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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	0905-002
		Application Number	
Title of Invention	CONTROLLER FOR VIDEO GAME CONSOLE		
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<b>Applicant 1</b>					<input type="button" value="Remove"/>
<b>Applicant Authority</b>		<input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117	<input type="radio"/> Party of Interest under 35 U.S.C. 118
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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	0905-002	
		Application Number		
Title of Invention	CONTROLLER FOR VIDEO GAME CONSOLE			
Customer Number	52245			
Email Address	docketing@parksiplaw.com	<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>	

**Application Information:**

Title of the Invention	CONTROLLER FOR VIDEO GAME CONSOLE			
Attorney Docket Number	0905-002	Small Entity Status Claimed		<input checked="" type="checkbox"/>
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)	2	Suggested Figure for Publication (if any)		

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<input type="checkbox"/>	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
<input type="checkbox"/>	<b>Request Not to Publish.</b> I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application <b>has not and will not</b> be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

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Prior Application Status		<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
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<b>Application Data Sheet 37 CFR 1.76</b>	Attorney Docket Number	0905-002
	Application Number	
Title of Invention	CONTROLLER FOR VIDEO GAME CONSOLE	

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Application Number	Country <sup>i</sup>	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
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<b>Assignee 1</b>				<input type="button" value="Remove"/>
If the Assignee is an Organization check here. <input checked="" type="checkbox"/>				
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Email Address				
Additional Assignee Data may be generated within this form by selecting the <b>Add</b> button.				<input type="button" value="Add"/>

### Signature:

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<b>Signature</b>	/Collen Beard/		Date (YYYY-MM-DD)	2011-06-17
First Name	Collen	Last Name	Beard	Registration Number
				38824

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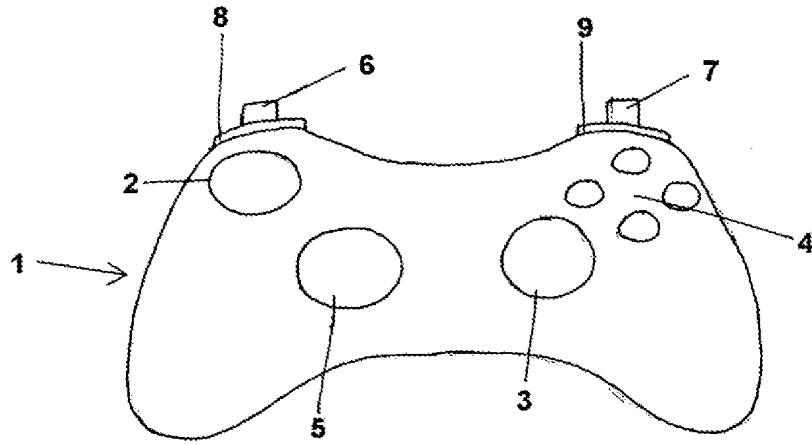


Figure 1

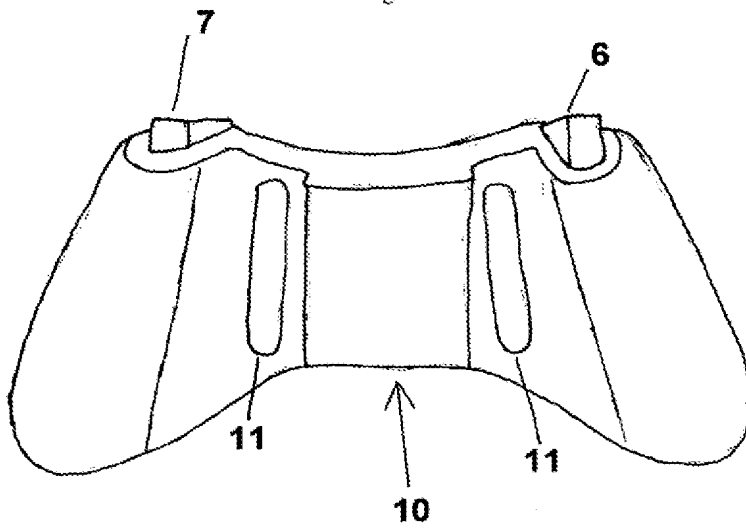


Figure 2

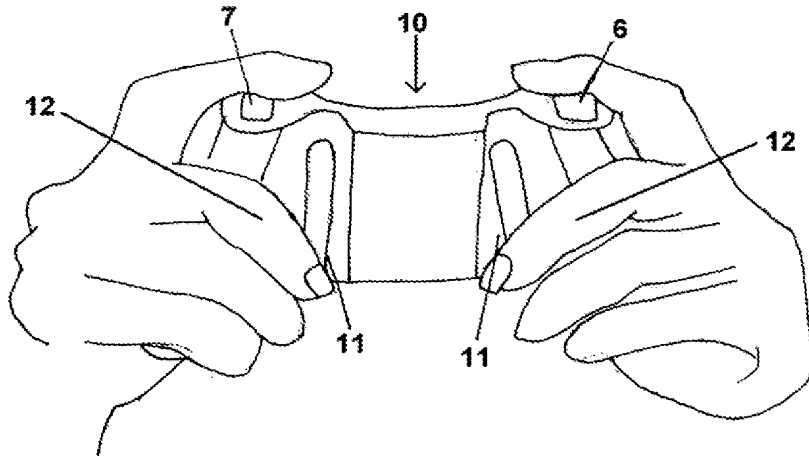


Figure 3

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	10327952
<b>Application Number:</b>	13162727
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8138
<b>Title of Invention:</b>	CONTROLLER FOR VIDEO GAME CONSOLE
<b>First Named Inventor/Applicant Name:</b>	Simon Burgess
<b>Customer Number:</b>	52245
<b>Filer:</b>	Collen Alana Beard/Virginia Keenan
<b>Filer Authorized By:</b>	Collen Alana Beard
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<b>Time Stamp:</b>	11:49:22
<b>Application Type:</b>	Utility under 35 USC 111(a)

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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	ADS.pdf	1031066 b44e46f164998531c502ff18c57b539d8bb3e17d5	no	4

### Warnings:

### Information:

2		Application.pdf	2588283 5bac2d586ad55c28bf5cd11a2283473a44c378b6	yes	10
<b>Multipart Description/PDF files in .zip description</b>					
<b>Document Description</b>		<b>Start</b>	<b>End</b>		
Specification		1	6		
Claims		7	9		
Abstract		10	10		
<b>Warnings:</b>					
<b>Information:</b>					
3	Drawings-only black and white line drawings	Drawings.pdf	231414 a9510778a5d7d2a5416c3b410d366401c507cf09	no	2
<b>Warnings:</b>					
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## CONTROLLER FOR VIDEO GAME CONSOLE

### BACKGROUND OF THE INVENTION

The present invention relates to video game consoles, in particular to hand held controllers for video game consoles.

- 5 Conventional controllers for most game consoles are intended to be held and operated by the user using both hands. A conventional controller will generally comprise a hard outer case with a plurality of controls mounted about the controller. Typically the controls include buttons, analogue control sticks, bumpers, and triggers. An example of a conventional controller is shown in Figure 1.
- 10 As can be seen in Figure 1, all of the controls are mounted on the front and top edge of the controller 1. Specifically, there are left and right analogue thumb sticks 2, 3 which normally control movement and are intended to be operated by the user's left and right thumb respectively. There are four buttons 4, located on a front right portion of the controller 1 which normally control additional actions and are intended to be operated by the user's right thumb.
- 15 There is a direction pad 5 located on the lower portion of the front left of the controller 1. The direction pad 5 is intended to be operated by the user's left thumb, typically either as an alternative to the left thumb stick 2 or to provide additional actions. There is a left trigger 6, a right trigger 7, a left bumper 8, and a right bumper 9 located on the top edge of the controller 1. The left and right triggers 6, 7 are typically operated by the user's index fingers. The left and
- 20 right bumpers 8, 9 may also be operated by the user's index fingers.

The only way to operate the four buttons 4 is for the user to remove his or her right thumb from the right thumb stick 3. This takes time and, in some games, can cause a loss of control. This is a particular problem in games where the right thumb stick 3 is used for aiming. A similar problem may arise in games where the direction pad 5 provides additional actions and the user

25 has to remove his or her thumb from the left thumb stick 2 in order to operate the direction pad 5.

In light of the above, there is a need for an improved controller which removes the need for a user to remove his or her thumb from the left or right thumb stick 2, 3 in order to operate additional actions controlled by the four buttons 4 and/or the direction pad 5.

#### SUMMARY OF THE INVENTION

5 The present invention provides a hand held controller for a video game console having a hard outer case and a plurality of controls located on the front and top edge of the controller. The controller is shaped to be held in both hands of the user such that the user's thumbs are positioned to operate controls located on the front of the controller and the user's index fingers are positioned to operate controls located on the top edge of the controller. The  
10 controller further includes one or more additional controls located on the back of the controller in a position to be operated by the user's other fingers.

In one embodiment, each additional control is an elongate member which is inherently resilient and flexible such that it can be displaced by a user to activate control function.

15 Preferably, each elongate member is mounted within a respective recess located in the case of the controller.

Preferably, each elongate member comprises an outermost surface which is disposed in close proximity to the outermost surface of the controller such that the user's finger may be received in said respective recess.

20 Preferably, each elongate member has a thickness less than 10mm thick, more preferably less than 5mm thick, and most desirably between 1mm and 3mm.

Preferably, there are two additional controls which are elongate members that are parallel to each another. In another embodiment, the elongate members converge towards the front end of the controller with respect to one another.

25 Optionally, a portion of each of the elongate members is in registry with a switch mechanism disposed within the controller, such that displacement of the elongate member activates the switch mechanism.

Optionally, a switch mechanism is disposed between the elongate members and an outer surface of the controller.

The controller of the present invention may be very similar to controllers according to the prior art. In particular, the outer case of the controller and the type, number and positioning of the controls located on the front and top edge of the controller may be the same as a controller  
5 according to the prior art, as described above and as illustrated in the figures.

The controller of the present invention is particularly advantageous over controllers according to the prior art as it comprises one or more additional controls located on the back of the controller in a position to be operated by middle fingers of a user. The additional controls may  
10 either replicate the functions of one or more of the controls located on the front or top edge of the controller or provide additional functionality.

In a preferred embodiment of the invention the additional controls replicate the function of a control located on the front of the controller. This means that a user does not need to remove his or her thumb from one of the thumb sticks in order to operate the buttons and/or direction  
15 pad located on the front of the controller and can instead perform the function by manipulating an additional control located on the back of the controller with a finger.

Alternatively, the additional controls may provide additional functionality in that they do not replicate the function of controls located on the front or top of the controller but may perform different functions. In this manner a controller according to the present invention may provide  
20 more functions than prior art controllers.

Preferably, the controls located on the back of the controller are paddle levers. Suitable paddle levers may be formed integrally with the outer case of the controller or may be substantially separate from the outer case. This may be done in any manner apparent to the person skilled in the art. However, it is to be appreciated that the additional controls may comprise any other  
25 control suitable for use by a hand held controller.

Advantageously, if the additional controls are paddle levers, they will be formed such that they are substantially vertically aligned with respect to the controller. This may allow the most ergonomically efficient activation of the paddle levers by the middle fingers of the user.

Further features and advantages of the present invention will be apparent from the specific embodiment illustrated in the drawings and discussed below.

#### BRIEF DESCRIPTION OF THE DRAWINGS

FIGURE 1 is a schematic illustration of the front of a conventional game controller according to the prior art.

FIGURE 2 is a schematic illustration of the back of a game controller according to the present invention.

FIGURE 3 is a schematic illustration of the back of a game controller according to the present invention as held and operated by a user.

#### DETAILED DESCRIPTION OF THE INVENTION

The particular embodiment described below and illustrated by Figures 2 and 3 serves to further illustrate the invention, to provide those of ordinary skill in the art with a complete disclosure and description of the devices claimed herein, and is not intended to limit the scope of the invention. For example, the additional controls are described below as two paddle levers but the term "control" as used in the claims, unless otherwise made clear in the claim, refers to paddle levers as well as other controls such as buttons, analogue control sticks, bumpers, and triggers.

The game controller 10 according to the present invention is illustrated in Figures 2 and 3. The front of the game controller 10 of Figures 2 and 3 is the same as a conventional controller 1, as illustrated in Figure 1 and as discussed above. Therefore, where appropriate the same reference numerals have been used to indicate the features of the controller according to the present invention 10 that are identical to the features of a conventional controller 1.

Game controller 10 differs from the conventional controller 1 in that it additionally comprises two paddle levers 11 located on the back of the controller. The paddle levers 11 are vertically orientated with respect to the controller 10 and are positioned to be operated by the middle fingers of a user 12, as shown in Figure 3.

5 In one embodiment the paddles 11 are formed from a thin flexible material such as a plastics material for example polyethylene. Preferably, the paddles 11 are less than 10mm thick, but may be less than 5mm thick, and more preferably are 3mm thick or less.

The paddles 11 are inherently resilient, which means that they return to an unbiased position when not under load. A user may displace or depress either of the paddles 11 by engaging an  
10 outer surface thereof; such displacement causes the paddle 11 to activate a switch mechanism mounted within the body of the controller 10. The paddles 11 are mounted within recesses located on the case of the controller 10; and are disposed in close proximity to the outer surface of the controller body. In this way a user may engage the paddles 11 with the tips of the fingers, preferably the middle fingers, without compromising the user's grip on the controller  
15 10. While the example shows the paddles 11 engaged by the middle fingers, they could also be engaged by the index, ring, or little fingers. The index fingers may also engage trigger style controls mounted on the top edge of the controller 10 while the thumbs may be used to activate controls on the front of the controller 10.

The paddles 11 are elongate in shape and substantially extend in a direction from the top edge  
20 to bottom edge of the controller 10. In one embodiment the paddles are orientated parallel with each other. In an alternative embodiment the paddles are orientated such that they converge towards the top edge with respect to each other. This elongate shape allows a user to engage the paddles with any of the middle, ring, or little finger; it also provides that different users having different size hands can engage with the paddles in a comfortable position thereby  
25 reducing the effects of prolonged or repeated use such as repetitive strain injury.

In one embodiment, the paddle levers 11 replicate the functions of two of the four buttons 4 located on the front of the controller 10 and thereby allow a user to operate the functions of the relevant buttons using his or her middle fingers 12, without the need to remove either of

his or her thumbs from the left or right thumb stick 2, 3. In alternative embodiments a paddle lever 11 may activate a new function not activated by a control on the front or top edge of the controller 10.

It is envisaged that the paddles 11 could be fitted to an existing controller 10. In such  
5       embodiments the paddles would be mounted on the outer surface of the controller body by means of a mechanical fixing such as a screw or bolt or alternatively bonded or welded to the controller body by adhesive or other suitable means. A switch mechanism would be mounted within the controller in vertical registry with a portion of each paddle. A portion of the switch mechanism may extend through the controller body and be disposed in close proximity or in  
10       contact with an innermost surface of the paddle 11.

In alternative embodiments it is envisaged that the paddles 11 would be integrally formed with the controller body, the paddles 11 being configured to be resilient and flexible such that they can be depressed by a user to activate a switch mechanism. This could be achieved by moulding the controller body to have a U-shaped slot extending through the controller body;  
15       alternatively a U-shaped slot could be cut into the controller body after the moulding process. Preferably, the paddles 11 would comprise a raised outermost surface with respect to the surrounding area such that a user may locate the paddles 11. This may be achieved by moulding the paddle such that is thicker than the surrounding area. It will be recognised that as used herein, directional references such as "top", "bottom", "front", "back", "end", "side",  
20       "inner", "outer", "upper", and "lower" do not limit the respective features to such orientation, but merely serve to distinguish these features from one another.

Modifications and variations of the present invention will be apparent to those skilled in the art from the forgoing detailed description. All modifications and variations are intended to be encompassed by the following claims. All publications, patents, and patent applications cited  
25       herein are hereby incorporated by reference in their entirety.

CLAIMS

1. A hand held controller for a game console comprising:  
an outer case; and  
a plurality of controls located on a front of the controller;  
5 wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the controls located on the front of the controller;  
and wherein the controller further comprises one or more additional controls located on a back of the controller.
- 10 2. The controller of claim 1, further having controls located on the top edge of the controller and wherein the controller is shaped such that the user's index fingers are positioned to operate controls located on the top edge
3. The controller of claim 1 wherein each additional control is in a position to be operated  
15 by a finger of a user.
4. The controller of claim 1 wherein there are two additional controls on the back of the controller, each of which is positioned to be operated by a middle finger of a user.
- 20 5. The controller of claim 1 wherein each additional control comprises an elongate member which is inherently resilient and flexible such that it can be displaced by a user to activate control function.
6. The controller of claim 5 wherein each elongate member is mounted within a respective  
25 recess located in the case of the controller.
7. The controller of claim 6 wherein each elongate member comprises an outermost surface which is disposed in close proximity to the outermost surface of the controller such that a user's finger may be received in said respective recess.

