

Your ref : B254.001.00
Application No: GB1011078.1
Applicant : Simon David Burgess
Latest date for reply: 2 July 2012
Examiner : Mr Brendan Donohoe
Tel : 01633 814607
Date of report : 16 May 2011
Page 1/3

Patents Act 1977 Combined Search and Examination Report under Sections 17 & 18(3)

Novelty

1. The invention as defined in claims 1-5 is not new because it has already been disclosed in the following documents:

'FireStorm Dual Power' gamepad by 'Thrustmaster'. Available around 2002.
See the 'Thrustmaster USB game controller roundup' dated 5 April 2002 on 'Dan's Data' website, available at <http://www.dansdata.com/tmsticks.htm>.

'Run 'N' Drive' wireless gamepad by 'Thrustmaster'. Available since March 2007.
See the review by Olin Coles dated 08 April 2009 on BenchmarkReviews.com, note especially 'Closer Look' (page 3 of 4) available at http://benchmarkreviews.com/index.php?option=com_content&task=view&id=235&Itemid=65&limit=1&limitstart=2.

Modified Xbox 360 controller discussed in 'Rapid Fire Mod For Wireless Xbox 360 Controller, Step by step tutorial with pictures' forum on xbox-scene.com.
See post #341 (dated Jul 8 2008) - post #346 (dated Jul 9 2008) on pages 23 and 24 of the thread, referring to modified gamepad by contributor 'Jimakos Sn', available at <http://forums.xbox-scene.com/index.php?showtopic=643928&st=330>.

WO2008/131249 A1
COE - See whole document, note especially buttons 113, 114 provided on the underside of the gamepad.

2. The above documents are just some of a far larger number relevant to claim 1 at least. Further search will be necessary at a later stage.

3. FireStorm Dual Power ('FireStorm'), Run 'N' Drive ('RND'), 'Rapid Fire Mod' ('Mod') and document COE show gamepads having additional buttons provided on the underside and each anticipate claim 1.

4. In 'Mod' the gamepad has the buttons as triggers/levers formed separately to the gamepad (claims 2 & 5). 'Firestorm' has the buttons positioned vertically on and integral with the gamepad (claims 3 & 4).

Your ref : B254.001.00
Application No : GB1011078.1

Date of report: 16 May 2011
Page 2 / 3

[Examination Report contd.]

Inventive step

5. It is extremely well known in the art to modify gamepads to suit the requirements of a particular game or gamer. This is prevalent both on a professional basis (as represented by the 'Firestorm' and 'RND' documents), and on an amateur basis (as represented by the 'Mod' document). Indeed, the 'Mod' document should be understood as purely representative of a thriving 'modding' community, in which gamers modify their gamepads on an almost adhoc basis according to personal preference.

6. The features defined in your claims are typical features of gamepad controls/buttons. As evidenced by the documents listed above, the skilled person would consider them as nothing more than routine modifications or variations to literally any gamepad. Moreover, the skilled person would find it entirely obvious to modify or tailor a given conventional gamepad to suit the needs of any individual, and would possess (or have ready access to) the skills and knowledge required to do so.

7. With this in mind, I am having great difficulty seeing anything in your application which could form the basis of a novel and inventive claim. It is noted in this connection that the above documents disclose the use of additional buttons on the gamepad underside which perform the same function as the 'conventional' controls, and the use of buttons on the underside which provide additional functionality beyond that of the 'conventional' controls.

Clarity

8. It is not entirely clear what is meant by the controls being substantially vertically orientated with respect to the controller (claim 3). It is noted that 'vertical' is a relative term. It is further noted there is little detail in the description to shed light on this feature. I have taken this feature to mean generally that the additional controls are located on a part of the gamepad which is substantially perpendicular to the plane of the upper surface of the gamepad.

9. In addition, it is not entirely clear what the distinction is between the additional controls being integral to the outer case (claim 4) or separate from the outer case (claim 5). Again there is little detail in the description to explain this feature. I have taken these features as generally defining the distinction between the controls being formed as an original part of the gamepad (as in 'Firestorm', 'RND' and COE), and the controls being retro-fitted to a gamepad (as in 'Mod').

Additional comments regarding the search and relevant prior art

10. Please note the search is incomplete, and further search will be necessary should your application proceed. Document COE is known from prior knowledge of the art, and no specific search has yet been undertaken in the patent literature. I expect the patent literature will hold further relevant documents.

Your ref : B254.001.00
Application No : GB1011078.1

Date of report: 16 May 2011
Page 3 / 3

[Examination Report contd.]

11. In addition, the other documents cited are purely representative of a far larger number available on the internet showing gamepads having controls on the underside. These include references to gamepads having several buttons on the underside (relevant for novelty and/or inventive step), and references to gamepads having a single button on the underside (relevant for inventive step).

12. It is also possible (if not likely) that other related fields will hold relevant art, such as remote controls for electrical and electronic equipment.

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16 May 2011

Dear Mr Burgess

Patents Act 1977:
Combined Search and Examination Report under Sections 17 and 18(3)

Latest date for reply:

2 July 2012

Further to your letter of 06 May 2011, I enclose two copies of my search and examination report and a copy of the citations.

By the above date you should either file amendments to meet the objections in the report or make observations on them. If you do not, the application may be refused.

Online e-filing

You may file such amendments or observations electronically if you wish, using the online patent filing services detailed in www.ipo.gov.uk/p-apply-online.

Other search results

If you have applied to another patent office for a patent for this invention you will be receiving from them the results of their search. If you decide to proceed with the present application you are asked to provide a copy of any such official search report or details of any documents cited and category assigned in the report. You may file such information electronically using the online patent filing services detailed in www.ipo.gov.uk/p-apply-online.

Cut-off date This request applies to search reports that you have received before the date when you send a response to our first examination report under section 18(3) or section 18(4); if you make no response to an initial section 18(4) report the cut-off date is two months after the date of that report. Tell us about a search report sooner rather than later if that would allow it to be considered during our first examination.

Exceptions You do not have to supply details of a search report that (1) shows a nil response, or (2) has been published by WIPO or EPO, or (3) you have already supplied to us on a previous GB application.

Publication

I estimate that, provided you have met all the formal requirements, preparations for publication of your application will be completed soon after **22 November 2011**. At this time you will receive a letter confirming the exact date when the preparations for publication will be completed. This letter will also tell you the publication number and date of publication of your application. However, it should not be relied upon as a reminder if you are intending to withdraw your application before publication.

Withdrawal

If you wish to withdraw your application to prevent publication you must withdraw it before the preparations for publication are complete. One way that you can withdraw your application is by emailing withdraw@ipo.gov.uk. Further details on withdrawal are available from www.ipo.gov.uk/p-withdraw.htm. **WARNING** – once preparations for publication are complete it will NOT be possible to prevent publication.

Amendment

If you wish to file amended claims for inclusion with the published application you must do so before the preparations for publication are completed.

Correspondence

If you write to the Office less than 3 weeks before 22 November 2011 please mark your letter prominently: **"URGENT - PUBLICATION IMMINENT"**.

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