014	U.O.
482		3/21/2014	U.O.
701		3/21/2014	U.O.
345		3/21/2014	U.O.
709		3/21/2014	U.O.
455		3/21/2014	U.O.

SEARCH NOTES		
Search Notes	Date	Examiner
Palm Inventor Name Search	3/21/2014	U.O.

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

/U.O./ Examiner.Art Unit 2651	

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13358173	JONES ET AL.
	Examiner	Art Unit
	UBACHUKWU ODUNUKWE	2651

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/21/2014								
	1	✓								
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PUBLICATION NOTICE

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Title:SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES

Publication No.US-2013-0188809-A1
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NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
13/358,173	01/25/2012	2614	895	51007-1020	28	4

CONFIRMATION NO. 6859

24504
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA, GA 30339

FILING RECEIPT

Date Mailed: 02/10/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

M. Kelly Jones, Vancouver, CANADA;
Scott Andrew Horstemeyer, Atlanta, GA;

Power of Attorney: The patent practitioners associated with Customer Number 24504

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 02/06/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/358,173**

Projected Publication Date: 07/25/2013

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES

Preliminary Class

379

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 13/358,173

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	95		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	310		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	125		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	28 minus 20 =	* 8	x 30 =	240	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4 minus 3 =	* 1	x 125 =	125			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	895		TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

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PTO/SB/14 (07-07)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	51007-1020
	Application Number	
Title of Invention	SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
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Applicant 1 Remove

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Martin	Kelly	Jones	

Residence Information (Select One) ○ US Residency ◉ Non US Residency ○ Active US Military Service

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Citizenship under 37 CFR 1.41(b)[i]: US

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Address 2			
City	Vancouver	State/Province	BC
Postal Code	V6R 1H7	Country[i]	CA

Applicant 2 Remove

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Scott	Andrew	Horstemeyer	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

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Citizenship under 37 CFR 1.41(b)[i]: US

Mailing Address of Applicant:

Address 1	5280 New London Trace		
Address 2			
City	Atlanta	State/Province	GA
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	51007-1020
	Application Number	
Title of Invention	SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES	

☐ **An Address is being provided for the correspondence Information of this application.**			
Customer Number	24504		
Email Address		Add Email	Remove Email

Application Information:

Title of the Invention	SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES		
Attorney Docket Number	51007-1020	**Small Entity Status Claimed**	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		**Sub Class (if any)**	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	9	**Suggested Figure for Publication (if any)**	

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

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Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	51007-1020
	Application Number	
Title of Invention	SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES	

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This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

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Application Number	Country [i]	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			○ Yes ◉ No

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Assignee 1 Remove

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Organization Name			
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Signature:

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Signature	/SAH/			Date (YYYY-MM-DD)	2012-01-25
First Name	Scott A.	Last Name	Horstemeyer	Registration Number	34183

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SYSTEMS AND METHODS FOR DELIVERING ACTIVITY BASED SUGGESTIVE (ABS) MESSAGES

BACKGROUND OF THE INVENTION

Field of the Invention

[0001] The present invention relates to systems and methods for providing suggestive messages to a user based upon an activity the user is or is about to be engaged in, and more particularly, to systems and methods for delivering real time activity based suggestive (ABS) messages (*e.g.*, motivational messages, *etc.*) to users by way of personal electronic devices (PEDs), such as a wireless telephone, smartphone, MP3 player, radio, *etc.*

Description of the Related Art

[0002] It is well known that human beings are by their very nature capable of achieving great things when possessed of the right state of mind or the ability to react to circumstances while engaged in certain activities, such as sports. For example, professional athletes often engage in mind-based exercises in which they are instructed to envision success relative to particular endeavor or event. Olympic downhill skiers are often trained to mentally prepare for a sporting event by first learning a mountain course and then rehearsing their performance relative to that that course in their minds. As such, success or failure often will be attributed to one's mental strength relative to a particular field of endeavor.

[0003] Take sales personnel, for example. Companies and organizations have long believed that the power of positive thinking is often the key to sales success. Each year organizations spend significant resources internally and for outside professional coaching services by recognized experts to mentally prepare sales personnel and to produce "winners"--sales people that are mentally prepared to realize a relatively greater number of sales and gains.

[0004] While many skeptics have said that positive thinking and sales and other performance success are merely coincidences, the power of positive thinking cannot be underestimated as a tool that everyday people can and should use to better their lives. For example, many people endlessly (and unnecessarily) seek the advice and care of medical practitioners often to "fix" problems that can be solved through simple positive thinking. We have all heard the stories of cancer patients that have long outlived prognoses for short life expectancies as a result of familial support and simple positive thinking wherein one can convince oneself that he or she can truly overcome particular obstacles and live stronger and healthier.

[0005] Despite the benefits that have long been attributed to positive thinking, there remain no truly effective way of delivering coaching and other messages to people outside of requiring people to read books by gurus, attend seminars, and the like. Aside from horoscopes and machines that may deliver the same such as in vending and entertainment machine contexts, there remains no effective way for people to receive suggestive and other motivational type coaching messages that are easily obtained and perceived.

[0006] U.S. patent application 2003/0058752 filed by Birnbach et al., which is incorporated herein by reference, describes an apparatus and method for delivering psycho-suggestive messages in a PED. However, this apparatus is very rudimentary and not user friendly.

[0007] Thus, there exists a need to provide new and improved systems and methods that facilitate user friendly delivery of ABS messages that people can obtain to aid them in thinking more positively about their personnel challenges and about their personal circumstances.

SUMMARY OF THE INVENTION

[0008] The present invention provides systems and methods for delivering one or more activity based suggestive (ABS) messages (*e.g.*, motivational messages, *etc.*) to a user by way of a personal electronic device (PED), for example but not limited to, a radio, a wireless telephone, a smartphone, a personal electronic game, a media player (*e.g.*, CD, DVD, MP3), *etc.*

[0009] One embodiment, among others, is a method for implementing in a PED that has a media player. The method comprises the steps of enabling a user to input one or more user preferences, playing media (audio, video, images, *etc.*), and initiating output of one or more ABS messages based upon the user preferences. An embodiment of a related system has a computer-based architecture and computer software that is stored in memory and executed by one or more processors for performing the foregoing steps. Yet another embodiment of a related system can be implemented in software and/or hardware and has a means for performing each of the aforementioned steps.

[0010] Another embodiment is a method for implementing in a PED that has an media player. The method comprises the steps of enabling a user to input one or more user preferences, determining a user activity associated with the user, playing media, and initiating output of one or more ABS messages based at least in part upon the user preferences and the user activity. An embodiment of a related system has a computer architecture and computer software that is stored in memory and executed by one or more processors for performing the foregoing steps. Yet another embodiment of a related system can be implemented in software and/or hardware and has a means for performing each of the aforementioned steps.

[0011] Another embodiment is a method for implementing in a PED having one or more audio outputs. The method comprises the steps of: (a) enabling a user to perform a first electronic based intelligence function; (b) enabling the user to perform a second electronic based intelligence function, comprising: (1) enabling the user to input one or more user preferences that will cause the PED to play in the future one or more ABS messages; and (2) initiating output of the one or more ABS messages based upon the user preferences to the one or more audio outputs. An embodiment of a related system has a computer-based architecture and computer software that is stored in memory and executed by one or more processors for performing the foregoing steps. Yet another embodiment of a related system can be

implemented in software and/or hardware and has a means for performing each of the aforementioned steps.

[0012] Another embodiment is a method for implementing in a PED having one or more audio outputs, a GPS receiver, and map data. The method comprises the steps of: (a) enabling a user to perform a first electronic based intelligence function; (b) enabling the user to perform a second electronic based intelligence function, comprising: (1) receiving location information from the GPS receiver; (2) determining an activity based upon the location information and the map data; and (3) initiating output of the one or more ABS messages based upon the activity to the one or more audio outputs. An embodiment of a related system has a computer-based architecture and computer software that is stored in memory and executed by one or more processors for performing the foregoing steps. Yet another embodiment of a related system can be implemented in software and/or hardware and has a means for performing each of the aforementioned steps.