8. The controller of claim 1 wherein each elongate member has a thickness between about 1mm and 10mm.
9. The controller of claim 1 wherein each elongate member has a thickness between about  
5 1mm and 5mm.
10. The controller of claim 1 wherein each elongate member has a thickness between about 1mm and 3mm.
- 10 11. The controller of claim 5 wherein the elongate members are parallel to one another.
12. The controller of claim 5 wherein the elongate members converge towards the front end of the controller with respect to one another.
- 15 13. The controller of claim 1 wherein a portion of each additional control is in registry with a switch mechanism disposed within the controller, such that displacement of the additional control activates the switch mechanism.
14. The controller of claim 5 wherein a switch mechanism is disposed between each of the  
20 elongate members and an outer surface of the base of the controller.
15. The controller of claim 2 wherein the one or more additional controls replicate the function of one or more controls located on the front or top edge of the controller.
- 25 16. The controller of claim 2 wherein the one or more additional controls have functions in addition to the controls located on the front or top edge of the controller.
17. The controller of claim 1 wherein the one or more additional controls are paddle levers.



18. The controller of claim 1 wherein the additional controls are substantially vertically orientated with respect to the controller.

19. The controller of claim 1 wherein the one or more additional controls are formed as an  
5 integral part of the outer case.

20. The controller of claim 1 wherein the one or more additional controls are formed separate from the outer case of the controller.

**CONTROLLER FOR GAME CONSOLE**

**ABSTRACT**

An improved controller (10) for a game console that is intended to be held by a user in both hands in the same manner as a conventional controller (1), which has controls on the front operable by the thumbs (2), (3), (4), (5), and has two additional controls (11) located on the back in positions to be operated by the middle fingers of a user.

10



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY,DOCKET,NO, TOT CLAIMS, IND CLAIMS. Row 1: 13/162,727, 06/17/2011, 2612, 0.00, 0905-002, 20, 1

CONFIRMATION NO. 8138

52245
Parks IP Law LLC
1117 PERIMETER CENTER WEST
SUITE E402
ATLANTA, GA 30338

FILING RECEIPT



Date Mailed: 06/30/2011

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)

Simon Burgess, Loughborough, UNITED KINGDOM;
Duncan Ironmonger, Atlanta, GA;

Assignment For Published Patent Application

IRONBURG INVENTIONS LTD., Wincanton, UNITED KINGDOM

Power of Attorney: None

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: 06/28/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 13/162,727

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

CONTROLLER FOR VIDEO GAME CONSOLE

**Preliminary Class**

340

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PATENT APPLICATION FEE DETERMINATION RECORD**

Substitute for Form PTO-875

Application or Docket Number  
13/162,727

**APPLICATION AS FILED - PART I**

(Column 1) (Column 2)

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A
TOTAL CLAIMS (37 CFR 1.16(j))	20 minus 20 =	*
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1 minus 3 =	*
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$270 (\$135 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.

**SMALL ENTITY**

RATE(\$)	FEE(\$)
N/A	82
N/A	270
N/A	110
x 26 =	0.00
x 110 =	0.00
	0.00
	0.00
<b>TOTAL</b>	<b>462</b>

**OR OTHER THAN SMALL ENTITY**

RATE(\$)	FEE(\$)
N/A	
N/A	
N/A	
<b>TOTAL</b>	

**APPLICATION AS AMENDED - PART II**

(Column 1) (Column 2) (Column 3)

AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(j))	*	Minus	**	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=
	Application Size Fee (37 CFR 1.16(s))				
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				

**SMALL ENTITY**

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
<b>TOTAL ADD'L FEE</b>	

**OR OTHER THAN SMALL ENTITY**

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
<b>TOTAL ADD'L FEE</b>	

(Column 1) (Column 2) (Column 3)

AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(j))	*	Minus	**	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=
	Application Size Fee (37 CFR 1.16(s))				
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				

**SMALL ENTITY**

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
<b>TOTAL ADD'L FEE</b>	

**OR OTHER THAN SMALL ENTITY**

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
<b>TOTAL ADD'L FEE</b>	

\* 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 found in the appropriate box in column 1.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Table with 4 columns: APPLICATION NUMBER (13/162,727), FILING OR 371(C) DATE (06/17/2011), FIRST NAMED APPLICANT (Simon Burgess), ATTY. DOCKET NO./TITLE (0905-002)

CONFIRMATION NO. 8138

FORMALITIES LETTER



52245
Parks IP Law LLC
1117 PERIMETER CENTER WEST
SUITE E402
ATLANTA, GA 30338

Date Mailed: 06/30/2011

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$82 to complete the basic filing fee for a small entity.
The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted.

SUMMARY OF FEES DUE:

Total fee(s) required within TWO MONTHS from the date of this Notice is \$527 for a small entity

- \$82 Statutory basic filing fee.
\$65 Surcharge.
The application search fee has not been paid. Applicant must submit \$270 to complete the search fee.
The application examination fee has not been paid. Applicant must submit \$110 to complete the examination fee for a small entity in compliance with 37 CFR 1.27.

Replies should be mailed to:

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/aabranos/

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Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Burgess et al.

Docket No.: 0905-002

Serial No.: 13/162,727

Art Unit: 2612

Filing Date: June 17, 2011

Confirmation No.: 8138

For: **CONTROLLER FOR VIDEO GAME CONSOLE**

Mail Stop: Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION**

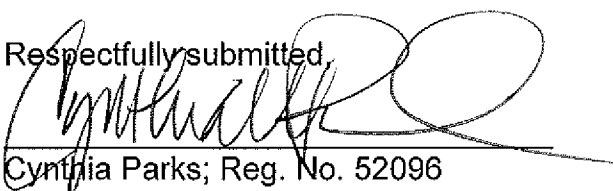
Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed June 30, 2011, enclosed are the following:

1. Executed Declaration by inventors Simon Burgess and Duncan Ironmonger;
2. Petition for Extension of Time (one month); and
3. Payment in the amount of \$527.00 (\$82.00 Basic filing fee; \$65.00 Surcharge; \$270.00 Search fee; \$110.00 Examination fee).

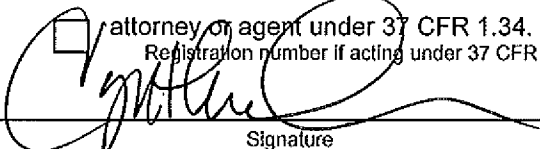
Applicant believes this to be a complete reply to the Notice and believe that no additional fees are due; however, the Commissioner is hereby authorized to charge any additional fees due to Deposit Account 50-3447.

Respectfully submitted,

  
Cynthia Parks; Reg. No. 52096

Parks IP Law LLC  
1117 Perimeter Center West  
Suite E402  
Atlanta, GA 30338

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.

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>FY 2009</b> <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) 0905-002	
Application Number 13/162,727		Filed June 17, 2011	
For <b>CONTROLLER FOR VIDEO GAME CONSOLE</b>			
Art Unit 2612		Examiner TBD	
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):			
		<u>Fee</u>	<u>Small Entity Fee</u>
<input checked="" type="checkbox"/>	One month (37 CFR 1.17(a)(1))	\$130	\$65 \$ <u>65</u>
<input type="checkbox"/>	Two months (37 CFR 1.17(a)(2))	\$490	\$245 \$ _____
<input type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$1110	\$555 \$ _____
<input type="checkbox"/>	Four months (37 CFR 1.17(a)(4))	\$1730	\$865 \$ _____
<input type="checkbox"/>	Five months (37 CFR 1.17(a)(5))	\$2350	\$1175 \$ _____
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>50-3447</u> .			
<b>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.</b>			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>52096</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
 _____ Signature		<u>16 Sept 2011</u> _____ Date	
<u>Cynthia Parks</u> _____ Typed or printed name		<u>678) 325-6601</u> _____ Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of _____ forms are submitted.			

This collection of information is required by 37 CFR 1.136(a). 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 6 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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, 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.

**DECLARATION AND POWER OF ATTORNEY**

Original       Supplemental       Substitute       PCT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CONTROLLER FOR VIDEO GAME CONSOLE**

(Title of the Invention)

the specification of which (check one)

is attached hereto  
 was filed on June 17, 2011 and assigned serial no. 13/162,727  
 and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a) - (d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, 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, by checking the box below, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications			Priority Claimed		Copy Attached	
Application Number	Country	Foreign Filing Date (MM/DD/YYYY)	YES	NO	YES	NO

As a named inventor, I hereby revoke all prior powers and appoint the attorney(s) and/or agent(s) associated with:

**Customer No. 52245**

to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I acknowledge the above-listed attorneys and agents and their firm Parks IP Law LLC represent my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity) and in such cases do not



## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	13162727
<b>Filing Date:</b>	17-Jun-2011
<b>Title of Invention:</b>	CONTROLLER FOR VIDEO GAME CONSOLE
<b>First Named Inventor/Applicant Name:</b>	Simon Burgess
<b>Filer:</b>	Cynthia R. Parks/Virginia Keenan
<b>Attorney Docket Number:</b>	0905-002

Filed as Small Entity

### Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110

**Pages:**

**Claims:**

### Miscellaneous-Filing:

Late filing fee for oath or declaration	2051	1	65	65
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**Petition:**

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>527</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	10968711
<b>Application Number:</b>	13162727
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8138
<b>Title of Invention:</b>	CONTROLLER FOR VIDEO GAME CONSOLE
<b>First Named Inventor/Applicant Name:</b>	Simon Burgess
<b>Customer Number:</b>	52245
<b>Filer:</b>	Cynthia R. Parks/Virginia Keenan
<b>Filer Authorized By:</b>	Cynthia R. Parks
<b>Attorney Docket Number:</b>	0905-002
<b>Receipt Date:</b>	16-SEP-2011
<b>Filing Date:</b>	17-JUN-2011
<b>Time Stamp:</b>	16:03:00
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$527
RAM confirmation Number	2816
Deposit Account	503447
Authorized User	PARKS IP LAW LLC

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 1.16 (National application filing, search, and examination fees)

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 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance 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	Applicant Response to Pre-Exam Formalities Notice	ResponseMP.pdf	46543 286b1da96c8aab1d12ce39a4e42d6e5f61c cf8f	no	1

### Warnings:

### Information:

2	Extension of Time	EOT.pdf	73726 568647a68b83d7037c9b339ac92b9f39bfe 6700a	no	1
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### Warnings:

### Information:

3	Oath or Declaration filed	Declaration.pdf	114474 5786f71ae312e38365651d3968fd19c1823c 4c22	no	2
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### Warnings:

### Information:

4	Fee Worksheet (SB06)	fee-info.pdf	36932 f482d677ed4f1544ecae27f8bbda4d6d49 a243c	no	2
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### Warnings:

### Information:

**Total Files Size (in bytes):** 271675

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.





**PATENT APPLICATION FEE DETERMINATION RECORD**

Substitute for Form PTO-875

Application or Docket Number  
13/162,727

**APPLICATION AS FILED - PART I**

(Column 1) (Column 2)

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A
TOTAL CLAIMS (37 CFR 1.16(j))	20 minus 20 =	*
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1 minus 3 =	*
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.

**SMALL ENTITY**

RATE(\$)	FEE(\$)
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N/A	110
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x 110 =	0.00
	0.00
	0.00
TOTAL	462

**OR OTHER THAN SMALL ENTITY**

RATE(\$)	FEE(\$)
N/A	
N/A	
N/A	
TOTAL	

**APPLICATION AS AMENDED - PART II**

(Column 1) (Column 2) (Column 3)

AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(j))	*	Minus	**	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=
	Application Size Fee (37 CFR 1.16(s))				
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					

**SMALL ENTITY**

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
TOTAL ADD'L FEE	

**OR OTHER THAN SMALL ENTITY**

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
TOTAL ADD'L FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(j))	*	Minus	**	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=
	Application Size Fee (37 CFR 1.16(s))				
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					

**SMALL ENTITY**

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
TOTAL ADD'L FEE	

**OR OTHER THAN SMALL ENTITY**

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
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 found in the appropriate box in column 1.



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 13/162,727, 06/17/2011, 2612, 527, 0905-002, 20, 1

CONFIRMATION NO. 8138

UPDATED FILING RECEIPT

52245
Parks IP Law LLC
1117 PERIMETER CENTER WEST
SUITE E402
ATLANTA, GA 30338



Date Mailed: 09/26/2011

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)

Simon Burgess, Loughborough, UNITED KINGDOM;
Duncan Ironmonger, Atlanta, GA;

Assignment For Published Patent Application

IRONBURG INVENTIONS LTD., Wincanton, UNITED KINGDOM

Power of Attorney: The patent practitioners associated with Customer Number 52245

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: 06/28/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 13/162,727

Projected Publication Date: 12/20/2012

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

CONTROLLER FOR VIDEO GAME CONSOLE

**Preliminary Class**

340

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE. Includes application details for Simon Burgess and examiner HYLINSKI, STEVEN J.

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.

**Office Action Summary**

<b>Application No.</b> 13/162,727	<b>Applicant(s)</b> BURGESS ET AL.	
<b>Examiner</b> STEVEN J. HYLINSKI	<b>Art Unit</b> 3717	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 09/16/2011.
- 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) 1-20 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) 1-20 is/are rejected.
- 8)  Claim(s) \_\_\_\_\_ is/are objected to.
- 9)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10)  The specification is objected to by the Examiner.
- 11)  The drawing(s) filed on 17 June 2011 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).
- 12)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
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)  Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 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.

- 1. Claims 1-7, 11, 13-14, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,394,906 to Ogata.**

#### **Re Claim 1,**

Ogata discloses a hand held controller for a game console (Abstract) comprising:  
an outer case (Fig. 1 and 4:35-40, main body unit 4 made up of upper half 2 and lower half 3 abutted and connected to each other by fasteners) and

a plurality of controls located on a front of the controller (Figs. 1-2, controls 9, 12, 16, 22-24 are all located on upper half 2 of controller 1)

wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the controls located on the front of the controller (Fig. 7, the user's thumb's Lf1 and Rf1 are used to operate all controls 9, 12, 16, 22-24 located on upper half 2 of controller 1)

and therein the controller further comprises one or more additional controls located on a back of the controller (Figs. 1-8, trigger buttons 19b and 20b are located on lower half 3 of the controller body, facing away from the player as shown in Fig. 7 and therefore are on the back of the controller)



Art Unit: 3717

**Re Claim 2,**

Ogata discloses the controller of claim 1 further having controls located on the top edge of the controller and wherein the controller is shaped such that the user's index fingers are positioned to operate controls located on the top edge (Fig. 7, buttons 19a and 20a are buttons located on the top edge of upper half 2 of the main body unit 4 which are operated by the user's index fingers Lf2 and Rf2).

**Re Claim 3,**

Any of the plurality of controls shown in Figs. 1-8, which are additional controls relative to any other controls on the unit, is positioned to be operated by fingers Lf1-5 and Rf1-5 of the user's hands Lf, Rf as shown in Fig. 7.

**Re Claim 4,**

Fig. 7 shows two additional controls 19b and 20b positioned to be operated by middle fingers Rf3 and Lf3 of the user.

**Re Claim 5,**

The buttons 19a-b and 20a-b are depicted in Fig. 4 as being rectangular and are therefore elongate members, which because they are operated by depressing them into the housing renders them inherently resilient and flexible (13:13-25 describes buttons 19a-b and 20a-b as thrusting actuators that protrude from the housing and contact switch elements located inside the housing 4, and that the thrusting actuators may further be covered in an elastomer for improved operating feeling.)

**Re Claim 6,**

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See Fig. 9 19a-b protruding from recesses in the housing 4, and also see 13:13-25.

**Re Claim 7,**

Figs. 7-8 show elongate members 19a-b and 20a-b comprising an outermost surface disposed in close proximity to the outermost surface of the controller housing 4 such that user's fingers Rf2,3 and Lf2,3 may be received in the recess depicted in Fig. 8 with respect to buttons 19a,b.

**Re Claim 11,**

Fig. 4 shows elongate members 19a,b and 20a,b being parallel to one another.

**Re Claims 13-14,**

See 13:19-21 which describes a portion of each additional control being in registry with a switch mechanism disposed within the controller and in between each of the elongate members and an outer surface of the base of the controller, such that displacement of the additional control activates the switch mechanism.

**Re Claim 17,**

The controls 19a-b and 20a-b that provide flat button surfaces, the exposed part of which face away from the user and are operated by the user's fingers wrapping around the controller body and depressing them as shown in Fig. 7, can be interpreted as paddle levers.

**Re Claim 18,**

Fig. 4 shows the additional controls 19a-b and 20a-b being substantially vertically oriented with respect to the controller.

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**Re Claims 19-20,**

The additional controls 19a-b and 20a-b shown in Figs. 1-8 are placed such that they are integral with the case yet they are distinct components from the case body 4.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 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 negated by the manner in which the invention was made.


**2. Claims 8-10, 12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,394,906 to Ogata.**

**Re Claims 8-10 and 12,**

These claims recite alternative possible size and shape considerations for the same elongate members 19a-b and 20a-b disclosed by Ogata and visible in Figs. 1-8, without claiming any unexpected result of these size and shape considerations, especially in light of the several thickness ranges and the parallel vs. converging size and shape limitations being presented in the alternative, which indicates the function of the apparatus is unchanged as these parameters are varied.

Regarding claims 8-10, In *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the

Art Unit: 3717

claimed device was not patentably distinct from the prior art device.  See also MPEP 2144.04 Section IV A.

