

Authorization is also granted to charge to the same Deposit Account small entity additional claim fees (if any), and all other fees necessary to file this Reply and applicable to a small entity.

Amendments to the claims, if any, are reflected in the listing of claims that begins on page 3 of this paper.

Remarks begin on page 8 of this paper.

REMARKS

Claim Status

Claims 4-17 will be pending in the application after entry of the above amendments. This paper adds new claims 16 and 17; and does not amend or cancel any claims. Claims 4, 11, and 15 are the independent claims of the application.

Summary of the Final Office Action

In the Final Office Action, claims 4-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiiro *et al.*, U.S. Patent Number 5,491,743 (“Shiiro”), in view of Suzuki *et al.*, U.S. Patent Number 5,736,982 (“Suzuki”), and further in view of McKenna, Valentine’s Day Wedding in a Virtual World, Post-Newsweek Business Information Inc. Newsbytes (February 14, 1996) (“Newsbytes” hereinafter).

Applicants respectfully respond to the Final Office Action.

Finality of the Action

A second or subsequent Office action “on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant’s amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).” MPEP § 706.07(a). In the present case, the Final Office Action introduces a new ground of rejection based on a new reference, Newsbytes. The amendment of claim 11 made in the previous paper filed by the Applicants was clarifying; the amendment clarified that (paraphrasing) the processor that received position information associated with fewer than all of the other user avatars does not receive position

information of at least avatars of the other users. We respectfully submit that the new rejection of claim 11 was not necessitated by the amendments in the previous paper.

The new rejection is also not based on an information disclosure statement (IDS) submitted as described in MPEP §706.07(a), because no such IDS has been submitted after the previous Office action (which was mailed on September 21, 2010).

Therefore, finality of the current Office Action is premature and should be withdrawn. See MPEP § 706.07(d). Additionally, the Final Office Action does not address the status of claims 12-15. We respectfully request the Examiner to withdraw the finality of the Office Action, enter the above amendments, and consider the arguments presented below.

Further, the new claims 16 and 17 are analogous, respectively, to claims 8 and 10, and thus would require only a cursory review. The amendment may therefore be entered regardless of the finality of the action. See MPEP § 714.13(II); 37 C.F.R. § 1.116(b)(2) & (3).

Art Rejections

The Final Office Action acknowledged that Shio and Suzuki do not disclose certain limitations of independent claims 4 and 11. In particular, the Final Office Action acknowledged that “Suzuki and Shio fail to explicitly teach receiving, by the client device, position information associated with fewer than all of the other user avatars from a server process, wherein the client device does not receive position information of at least some avatars of the other user avatars in the virtual space; and displaying, on the client device display, the displayable set of the other user avatars associated with the client device display.” The Final Office Action then relied on Newsbyte to fill-in the admitted gaps on the disclosures of the other two references.

Newsbyte's date is February 14, 1996. The present application claims priority based on U.S. provisional patent application serial number 60/020,296, which was filed on November 13, 1995. Therefore, Newsbyte is not art prior to the present application.

Applicants respectfully submit that independent claim 4 is patentable over the cited references at least for the above reasons.

Independent claim 11 recites limitations identical or analogous to those of claim 4 discussed above, and stands rejected on the same ground as claim 4. Applicants respectfully submit that independent claim 11 is patentable over the cited reference at least for the same reasons as are discussed above in relation to claim 4.

Dependent claim 8 recites a limitation of *wherein the client device does not receive orientation information of at least some avatars of the other user avatars in the virtual space*. It appears that the references fail to disclose or suggest this limitation, and therefore dependent claim 8 is separately patentable for this additional reason.

Claim 10 depends from claim 4 and recites additional limitations of *wherein the virtual space further comprises two or more virtual rooms and the method further comprises an avatar teleporting from a first virtual room to a second virtual room*. The Office Action cited column 7, lines 15-62 of Shio as disclosing these limitations. It appears that the Office Action considered the reference to a participant being added to a conference by dragging (paraphrased) to be analogous to teleporting. Applicants respectfully note that teleporting implies instantaneous or nearly instantaneous movement. Dragging, in contradistinction, is a gradual movement. Therefore, the references do not disclose or suggest the "teleporting" limitations of claim 10, and claim 10 is therefore separately patentable at least for this additional reason. We have previously presented this argument, but the Final Office Action has not addressed it.

Dependent claims 5-7 and 9 should be patentable at least for the reasons applicable to their base claim 4.

New Claims

New claim 16 is analogous to claim 8.

New claim 17 is analogous to claim 10.

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