[0013] Another embodiment is a method for implementing in a PED having one or more outputs. The method comprises the steps of: sensing a signal in a local environment associated with the PED; converting the sensed signal to sensed data; detecting an event by comparing the sensed data with reference data that corresponds to the event; and initiating output of the one or more ABS messages based upon the detected event to the one or more outputs. An embodiment of a related system has a computer-based architecture and computer software that is stored in memory and executed by one or more processors for performing the foregoing steps. Yet another embodiment of a related system can be implemented in software and/or hardware and has a means for performing each of the aforementioned steps.

[0014] Other systems, methods, apparatus, features, and advantages of the present invention will be or become apparent to one with skill in the art upon examination of the following drawings and detailed description. It is intended that all such additional systems, methods,

features, and advantages be included within this description, be within the scope of the present invention, and be protected by the accompanying claims.

BRIEF DESCRIPTION OF THE DRAWING FIGURES

[0015] Many aspects of the invention can be better understood with reference to the following drawings. The components in the drawings are not necessarily to scale, emphasis instead being placed upon clearly illustrating the principles of the present invention. Moreover, in the drawings, like reference numerals designate corresponding parts throughout the several views.

[0016] FIG. 1 is a block diagram of an example of a personal communication device (PED) having the messaging subsystem of the present invention for delivering ABS messages.

[0017] FIG. 2 is a block diagram of an example of user preferences logic associated with the messaging subsystem of FIG. 1.

[0018] FIG. 3 is a flow chart of an example of remote computer access logic associated with the message play logic in the messaging subsystem of FIG. 1.

[0019] FIG. 4 is a flow chart of first example of location based selection logic associated with the message play logic in the messaging subsystem of FIG. 1.

[0020] FIG. 5 is a flow chart of an example of activity based selection logic associated with the message play logic in the messaging subsystem of FIG. 1.

[0021] FIG. 6 is a flow chart of an example of speed based selection logic associated with the message play logic in the messaging subsystem of FIG. 1.

[0022] FIG. 7 is a flow chart of a second example of location based selection logic associated with the message play logic in the messaging subsystem of FIG. 1.

[0023] FIG. 8 is a flow chart of an example event based selection logic associated with the message play logic in the messaging subsystem of FIG. 1.

[0024] FIG. 9 is a block diagram of an example of an event detection engine that can be used in connection with the event based selection logic of FIG. 8.

DETAILED DESCRIPTION OF THE INVENTION

[0025] Referring now to FIG. 1, depicted therein is a personal electronic device (PED) 102 having a messaging subsystem 100 for delivering ABS messages 115 (messages that are, *e.g.*, motivational, inspirational, sales incentizing, meditative, spiritual, instructional, coaching, educational, *etc.*) to a user. The PED 102 can be, for example but not limited to, a wireless telephone, smartphone, radio, media (CD, DVD, and/or MP3) player, a personal data assistant (PDA), an alarm clock with radio functionality, a personal entertainment device, such as an electronic game machine, a GPS navigator, *etc*, that has an existing electronic based intelligence function (EBIF) subsystem 103, which is augmented by another EBIF associated with the present invention. Although not limited to this particular architecture, in the preferred embodiment, the PED 102 has a computer-based architecture with one or more processors executing computer program instructions (software) for implementing the EBIFs. In accordance with the present invention, the PED 102 is additionally equipped with a messaging subsystem 100 (an additional EBIF) for delivering one or more ABS messages. Although not limited to this architecture, the EBIF subsystem 103 associated with the PED 102 and the messaging subsystem 100 can share some of the same hardware and/or software for efficiency purposes. In the preferred embodiment, the subsystems 100, 103 share the output device 106 and the processor 112, memory 110, and local interfaces (one or more buses, support circuitry, *etc.*). Furthermore, as will be clear from the description hereafter, the PED 102 can be designed to permit concurrent or alternating operation of the PED and messaging subsystem functions (first and second EBIFs).

[0026] The messaging subsystem 100 includes the components to enable delivery of ABS messages. In particular, messaging subsystem 100 comprises a memory 110, including volatile and/or nonvolatile memory elements, such as RAM, ROM, *etc.*, a processor 112, and message play logic 114 in the memory 110 for managing the playing of the ABS messages on one or

more output devices 106. The ABS message(s) 115 can be stored locally in the memory 110 and/or can be accessed from a remote computer via a suitable transceiver (TX/RX) 104 and supporting communication software. In some embodiments, depending upon the type of PED 102, the messaging subsystem 100 will have access to GPS data 119 (detected by GPS receiver 118) and/or map data 120 (onboard and perhaps downloaded from a remote computer), which can be used, as will be described later, to make intelligent decisions on the types of ABS messages that are selected. In yet other embodiments, the messaging subsystem 100 may include user preferences logic 116 in software that enables a user to define when and how an ABS message is delivered. In still other embodiments, the messaging subsystem 100 may include user interface logic 121 (including, for example, a graphical user interface (GUI), voice recognition software, *etc.*) in software that enables a user to easily input the user preferences.

[0027] The message play logic 114 can be implemented in software and/or hardware, but in the preferred embodiment, the message play logic 114 is implemented as software that is stored in the memory 110 and executed by the processor 112. The message play logic 114 (as well as the other software and software logic described in this document), which comprises an ordered listing of executable instructions for implementing logical functions, can be embodied in any non-transitory computer-readable medium for use by or in connection with an instruction execution system, apparatus, or device, such as a computer-based system, processor-containing system, or other system that can fetch the instructions from the instruction execution system, apparatus, or device and execute the instructions. In the context of this document, a "non-transitory computer-readable medium" can be any means that can contain or store the program for use by or in connection with the instruction execution system, apparatus, or device. The non-transitory computer readable medium can be, for example but not limited to, an electronic, magnetic, optical, electromagnetic, infrared, or semiconductor system, apparatus, or device. More specific examples (a non-exhaustive list) of the non-transitory computer-readable

medium would include the following: a portable computer diskette (magnetic), a random access memory (RAM) (electronic), a read-only memory (ROM) (electronic), an erasable programmable read-only memory (EPROM or Flash memory) (electronic), an optical fiber (optical), and a portable compact disc read-only memory (CDROM) or DVD (optical).

[0028] When the PED 102 is a device that can output audio (such as music), video, or images, the message play logic 114 can be configured to cause the ABS messages to be provided between audio tracks, video tracks, or images, or alternatively, concurrently during a audio track, video track, or image. In a configuration when an ABS message is played between tracks, the messaging subsystem 100 exchanges information with the PED electronic based intelligence function PED-EBIF) subsystem 103. The messaging subsystem 100 receives track monitoring information from the PED-EBIF subsystem 103 so that the messaging subsystem 100 can schedule an ABS message. The messaging subsystem also communicates requests to the PED-EBIF for control over the output device 106 and supporting hardware/software.

[0029] When an ABS message is played concurrently with an audio or video track with an audio track, the message play logic 114 can be designed with logic to cause the volume associated with the audio to be lowered while playing the ABS message, so that the ABS message is heard in the background of the primary audio track. This can be accomplished with a direct interface to the appropriate amplifier controllers or control circuits, or by way of instructions communicated from the message play logic 114 to the PED-EBIF subsystem 103.

[0030] The mixing of an audio signal (*e.g.*, music) and the ABS message signal so that the audio and ABS message are played concurrently on the same one or more speakers 106 can be accomplished with a variety of circuits and/or techniques. As examples, the following U.S. patents/publications illustrate and describe circuits that can be used for mixing the signals with precision: U.S. patent application 2003/0059067, U.S. patent application 2007/0286426, and U.S. patent 7,283,634, all of the foregoing of which are incorporated herein by reference in their entireties.

[0031] When the PED 102 is a device that can render display images on a display screen 106, the message play logic 114 can be configured with logic to cause the graphical and/or text ABS messages to be displayed on the screen 106, concurrently with existing images or video associated with the existing EBIF, between such images or video tracks, or instead of such images or video. The ABS message can also be rendered as a watermark type image on the display screen.

[0032] The PED 102 may have one or more input devices 105. The input devices 105 may include one or more of the following: a keyboard, touchpad, touchscreen, transducer for sensing an environmental condition and converting it into an electrical signal for analysis, *etc.* The user can input or otherwise select user preferences with the one or more input devices 105.

[0033] The PED 102 may have one or more output devices 106. The output devices 106 may include one or more of the following: a speaker, a display screen, *etc.* The ABS message data 115 can be an audio signal, video signal, image, and combinations thereof.