Regarding claim 12, MPEP 2144.04 Section IV B States that a change in shape of an apparatus would be obvious to one having ordinary skill in the art absent persuasive evidence that the particular shape is significant.

**Re Claims 15-16,**

Although 5:45-51 of Ogata states that the controls 19a-b and 20a-b have functions that affect the game characters in ways that correspond to programming of the game, Ogata does not go into detail as to whether the button mapping of his controller is such that one or more controls replicate the functions of other controls, or whether one or more controls have functions different from other controls on the front or top edge of the controller. Because claims 15 and 16 present duplicating vs. not duplicating button mapping functions as alternatives, and because there is further no claimed specific purpose, problem being solved by, or advantage caused by replicating button mapping or not doing so, it would have been an obvious matter of design choice to one having ordinary skill in the art at the time the invention was made whether to map the preprogrammed button functions for the controller shown in Figs. 1-8 of Ogata such that functions are replicated or not. One of skill in the art would have expected Ogata's controller to function well regardless of what specific software command mapping is applied by the game designer to the button controls.

***Conclusion***

Art Unit: 3717

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is included in the Notice of References Cited. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN J. HYLINSKI whose telephone number is (571)270-1995. The examiner can normally be reached on Mon-Fri 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on (571)272-4709. 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.

/STEVEN J HYLINSKI/  
Primary Examiner, Art Unit 3717

<b>Notice of References Cited</b>	Application/Control No. 13/162,727	Applicant(s)/Patent Under Reexamination BURGESS ET AL.	
	Examiner STEVEN J. HYLINSKI	Art Unit 3717	Page 1 of 4

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
*	A	US-4,552,360 A	11-1985	Bromley et al.	463/38
*	B	US-5,551,693 A	09-1996	Goto et al.	463/37
*	C	US-5,670,988 A	09-1997	Tickle, James Dexter	345/157
*	D	US-5,716,274 A	02-1998	Goto et al.	463/37
*	E	US-5,853,326 A	12-1998	Goto et al.	463/37
*	F	US-5,874,906 A	02-1999	Willner et al.	341/22
*	G	US-5,984,548 A	11-1999	Willner et al.	400/472
*	H	US-6,001,014 A	12-1999	Ogata et al.	463/37
*	I	US-6,019,680 A	02-2000	Cheng, Chiu Hao	463/37
*	J	US-6,135,886 A	10-2000	Armstrong, Brad A.	463/37
*	K	US-6,171,191 B1	01-2001	Ogata et al.	463/38
*	L	US-6,231,444 B1	05-2001	Goto et al.	463/37
*	M	US-6,261,180 B1	07-2001	Lebensfeld et al.	463/49

**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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**NON-PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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	U				
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\*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.

<b>Notice of References Cited</b>	Application/Control No. 13/162,727	Applicant(s)/Patent Under Reexamination BURGESS ET AL.	
	Examiner STEVEN J. HYLINSKI	Art Unit 3717	Page 2 of 4

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
*	A	US-6,280,327 B1	08-2001	Leifer et al.	463/39
*	B	US-6,288,709 B1	09-2001	Willner et al.	345/169
*	C	US-6,342,009 B1	01-2002	Soma, Masahiro	463/38
*	D	US-6,394,906 B1	05-2002	Ogata, Hiroki	463/38
*	E	US-6,512,511 B2	01-2003	Willner et al.	345/169
*	F	US-6,524,187 B2	02-2003	Komata, Nobuhiro	463/37
*	G	US-6,524,186 B2	02-2003	Takatsuka et al.	463/37
*	H	US-6,682,426 B2	01-2004	Goto et al.	463/37
*	I	US-2004/0063502 A1	04-2004	HUSSAINI et al.	463/056
*	J	US-6,760,013 B2	07-2004	Willner et al.	345/169
*	K	US-2004/0224768 A1	11-2004	Hussaini et al.	463/037
*	L	US-6,887,158 B2	05-2005	Goto et al.	463/37
*	M	US-2005/0215321 A1	09-2005	Hussaini et al.	463/037

**FOREIGN PATENT DOCUMENTS**

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	X				

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<b>Notice of References Cited</b>	Application/Control No. 13/162,727	Applicant(s)/Patent Under Reexamination BURGESS ET AL.	
	Examiner STEVEN J. HYLINSKI	Art Unit 3717	Page 3 of 4

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2005/0269769 A1	12-2005	Naghi et al.	273/148.00B
*	B	US-2006/0025217 A1	02-2006	Hussaini et al.	463/036
*	C	US-2006/0040740 A1	02-2006	DiDato, Richard C.	463/037
*	D	US-2006/0116204 A1	06-2006	Chen et al.	463/037
*	E	US-2007/0021209 A1	01-2007	Hussaini et al.	463/036
*	F	US-7,235,012 B2	06-2007	DiDato, Richard C.	463/38
*	G	US-D547,763 S	07-2007	Hayes et al.	D14/454
*	H	US-7,377,851 B2	05-2008	Goto et al.	463/37
*	I	US-7,407,439 B1	08-2008	Ochoa, Justin J.	463/37
*	J	US-2008/0261695 A1	10-2008	Coe, Adam Wesley	463/37
*	K	US-7,471,216 B2	12-2008	Chen et al.	341/20
*	L	US-7,473,180 B2	01-2009	Himoto et al.	463/37
*	M	US-7,488,254 B2	02-2009	Himoto et al.	463/37

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	P					
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**NON-PATENT DOCUMENTS**

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	U	
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	X	

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<b>Notice of References Cited</b>	Application/Control No. 13/162,727	Applicant(s)/Patent Under Reexamination BURGESS ET AL.	
	Examiner STEVEN J. HYLINSKI	Art Unit 3717	Page 4 of 4

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,596,466 B2	Ohta, Keizo	702/152
*	B	US-7,753,786 B2	Ishimaru et al.	463/36
*	C	US-D620,939 S	Suetake et al.	D14/401
*	D	US-7,774,155 B2	Sato et al.	702/127
*	E	US-D623,649 S	Claussen, Seth A.	D14/401
*	F	US-7,804,484 B2	Martinez et al.	345/156
*	G	US-7,859,514 B1	Park, Young	345/156
*	H	US-7,927,216 B2	Ikeda et al.	463/38
*	I	US-7,942,745 B2	Ikeda et al.	463/38
*	J	US-D659,140 S	Ikeda et al.	D14/401
	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**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
		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.

<b><i>Index of Claims</i></b>  	<b>Application/Control No.</b> 13162727	<b>Applicant(s)/Patent Under Reexamination</b> BURGESS ET AL.
	<b>Examiner</b> STEVEN J HYLINSKI	<b>Art Unit</b> 3717

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

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

CLAIM		DATE							
Final	Original	06/16/2012							
	1	✓							
	2	✓							
	3	✓							
	4	✓							
	5	✓							
	6	✓							
	7	✓							
	8	✓							
	9	✓							
	10	✓							
	11	✓							
	12	✓							
	13	✓							
	14	✓							
	15	✓							
	16	✓							
	17	✓							
	18	✓							
	19	✓							
	20	✓							

## EAST Search History

## EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	47	(US-20050269769-\$ or US-20060040740-\$ or US-20060116204-\$ or US-20080261695-\$ or US-20050215321-\$ or US-20060025217-\$ or US-20070021209-\$).did. or (US-6001014-\$ or US-6019680-\$ or US-7942745-\$ or US-7927216-\$ or US-7774155-\$ or US-7596466-\$ or US-6280327-\$ or US-5670988-\$ or US-4552360-\$ or US-6135886-\$ or US-6171191-\$ or US-7377851-\$ or US-D620939-\$ or US-6394906-\$ or US-7859514-\$ or US-6288709-\$ or US-7804484-\$ or US-6760013-\$ or US-5984548-\$ or US-5874906-\$ or US-7471216-\$ or US-6261180-\$ or US-D547763-\$ or US-D659140-\$ or US-D623649-\$ or US-6512511-\$).did. or (US-6342009-\$ or US-5716274-\$ or US-6887158-\$ or US-6682426-\$ or US-6231444-\$ or US-7473180-\$ or US-5551693-\$ or US-7488254-\$ or US-6524187-\$ or US-6524186-\$ or US-5853326-\$ or US-7235012-\$ or US-7407439-\$ or US-7753786-\$).did.	US-PGPUB; USPAT	OR	OFF	2012/06/16 16:54
L2	4	1 and (replicat\$5 or duplicat\$5)	US-PGPUB; USPAT	OR	OFF	2012/06/16 16:54
L4	118	463/37.ccls. and (replicat\$5 or duplicat\$5)	US-PGPUB; USPAT	OR	OFF	2012/06/16 16:55
L5	39	463/37.ccls. and ((replicat\$5 or duplicat\$5) with (control\$3 or button))	US-PGPUB; USPAT	OR	ON	2012/06/16 16:56
L9	374	"463"/\$.ccls. and ((replicat\$5 or duplicat\$5) with (control\$3 or button))	US-PGPUB; USPAT	OR	ON	2012/06/16 17:01
L10	28	"463"/\$.ccls. and ((replicat\$5 or duplicat\$5) with (control\$3 or button)) same assign\$5	US-PGPUB; USPAT	OR	ON	2012/06/16 17:02
L11	263	"463"/\$.ccls. and (different with button with (function\$5 or assign\$5))	US-PGPUB; USPAT	OR	ON	2012/06/16 17:04
L12	6	"463"/\$.ccls. and (trigger with button with function with assign\$5)	US-PGPUB; USPAT	OR	ON	2012/06/16 17:04
L13	131	"463"/\$.ccls. and (trigger with button with function)	US-PGPUB; USPAT	OR	ON	2012/06/16 17:06
L14	95	"463"/\$.ccls. and (trigger with button with command)	US-PGPUB; USPAT	OR	ON	2012/06/16 17:06
L15	53	"463"/\$.ccls. and (disabl\$4 with button with	US-	OR	ON	2012/06/16

		control\$5)	PGPUB; USPAT			17:08
L16	49	"463"/\$.ccls. and controller same (mapping with button)	US- PGPUB; USPAT	OR	ON	2012/06/16 17:12
L17	37	"463"/\$.ccls. and (buttons with (duplicate or replicate) with (command or function))	US- PGPUB; USPAT	OR	ON	2012/06/16 17:16
L18	37	"463"/\$.ccls. and (buttons with (duplicate or replicate) with (command or function or mapping or assignment))	US- PGPUB; USPAT	OR	ON	2012/06/16 17:16
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S2	948	S1 and (front or top) and (back or bottom)	US- PGPUB; USPAT	OR	OFF	2012/06/15 16:38
S3	701	S1 and ((front or top) and (back or bottom) and button and controller)	US- PGPUB; USPAT	OR	ON	2012/06/15 16:38
S4	2	burgess-simon\$20.in. or ironmonger-duncan\$20.in.	US- PGPUB; USPAT	OR	ON	2012/06/15 16:40
S5	22	("4246452"   "4552360"   "4588187"   "5645277"   "5670988"   "5786807"   "5820462").FN. OR ("6019680").URPN.	US- PGPUB; USPAT; USOCR	OR	OFF	2012/06/15 16:43
S6	70	("5036239"   "5542672"   "5669818"   "5691898"   "5734373"   "5853326"   "5897437").FN. OR ("6171191").URPN.	US- PGPUB; USPAT; USOCR	OR	OFF	2012/06/15 16:45
S7	23	("5036239"   "5059958"   "5542672"   "5643087"   "5669818"   "5691898"   "5716274"   "5734373"   "5742278"   "5759100"   "5820462"   "5853326"   "5897437"   "5963196"   "5989123"   "6001014"   "6001015"   "6010406"   "6171191"   "6231444"   "6394906"	US- PGPUB; USPAT; USOCR	OR	OFF	2012/06/15 16:46

		"6641479").PN. OR ("7377851").URPN.				
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S10	37	("4414537"   "4791408"   "4974183"   "5087910"   "5189403"   "5267127"   "5352050"   "5410333"   "5581484"   "5605406"   "5874906"   "5984548"   "D386544").PN. OR ("6288709").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/06/15 16:49
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S14	33	("5501458"   "5644113"   "5874906"   "6232959"   "6342009"   "6659870"   "6923443"   "D348083"   "D416588"   "D424047"   "D430223"   "D432180"   "D434769"   "D442950"   "D451513"   "D453932"   "D470854"   "D471201"   "D487466").PN. OR ("D547763").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/06/15 16:55
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S29	82	S23 and (controller same (trigger\$1 with button\$1) same (lower or bottom))	US-PGPUB; USPAT	OR	OFF	2012/06/15 18:52
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		5984548-\$ or US-5874906-\$ or US-7471216-\$ or US-6261180-\$ or US-D547763-\$ or US-D659140-\$ or US-D623649-\$ or US-6512511-\$).did. or (US-6342009-\$ or US-5716274-\$ or US-6887158-\$ or US-6682426-\$ or US-6231444-\$ or US-7473180-\$ or US-5551693-\$ or US-7488254-\$ or US-6524187-\$ or US-6524186-\$ or US-5853326-\$ or US-7235012-\$ or US-7407439-\$ or US-7753786-\$).did.				
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S35	1	"6394906".pn.	USPAT	OR	OFF	2012/06/16 15:47
S36	1	S35 and 19a	USPAT	OR	OFF	2012/06/16 15:48

**EAST Search History (Interference)**

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**6/ 16/ 2012 5:36:08 PM****C:\Users\shylinski\Documents\EAST\Workspaces\13162727.wsp**

<b>Search Notes</b>  	<b>Application/Control No.</b>  13162727	<b>Applicant(s)/Patent Under Reexamination</b>  BURGESS ET AL.
	<b>Examiner</b>  STEVEN J HYLINSKI	<b>Art Unit</b>  3717

<b>SEARCHED</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>
463	37	06/16/2012	SJH

<b>SEARCH NOTES</b>		
<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
See EAST search history.	06/16/2012	SJH

<b>INTERFERENCE SEARCH</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

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I hereby certify that this paper (and any other paper referred to as being attached or enclosed) is being transmitted electronically to the U.S. Patent and Trademark Office via the Electronic Filing System (EFS) on the date set forth below.

Oct. 29, 2012  
Transmission Date

Sheri E. Prine  
Sheri Prine

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Simon Burgess et al.      Conf. No.: 8138  
App No.: 13/162,727      Filing Date: June 17, 2011  
Art Unit: 3717      Examiner: Hylinski, Steven J.  
Title: CONTROLLER FOR VIDEO GAME CONSOLE

Docket No.: 0905-002

Mail Stop: AMENDMENT  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NONFINAL OFFICE ACTION**

This Response is filed in reply to the non-final Office Action mailed June 28, 2012. The Assignee requests consideration of the following amendments and remarks.

Amendments to the Claims begin on page 2.

Remarks begin on page 6.

## CLAIM LISTING

The following set of claims replaces all previous versions of the claims.

1. (Currently Amended) A hand held controller for a game console comprising:
  - an outer case comprising a front, a back, a top edge, and a bottom edge, wherein the back of the controller is opposite the front of the controller and the top edge is opposite the bottom edge; and
  - a ~~plurality of~~ front control[[s]] located on the [[a]] front of the controller;  
wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control[[s]] ~~located on the front of the controller;~~ and
  - ~~wherein the controller further comprises one or more additional~~ a back control[[s]] located on [[a]] the back of the controller, wherein the back control is an elongate member that extends between the top edge and the bottom edge and is inherently resilient and flexible.
2. (Currently Amended) The controller of claim 1, further having a top edge control[[s]] located on the top edge of the controller and wherein the controller is shaped such that the user's index finger[[s are]] is positioned to operate the top edge control[[s located on the top edge]].
3. (Canceled)
4. (Currently Amended) The controller of claim 1, wherein there are two ~~[[additional]]~~ back controls on the back of the controller, each of which is positioned to be operated by a middle finger of a user.
5. (Canceled)

6. (Currently Amended) The controller of claim 1, [[5]] wherein each the elongate member is mounted within a respective recess located in the case of the controller.
7. (Currently Amended) The controller of claim 6, wherein each the elongate member comprises an outermost surface which is disposed in close proximity to the outermost surface of the controller such that a user's finger may be received in said respective recess.
8. (Currently Amended) The controller of claim 1, wherein each the elongate member has a thickness between about 1mm and 10mm.
9. (Currently Amended) The controller of claim 1, wherein each the elongate member has a thickness between about 1mm and 5mm.
10. (Currently Amended) The controller of claim 1, wherein each the elongate member has a thickness between about 1mm and 3mm.
11. (Currently Amended) The controller of claim 4, [[5]] wherein the elongate members are parallel to one another.
12. (Currently Amended) The controller of claim 4, [[5]] wherein the elongate members converge towards the front end of the controller with respect to one another.

13. (Currently Amended) The controller of claim 1, wherein a portion of each additional the back control is in registry with a switch mechanism disposed within the controller, such that displacement of the additional back control activates the switch mechanism.

14. (Currently Amended) The controller of claim 4, ~~[[5]]~~ wherein a switch mechanism is disposed between each of the elongate members and an outer surface of the base of the controller.

15. (Currently Amended) The controller of claim 2, wherein the ~~one or more~~ additional back control~~[[s]]~~ replicates the function of one or more of the top edge control and the front control ~~controls located on the front or top edge of the~~ controller.