[0034] The processor 112 in conjunction with the memory 114 and the message play logic 114 are used to play ABS messages 115, for example, voice based ABS messages, and in some embodiments, based upon user preferences that can be defined by a user. The ABS message data 115 can be stored in, for example but not limited to, a Microsoft compatible .wav file formats, in jpeg (.JPG) format, MP3 formats, *etc.*

User Preferences

[0035] Although not necessary for many of the embodiments disclosed herein, in some of the embodiments, the PED 102 is equipped with user preferences logic 116, as illustrated in FIG. 1, in the form of software, for enabling a user to input via input device(s) 105 and store via memory 110 one or more user preferences that can be used to define if and/or when an ABS message is delivered to the output device(s) 106.

[0036] As shown in FIG. 2, the user preferences logic 116 can include a user preferences database 124 (preferably, relational), lookup tables, or some other suitable data organization scheme, many of which are known in the art, that stores inputted user preferences as user preferences data. The user preferences data can include, as nonlimiting examples, one or more of the following: type data 125A, time data 125B, content provider data 125C, message geographical data 125D, message track data 125E, message volume level data 125F, user message data 125G, event reference data 125H, message frequency data 125I, speed reference data 125J, location reference data 125K, *etc*. The user interface logic 121 can be designed to solicit and receive input(s) from the user to define any or all of the foregoing user preferences via the input device(s) 105 with perhaps assistance from the output device(s) (display screen) 106.

[0037] The type data 125A can indicate a type of message that the user wishes to hear or see. Examples include: motivational, spiritual, educational, sport (*e.g*., skiing, running, *etc*.), *etc.*

[0038] The time data 125B can indicate, for example, a time or time period when the messages will be initiated, a time or time period when the messages will be blocked, *etc*.

[0039] The content provider data 125C can indicate, for example, the provider of the message content. Examples include a particular company, network, database, person, *etc.*

[0040] The message geographical data 125D can indicate a desire or not to receive geographically based messages, a location and/or change in location that triggers a message, *etc*. In some embodiments, a suitable message can be produced or selected based upon knowing the user location via the GPS data 119 and/or map data 120. As an example, consider a skier on a ski slope or ski lift at a ski resort. Specific ABS audio ABS messages relating to skiing can be played to ease the user's fears.

[0041] The message track data 125E can indicate, for example, a desire to receive or not a message between or during audio, image, and/or video tracks.

[0042] The message volume level data 125F can indicate, for example, a desired volume level of an audio and/or video message having an audio track, on a sale or relative to an existing media track.

[0043] The user message data 125G can be, for example, one or more messages inputted or selected by the user.

[0044] The event reference data 125H can be, for example, any type of data (threshold, numerical array (for example, one, two, or three dimensional), signal level, signal replica, *etc.*), that will enable detection of an event in the local environment, which will cause initiation of an ABS message. As will be discussed later in this document, one or more transducers can be associated with the PED 102 (onboard or connected) for sensing one or more environmental conditions in order to detect occurrence of an event, that can be used as a trigger for initiating an ABS message. An event can be any change in acoustic, thermal, optical, electromagnetic (EM), chemical, dynamic, wireless, atmospheric, or biometric conditions.

[0045] The message frequency data 125I can indicate, for example, how often the ABS message is outputted. The ABS messages can be played periodically or at non-period intervals, as desired.

[0046] The speed reference data 125J can indicate, for example, a speed and/or change in speed that triggers an ABS message.

ABS Messages Selected/Input By User

[0047] The message play logic 114 of the messaging subsystem 100 may be designed to enable the user to select an ABS message from a set of stored ABS messages or input an ABS message via an input device(s) 105 (with, in some embodiments, assistance from output device(s) 106) that will be outputted to the user, when appropriate. As an example of the latter scenario, the user may speak an appropriate ABS message into a microphone 106, and this ABS message will be stored for play back in ABS message data 115 of memory 110. As

another example, a meaningful picture, such as of a son or daughter, can be captured with a PED camera and stored for later play back during a time of user need.

ABS Messages Selected/Communicated By Remote Computer

[0048] The messaging subsystem 100 may include a TX/RX 104 with appropriate support circuitry and/or software for enabling the PED 102 to access and download ABS messages from a remote computer system (server). The TX/RX 104 communicates to the remote computer system via one or more networks, which can include one or more of any suitable networks, for example but not limited to, a wireless, wired, analog, digital, packetized, nonpacketized, cellular, Internet, etc. The design of the TX/RX 104 as well as supporting protocol software depends upon the type of network that is used.

[0049] In these embodiments, as shown in FIG. 3, at a high conceptual level, the message play logic 114 has logic 131 for communicating the location data to a remote server computer system , and logic 132 for receiving the ABS message that is selected by the remote server computer system.

Remote ABS Message(s) Selection Based On Location

[0050] The message play logic 114 can be designed with logic to play ABS messages based upon the location or change in location of the PED 102. For example, with respect to a runner running up a hill, the message play logic 114 may select an ABS message for that specific context, like “Don’t give up.” In these possible embodiments, as shown in FIG. 4, the message play logic 114, has logic 141 for monitoring location data associated with the PED 102, and logic 142 for initiating an ABS message based at least in part on the location data.

[0051] The logic 141 can track PED locations by accessing the GPS data 119 and/or map data 120. The map data 120 can also include elevation and/or terrain information, so that hills, ski slopes, *etc*., can be identified.

[0052] After the logic 141 forwards the location information to the logic 142, the logic 142 can access the ABS message data 115 corresponding to the location(s) and have it played on an appropriate output device(s) 106. In some embodiments, a simple lookup table or the like is utilized.

ABS Message(s) Selection Based On Activity Status

[0053] The message play logic 114 can be designed with logic to play ABS messages based upon the activity associated with a user of the PED 102. In these possible embodiments, as shown in FIG. 5, the message play logic 114 has logic 151 for determining an activity associated with a user of the PED 102, and logic 152 initiating an ABS message based at least in part on the determined activity. Activities can include, for example but not limited to, a sport (*e.g.*, running, skiing, hiking, bicycling, golfing, auto racing, *etc.*), falling down, riding a ski lift, riding in a motor vehicle, train, or ship, *etc.*

[0054] For example, in the case of a skier having a smartphone with a GPS receiver 118 and map data 120, appropriate ski music and/or skiing ABS message can be selected, such as "Relax" or "Find your center over the skis" or "Watch 50 feet in front and don't look down." The message play logic 114 can determine that a PED user is skiing based upon the GPS data 119, which indicates the current location of the PED 102, and a known location of a ski slope, which can be and is typically included in map data 120.

[0055] The activity associated with the user can be determined by analyzing data from one or more transducers 105, or sensors, associated with the PED 102. Non-limiting examples are an accelerometer data, gyroscope data, GPS data 119, map data 120, microphone data, *etc.* An activity can also be determined based upon detection of an event, which functionality will be described later in this document.

[0056] After the logic 151 forwards the activity information to the logic 152, the logic 152 can access the ABS message data 115 corresponding to the activity(s) and have it played on an

appropriate output device(s) 106. In some embodiments, a simple lookup table or the like is utilized.

[0057] In other embodiments, the message play logic 114 may be designed with logic to play ABS messages when an activity changes or between activities. For example, the message play logic 114 may be designed to monitor a runner on a known running trail with the GPS data 119 and the map data 120, and when the runner walks between running segments, the logic 114 may be designed to play one or more motivational ABS messages.

[0058] Another example of an application is in connection with golfing. A PED user walking to a hole may be delivered ABS messages, including reminders or instructions on how to play a particular hole.

ABS Message(s) Selection Based On Speed Status

[0059] The message play logic 114 can be designed to play ABS messages based upon the speed or change in speed of the user associated with the PED 102. In these possible embodiments, as shown in FIG. 6, the message play logic 114 has logic 161 for determining the speed or change in speed associated with a user of the PED 102, and logic 162 initiating an ABS message based at least in part on the determined speed or change in speed.

[0060] In order to determine speed or a change in speed, the logic 161 can be designed to analyze GPS data 119 in memory 110. The location, change in location, and rate of location change can be directly computer/determined from the GPS data 119.

[0061] After the logic 161 communicates the speed information to the logice 162, the logic 162 can be designed to retrieve ABS message data 115 from memory, as appropriate, and, if desired, pursuant to user preferences by accessing speed reference data 125J in user preferences database 124 (FIG. 2), and have it played on an appropriate output device(s) 106. In some embodiments, a simple lookup table or the like is utilized.

[0062] As an example, one user preference could be as follows. When the user transitions from a walk pace to a run pace, play an audio ABS message, such as "Go for it. Don't quit. Keep it up." Another example would be if a user is running and starts to walk, an audio ABS message could be outputted, such as "Don't quit running. Start running again. You need to lose weight."

Local ABS Message(s) Selection Based On Location

[0063] The message play logic 114 can be designed to play ABS messages based upon the location or change in location of the user associated with the PED 102. In these possible embodiments, as shown in FIG. 7, the message play logic 114 has logic 171 for determining the location or change in location associated with a user of the PED 102, and logic 172 initiating an ABS message based at least in part on the determined location or change in location. Location can be defined in one, two, or three dimensions. Location can include the elevation of the PED user, so that elevation or elevational changes trigger ABS messages.

[0064] In order to determine location or a change in location, the logic 171 can be designed to analyze GPS data 119 and/or map data 120 in memory 110. The location and change in location can be directly computed/determined from the GPS data 119 and/or map data 120.

[0065] After the logic 171 communicates the location information to the logic 172, the logic 172 can be designed to retrieve message data 115 from memory 110, as appropriate, and, if desired, pursuant to user preferences by accessing message geographical data 125D in user preferences database 124 (FIG. 2),), and have it played on an appropriate output device(s) 106. In some embodiments, a simple lookup table or the like is utilized.

[0066] As an example, the user may predefine a user preference (message geographical data 125D of FIG. 2) to the effect that when the user enters a dangerous neighborhood, an ABS message should be communicated to the user, such as an audio ABS message saying "Do not fear. God is with you."

[0067] As another example, a PED user in an airplane may be played an ABS message to calm fears when in flight or during landing.

ABS Message(s) Selection Based On Detected Event

[0068] The message play logic 114 can be designed to play ABS messages on one or more output devices 106 based upon an event that is detected in the local environment of the PED 102. In these possible embodiments, as shown in FIG. 8, the message play logic 114 (FIG. 1) has logic 181 designed to sense a signal in a local environment associated with the PED 102; logic 182 designed to convert the sensed signal to data; logic 183 designed to detect an event by comparing the sensed data with reference data that corresponds to the event; and logic 184 designed to initiate output of the one or more ABS messages based upon the detected event to the one or more output devices 106 (FIG. 1).

[0069] As an example, the message play logic 114 may be designed to detect that storm thunder has occurred and provide an encouraging audio ABS message to the user via a speaker 106, for example, “Don’t be afraid” or “Don’t worry, God will protect you.”

[0070] In some embodiments, the message play logic 114 may be designed with logic for storing identification information relating to a plurality of events and with logic for enabling the user to select which of the events will be detected.

[0071] The message play logic 114 is designed to include a detection engine 215, which detects events in the local environment of the PED 102, and message retrieval logic 350, which retrieves one or more ABS messages from ABS message data 115 based upon event detection. FIG. 9 shows the one or more input devices 105, such as but not limited to, an audio microphone 130 as shown, *etc.*, for receiving one or more event reference signatures (event reference data 125H of FIG. 2) that are used to identify environmental events. The input devices 105 can include any transducer for sensing acoustic, thermal, optical, electromagnetic, chemical, dynamic, wireless, atmospheric, or biometric conditions (*e.g.*, a body function, such

as blood pressure, body temperature, heart rate, sugar level, heart beat, oxygen level, *etc.*), for example but not limited to, an audio microphone, video camera, Hall Effect magnetic field detector, flux gate compass, electromagnetic field detector, accelerometer, barometric pressure sensor, thermometer, ionization detector, smoke detector, gaseous detector, radiation detector, biometric sensor, etc. The detection engine 215 may also receive reference signatures from a remote computer 216 via the Internet 210.

[0072] The detection engine 215 stores the one or more reference signatures in memory 110 (event reference data 125H of FIG. 2) that are used to identify environmental events, that correlates sensed environmental signals with the reference signatures, and that detects occurrences of the environmental events. A non-limiting example of such a detection engine 215 is described in U.S. Patent No. 7,872,574, which is incorporated herein by reference in its entirety. The discussion hereafter will describe incorporation of the latter detection engine 215 in the architecture of the present invention.

[0073] The event detection engine 215 is designed to be operated in several modes. The architecture of the event detection engine 215 will be described as each of these modes is described in detail hereafter.

First Mode

[0074] In a first mode, the remote computer 216 is connected to a reference memory array 260 by a switch 250. One or more reference signatures are collected by the remote computer 216 and loaded into the reference memory array 260.

[0075] Reference signatures, such as storm thunder, emergency signals, *etc*. can be collected from the remote computer 216.

[0076] In this example, when an audio event is being detected, the event detection engine 215 is designed to transform audio recordings into suitable numerical arrays to create the reference

signatures for recognition. The frequency range of 0.2 Hz to 20 KHz is sufficient for storm thunder applications. Furthermore, a time interval of several seconds is normally sufficient.

[0077] The preprocessor 270 extracts the reference signals from the reference memory array 260 and reformats them to facilitate rapid correlation. The frequency domain is a preferred format for sonograms. The preprocessor 270 analyzes each signature by a sequence of Fourier transforms taken repeatedly over a period of time corresponding to the duration of the signature. The Fourier transform is preferably a two-dimensional vector, but a single measure of amplitude versus frequency is sufficient. In the preferred embodiment, among many possible embodiments, the event detection engine 215 processes a 3-dimensional array of amplitude, frequency, and time. The transformed signature arrays are stored back into a reference memory array 260 for subsequent rapid correlation. Preferably, each reference signature array includes an identifier field associated with the signature. As an example, for a storm thunder identification, this may be the name and picture/image of a lightning bolt or storm cloud associated with the signature. Or, in the case of an emergency signal, the identifier can simply be an indication of the type of emergency, for instance, a police siren. Furthermore, the emergency identifier can also indicate an appropriate evasive or corrective action.

Second Mode

[0078] In a second mode of operation, event detection engine 215 can acquire the reference signature signal directly from the local environment via an input device 105, for example, the audio microphone 230, as shown in FIG. 9. Audio signals from the microphone 230 are amplified and converted to digital signals by amplifier and analog-to-digital converter (ADC) 240. The digital signal from amplifier and ADC 240 is selected by the user via the switch 250 and loaded directly into the reference memory array 260. Preferably, several seconds of signal are collected in this particular application. Then, the preprocessor 270 reformats the reference signal for rapid correlation, preferably by Fourier transform.

[0079] A gain control 241 associated with the ADC 240 can be controlled by the user to control the range of the microphone 230 (or another input device, if applicable, and depending upon the application).

Third Mode

[0080] In a third mode of operation, the event detection engine 215 monitors the environment continuously (at discrete successive short time intervals due to the computer-based architecture) for signals that match those stored in the reference memory array 260. To reduce computational burden, the preprocessor 270 is designed to monitor the microphone 230 for a preset threshold level of signal before beginning the correlation process. When the signal exceeds the preset threshold level, the preprocessor 270 begins executing a Fourier transform. After several seconds or a period equal to the period of the reference signatures, the transformed active signal is stored at the output of the preprocessor 270. Then, array addressing logic 280 begins selecting one reference signature at a time for correlation. Each reference signature is correlated by a correlator 290 with the active signal to determine if the reference signature matches the active signal from the environment.

[0081] The comparator 300 compares the magnitude of the output of the correlator 290 with a threshold to determine a match. When searching for events in the active signal, such as emergency signals, the correlator 290 is compared with a fixed threshold. In this case, the switch 310 selects a fixed threshold 311 for comparison. If the correlation magnitude exceeds the fixed threshold 311, then the comparator 300 has detected a match. The comparator 300 then activates the correlation identifier register 320 and the correlation magnitude register 330. The magnitude of the comparison result is stored in the correlation magnitude register 330, and the identity of the source is stored in the correlation identifier register 320. The fixed threshold 311 can be predefined by a programmer or the user of the PED 102.

[0082] After event detection by the event detection engine 215, the process is stopped and the array addressing logic 280 is reset. A search for new active signals then resumes.