16. (Currently Amended) The controller of claim 2, wherein the ~~one or more~~ additional back control~~[[s]]~~ ~~have~~ has functions in addition to the top edge control and the front control ~~controls located on the front or top edge of the controller.~~

17. (Currently Amended) The controller of claim 1, wherein the ~~one or more~~ additional back control~~[[s]]~~ ~~are~~ is a paddle lever~~[[s]]~~.

18. (Currently Amended) The controller of claim 1 wherein the additional back control~~[[s]]~~ ~~are~~ is substantially parallel to the front of ~~vertically orientated with~~ respect to the controller.

19. (Currently Amended) The controller of claim 1, wherein the ~~one or more~~ additional back control~~[[s]]~~ ~~is~~ are formed as an integral part of the outer case.

20. (Currently Amended) The controller of claim 1, wherein the ~~one or more~~ additional back control[[s]] are is formed separate from the outer case of the controller.

21. (New) The controller of claim 2, wherein the top edge is substantially perpendicular to the front.

22. (New) A hand held controller for a game console comprising:  
an outer case comprising a front, a back, a top edge, and a bottom edge, wherein the back of the controller is opposite the front of the controller and the top edge is opposite the bottom edge;  
a front control located on the front of the controller, wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control; and  
a back control located on the back of the controller, wherein the back control is an elongate member that extends between the top edge and the bottom edge.

\* \* \*

## REMARKS

### SUMMARY OF THE CLAIMS

The application has been carefully reviewed in light of the Office Action dated June 28, 2012. This communication is believed to be a complete response to that Office Action. Claims 1-20 were pending in the present application prior to entry of the present amendments. By the present Office Action, claims 1-20 have been rejected.

By the present amendment, claims 1-2, 4, and 6-20 have been amended. Claims 3 and 5 have been canceled. New claims 21-22 have been submitted for entry. Upon entry of the present amendment, claims 1-2, 4, and 6-22 are present.

Support for these amendments can be found in the original specification, and thus, no new matter has been added. Applicant reserves the right to pursue all original claims in this or other patent applications. Reconsideration and reexamination of the present application is respectfully requested in light of the foregoing amendments and in view of the following remarks, which establish that the pending claims are directed to allowable subject matter.

### SECTION 102 REJECTIONS

Claims 1-7, 11, 13-14, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,394,906 (Ogata). Claims 1, 2, 4, 6, 7, 11, 13-14, and 17-20 have been amended. Claims 3 and 5 have been canceled. The rejections to claims 1 and 5 are traversed for the reasons provided below.

On pages 2 and 3, the Office Action alleges that "a back" and "top edge" recited in at least claims 1 and 2 can be interpreted to include lower half (3) and upper half (3) of main body unit (4) of Ogata. However, this interpretation is not compatible with the present specification and, therefore, is a misapplication of MPEP § 2111.

The underlying meaning of the words “back” and “top edge” as recited in the claims cannot be dismissed. While the claims must be given the broadest reasonable interpretation, this is not the complete standard. As required by MPEP § 2111, the claims must be given their broadest reasonable interpretation **consistent with the specification**. The Federal Circuit elaborated on this standard by requiring that the broadest reasonable interpretation must be “in light of the specification as it would be interpreted by **one of ordinary skill in the art**” per *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (emphasis added).

In the present case, in some embodiments, the specification discusses the claimed terms as follows. “A left trigger 6, a right trigger 7, a left bumper 8, and a right bumper 9 [are] located on the top edge of the controller 1” (page 1, lines 15-20; see FIG. 1) and additionally “two paddle levers 11 [are] located on the back of the controller.” (page 5, lines 1-5) Thus, the “top edge” and the “back” are differentiated from one another (e.g. different locations on the controller including different elements).

On the other hand, the Office Action indicates that the broadest reasonable interpretation of “back” allegedly includes lower half (3) of main portion (4) (so as to include thrusting actuators 19b and 20b) and the interpretation of “top edge” allegedly includes upper half (2) main portion (4) (so as to include thrusting actuators 19a and 20a). The Office Action alleges this interpretation even though Ogata *does not differentiate* between the upper half (2) and the lower half (3) of the main portion (4) when describing the thrusting actuators (19a, 19b, 20a, 20b). Rather, Ogata describes the position of the thrusting actuators (19a, 19b, 20a, 20b) on a single side of the main body unit (4). Specifically, Ogata discloses that “on the **front side** of the main body unit 4...are arranged fifth and sixth actuating units 17, 18. The fifth and sixth actuating units 17, 18 are provided with first and second thrusting actuators 19a, 19b, and 20a, 20b.” (column 5, lines 37-51, emphasis added) Further, Ogata only

mentions “upper half 2 and lower half 3” one time in column 4, line 38. As such, the front side of Ogata has been artificially divided into different parts in order to make the rejections.

Similarly, the Office Action’s position that anything that faces away from the player is therefore the back of the controller is not consistent with the specification. For example, the Office Action does not explain why both the upper half (2) and the lower half (3) would be the back of the controller under this interpretation.

The record is otherwise devoid of any evidence supporting the Office Action’s conclusion as to why a person of ordinary skill in the art would allegedly construe the front side of the main body (4) as both the “top edge” and “back” as recited in the claims. If the Examiner elects to maintain the position that a the front side of the main body (4) can be both the “top edge” and “back” as recited in the claims, Applicant respectfully requests that the Examiner provide documentary evidence on the record supporting this position. Otherwise, Applicant respectfully asserts that the conclusory assertion presented in support of this rejection is insufficient to maintain the rejection.

Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn. For at least these reasons, claim 1 and claims 2-7, 11, 13-14, and 17-20 that depend therefrom are patentable over Ogata.

With respect to claim 5, Ogata fails to disclose “an elongate member which is inherently resilient and flexible such that it can be displaced by a user to activation control function.” Ogata discloses a top layer 88 of rotation actuator 16 (see column 12, line 33 to column 13, line 11). However, rotation actuator 16 is not “located on the back of the controller” or “an elongate member” as claimed. Moreover, Ogata does not disclose that the thrusting actuators (19a, 19b, 20a, 20b) are “inherently resilient and flexible” as recited in claim 5.



MPEP § 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or **inherently** [See *related post*] described, in a single prior art reference.’ *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)” (emphasis added). “The identical invention must be shown in **as complete detail** as is contained in the ... claim.’ *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)” (emphasis added). Moreover, “[e]very element of the claimed invention must be literally present, **arranged as in the claim.**” *Id.* (emphasis added). In the present case, the Office Action has not established that each element of the claims is disclosed in Ogata. For at least these reasons, claim 5 is patentable over Ogata.

#### SECTION 103 REJECTIONS

Claims 8-10, 12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogata. Claims 8-10, 12, and 15-16 depend from claim 1 and are patentable over Ogata for at least the reasons provided above.

#### FEES

Payment of the fee covering a one-month extension of time is submitted herewith.

Applicant believes no other fees are due with the filing of this communication.

The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 50-3447.

#### CONCLUSION

It is respectfully submitted that the application is in condition for allowance, and notice to that effect is respectfully requested.

If Examiner Hylinski has any new concerns, the Examiner is respectfully urged to contact the undersigned representative at her earliest convenience in order to efficiently advance prosecution of this application.

Respectfully Submitted,

PARKS IP LAW LLC

by /Stephen Terrell/  
Stephen Terrell; Reg. No. 62,734  
Agent for the Assignee

Parks IP Law  
Attention: Patent Docketing  
730 Peachtree Street N.E.  
Suite 600  
Atlanta, Georgia 30308

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13162727	
	Filing Date		2011-06-17	
	First Named Inventor	Simon Burgess		
	Art Unit		3717	
	Examiner Name	Hylinski, Steven J.		
	Attorney Docket Number		0905-002	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13162727
	Filing Date	2011-06-17
	First Named Inventor	Simon Burgess
	Art Unit	3717
	Examiner Name	Hylinski, Steven J.
	Attorney Docket Number	0905-002

1	<a href="http://benchmarkreviews.com/index.php?option=com_content&amp;task=view&amp;id=235&amp;Itemid=65&amp;limit=1&amp;limitstart=2">http://benchmarkreviews.com/index.php?option=com_content&amp;task=view&amp;id=235&amp;Itemid=65&amp;limit=1&amp;limitstart=2</a> Benchmarkreviews.com - Thurstmaster Run-N-Drive PC/PS3 Wireless Gampad - Written by Oline Coles, April 8, 2009.	<input type="checkbox"/>
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**EXAMINER SIGNATURE**

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	13162727
Filing Date	2011-06-17
First Named Inventor	Simon Burgess
Art Unit	3717
Examiner Name	Hylinski, Steven J.
Attorney Docket Number	0905-002

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Stephen Terrell/	Date (YYYY-MM-DD)	2012-10-29
Name/Print	Stephen Terrell	Registration Number	62,734

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## 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 the Freedom of Information Act requires disclosure of these records.
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 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.

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.

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional) 0905-002
Application Number 13/162,727	Filed June 17, 2011	
For <b>Controller for Video Game Console</b>		
Art Unit 3717	Examiner <b>Steven J. Hylinski</b>	

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	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$150	\$75	\$ <u>75.00</u>
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$570	\$285	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1,290	\$645	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$2,010	\$1,005	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2,730	\$1,365	\$ _____

Applicant claims small entity status. See 37 CFR 1.27.

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 \_\_\_\_\_.

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/inventor.
- assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).
- attorney or agent of record. Registration number 62734
- attorney or agent acting under 37 CFR 1.34. Registration number \_\_\_\_\_.

/stephen terrell/

Signature

October 29, 2012

Date

Stephen Terrell

Typed or printed name

678-365-4444

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.

This collection of information is required by 37 CFR 1.136(a). 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 6 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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## 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

<b>Application Number:</b>	13162727
<b>Filing Date:</b>	17-Jun-2011
<b>Title of Invention:</b>	CONTROLLER FOR VIDEO GAME CONSOLE
<b>First Named Inventor/Applicant Name:</b>	Simon Burgess
<b>Filer:</b>	Cynthia R. Parks/Sheri Prine
<b>Attorney Docket Number:</b>	0905-002

Filed as Small Entity

### Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
Extension - 1 month with \$0 paid	2251	1	75	75

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
Submission- Information Disclosure Stmt	1806	1	180	180
<b>Total in USD (\$)</b>				<b>255</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	14095760
<b>Application Number:</b>	13162727
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8138
<b>Title of Invention:</b>	CONTROLLER FOR VIDEO GAME CONSOLE
<b>First Named Inventor/Applicant Name:</b>	Simon Burgess
<b>Customer Number:</b>	52245
<b>Filer:</b>	Cynthia R. Parks/Sheri Prine
<b>Filer Authorized By:</b>	Cynthia R. Parks
<b>Attorney Docket Number:</b>	0905-002
<b>Receipt Date:</b>	29-OCT-2012
<b>Filing Date:</b>	17-JUN-2011
<b>Time Stamp:</b>	13:58:09
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$255
RAM confirmation Number	187
Deposit Account	
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		0905002Response.pdf	439084 c44fd936c8d8c1b8f55299fc451acef02bcc6c57	yes	10
<b>Multipart Description/PDF files in .zip description</b>					
		<b>Document Description</b>	<b>Start</b>	<b>End</b>	
		Amendment/Req. Reconsideration-After Non-Final Reject	1	1	
		Amendment Copy Claims/Response to Suggested Claims	2	5	
		Amendment/Req. Reconsideration-After Non-Final Reject	6	10	
<b>Warnings:</b>					
<b>Information:</b>					
2	Information Disclosure Statement (IDS) Form (SB08)	0905002IDS.pdf	612491 0895545e41a32f13a4ec14fd2947052ba65015e	no	4
<b>Warnings:</b>					
<b>Information:</b>					
A U.S. Patent Number Citation or a U.S. Publication Number Citation is required in the Information Disclosure Statement (IDS) form for autoloading of data into USPTO systems. You may remove the form to add the required data in order to correct the Informational Message if you are citing U.S. References. If you chose not to include U.S. References, the image of the form will be processed and be made available within the Image File Wrapper (IFW) system. However, no data will be extracted from this form. Any additional data such as Foreign Patent Documents or Non Patent Literature will be manually reviewed and keyed into USPTO systems.					
3	Non Patent Literature	0905002IDSMaterial.pdf	216296 861704fb8c9c191f04f066b4dd0e10cd2251fdf9	no	3
<b>Warnings:</b>					
<b>Information:</b>					
4	Extension of Time	09050021MonthEOT.pdf	82788 4749ecfb72bae1c5b0aaf8a91988d0156ce4a303	no	2
<b>Warnings:</b>					
<b>Information:</b>					
5	Fee Worksheet (SB06)	fee-info.pdf	32241 99ac7e5fab71ed1c2ff7fa05d59ffb5195146341	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			1382900		

**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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<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875	Application or Docket Number <b>13/162,727</b>	Filing Date <b>06/17/2011</b>	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY			
	(Column 1)	(Column 2)	SMALL ENTITY <input checked="" type="checkbox"/>	OR		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A		N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (j), or (m))</small>	N/A	N/A	N/A		N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A		N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	minus 20 =	*	X \$ =	OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =		X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 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).					
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>						
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL		TOTAL	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY			
	(Column 1)	(Column 2)	(Column 3)					
AMENDMENT	<b>10/29/2012</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	* 20	Minus ** 20	= 0	X \$31 =	0	OR	X \$ =
	Independent <small>(37 CFR 1.16(h))</small>	* 2	Minus *** 3	= 0	X \$125 =	0	OR	X \$ =
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>						OR	
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR	
					TOTAL ADD'L FEE	<b>0</b>	OR	TOTAL ADD'L FEE

	(Column 1)	(Column 2)	(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus **	=	X \$ =		OR	X \$ =
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus ***	=	X \$ =		OR	X \$ =
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>						OR	
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR	
					TOTAL ADD'L FEE		OR	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".

Legal Instrument Examiner:  
 /ANITA JOHNSON/

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

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Table with 4 columns: APPLICATION NUMBER (13/162,727), FILING OR 371(C) DATE (06/17/2011), FIRST NAMED APPLICANT (Simon Burgess), ATTY. DOCKET NO./TITLE (0905-002)

CONFIRMATION NO. 8138

PUBLICATION NOTICE



52245
Parks IP Law LLC
730 Peachtree Street, NE
Suite 600
ATLANTA, GA 30308

Title:CONTROLLER FOR VIDEO GAME CONSOLE

Publication No.US-2012-0322553-A1
Publication Date:12/20/2012

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.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE. Includes application details for Simon Burgess and examiner HYLINSKI, STEVEN J.

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.



<b>Office Action Summary</b>	<b>Application No.</b> 13/162,727	<b>Applicant(s)</b> BURGESS ET AL.	
	<b>Examiner</b> STEVEN J. HYLINSKI	<b>Art Unit</b> 3717	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 29 October 2012.
- 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) 1,2,4 and 6-22 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, 2, 4, 6-22 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](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).

**Application Papers**

- 10)  The specification is objected to by the Examiner.
- 11)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All    b)  Some \*    c)  None of:
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/08)  
Paper No(s)/Mail Date 10/29/2012.
- 3)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 4)  Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-2, 4, and 6-22 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 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 –

(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. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by US**

**7,859,514 to Park.**

**Re Claim 22,**

Park discloses a hand held controller for a game console (Abstract, Fig. 1) comprising:

an outer case (Fig. 1, case 30) comprising a front, a back, a top edge, and a bottom edge, wherein the back of the controller is opposite the front of the controller, and the top edge is opposite the bottom edge (Fig. 1 shows the front 21 of the controller 20 having a top edge where buttons 48 are located, and a bottom edge where reference numeral 60 is located. Figs. 5-6 show embodiments of the back of the controller, the

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back face 22 being opposite the front face 21 of the controller as shown in the perspective view of Fig. 7, also see 4:11-15)

a front control located on the front of the controller (Fig. 1, plurality of front controls 40)

wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control (Park 3:57-64 states that the ergonomic housing 30 is shaped to be held in a user's hands during operating conditions and has controls 40 that are easily manipulated by a user's fingers while still maintaining control of the device. Because claim 1 is an apparatus claim, the claimed recitations of specific fingers of a human being correlated to specific buttons on a device that has the same structure as that of the prior art of Park, fail to be awarded patentable weight. MPEP 2114 I-II states that "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987). Choosing which finger(s) to correlate with which buttons of Figs. 1 (front) and 5 (rear) of Park does not distinguish the prior art structure from that of Park.)

and a back control located on the back of the controller, wherein the back control is an elongate member that extends between the top edge and the bottom edge (Fig. 5, elongate buttons 58 on the rear face 22 of the controller are elongate members that extend between the top edge where buttons 54 are located, and the bottom edge where tether 36 is located.)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 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 negated by the manner in which the invention was made.