Fourth Mode

[0083] In a fourth mode of operation, the event detection engine 215 searches for the best match for the sensed signal. In this case, the correlation magnitude register 330 is first cleared. Then, the switch 310 selects the output 312 of the correlation magnitude register 330 as the threshold input to the comparator 300. The array addressing logic 280 then sequentially selects all stored references of a set for correlation. After each reference in the set is correlated, the comparator 300 compares the result with previous correlations stored in the correlation magnitude register 330. If the new correlation magnitude is higher, then the new correlation magnitude is loaded into the correlation magnitude register 330, and the respective identifier is loaded into the correlation identifier register 320.

[0084] In an alternative embodiment, the correlation process can be performed by an associative process, where the active reference is associated directly with the stored references in a parallel operation that is faster than the sequential operation. New device technologies may enable associative processing. For example, reference memory array 260 can utilize content addressable memory devices for associative processing. ASIC devices and devices, such as the Texas Instruments TNETX3151 Ethernet switch incorporate content addressable memory. U.S. Patent 5,216,541, entitled "Optical Associative Identifier with Joint Transform Correlator," which is incorporated herein by reference, describes optical associative correlation.

[0085] This correlation process continues until all stored reference signatures in the set under analysis have been correlated. When the correlation process is completed, the correlation identifier register 320 holds the best match of the identity of the source of the active signal. The message retrieval logic 350 reads this register 320 and then selects and retrieves the appropriate ABS message from ABS message data 115 in memory 110, and then has the ABS

message forwarded to the appropriate output device(s) 106. In addition, the identity of the event can also be displayed as a photo or text description in a display 106 or as a verbal announcement via a speaker 106. If the final correlation magnitude is lower than a predetermined threshold, then the active signature can be loaded into the reference memory array 260 as a new unknown source.

[0086] Two or more PEDs 102 can function cooperatively to provide sensory enhancement over a wider range than that covered by a single PED 102 in order to better detect one or more events occurring in the environment. Multiple cooperating PEDs 102 can simultaneously monitor for selected environmental events, and exchange information pertaining to the events. Detection of an event could occur in one PED 102 and then this PED 102 could communicate that information to another PED 102, which delivers the ABS message. In another scenario, a PED 102 may receive partial information, such as correlation information, from another PED 102 and then make a decision on event detection based upon information from a local transducer as well as the partial information from the other PED 102.

Variations, Modifications, And Other Possible Applications

[0087] It should be emphasized that the above-described embodiments of the present invention, particularly, any "preferred" embodiments, are merely possible examples of implementations, merely set forth for a clear understanding of the principles of the invention. Many variations and modifications may be made to the above-described embodiment(s) of the invention without departing substantially from the spirit and principles of the invention. All such modifications and variations are intended to be included herein within the scope of this disclosure and the present invention and protected by the following claims.

[0088] With respect to variations, note that although not specifically described for simplicity, any combination of the various systems/methods that have been described under headings above may be implemented.

[0089] As an example of an application, a radio may be outfitted in accordance with the present invention to be used in the sales and spiritual products marketplaces. Such a radio, for example, can now be configured to automatically play a new, unique pre-recorded, digital ABS message of a predefined duration, say 5-10 minutes, for example, every day of the year. Such ABS messages can be recorded by world-renowned experts in the fields of sales and spirituality.

[0090] As another example of an application, each morning when a user either wakes from sleep (such as a result of clock radio initiating manifestation of a radio broadcast) or gets into a shower stall where a shower radio is in operation, the user can be presented with a meditative/spiritual/sales ABS message.

[0091] As another example of a variation, note that the comparing process that is performed by the event detection engine 215 in order to detect an environmental event associated with a PED 102 can be performed in the time domain as opposed to the frequency domain, and in some cases, this may be the preferred methodology.

Claims

At least the following is claimed:

1. A method for implementing in a personal electronic device (PED) that has an media player, comprising the steps of:

enabling a user to input one or more user preferences;

determining a user activity associated with the user;

playing media; and

initiating output of one or more activity based suggestive (ABS) messages based at least in part upon the user preferences and the user activity.

2. The method of claim 1, wherein the enabling, determining, playing, and initiating steps are part of a first electronic based intelligence function and further comprising the steps of:

enabling the user to perform a second electronic based intelligence function that is different than the first electronic based intelligence function;

determining that an event has occurred in a local environment associated with the PED by analyzing data measured by one or more transducers situated in or communicatively coupled to the PED; and

determining the user activity based at least in part on the event.

3. The method of claim 1, wherein the activity is determined by any one or more of the following: accelerometer data, GPS data, and map data.

4. The method of claim 1, further comprising a user interface having a keyboard and display that enables the user to select or input the user preferences.

5. The method of claim 1, wherein the ABS message is input or selected by the user.

6. The method of claim 1, wherein the ABS messages are provided between audio tracks.

7. The method of claim 1, wherein the ABS messages are provided during an audio track.

8. The method of claim 7, further comprising the step of lowering volume associated with the audio track while playing the ABS messages.

9. The method of claim 1, further comprising the steps of accessing a remote computer server and retrieving the one or more ABS messages.

10. The method of claim 1, further comprising the steps of:

monitoring location data; and

initiating an ABS message based at least in part on the location data.

11. The method of claim 10, further comprising the steps of:

communicating the location data to a remote server computer system; and

receiving the ABS message that is selected by the remote server computer system.

12. The method of claim 1, further comprising the step of mixing an audio signal and the ABS message signal so that the audio and ABS message are played concurrently on the same one or more speakers.

13. The method of claim 1, further comprising the steps of:

determining an activity associated with a user of the PED; and

initiating an ABS message based at least in part on the determined activity.

14. The method of claim 1, further comprising the steps of:

detecting a speed associated with the PED: and

determining an ABS message that is based at least in part on the speed.

15. The method of claim 14, wherein the determining steps of:

determining a location associated with the PED; and

wherein the ABS message is determined based at least in part upon the location in addition to the speed.

16. A method for implementing in a personal electronic device (PED) having one or more audio outputs, comprising the steps of:

enabling a user to perform a first electronic based intelligence function; and

enabling the user to perform a second electronic based intelligence function, comprising:

enabling the user to input one or more user preferences that will cause the PED to play in the future one or more activity based suggestive (ABS) messages; and

initiating output of the one or more ABS messages based upon the user preferences to the one or more audio outputs.

17. The method of claim 16, further comprising the step of permitting concurrent operation of the first and second electronic based intelligence functions.

18. A method for implementing in a personal electronic device (PED) having one or more audio outputs, a GPS receiver, and map data, comprising the steps of:

enabling a user to perform a first electronic based intelligence function;

enabling the user to perform a second electronic based intelligence function, comprising:

receiving location information from the GPS receiver;

determining an activity status based upon the location information and the map data, the activity status relating to an activity associated with the user; and

initiating output of the one or more ABS messages based upon the activity status to the one or more audio outputs.

19. The method of claim 18, further comprising the step of selecting the one or more ABS messages.

20. The method of claim 18, further comprising the steps of:

communicating the location information to a remote computer system; and

receiving the one or more ABS messages from the remote computer system.

21. The method of claim 18, wherein the activity status is one of the following: the activity has commenced, the activity has terminated, or the activity has changed.

22. A method for implementing in a personal electronic device (PED) having one or more outputs, comprising the steps of:

enabling a user to perform a first electronic based intelligence function; and

enabling the user to perform a second electronic based intelligence function, comprising:

sensing a signal in a local environment associated with the PED;

converting the sensed signal to sensed data;

detecting an event, at least in part, by comparing the sensed data with reference data that corresponds to the event; and

initiating output of the one or more activity based (ABS) messages to the one or more outputs based, at least in part, upon the detected event.

23. The method of claim 22, further comprising:

storing identification information relating to a plurality of events; and

enabling the user to select the event from the stored identification information relating to the plurality of events.

24. The method of claim 22, further comprising the steps of:

determining location information associated with the PED; and

using the location information to assist with detecting the event.

25. The method of claim 22, further comprising the steps of:

storing user preferences; and

selecting the message based upon user preferences.

26. The method of claim 22, further comprising the step of concurrently outputting the media and the one or more ABS messages on the same one or more outputs devices.

27. The method of claim 26, wherein the media comprises an audio signal and further comprising the step of adjusting a volume associated with the one or more messages so that the volume is lower than that associated with the audio signal associated with the media.

28. The method of claim 22, further comprising the step of outputting the one or more ABS messages on the one or more outputs devices between tracks associated with the media.

Abstract of the Disclosure

[0092] A personal electronic device (PED) is provided with a system for delivering activity based suggestive (ABS) messages (*e.g.*, a motivational message, *etc.*) to a user based upon the current or anticipated activity of the user. In some embodiments, the user can define user preferences, which determine when and how ABS messages are initiated. In some embodiments, the message selection is based upon a detected activity, location, or speed of the user. In some embodiments, the message selection is based upon a detection of a local environmental event.

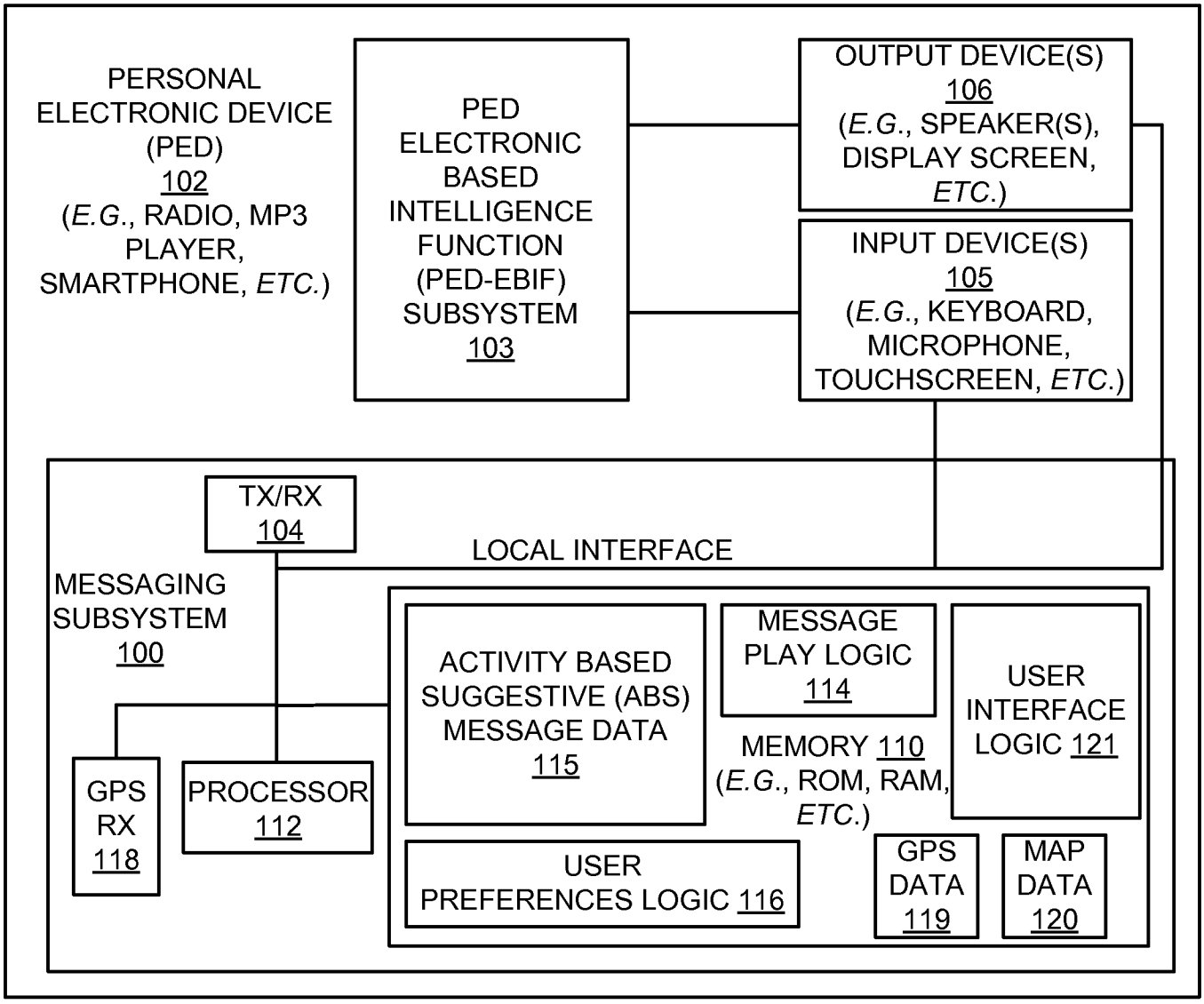
PERSONAL ELECTRONIC DEVICE (PED) 102 (E.G., RADIO, MP3 PLAYER, SMARTPHONE, ETC.)
PED ELECTRONIC BASED INTELLIGENCE FUNCTION (PED-EBIF) SUBSYSTEM 103
OUTPUT DEVICE(S) 106 (E.G., SPEAKER(S), DISPLAY SCREEN, ETC.)
INPUT DEVICE(S) 105 (E.G., KEYBOARD, MICROPHONE, TOUCHSCREEN, ETC.)
TX/RX 104
LOCAL INTERFACE
MESSAGING SUBSYSTEM 100
ACTIVITY BASED SUGGESTIVE (ABS) MESSAGE DATA 115
MESSAGE PLAY LOGIC 114
USER INTERFACE LOGIC 121
MEMORY 110 (E.G., ROM, RAM, ETC.)
GPS RX 118
PROCESSOR 112
USER PREFERENCES LOGIC 116
GPS DATA 119
MAP DATA 120

FIG. 1

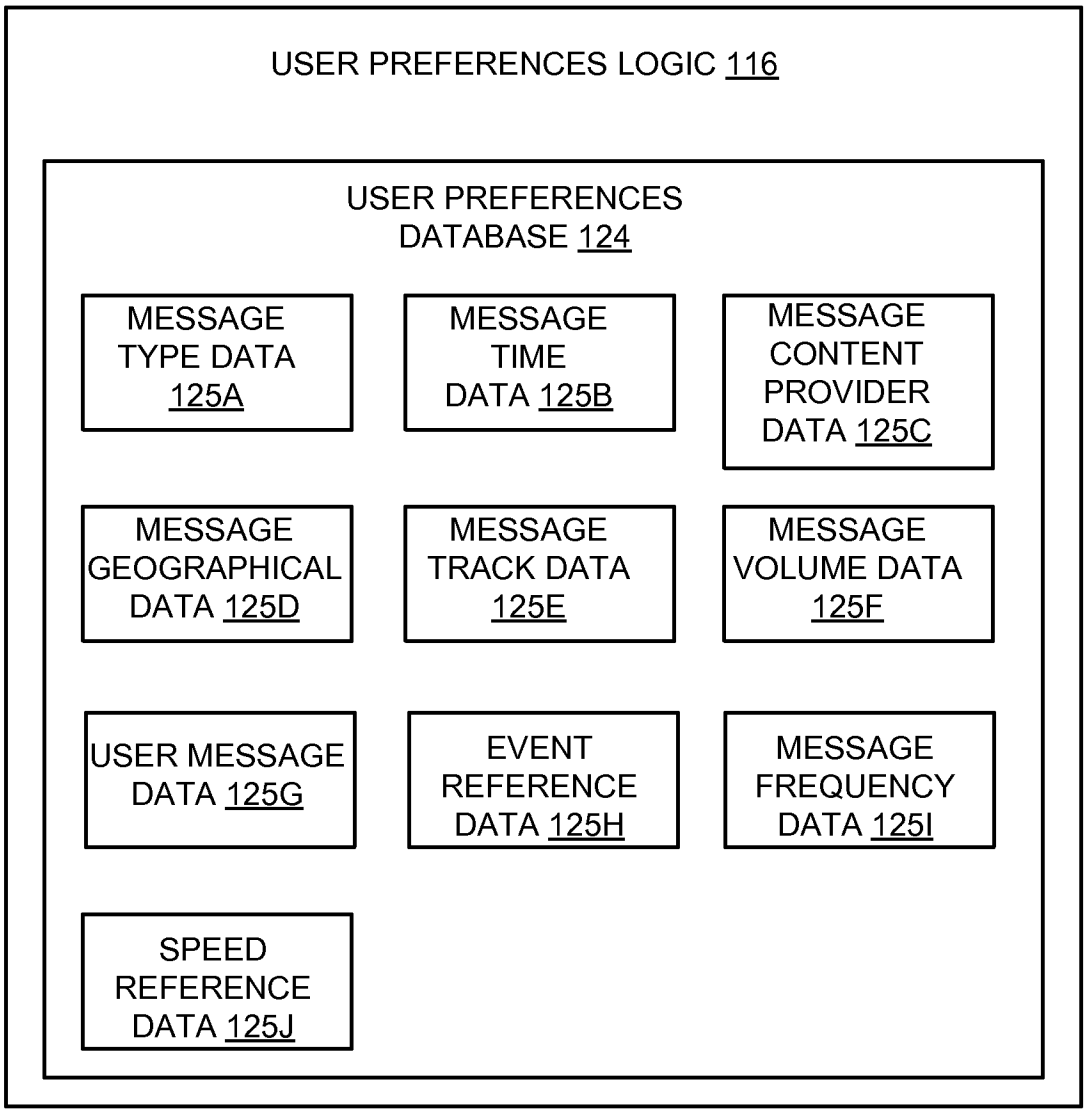
USER PREFERENCES LOGIC 116
USER PREFERENCES DATABASE 124
MESSAGE TYPE DATA 125A
MESSAGE TIME DATA 125B
MESSAGE CONTENT PROVIDER DATA 125C
MESSAGE GEOGRAPHICAL DATA 125D
MESSAGE TRACK DATA 125E
MESSAGE VOLUME DATA 125F
USER MESSAGE DATA 125G
EVENT REFERENCE DATA 125H
MESSAGE FREQUENCY DATA 125I
SPEED REFERENCE DATA 125J