**3. Claims 1-2, 4, and 6-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,859,514 to Park, in view of US 2004/0224765 to Martinez et al.**

**Re Claim 1,**

Park discloses a hand held controller for a game console (Abstract, Fig. 1) comprising:

an outer case (Fig. 1, case 30) comprising a front, a back, a top edge, and a bottom edge, wherein the back of the controller is opposite the front of the controller, and the top edge is opposite the bottom edge (Fig. 1 shows the front 21 of the controller 20 having a top edge where buttons 48 are located, and a bottom edge where reference numeral 60 is located. Figs. 5-6 show embodiments of the back of the controller, the back face 22 being opposite the front face 21 of the controller as shown in the perspective view of Fig. 7, also see 4:11-15)

a front control located on the front of the controller (Fig. 1, plurality of front controls 40)

wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control (Park 3:57-64 states that the

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ergonomic housing 30 is shaped to be held in a user's hands during operating conditions and has controls 40 that are easily manipulated by a user's fingers while still maintaining control of the device. Because claim 1 is an apparatus claim, the claimed recitations of specific fingers of a human being correlated to specific buttons on a device that has the same structure as that of the prior art of Park, fail to be awarded patentable weight. MPEP 2114 I-II states that "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987). Choosing which finger(s) to correlate with which buttons of Figs. 1 (front) and 5 (rear) of Park does not distinguish the prior art structure from that of Park.)

and a back control located on the back of the controller, wherein the back control is an elongate member that extends between the top edge and the bottom edge (Fig. 5, elongate buttons 58, 59 on the rear face 22 of the controller are elongate members that extend between the top edge where buttons 54 are located, and the bottom edge where tether 36 is located.)

Although Park discloses the same inventive concept substantially as claimed, Park does not go into detail as to what materials are selected for the manufacture of the buttons 58, 59 on the back of the controller.

Martinez is an analogous prior art handheld video game controller reference (See Martinez Figs. 5-6 No. 14) that teaches it was well-known in the art for analogous button keys disposed in the housing of a handheld video game controller to be "molded from

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silicone rubber, and form inverted domes which, when pushed downward, close membrane or metal dome switches (not shown) located on printed circuit board 176" (Martinez [0086] and Fig. 19, silicone keys 174 which protrude through housing 172 and contact printed circuit board 176)

It would have been obvious to one having ordinary skill in the art at the time the invention was made that the button keys shown in Fig. 5 of Park, on the rear 22 of controller 20, could have been manufactured in the same way shown in Fig. 19 of Martinez, to result in the elongated buttons 58, 59 of Park being manufactured of inherently resilient silicone rubber, because it is no more than the mere application of a known technique to a piece of prior art ready for improvement." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007) The motivation for one of skill in the art to manufacture the buttons of Park as resilient silicone rubber buttons would be to provide soft-touch buttons that would provide good grip to the fingers of the user, while at the same time being non-fatiguing and comfortable to use during prolonged periods of gaming.

**Re Claims 2, 4,**

Fig. 1 of Park shows that controller 20 has two top edge controls 48 located on the top edge of the controller, and Figs. 5-6 show that there is a plurality of back controls located on the back of the controller 22. Park 3:57-64 states that the ergonomic housing 30 is shaped to be held in a user's hands during operating conditions and has controls 40 that are easily manipulated by a user's fingers while still maintaining control of the device. Because claim 1 is an apparatus claim, the claimed recitations of specific fingers of a human being correlated to specific buttons on a device that has the same

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structure as that of the prior art of Park, fail to be awarded patentable weight. MPEP 2114 I-II states that "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987). Choosing which finger(s) to correlate with which buttons of Figs. 1 (front) and 5 (rear) of Park which meets all of the structural limitations of the claim does not distinguish the prior art structure from that of Park.)

**Re Claims 6-7, 20,**

Fig. 19 of the teaching reference of Martinez, as discussed above, teaches that it is known to incorporate resilient, silicone-rubber button keys into a handheld controller where each elongate button member is separate from the outer case of the controller and mounted within a recess in the case of the controller, wherein the elongate button member(s) comprise an outermost surface which is disposed in close proximity to the outermost surface of the controller (See 172 and 174 in Fig. 19 of Martinez, which are to be incorporated into the apparatus of Fig. 5 of Park which also implements elongated button members in recesses in the case 20.)

**Re Claims 8-10,**

These claims recite alternative possible size considerations for the same elongate members 58 or 59 of Park, without claiming any unexpected result of these size considerations, especially in light of the several thickness ranges being presented

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in the alternative, which indicates the function of the apparatus is unchanged as these parameters are varied.

Regarding claims 8-10, in *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. See also MPEP 2144.04 Section IV A. Changing the thickness of buttons can also be rejected as a change in shape, See also MPEP Section IV B.

**Re Claim 11,**

Park shows in Fig. 5 that the elongate members 58 on the back 22 of controller 20 are parallel to one another.

**Re Claim 12,**

Park shows in Fig. 5 that a second pair of elongate members on the back of the controller, 59, converges away from one another with respect to the front of the controller. However, Park does not provide a pair of elongate members on the back of the controller that converge towards one another with respect to the front of the controller. MPEP 2144.04 Section IV B states that a change in shape of an apparatus would be obvious to one having ordinary skill in the art absent persuasive evidence that the particular shape is significant. Also, because Park shows that the orientation of the elongate buttons on the rear of the controller can be varied as design choice layout of



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the keys dictates, and further because instant claims 11 and 12 present the elongate members being parallel or converging towards one another in the alternative indicating they are interchangeable means of orienting the buttons, one of ordinary skill in the art would have found the exact orientation of the same buttons on the controller housing an obvious matter of design choice, and would have expected the controller of Park in view of Martinez to have functioned equally well with the elongate members parallel to or converging away from one another.

**Re Claims 13-14,**

Fig. 19 of the teaching reference of Martinez, which is used to improve Park by making the back controls 58 of Park out of resilient, silicone-rubber button keys as discussed above, teaches that such silicone-rubber keys when used in a handheld controller are constructed such that each key is in registry with a switch mechanism on the printed circuit board disposed within the controller, such that displacement of the control activates the switch mechanism, wherein the switch mechanism is disposed between the elongate members and an outer surface of the base of the controller (See Fig. 19 of Martinez, where the taught elongate members 174, when pressed, register against a corresponding switch mechanism of PCB 176, where PCB 176 is in between members 174 and the other side of the controller housing 180.)

**Re Claims 15-16,**

Although Park in view of Martinez discloses the same inventive concept substantially as claimed, providing a handheld controller that provides an interface allowing a user to command a peripheral electronic device to perform multiple actions

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(Park 3:54-57), and although Park states that the buttons are selectively programmable by a user to satisfy the needs of different types of programs that the user may control with the device (Park 4:1-10), Park in view of Martinez does not go into detail as to whether the user-programmable button mapping can be used such that or more controls replicate the functions of other controls, or whether one or more controls have functions different from other controls on the front or top edge of the controller. Because claims 15 and 16 present duplicating vs. not duplicating button mapping functions as alternatives, and because there is further no claimed specific purpose, problem being solved by, or advantage caused by replicating button mapping or not doing so, it would have been an obvious matter of design choice to one having ordinary skill in the art at the time the invention was made whether to map the preprogrammed button functions for the controller of Park in view of Martinez such that functions are replicated or not. One of skill in the art would have expected Park in view of Martinez' controller to function well regardless of what specific software command mapping is applied by the game designer to the button controls.

**Re Claim 17,**

The one or more elongate members 58, 59 shown on the back 22 of controller 20 in Park Fig. 5, which are depressible by the fingers of the user as stated by Park, are interpreted as paddle levers.

**Re claim 18,**

Park Figs. 1, 5 and 7 show that the back controls including 58 and 59 reside on flat surface 22 which is parallel to front surface 21.

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**Re Claim 19,**

The buttons 58, 59 that are some of the back controls in Fig. 5 of Park are constructed such that they form an integral part of the back case 22. The teaching reference of Martinez which is used to teach that these keys may be made of silicone rubber as is known in the art further shows in Fig. 19 that such keys can be distinct components that become integral with the case when they are assembled to protrude through openings in the body, yielding a continuous surface.

**Re Claim 21,**

Figs. 1 and 7 of Park show that the front edge of the controller is substantially perpendicular to the front.

***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

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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 STEVEN J. HYLINSKI whose telephone number is (571)270-1995. The examiner can normally be reached on Mon-Fri 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on (571)272-4709. 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.

/STEVEN J HYLINSKI/  
Primary Examiner, Art Unit 3717

<b>Notice of References Cited</b>	Application/Control No. 13/162,727	Applicant(s)/Patent Under Reexamination BURGESS ET AL.	
	Examiner STEVEN J. HYLINSKI	Art Unit 3717	Page 1 of 2

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,531,443 A	Cruz, Jose L.	463/37
*	B	US-D376,826 S	Ashida, Kenichiro	D14/401
*	C	US-D377,198 S	Oikawa et al.	D14/401
*	D	US-D384,112 S	Riley et al.	D14/401
*	E	US-D393,291 S	Kung, Ching-hu	D14/401
*	F	US-D409,183 S	Chen, William	D14/401
*	G	US-5,984,785 A	Takeda et al.	463/38
*	H	US-6,102,803 A	Takeda et al.	463/38
*	I	US-D431,604 S	Chan, Wah Leung	D21/329
*	J	US-6,186,896 B1	Takeda et al.	463/38
*	K	US-6,241,611 B1	Takeda et al.	463/38
*	L	US-6,267,673 B1	Miyamoto et al.	463/31
*	M	US-D464,349 S	Loughnane et al.	D14/401

**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**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	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.

<b>Notice of References Cited</b>	Application/Control No. 13/162,727	Applicant(s)/Patent Under Reexamination BURGESS ET AL.	
	Examiner STEVEN J. HYLINSKI	Art Unit 3717	Page 2 of 2

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-D572,710 S	07-2008	Li, Fan suo	D14/401
*	B US-7,794,326 B2	09-2010	Wu et al.	463/37
	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**

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	N				
	O				
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	Q				
	R				
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*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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Receipt date: 10/29/2012

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

13162727 - GAI: 3717

Pat. Class. (01-10)

Approved for use through 07/31/2012. OMB 0651-0031

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13162727	
	Filing Date		2011-06-17	
	First Named Inventor	Simon Burgess		
	Art Unit	3717		
	Examiner Name	Hylinski, Steven J.		
	Attorney Docket Number	0905-002		

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Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13162727	13162727 - GAU: 3717
	Filing Date		2011-06-17	
	First Named Inventor	Simon Burgess		
	Art Unit		3717	
	Examiner Name	Hylinski, Steven J.		
	Attorney Docket Number		0905-002	

1	<a href="http://benchmarkreviews.com/index.php?option=com_content&amp;task=view&amp;id=235&amp;Itemid=65&amp;limit=1&amp;limitstart=2">http://benchmarkreviews.com/index.php?option=com_content&amp;task=view&amp;id=235&amp;Itemid=65&amp;limit=1&amp;limitstart=2</a> Benchmarkreviews.com - Thurstmaster Run-N-Drive PC/PS3 Wireless Gampad - Written by Oline Coles, April 8, 2009.	<input type="checkbox"/>
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**EXAMINER SIGNATURE**

Examiner Signature	/Steven Hylinski/	Date Considered	01/30/2013
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13162727	13162727 - GAU: 3717
	Filing Date	2011-06-17	
	First Named Inventor	Simon Burgess	
	Art Unit	3717	
	Examiner Name	Hylinski, Steven J.	
	Attorney Docket Number	0905-002	

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- See attached certification statement.
- The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- A certification statement is not submitted herewith.

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Stephen Terrell/	Date (YYYY-MM-DD)	2012-10-29
Name/Print	Stephen Terrell	Registration Number	62,734

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.H./

<b><i>Index of Claims</i></b>  	<b>Application/Control No.</b> 13162727	<b>Applicant(s)/Patent Under Reexamination</b> BURGESS ET AL.
	<b>Examiner</b> STEVEN J HYLINSKI	<b>Art Unit</b> 3717

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

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

CLAIM		DATE							
Final	Original	06/16/2012	01/30/2013						
	1	✓	✓						
	2	✓	✓						
	3	✓	-						
	4	✓	✓						
	5	✓	-						
	6	✓	✓						
	7	✓	✓						
	8	✓	✓						
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	10	✓	✓						
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	18	✓	✓						
	19	✓	✓						
	20	✓	✓						
	21		✓						
	22		✓						

## EAST Search History

## EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S52	1	"6394906".pn.	US-PGPUB; USPAT	OR	OFF	2013/01/16 19:36
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S58	1	S56 and (rubber or flexible or soft or urethane)	US-PGPUB; USPAT; USOCR	OR	OFF	2013/01/17 13:04
S57	0	S56 and (rubber or flexible)	US-PGPUB; USPAT; USOCR	OR	OFF	2013/01/17 13:04
S60	39	S59 and (button\$1 near5 (resilient or rubber))	US-PGPUB; USPAT; USOCR	OR	OFF	2013/01/17 13:11
S61	19	S59 and (key\$1 near5 (resilient or rubber))	US-PGPUB; USPAT; USOCR	OR	OFF	2013/01/17 14:15
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			USOCR			
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S78	1	"5984785".pn.	US- PGPUB; USPAT	OR	ON	2013/01/30 13:09
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		"D623649"   "D659140").PN.				
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**EAST Search History (Interference)**

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**1/30/2013 7:34:55 PM****C:\Users\shylinski\Documents\EAST\Workspaces\13162727.wsp**

<b>Search Notes</b>  	<b>Application/Control No.</b>  13162727	<b>Applicant(s)/Patent Under Reexamination</b>  BURGESS ET AL.
	<b>Examiner</b>  STEVEN J HYLINSKI	<b>Art Unit</b>  3717

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
463	37	06/16/2012	SJH
463	37	01/17/2013	SJH

SEARCH NOTES		
Search Notes	Date	Examiner
See EAST search history.	06/16/2012	SJH
Updated East search , see search history.	01/30/2013	SJH

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

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Transmission Date

  
Sheri Prine**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Simon Burgess et al.      Conf. No.: 8138  
App No.: 13/162,727      Filing Date: June 17, 2011  
Art Unit: 3717      Examiner: Hylinski, Steven J.  
Title: CONTROLLER FOR VIDEO GAME CONSOLE

Docket No.: 0905-002

Mail Stop: AMENDMENT  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO FINAL OFFICE ACTION UNDER 37 C.F.R. § 1.116**

This Response is filed in reply to the non-final Office Action mailed February 4, 2012. The Assignee requests consideration of the following amendments and remarks.

Amendments to the Claims begin on page 2.

Remarks begin on page 6.

## CLAIM LISTING

The following set of claims replaces all previous versions of the claims.

1. (Currently Amended) A hand held controller for a game console comprising:
  - an outer case comprising a front, a back, a top edge, and a bottom edge, wherein the back of the controller is opposite the front of the controller and the top edge is opposite the bottom edge; and
  - a front control located on the front of the controller;
  - wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control; and
  - a first back control and a second back control, each back control being located on the back of the controller~~[[,]]-wherein the back control is~~ and each back control including an elongate member that extends substantially the full distance between the top edge and the bottom edge and is inherently resilient and flexible.
2. (Previously Presented) The controller of claim 1, further having a top edge control located on the top edge of the controller and wherein the controller is shaped such that the user's index finger is positioned to operate the top edge control.
3. (Canceled)
4. (Currently Amended) The controller of claim 1, ~~wherein there are two back controls on the back of the controller,~~ wherein each of which the back controls is positioned to be operated by a middle finger of a user.
5. (Canceled)

6. (Currently Amended) The controller of claim 1, wherein [[the]] each elongate member is mounted within a recess located in the case of the controller.

7. (Currently Amended) The controller of claim 6, wherein [[the]] each elongate member comprises an outermost surface which is disposed in close proximity to the outermost surface of the controller such that a user's finger may be received in said respective recess.

8. (Currently Amended) The controller of claim 1, wherein [[the]] each elongate member has a thickness between about 1mm and 10mm.

9. (Currently Amended) The controller of claim 1, wherein [[the]] each elongate member has a thickness between about 1mm and 5mm.

10. (Currently Amended) The controller of claim 1, wherein [[the]] each elongate member has a thickness between about 1mm and 3mm.

11. (Currently Amended) The controller of claim 1 [[4]], wherein the elongate members are parallel to one another.

12. (Currently Amended) The controller of claim 1 [[4]], wherein the elongate members converge towards the front end of the controller with respect to one another.

13. (Currently Amended) The controller of claim 1, wherein a portion of at least one of the first back control and the second back control is in registry with a switch mechanism disposed within the controller, such that displacement of the at least one back control activates the switch mechanism.

14. (Currently Amended) The controller of claim 1 ~~[[4]]~~, wherein a switch mechanism is disposed between each of the elongate members and an outer surface of the base of the controller.
15. (Currently Amended) The controller of claim 2, wherein at least one of the back controls replicates the function of one or more of the top edge control and the front control.
16. (Currently Amended) The controller of claim 2, wherein at least one of the back controls has functions in addition to the top edge control and the front control.
17. (Currently Amended) The controller of claim 1, wherein at least one of the back controls is a paddle lever.
18. (Currently Amended) The controller of claim 1, wherein at least one of the back controls is substantially parallel to the front of the controller.
19. (Currently Amended) The controller of claim 1, wherein at least one of the back controls is formed as an integral part of the outer case.
20. (Currently Amended) The controller of claim 1, wherein at least one of the back controls is formed separate from the outer case of the controller.
21. (Previously Presented) The controller of claim 2, wherein the top edge is substantially perpendicular to the front.

22. (Currently Amended) A hand held controller for a game console comprising:

an outer case comprising a front, a back, a top edge, and a bottom edge, wherein the back of the controller is opposite the front of the controller and the top edge is opposite the bottom edge;

a front control located on the front of the controller, wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control; and

a first back control and a second back control, each back control being located on the back of the controller~~[[,]]~~ wherein ~~the back control is~~ and each back control including an elongate member that extends substantially the full distance between the top edge and the bottom edge.

\* \* \*

## REMARKS

### SUMMARY OF THE CLAIMS

The application has been carefully reviewed in light of the Office Action dated February 4, 2013. This communication is believed to be a complete response to that Office Action. Claims 1, 2, 4 and 6-22 were pending in the present application prior to entry of the present amendments. By the present Office Action, claims 1, 2, 4, 6-22 have been rejected.

By the present amendment, claims 1, 4, 6-20 and 22 have been amended. Support for these amendments can be found in the original specification, and thus, no new matter has been added. Applicant reserves the right to pursue all original claims in this or other patent applications. Reconsideration and reexamination of the present application is respectfully requested in light of the foregoing amendments and in view of the following remarks, which establish that the pending claims are directed to allowable subject matter.

Because the present amendments (1) do not raise new issues requiring further consideration or search, (2) do not introduce new matter, (3) materially reduce the issues for appeal, and (4) place this application into better condition for allowance, entry is appropriate under 37 C.F.R. § 1.116, and is respectfully requested.

### SECTION 102 REJECTIONS

Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 7,859,514 (Park). Claim 22 has been amended and the rejection thereto is considered moot.

### SECTION 103 REJECTIONS

Claims 1-2, 4, and 6-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, in view of U.S. Pat. Pub. 2004/0224765 (Martinez et al.).



## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	15700960
<b>Application Number:</b>	13162727
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8138
<b>Title of Invention:</b>	CONTROLLER FOR VIDEO GAME CONSOLE
<b>First Named Inventor/Applicant Name:</b>	Simon Burgess
<b>Customer Number:</b>	52245
<b>Filer:</b>	Mickki D. Murray/Sher Prine
<b>Filer Authorized By:</b>	Mickki D. Murray
<b>Attorney Docket Number:</b>	0905-002
<b>Receipt Date:</b>	06-MAY-2013
<b>Filing Date:</b>	17-JUN-2011
<b>Time Stamp:</b>	15:59:22
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
------------------------	----

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Response0905002.pdf	278225 <small>3d14778cc0795dac24c8182ed60e6b466a9cc169</small>	yes	7



<b>Multipart Description/PDF files in .zip description</b>			
<b>Document Description</b>		<b>Start</b>	<b>End</b>
Amendment After Final		1	1
Amendment Copy Claims/Response to Suggested Claims		2	5
Applicant Arguments/Remarks Made in an Amendment		6	7

**Warnings:**

**Information:**

<b>Total Files Size (in bytes):</b>	278225
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**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.**

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.

<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875	Application or Docket Number <b>13/162,727</b>	Filing Date <b>06/17/2011</b>	<input type="checkbox"/> To be Mailed
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ENTITY:  LARGE  SMALL  MICRO

**APPLICATION AS FILED – PART I**

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	
<input type="checkbox"/> 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 \$ =	
<input type="checkbox"/> 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).			
<input type="checkbox"/> 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**

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
<b>AMENDMENT</b>	<b>05/06/2013</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR			
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X \$40 = 0
	Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	X \$210 = 0
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	<b>0</b>

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
<b>AMENDMENT</b>		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR			
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
<input type="checkbox"/> 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  
/BURNELL ROSS/

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, 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.



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

Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Rows include application details for Simon Burgess, examiner HYLINSKI, STEVEN J, art unit 3717, and mail date 05/15/2013.

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.

<b>Applicant-Initiated Interview Summary</b>	<b>Application No.</b> 13/162,727	<b>Applicant(s)</b> BURGESS ET AL.	
	<b>Examiner</b> STEVEN J. HYLINSKI	<b>Art Unit</b> 3717	

All participants (applicant, applicant's representative, PTO personnel):

(1) STEVEN J. HYLINSKI. (3)\_\_\_\_\_.

(2) Stephen Terrell. (4)\_\_\_\_\_.

Date of Interview: 04/25/2013.

Type:  Telephonic  Video Conference  
 Personal [copy given to:  applicant  applicant's representative]

Exhibit shown or demonstration conducted:  Yes  No.  
If Yes, brief description: \_\_\_\_\_.

Issues Discussed 101 112 102 103 Others  
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1.

Identification of prior art discussed: 7,859,514 Park, "Review: Scuf Xbox 360 Game Controller" by Dave Burns.

**Substance of Interview**

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant's representative proposed amended claim limitations for possible entry after final. Examiner conducted a brief updated search for the purpose of discussion of the proposed amendmnets, and located <http://web.archive.org/web/20101022215104/http://www.xboxer360.com/features/review-scuf-xbox-360-controller/> "Review: Scuf Xbox 360 Controller" dated October 20, 2010, by Dave Burns. This NPL reference describes the same product Applicant is seeking patent protection for, with a 35 USC 102(e) priority date. Examiner indicated that this reference appears to anticipate the current and proposed claims, and that if Applicant wishes to further prosecution of the same invention Applicant may wish to consider filing an affidavit with an RCE, to attempt to swear behind the Dave Burns reference if Applicant has sufficient proof that Applicant had possession of this invention before the October 20, 2010 published date.

**Applicant recordation instructions:** The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

**Examiner recordation instructions:** Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/STEVEN J HYLINSKI/  
Primary Examiner, Art Unit 3717

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 13/162,727	<b>Applicant(s)</b> BURGESS ET AL.
	<b>Examiner</b> STEVEN J. HYLINSKI	<b>Art Unit</b> 3717

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

THE REPLY FILED 06 May 2013 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  
NO NOTICE OF APPEAL FILED

1.  The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

- a)  The period for reply expires 3 months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- c)  A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires \_\_\_\_\_ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

*Examiner Note:* If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- a)  They raise new issues that would require further consideration and/or search (see NOTE below);
- b)  They raise the issue of new matter (see NOTE below);
- c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): (a)  will not be entered, or (b)  will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13.  Other: Note the attached Interview Summary Paper No. 20130507.

**STATUS OF CLAIMS**

14. The status of the claim(s) is (or will be) as follows:

- Claim(s) allowed: \_\_\_\_\_
- Claim(s) objected to: \_\_\_\_\_
- Claim(s) rejected: 1,2,4,6-22.
- Claim(s) withdrawn from consideration: \_\_\_\_\_

/STEVEN J HYLINSKI/  
Primary Examiner, Art Unit 3717

In response to the interview conducted on April 25 with Stephen Terrell during which proposed amendments were discussed, Examiner conducted an updated search and located online NPL reference "Review: Scuf Xbox 360 Controller" by Dave Burns, dated October 20, 2010, source <http://web.archive.org/web/20101022215104/http://www.xboxer360.com/features/review-scuf-xbox-360-controller/> This NPL reference is a review of the same product Applicant is seeking patent protection for, and shows and describes in detail the first and second back controls, each back control including an elongate member that extends substantially the full distance between the top and bottom edge, in addition to all of the other current and proposed claim limitations. Because the application is not placed into condition for allowance by the After Final amendments, the proposed amendments will not be entered, and further consideration is required.

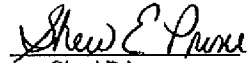
PATENT

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this paper (and any other paper referred to as being attached or enclosed) is being transmitted electronically to the U.S. Patent and Trademark Office via the Electronic Filing System (EFS) on the date set forth below.

5/6/2013

Transmission Date

  
Sheri Prine**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Simon Burgess et al.      Conf. No.: 8138  
App No.: 13/162,727      Filing Date: June 17, 2011  
Art Unit: 3717      Examiner: Hylinski, Steven J.  
Title: CONTROLLER FOR VIDEO GAME CONSOLE

Docket No.: 0905-002

Mail Stop: AMENDMENT  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO FINAL OFFICE ACTION UNDER 37 C.F.R. § 1.116**

This Response is filed in reply to the non-final Office Action mailed February 4, 2012. The Assignee requests consideration of the following amendments and remarks.

Amendments to the Claims begin on page 2.

Remarks begin on page 6.



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

Application Number	13162727	Filing Date	2011-06-17	Docket Number (if applicable)	0905-002	Art Unit	3717
First Named Inventor	Simon Burgess			Examiner Name	Steven J. Hylinski		

**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 503447

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Patent Practitioner Signature

Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	/Stephen J. Terrell/	Date (YYYY-MM-DD)	2013-08-05
Name	Stephen J. Terrell	Registration Number	62734

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13162727
	Filing Date	2011-06-17
	First Named Inventor	Simon Burgess
	Art Unit	3717
	Examiner Name	Steven J. Hylinski
	Attorney Docket Number	0905-002

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	1	2481633	UK		2012-04-01	Burgess, Simon David		<input type="checkbox"/>

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13162727
	Filing Date	2011-06-17
	First Named Inventor	Simon Burgess
	Art Unit	3717
	Examiner Name	Steven J. Hylinski
	Attorney Docket Number	0905-002

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	13162727
Filing Date	2011-06-17
First Named Inventor	Simon Burgess
Art Unit	3717
Examiner Name	Steven J. Hylinski
Attorney Docket Number	0905-002

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

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Signature	/Stephen J. Terrell/	Date (YYYY-MM-DD)	2013-08-05
Name/Print	Stephen J. Terrell	Registration Number	62734

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(21) Application No: 1011078.1  
(22) Date of Filing: 01.07.2010

(51) INT CL:  
A63F 13/02 (2006.01)

(71) Applicant(s):  
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Leicestershire, LE12 7TH, United Kingdom

(56) Documents Cited:  
WO 2008/131249 A1  
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.  
'FireStorm Dual Power' gamepad by 'Thrustmaster'. Available around 2002.  
'Run 'N' Drive' wireless gamepad by 'Thrustmaster'. Available since March 2007.

(72) Inventor(s):  
Simon David Burgess

(58) Field of Search:  
Other: Internet keyword search.

(74) Agent and/or Address for Service:  
Serjeants  
25 The Crescent, King Street, LEICESTER, LE1 6RX,  
United Kingdom

(54) Title of the Invention: **Controller for games console**  
Abstract Title: **Games console controller with buttons on underside**

(57) A hand held gamepad or controller 10 for a games console (not shown) includes controls 2, 3, 4, 5 provided on a top surface for operation by the thumbs of a user, and controls 6, 7, 8, 9 provided on a front, shoulder or bumper surface for operation by the index fingers of the user. The back surface or underside of the gamepad includes additional controls 11 for operation by the middle fingers of the user (see fig. 3). The additional controls 11 are preferably paddle levers, and are preferably provided on a portion of the gamepad which is perpendicular to the plane of the top surface. The additional controls 11 may replicate the functions of one or more of the controls 2-9 located on the top or bumper surfaces, or may provide functionality in addition to those controls.

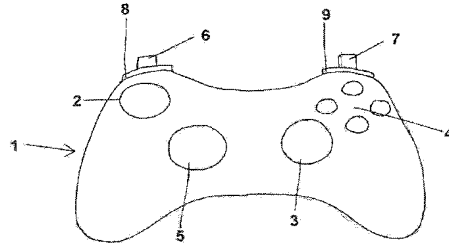


Figure 1

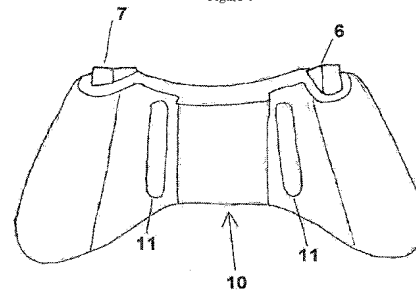


Figure 2



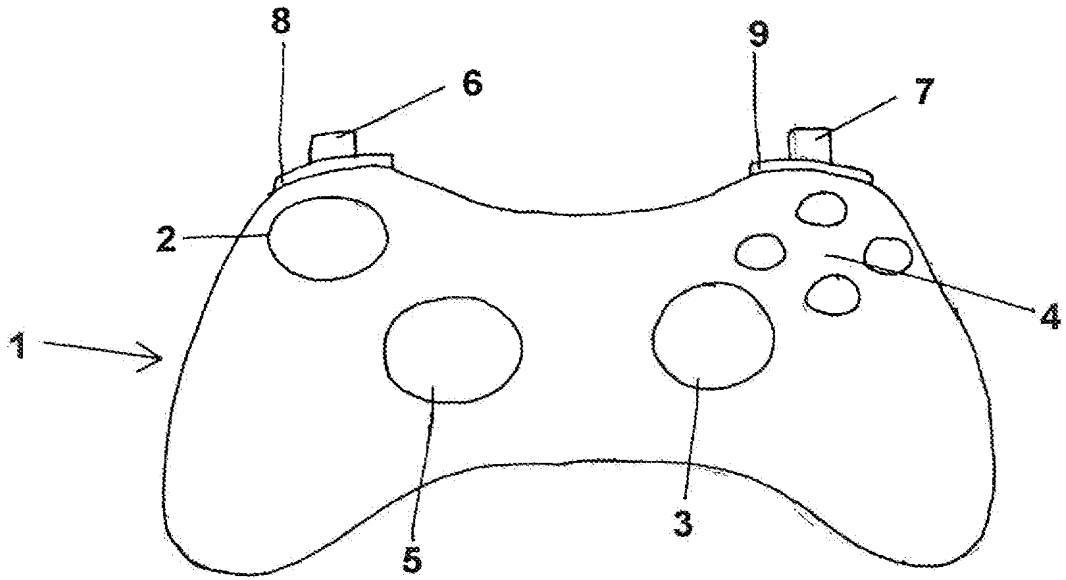


Figure 1

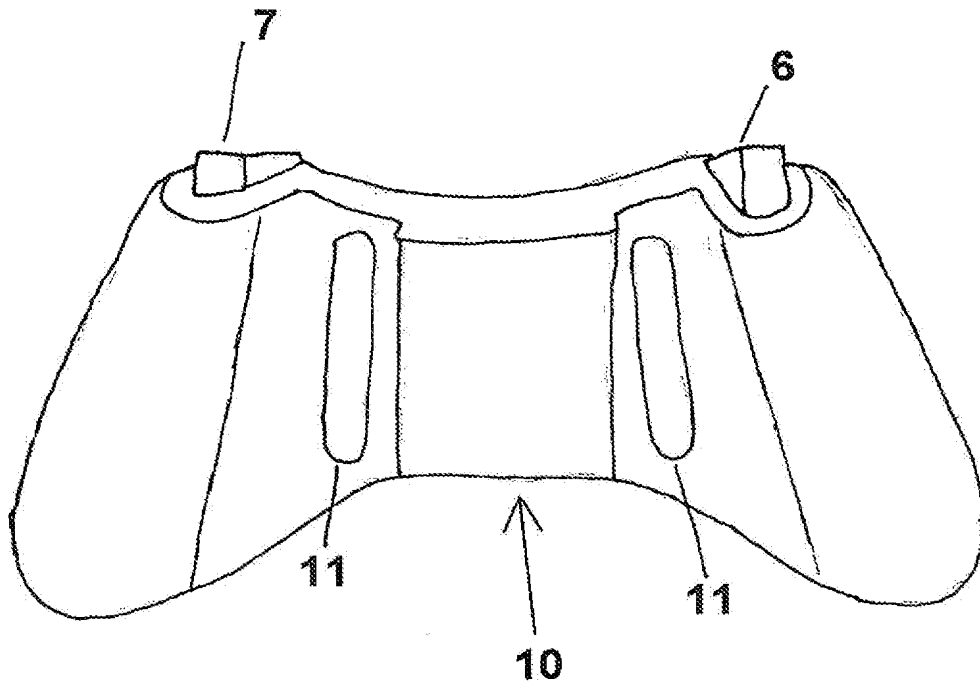


Figure 2

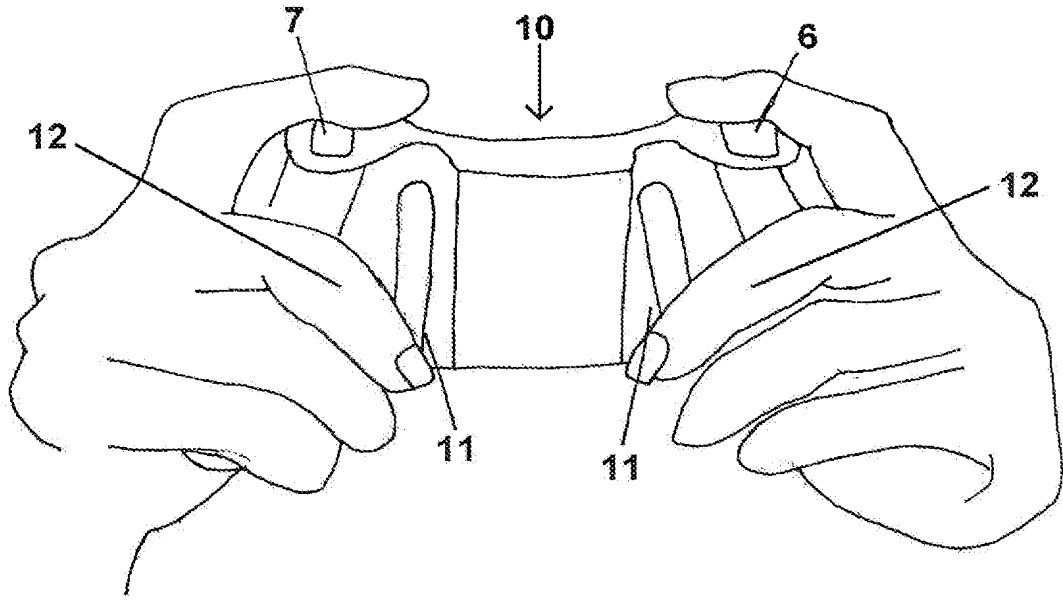


Figure 3

TITLE

Controller for Games Console

DESCRIPTION

5 Field of Invention

The present invention relates to games consoles, in particular to hand held controllers for games consoles.