FIG. 2

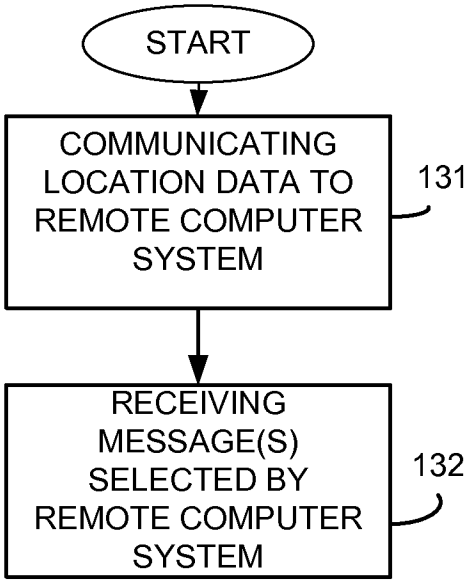

FIG. 3

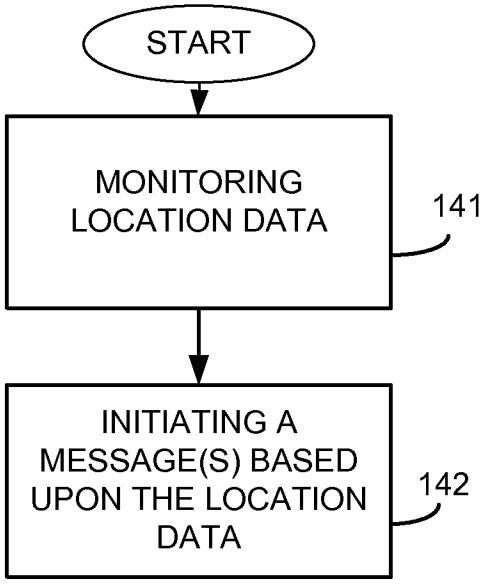

FIG. 4

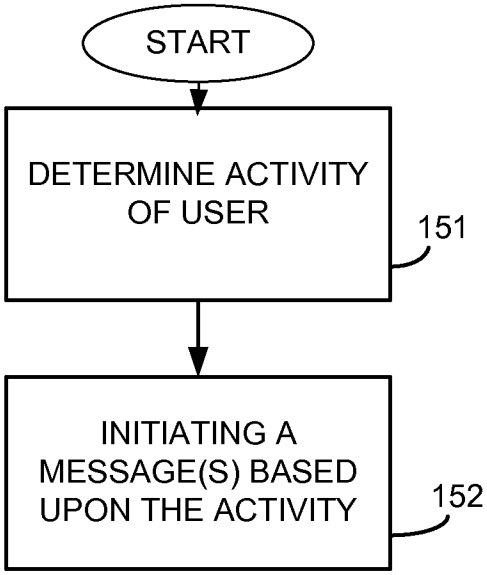

FIG. 5

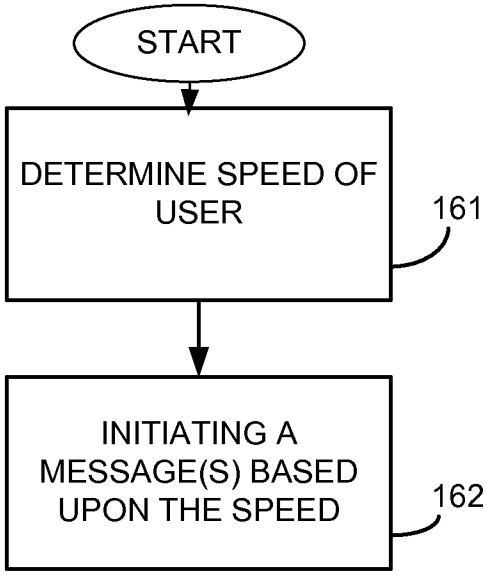

FIG. 6

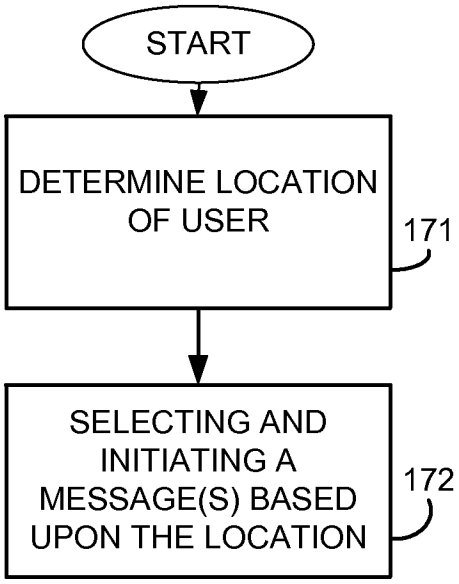
START
DETERMINE LOCATION OF USER
171
SELECTING AND INITIATING A MESSAGE(S) BASED UPON THE LOCATION
172

FIG. 7

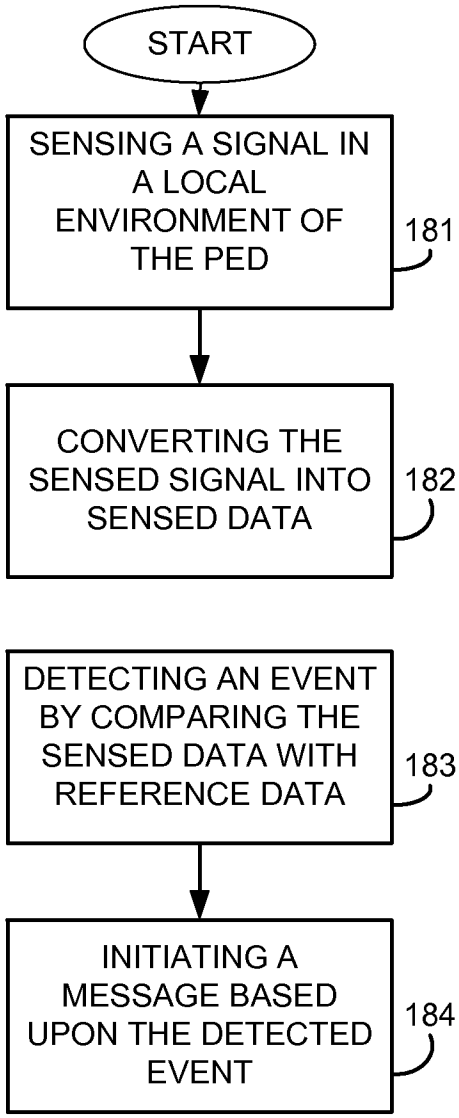
START
SENSING A SIGNAL IN A LOCAL ENVIRONMENT OF THE PED
181
CONVERTING THE SENSED SIGNAL INTO SENSED DATA
182
DETECTING AN EVENT BY COMPARING THE SENSED DATA WITH REFERENCE DATA
183
INITIATING A MESSAGE BASED UPON THE DETECTED EVENT
184