Background

10 Controllers for most current games consoles are generally intended to be held and operated by the user using both hands. A conventional controller will generally comprise a hard outer case with a plurality of controls mounted about the controller. Typically the controls include buttons, analogue control sticks, bumpers and triggers. An example of a conventional controller is shown in Figure 1.

15

As can be seen in Figure 1, all of the controls are mounted on the front and top of the controller 1. Specifically, there are left and right analogue thumb sticks 2, 3 which normally control movement and are intended to be operated by the user's left and right thumb respectively. There are four buttons 4, located on a front-right portion of the controller 1 which normally control additional actions and are intended to be  
20 operated by the user's right thumb. There is a direction pad 5 located on the lower portion of the front-left of the controller 1. The direction pad 5 is intended to be operated by the user's left thumb, typically either as an alternative to the left thumb stick 2 or to provide additional actions. There are a left trigger 6, a right trigger 7, a  
25 left bumper 8 and a right bumper 9 located on the front edge of the controller 1. The left and right triggers 6, 7 are typically operated by a user's index fingers. The left and right bumpers 8, 9 may also be operated by a user's index fingers.

The only way to operate the four buttons 4 is for a user to remove their right thumb  
30 from the right thumb stick 3. This takes time and, in some games, can cause the loss of control. This is a particular problem in games where the right thumb stick 3 is used for aiming. A similar problem may arise in games where the direction pad 5 provides

additional actions and the user has to remove their thumb from the left thumb stick 2 in order to operate the direction pad 5.

5 In light of the above, there is a need for an improved controller which removes the need for a user to remove their thumb from the left or right thumb stick 2, 3 in order to operate additional actions controlled by the four buttons 4 and/or the direction pad 5.

#### Summary of Invention

10 The present invention provides a hand held controller for a games console comprising:

a hard outer case; and

a plurality of controls located on a front and top of the controller;

15 the controller being shaped to be held in both hands of a user such that the user's thumbs are positioned to operate controls located on the front of the controller and the user's index fingers are positioned to operate controls located on the top of the controller; wherein

the controller further comprises two additional controls located on a back of the controller in a position to be operated by the middle finger of a user.

20

The controller of the present invention may be very similar to controllers according to the prior art. In particular, the outer case of the controller and the type, number and positioning of the controls located on the front and top of the controller may be the same as a controller according to the prior art, as described above and as illustrated in  
25 the figures.

The controller of the present invention is particularly advantageous over controllers according to the prior art as it comprises two additional controls located on a back of the controller in a position to be operated by middle fingers of a user. The additional  
30 controls may either replicate the functions of one or more of the plurality of controls located on the front or top of the controller or provide additional functionality.

In a preferred embodiment of the invention the additional controls replicate the function of buttons and/or a direction pad located on the front of the controller. This means that a user does not need to remove their thumb from one of the other controls located on the front of the controller in order to operate the buttons and/or direction pad located on the front of the controller and can instead simply operate the additional controls located on the back of the controller with one or both of their middle fingers.

Alternatively, the additional controls may provide additional functionality in that they do not replicate the function of controls located on the front or top of the controller but may operate different functions. In this manner a controller according to the present invention may provide more functions according to the present invention.

Preferably, the controls located on the back of the controller are paddle levers. Suitable paddle levers may be formed integrally with the outer case of the controller or may be substantially separate from the outer case. This may be done in any manner apparent to the person skilled in the art. However, it is to be appreciated that the additional controls may comprise any other control suitable for use by a hand held controller.

Advantageously, if the additional controls are paddle levers, they will be formed such that they are substantially vertically aligned with respect to the controller. This may allow the most ergonomically efficient activation of the paddle levers by the middle fingers of the user.

Further features and advantages of the present invention will be apparent from the specific embodiment illustrated in the drawings and discussed below.

#### Drawings

Figure 1 is a schematic illustration of the front of a conventional games console controller according to the prior art;

Figure 2 is a schematic illustration of the rear of a games console controller according to the present invention; and

Figure 3 is a schematic illustration of the rear of a games controller according to the present invention in use.

5 The rear of a games controller 10 according to the present invention is illustrated in Figures 2 and 3. The front of the games controller 10 of Figures 2 and 3 is the same as a conventional controller 1, as illustrated in Figure 1 and as discussed above. Therefore, where appropriate the same reference numerals have been used to indicate the features of the controller according to the present invention 10 that are identical to the features of a conventional controller 1.

10

The games controller of the present invention 10 differs from the conventional controller 1 in that it additionally comprises two paddle levers 11 located on the rear of the controller. The paddle levers 11 are vertically orientated with respect to the controller 10 and are positioned to be operated by the middle fingers of a user 12, as shown in Figure 3.

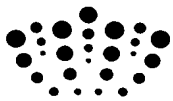
15

The paddle levers 11 replicate the functions of two of the four buttons 4 located on the front of the controller 10 and thereby allow a user to operate the functions of the relevant buttons using their middle fingers 12, without the need to remove either of their thumbs from the left or right thumb stick 2, 3.

20

CLAIMS

1. A hand held controller for a games console comprising:  
a hard outer case; and  
5 a plurality of controls located on a front and top of the controller;  
the controller being shaped to be held in both hands of a user such that the user's  
thumbs are positioned to operate controls located on the front of the controller and the  
user's index fingers are positioned to operate controls located on the top of the  
controller; wherein  
10 the controller further comprises two additional controls located on a back of the  
controller in a position to be operated by the middle finger of a user.
2. A controller according to claim 1 wherein the additional controls are paddle  
levers.  
15
3. A controller according to claim 1 wherein the additional controls are  
substantially vertically orientated with respect to the controller.
4. A controller according to claim 2 or claim 3 wherein the additional controls  
20 are formed as an integral part of the outer case.
5. A controller according to claim 2 or claim 3 wherein the additional controls  
are formed separate from the outer case of the controller.



**Application No:** GB1011078.1

**Examiner:** Mr Brendan Donohoe

**Claims searched:** All

**Date of search:** 13 May 2011

**Patents Act 1977: Search Report under Section 17**

**Documents considered to be relevant:**

Category	Relevant to claims	Identity of document and passage or figure of particular relevance
X	All	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 <a href="http://forums.xbox-scene.com/index.php?showtopic=643928&amp;st=330">http://forums.xbox-scene.com/index.php?showtopic=643928&amp;st=330</a> .
X	All	'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 <a href="http://www.dansdata.com/tmsticks.htm">http://www.dansdata.com/tmsticks.htm</a> .
X	All	'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 <a href="http://benchmarkreviews.com/index.php?option=com_content&amp;task=view&amp;id=235&amp;Itemid=65&amp;limit=1&amp;limitstart=2">http://benchmarkreviews.com/index.php?option=com_content&amp;task=view&amp;id=235&amp;Itemid=65&amp;limit=1&amp;limitstart=2</a> .
X	All	WO2008/131249 A1 COE - See whole document, note especially buttons 113, 114 provided on the underside of the gamepad.

**Categories:**

X	Document indicating lack of novelty or inventive step	A	Document indicating technological background and/or state of the art.
Y	Document indicating lack of inventive step if combined with one or more other documents of same category.	P	Document published on or after the declared priority date but before the filing date of this invention.
&	Member of the same patent family	E	Patent document published on or after, but with priority date earlier than, the filing date of this application.

**Field of Search:**

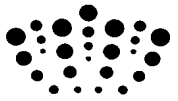
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Worldwide search of patent documents classified in the following areas of the IPC

The following online and other databases have been used in the preparation of this search report

Internet keyword search.





**International Classification:**

<b>Subclass</b>	<b>Subgroup</b>	<b>Valid From</b>
A63F	0013/02	01/01/2006

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	13162727
<b>Filing Date:</b>	17-Jun-2011
<b>Title of Invention:</b>	CONTROLLER FOR VIDEO GAME CONSOLE
<b>First Named Inventor/Applicant Name:</b>	Simon Burgess
<b>Filer:</b>	Cynthia R. Parks/Adrienne Mittons
<b>Attorney Docket Number:</b>	0905-002

Filed as Small Entity

### Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
Extension - 3 months with \$0 paid	2253	1	700	700

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
Request for Continued Examination	2801	1	600	600
Submission- Information Disclosure Stmt	2806	1	90	90
<b>Total in USD (\$)</b>				<b>1390</b>

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<b>EFS ID:</b>	16506188
<b>Application Number:</b>	13162727
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8138
<b>Title of Invention:</b>	CONTROLLER FOR VIDEO GAME CONSOLE
<b>First Named Inventor/Applicant Name:</b>	Simon Burgess
<b>Customer Number:</b>	52245
<b>Filer:</b>	Cynthia R. Parks/Adrienne Mittons
<b>Filer Authorized By:</b>	Cynthia R. Parks
<b>Attorney Docket Number:</b>	0905-002
<b>Receipt Date:</b>	05-AUG-2013
<b>Filing Date:</b>	17-JUN-2011
<b>Time Stamp:</b>	19:27:04
<b>Application Type:</b>	Utility under 35 USC 111(a)

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		Amendment Submitted/Entered with Filing of CPA/RCE	1	1	
		Claims	2	5	
		Applicant Arguments/Remarks Made in an Amendment	6	8	
<b>Warnings:</b>					
<b>Information:</b>					
2	Request for Continued Examination (RCE)	0905-002RCE.pdf	697780 e2a8b859e3f4523686cd4ced4d4b8320f604d678	no	3
<b>Warnings:</b>					
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3	Information Disclosure Statement (IDS) Form (SB08)	0905-002IDS.pdf	612372 6ae4585708c423b2dd920d8b5f65c12e421c38cf	no	4
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4	Foreign Reference	0905-002ref.pdf	499025 9b8058719b23272ea4b63166acb7d929002adc1e	no	10
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5	Fee Worksheet (SB06)	fee-info.pdf	33936 3862e3f4203da3bd817e78ae85fd5ad552149f40	no	2
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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.**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Simon Burgess et al.      Conf. No.: 8138  
App No.: 13/162,727      Filing Date: June 17, 2011  
Art Unit: 3717      Examiner: Hylinski, Steven J.  
Title: CONTROLLER FOR VIDEO GAME CONSOLE

Docket No.: 0905-002

Mail Stop: RCE  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO FINAL OFFICE ACTION UNDER 37 C.F.R. § 1.116**

This Response is filed in reply to the non-final Office Action mailed February 4, 2012 and the Advisory Action mailed May 15, 2013. The Assignee requests consideration of the following amendments and remarks.

Amendments to the Claims begin on page 2.

Remarks begin on page 6.

## CLAIM LISTING

The following set of claims replaces all previous versions of the claims.

1. (Currently Amended) A hand held controller for a game console comprising:
  - an outer case comprising a front, a back, a top edge, and a bottom edge, wherein the back of the controller is opposite the front of the controller and the top edge is opposite the bottom edge; and
  - a front control located on the front of the controller;
  - wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control; and
  - a first back control and a second back control, each back control being located on the back of the controller~~[[,]]-wherein the back control is~~ and each back control including an elongate member that extends substantially the full distance between the top edge and the bottom edge and is inherently resilient and flexible.
2. (Previously Presented) The controller of claim 1, further having a top edge control located on the top edge of the controller and wherein the controller is shaped such that the user's index finger is positioned to operate the top edge control.
3. (Canceled)
4. (Currently Amended) The controller of claim 1, ~~wherein there are two back controls on the back of the controller,~~ wherein each of ~~which~~ the back controls is positioned to be operated by a middle finger of a user.
5. (Canceled)



6. (Currently Amended) The controller of claim 1, wherein [[the]] each elongate member is mounted within a recess located in the case of the controller.
7. (Currently Amended) The controller of claim 6, wherein [[the]] each elongate member comprises an outermost surface which is disposed in close proximity to the outermost surface of the controller such that a user's finger may be received in said respective recess.
8. (Currently Amended) The controller of claim 1, wherein [[the]] each elongate member has a thickness between about 1mm and 10mm.
9. (Currently Amended) The controller of claim 1, wherein [[the]] each elongate member has a thickness between about 1mm and 5mm.
10. (Currently Amended) The controller of claim 1, wherein [[the]] each elongate member has a thickness between about 1mm and 3mm.
11. (Currently Amended) The controller of claim 1 [[4]], wherein the elongate members are parallel to one another.
12. (Currently Amended) The controller of claim 1 [[4]], wherein the elongate members converge towards the front end of the controller with respect to one another.
13. (Currently Amended) The controller of claim 1, wherein a portion of at least one of the first back control and the second back control is in registry with a switch mechanism disposed within the controller, such that displacement of the at least one back control activates the switch mechanism.

14. (Currently Amended) The controller of claim 1 [[4]], wherein a switch mechanism is disposed between each of the elongate members and an outer surface of the base of the controller.
15. (Currently Amended) The controller of claim 2, wherein at least one of the back controls replicates the function of one or more of the top edge control and the front control.
16. (Currently Amended) The controller of claim 2, wherein at least one of the back controls has functions in addition to the top edge control and the front control.
17. (Currently Amended) The controller of claim 1, wherein at least one of the back controls is a paddle lever.
18. (Currently Amended) The controller of claim 1, wherein at least one of the back controls is substantially parallel to the front of the controller.
19. (Currently Amended) The controller of claim 1, wherein at least one of the back controls is formed as an integral part of the outer case.
20. (Currently Amended) The controller of claim 1, wherein at least one of the back controls is formed separate from the outer case of the controller.
21. (Previously Presented) The controller of claim 2, wherein the top edge is substantially perpendicular to the front.

22. (Currently Amended) A hand held controller for a game console comprising:

an outer case comprising a front, a back, a top edge, and a bottom edge, wherein the back of the controller is opposite the front of the controller and the top edge is opposite the bottom edge;

a front control located on the front of the controller, wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control; and

a first back control and a second back control, each back control being located on the back of the controller ~~[[,]] wherein the back control is~~ and each back control including an elongate member that extends substantially the full distance between the top edge and the bottom edge.

\* \* \*

## **REMARKS**

### SUMMARY OF THE CLAIMS

The application has been carefully reviewed in light of the Office Action dated February 4, 2013 and the Advisory Action dated May 15, 2013. This communication is believed to be a complete response to that Office Action and that Advisory Action. Claims 1, 2, 4 and 6-22 were pending in the present application prior to entry of the present amendments. By the present Office Action, claims 1, 2, 4, 6-22 have been rejected.

By the present amendment, claims 1, 4, 6-20 and 22 have been amended. Support for these amendments can be found in the original specification, and thus, no new matter has been added. Applicant reserves the right to pursue all original claims in this or other patent applications. Reconsideration and reexamination of the present application is respectfully requested in light of the foregoing amendments and in view of the following remarks, which establish that the pending claims are directed to allowable subject matter.

### SECTION 102 REJECTIONS

Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 7,859,514 (Park). Claim 22 has been amended and the rejection thereto is considered moot.

### SECTION 103 REJECTIONS

Claims 1-2, 4, and 6-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, in view of U.S. Pat. Pub. 2004/0224765 (Martinez et al.). Claim 1 has been amended and the rejections thereto are considered moot. Claims 2, 4, and 6-21 depend from amended claim 1 and thus the rejections thereto are also considered moot.

### ADVISORY ACTION

The Advisory Action cites an online NPL reference “Review: Scuf Xbox 360 Controller” by Dave Burns, dated October 20, 2010 (<http://web.archive.org/web/20101022215104/http://www.xboxer360.com/features/review-scuf-xbox-360-controller/>). A UK Patent Application (GB 2481663) by one of the named inventors of the present application, Simon Burgess, filed July 1, 2010, is attached. The attached UK Patent application establishes invention of the subject matter prior to the date of the NPL reference.

### FEES

The fee for the RCE is included herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-3447.

### CONCLUSION

It is respectfully submitted that the application is in condition for allowance, and notice to that effect is respectfully requested. If Examiner Hylinski has any new concerns, the Examiner is respectfully urged to contact the undersigned representative at her earliest convenience in order to efficiently advance prosecution of this application.