FIG. 8

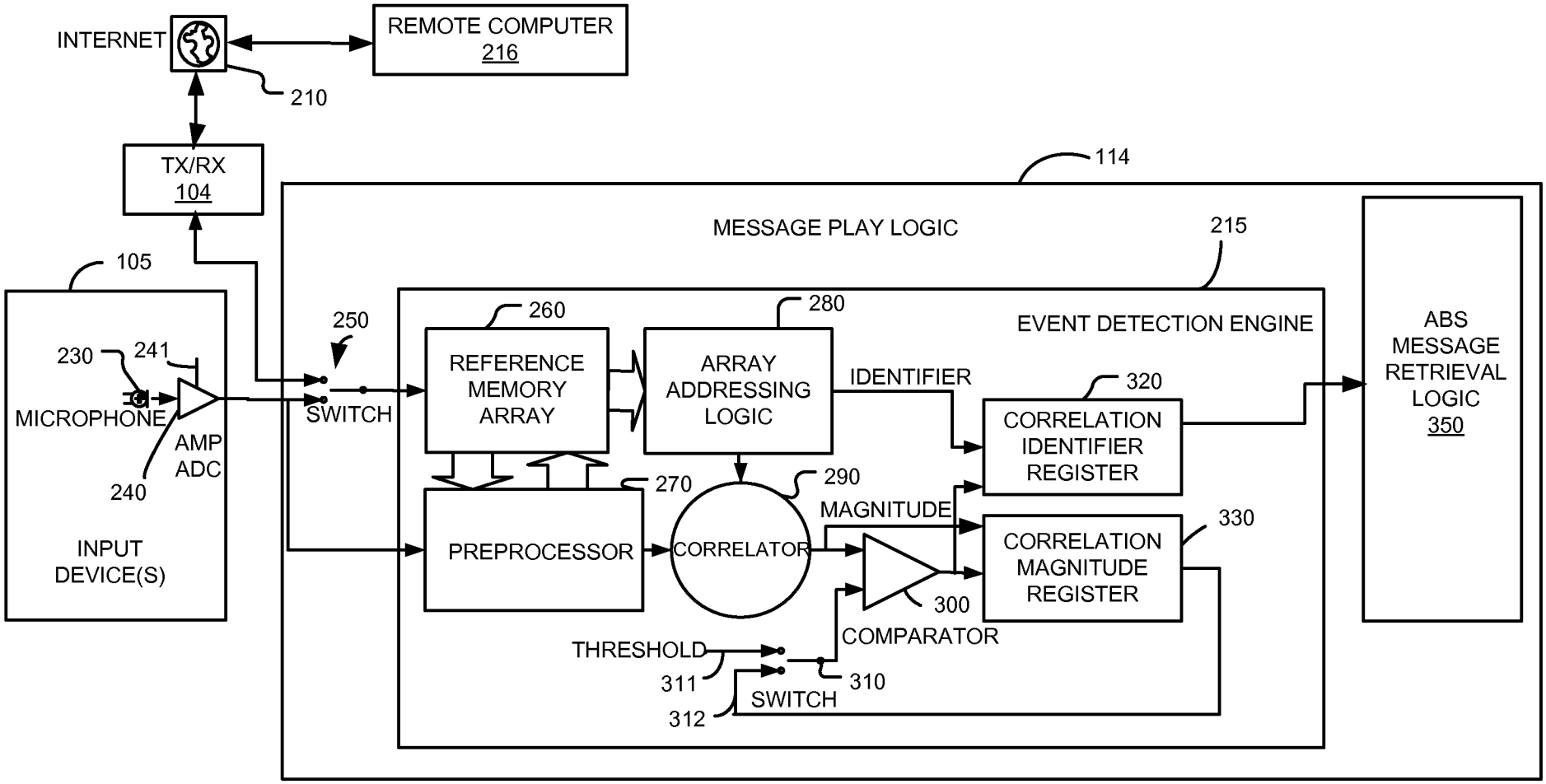
INTERNET
REMOTE COMPUTER
216
210
TX/RX
104
114
MESSAGE PLAY LOGIC
215
105
250
260
280
EVENT DETECTION ENGINE
ABS
MESSAGE
RETRIEVAL
LOGIC
350
230
241
REFERENCE
MEMORY
ARRAY
ARRAY
ADDRESSING
LOGIC
IDENTIFIER
320
MICROPHONE
SWITCH
AMP
ADC
240
CORRELATION
IDENTIFIER
REGISTER
270
290
MAGNITUDE
330
INPUT
DEVICE(S)
PREPROCESSOR
CORRELATOR
CORRELATION
MAGNITUDE
REGISTER
300
COMPARATOR
THRESHOLD
311
310
SWITCH
312

FIG. 9

DECLARATION FOR PATENT APPLICATION

As the below named inventor(s), I/we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names. We believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **Systems and Methods for Delivering Activity Based Suggestive (ABS) Messages**, the specification of which:

- ☒ is attached hereto.
- ☐ was filed on _____ as Application Serial No. _____.
- ☐ was filed on _____ under U.S. Express Mail No. _____.
- ☐ is set forth in PCT International Application No. _____; filed on _____ and as amended Under PCT Article 19 on _____ (if any).

I/we hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I/we acknowledge the duty to disclose information known by me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I/we hereby claim foreign priority benefits under Title 35, United States Code, 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed: **NOT APPLICABLE.**

I/we hereby appoint all attorneys and agents of Thomas, Kayden, Horstemeyer & Risley, LLP, who are listed under the USPTO Customer Number shown below as my/our attorneys and agents to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, recognizing that the specific attorneys and agents listed under that Customer Number may be changed from time to time at the sole discretion of Thomas, Kayden, Horstemeyer & Risley, LLP, and request that all correspondence be addressed to the address filed under the same USTPO Customer Number.

24504

Please direct all telephone calls, in the first instance, to **Scott A. Horstemeyer** at telephone number: **(770) 933-9500**.

Address all correspondence to the address associated with customer number **24504** which is:

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
400 Interstate North Parkway, S.W., Suite 1500
Atlanta, Georgia 30339

I/we hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor: **M. Kelly Jones**
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Inventor's Signature: _____ Date: Jan 24 2012

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Residence: **5280 New London Trace** Citizenship: **US**
Atlanta, GA 30327
Post Office Address: **Same as Residence**

Inventor's Signature: _____ Date: 01/24/2012

Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	Systems and Methods for Delivering Activity Based Suggestive (ABS) Messages
First Named Inventor/Applicant Name:	M. Kelly Jones
Filer:	Scott A. Horstemeyer/Julie Campbell
Attorney Docket Number:	051007-1040

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	95	95
Utility Search Fee	2111	1	310	310
Utility Examination Fee	2311	1	125	125
Pages:				
Claims:				
Claims in excess of 20	2202	8	30	240
Independent claims in excess of 3	2201	1	125	125
Miscellaneous-Filing:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**895**

Electronic Acknowledgement Receipt

EFS ID:	11919841
Application Number:	13358173
International Application Number:	
Confirmation Number:	6859
Title of Invention:	Systems and Methods for Delivering Activity Based Suggestive (ABS) Messages
First Named Inventor/Applicant Name:	M. Kelly Jones
Customer Number:	24504
Filer:	Scott A. Horstemeyer/Julie Campbell
Filer Authorized By:	Scott A. Horstemeyer
Attorney Docket Number:	051007-1040
Receipt Date:	25-JAN-2012
Filing Date:	
Time Stamp:	16:35:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$895
RAM confirmation Number	3534
Deposit Account	200778
Authorized User	HORSTEMEYER,SCOTT A.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	01536012.PDF	1030711 63175c0da38b2acd7fab6db2ee8df968e5f40876	no	4
Warnings:					
Information:					
2		01535999.PDF	139626 e2aefc93cbd5549c576e6f9cfc1db5dbeed4a564	yes	29

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Specification	1	22
	Claims	23	28
	Abstract	29	29

Warnings:					
Information:					
3	Drawings-only black and white line drawings	01536000.PDF	55260 cf7ae0888f7b7e8296c3a36580c67dfb1945d21a	no	5
Warnings:					
Information:					
4	Oath or Declaration filed	01536039.PDF	93939 efae25b36c4416779bb64095a3ad66299378adf8	no	2
Warnings:					
Information:					
5	Fee Worksheet (SB06)	fee-info.pdf	37855 c9e033001cb022428ce02507c194b7b64283d559	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1357391		

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.