Respectfully Submitted,

PARKS IP LAW LLC

by           /Stephen J. Terrell/            
Stephen Terrell; Reg. No. 62,734  
Agent for the Assignee

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<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875	Application or Docket Number <b>13/162,727</b>	Filing Date <b>06/17/2011</b>	<input type="checkbox"/> To be Mailed
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ENTITY:  LARGE  SMALL  MICRO

**APPLICATION AS FILED – PART I**

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	
<input type="checkbox"/> 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 \$ =	
<input type="checkbox"/> 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).			
<input type="checkbox"/> 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**

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

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
<b>AMENDMENT</b>	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR			
	<b>08/05/2013</b>					
	Total (37 CFR 1.16(i))	* 19	Minus	** 20	= 0	X \$40 = 0
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	X \$210 = 0
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))						
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	<b>0</b>

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LIE  
 /ANTJUAN RIVERA/

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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





## **DETAILED ACTION**

### ***Response to Arguments***

1. The present amendments overcome the previous rejections made under US 7,859,514 to Park and US 2004/0224765 to Martinez et al. New grounds of rejection have been applied, as required by the amendments.
2. The UK Patent Application GB 2481663, which Applicant alleges "establishes invention of the subject matter prior to the date of the NPL reference" is not material to the examination of the instant application because the instant application does not claim priority to the UK patent application. The NPL document relied on is a document authored by Dave Burns and made publicly available on Oct. 20, 2010, so it does not have any inventors in common with the instant invention, and therefore the 102(e) date of this document cannot be sworn behind by Applicant by claiming common inventorship with an unrelated document, the UK patent. The UK Patent furthermore is not date eligible prior art and is not being relied on by Examiner, so the common inventor between the UK Patent and the instant application is not material to the examination of the instant application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of 35 U.S.C. 112(b):

(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claim 14 is rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention. Claim 14 recites the limitation "the base of the controller". There is insufficient antecedent basis for this limitation in the claim. Examiner is interpreting "the base of the controller" to mean "the outer case of the controller". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

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 –  
(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.

**4. Claims 1-2, 4, 6-7, 11-12, and 15-22 are rejected under pre-AIA 35 U.S.C.**

**102(e) as being anticipated by "Review: Scuf Xbox 360 Controller" by Dave Burns (hereinafter referred to as Burns).**

**Re Claims 1 and 22,**

Burns discloses a hand held controller for a game console (Title, and page 3, a handheld controller for XBOX 360) comprising:

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an outer case comprising a front, a back, a top edge, and a bottom edge, wherein the back of the controller is opposite the front of the controller and the top edge is opposite the bottom edge (see the photographs on pages 3, 4, 5, and 6) and

a front control located on the front of the controller, wherein the controller is shaped to be held in the hand of a user so that the user's thumb is positioned to operate the front control (See pages 3-5. Page 4 refers to the control shown in the middle of the page as "extended right thumb stick)

a first back control and a second back control, each back control being located on the back of the controller, and each back control including an elongate member that extends substantially the full distance between the top edge and the bottom edge (see the first picture on page 4 and the description below) and is inherently resilient and flexible (paragraph 1 of page 3 states that each of the 2 paddles shown on the back of the control pad are made from polycarbonate plastic which is extremely strong so that "they can take as much punishment as possible". Polycarbonate plastic is inherently a flexible material that will elastically deform as a function of its modulus of elasticity when a force is applied.)

**Re Claim 2**, see pages 4 and 5, including the pictures and descriptions of the trigger buttons, labeled "LT" and "RT" and shown as being located on the front of the XBOX360 controller .in the pictures.

**Re Claim 4**, Paragraph 1 of page 4 states that the 2 paddles on the back of the controller are operated by "your unused middle fingers that rest on the rear of the pad".

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**Re Claim 6**, the first and second pictures on page 4 show the two paddles being mounted within a recess in the case of the controller.

**Re Claim 7**, Paragraph 1 of page 4 states that “your unused middle fingers that rest on the rear of the pad” are used to operate the 2 paddles. The first picture on page 4 shows the elongate paddle members comprising an outermost surface that is disposed in close proximity to the outermost surface of the controller such that a user’s finger may be received in the recesses.

**Re Claims 11-12**, the first picture on page 4 of Burns shows the 2 paddles on the rear of the controller being substantially parallel, and converging slightly towards the front end of the controller with respect to one another.

**Re Claim 15**, the first and second paragraphs on page 4 state that each of the paddles located on the rear of the controller interfaces with a corresponding switch hard wired to the A and B buttons of the controller, such that when each button is pressed, programmed game instructions respond accordingly.

**Re Claim 16**, Paragraph 1 of page 4 states that the user can reassign button functions as desired. An example given is of the paddles being assigned to jump and crouch, or jump and melee game functions. Paragraph 4 of page 4 states that the front triggers can be used for firing shots, the triggers depicted in the third picture showing front and top triggers.

**Re Claims 17-18**, see the first picture on page 4 of Burns.

**Re Claims 19-20**, the two paddles shown in the first picture on page 4 are depicted as being distinct individual components that when installed in the controller forms an

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integral part of the outer case. Paragraph 1 of page 4 states that each of the paddles is screwed and bonded into the chassis on the controller.

**Re Claim 21**, the pictures on pages 4-5 show the front of the controller, which has the front and top triggers, being substantially perpendicular to the front.

***Claim Rejections - 35 USC § 103***

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 negated by the manner in which the invention was made.

**5. Claims 8-10, are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Burns.**

**Re Claims 8-10,**

Burns discloses the same invention, but does not go into detail as to what the specific dimensions are of the invention. Claims 8-10 recite alternative possible size considerations for the same elongate members shown and described on page 4 of Burns, without claiming any unexpected result of these size considerations, especially in light of the several thickness ranges being presented in the alternative, which indicates the function of the apparatus is unchanged as these parameters are varied.

Regarding claims 8-10, in *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims

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was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. See also MPEP 2144.04 Section IV A. Changing the thickness of buttons can also be rejected as a change in shape, See also MPEP Section IV B.

**6. Claims 13-14 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Burns in view of US 5,551,693 to Goto et al.**

**Re Claims 13-14,**

Paragraph 1 of page 4 of Burns states that each paddle is affixed to the chassis of the controller, and that depressing each paddle with a middle finger sends a hardwired trigger signal to the A and B buttons. However, Burns is silent as to the details of the switch mechanisms that the paddles activate. Goto is an old and well-known prior art reference in the art of handheld home video game controllers. Goto teaches that beneath each button integrated into the housing of such a handheld controller exists a switch mechanism that is activated in response to the button being depressed by the user's fingers (See Figs. 7-10 of Goto, 14a and 14c). It would have been obvious to one having ordinary skill in the art at the time the invention was made that the paddles on the back of the controller of Burns would function in the context of a home video game system by closing switch mechanisms located beneath each paddle when depressed by the middle fingers of the player, the switch mechanisms located inside the housing of the controller and therefore between each elongate member and an outer surface of the controller, as taught by Goto, because manufacturing a known

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prior art device using components known in the art and producing predictable results is not patentable.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN J. HYLINSKI whose telephone number is (571)270-1995. The examiner can normally be reached on Mon-Fri 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on (571)272-4709. 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.

/STEVEN J HYLINSKI/  
Primary Examiner, Art Unit 3717



<b>Notice of References Cited</b>	Application/Control No. 13/162,727	Applicant(s)/Patent Under Reexamination BURGESS ET AL.	
	Examiner STEVEN J. HYLINSKI	Art Unit 3717	Page 1 of 1

**U.S. PATENT DOCUMENTS**

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	U	"Review: Scuf Xbox 360 Controller" by Dave Burns, published October 20, 2010. Source <a href="http://www.xboxer360.com/features/review-scuf-xbox-360-controller/">http://www.xboxer360.com/features/review-scuf-xbox-360-controller/</a> Accessed Oct 22, 2010.			
	V				
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Receipt date: 08/05/2013

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

13162727 - GAI: 3717

Pat. No. 08/01-10

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	Filing Date		2011-06-17	
	First Named Inventor	Simon Burgess		
	Art Unit	3717		
	Examiner Name	Steven J. Hylinski		
	Attorney Docket Number	0905-002		

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13162727	13162727 - GAU: 3717
	Filing Date		2011-06-17	
	First Named Inventor	Simon Burgess		
	Art Unit		3717	
	Examiner Name	Steven J. Hylinski		
	Attorney Docket Number		0905-002	

	1		<input type="checkbox"/>
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If you wish to add additional non-patent literature document citation information please click the Add button **Add**

**EXAMINER SIGNATURE**

Examiner Signature	/Steven Hylinski/	Date Considered	08/06/2013
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13162727	13162727 - GAU: 3717
	Filing Date	2011-06-17	
	First Named Inventor	Simon Burgess	
	Art Unit	3717	
	Examiner Name	Steven J. Hylinski	
	Attorney Docket Number	0905-002	

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- See attached certification statement.
- The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- A certification statement is not submitted herewith.

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Stephen J. Terrell/	Date (YYYY-MM-DD)	2013-08-05
Name/Print	Stephen J. Terrell	Registration Number	62734

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**


**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 the Freedom of Information Act requires disclosure of these records.
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 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.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.H./

<b>Search Notes</b>  	<b>Application/Control No.</b>  13162727	<b>Applicant(s)/Patent Under Reexamination</b>  BURGESS ET AL.
	<b>Examiner</b>  STEVEN J HYLINSKI	<b>Art Unit</b>  3717

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
463	37	06/16/2012	SJH
463	37	01/17/2013	SJH

SEARCH NOTES		
Search Notes	Date	Examiner
See EAST search history.	06/16/2012	SJH
Updated East search , see search history.	01/30/2013	SJH
Updated East search , see search history.	08/07/2013	SJH

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

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<b>Index of Claims</b>  	<b>Application/Control No.</b>  13162727	<b>Applicant(s)/Patent Under Reexamination</b>  BURGESS ET AL.
	<b>Examiner</b>  STEVEN J HYLINSKI	<b>Art Unit</b>  3717

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

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

CLAIM		DATE							
Final	Original	06/16/2012	01/30/2013	08/07/2013					
	1	✓	✓	✓					
	2	✓	✓	✓					
	3	✓	-	-					
	4	✓	✓	✓					
	5	✓	-	-					
	6	✓	✓	✓					
	7	✓	✓	✓					
	8	✓	✓	✓					
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	12	✓	✓	✓					
	13	✓	✓	✓					
	14	✓	✓	✓					
	15	✓	✓	✓					
	16	✓	✓	✓					
	17	✓	✓	✓					
	18	✓	✓	✓					
	19	✓	✓	✓					
	20	✓	✓	✓					
	21		✓	✓					
	22		✓	✓					

## EAST Search History

## EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	"20040224765".pn.	US-PGPUB; USPAT	OR	ON	2013/08/07 18:40
L3	345	l2 and (contact with (button or switch))	US-PGPUB; USPAT	OR	ON	2013/08/07 18:45
L2	1775	463/37.ccls.	US-PGPUB; USPAT	OR	ON	2013/08/07 18:45
L5	1	"5551693".pn.	US-PGPUB; USPAT	OR	ON	2013/08/07 18:57
L4	64	("4552360"   "7235012"   "D547763"   "20060025217"   "6001014"   "6280327"   "6512511"   "7471216"   "7859514"   "5984785"   "6102803"   "6267673"   "7794326"   "20040224768"   "20070021209"   "20080261695"   "5670988"   "5716274"   "5984548"   "6135886"   "6524186"   "D659140"   "6186896"   "D431604"   "6231444"   "6288709"   "6524187"   "6682426"   "7774155"   "7804484"   "7942745"   "6241611"   "D393291"   "20050269769"   "20060040740"   "5874906"   "6019680"   "6342009"   "6394906"   "6887158"   "7927216"   "D377198"   "20040063502"   "20050215321"   "6760013"   "D572710"   "20060116204"   "5853326"   "6261180"   "7377851"   "7407439"   "7488254"   "7596466"   "7753786"   "D376826"   "D409183"   "D464349"   "5551693"   "6171191"   "7473180"   "D620939"   "D623649"   "5531443"   "D384112").PN.	US-PGPUB; USPAT	OR	ON	2013/08/07 18:57
L7	0	l6 not l4	US-PGPUB; USPAT	OR	OFF	2013/08/07 18:58
L6	64	(US-20050269769-\$ or US-20060040740-\$ or US-20060116204-\$ or US-20080261695-\$ or US-20050215321-\$ or US-20060025217-\$ or US-20070021209-\$ or US-20040063502-\$ or US-20040224768-\$).did. or (US-6001014-\$ or US-6019680-\$ or US-7942745-\$ or US-7927216-\$ or US-7774155-\$ or US-7596466-\$ or US-6280327-\$ or US-5670988-\$ or US-4552360-\$ or US-6135886-\$ or US-6171191-\$ or US-7377851-\$ or US-D620939-\$ or US-6394906-\$ or US-7859514-\$ or US-6288709-\$ or US-7804484-\$ or US-6760013-\$ or US-5984548-\$ or US-5874906-\$ or US-7471216-\$ or US-6261180-\$ or US-D547763-\$ or US-	US-PGPUB; USPAT	OR	OFF	2013/08/07 18:58



D659140-\$ or US-D623649-\$ or US-6512511-\$).did. or (US-6342009-\$ or US-5716274-\$ or US-6887158-\$ or US-6682426-\$ or US-6231444-\$ or US-7473180-\$ or US-5551693-\$ or US-7488254-\$ or US-6524187-\$ or US-6524186-\$ or US-5853326-\$ or US-7235012-\$ or US-7407439-\$ or US-7753786-\$ or US-7794326-\$ or US-5531443-\$ or US-5984785-\$ or US-6102803-\$ or US-6186896-\$ or US-6241611-\$ or US-6267673-\$ or US-D376826-\$ or US-D377198-\$ or US-D464349-\$ or US-D409183-\$ or US-D572710-\$ or US-D393291-\$).did. or (US-D384112-\$ or US-D431604-\$).did.				
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**EAST Search History (Interference)**

< This search history is empty >

**8/ 7/ 2013 7:20:55 PM**

**C:\Users\shylinski\Documents\EAST\Workspaces\13162727.wsp**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Simon Burgess et al.      Conf. No.: 8138  
App No.: 13/162,727      Filing Date: June 17, 2011  
Art Unit: 3717      Examiner: Hylinski, Steven J.  
Title: CONTROLLER FOR VIDEO GAME CONSOLE

Docket No.: 0905-002

Mail Stop: AMENDMENT  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO FINAL OFFICE ACTION UNDER 37 C.F.R. § 1.111**

This Response is filed in reply to the non-final Office Action mailed August 9, 2013. The Assignee requests consideration of the following amendments and remarks.

Amendments to the Claims begin on page 2.

Remarks begin on page 6.

### CLAIM LISTING

The following set of claims replaces all previous versions of the claims.

1. (Previously Presented) A hand held controller for a game console comprising:
  - an outer case comprising a front, a back, a top edge, and a bottom edge, wherein the back of the controller is opposite the front of the controller and the top edge is opposite the bottom edge; and
  - a front control located on the front of the controller;
  - wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control; and
  - a first back control and a second back control, each back control being located on the back of the controller and each back control including an elongate member that extends substantially the full distance between the top edge and the bottom edge and is inherently resilient and flexible.
  
2. (Previously Presented) The controller of claim 1, further having a top edge control located on the top edge of the controller and wherein the controller is shaped such that the user's index finger is positioned to operate the top edge control.
  
3. (Canceled)
  
4. (Previously Presented) The controller of claim 1, wherein each of the back controls is positioned to be operated by a middle finger of a user.
  
5. (Canceled)

6. (Previously Presented) The controller of claim 1, wherein each elongate member is mounted within a recess located in the case of the controller.
7. (Previously Presented) The controller of claim 6, wherein each elongate member comprises an outermost surface which is disposed in close proximity to the outermost surface of the controller such that a user's finger may be received in said respective recess.
8. (Previously Presented) The controller of claim 1, wherein each elongate member has a thickness between about 1mm and 10mm.
9. (Previously Presented) The controller of claim 1, wherein each elongate member has a thickness between about 1mm and 5mm.
10. (Previously Presented) The controller of claim 1, wherein each elongate member has a thickness between about 1mm and 3mm.
11. (Previously Presented) The controller of claim 1, wherein the elongate members are parallel to one another.
12. (Previously Presented) The controller of claim 1, wherein the elongate members converge towards the front end of the controller with respect to one another.
13. (Previously Presented) The controller of claim 1, wherein a portion of at least one of the first back control and the second back control is in registry with a switch mechanism disposed within the controller, such that displacement of the at least one back control activates the switch mechanism.

14. (Currently Amended) The controller of claim 1, wherein a switch mechanism is disposed between each of the elongate members and an outer surface of the back base of the controller.
15. (Previously Presented) The controller of claim 2, wherein at least one of the back controls replicates the function of one or more of the top edge control and the front control.
16. (Previously Presented) The controller of claim 2, wherein at least one of the back controls has functions in addition to the top edge control and the front control.
17. (Previously Presented) The controller of claim 1, wherein at least one of the back controls is a paddle lever.
18. (Previously Presented) The controller of claim 1, wherein at least one of the back controls is substantially parallel to the front of the controller.
19. (Previously Presented) The controller of claim 1, wherein at least one of the back controls is formed as an integral part of the outer case.
20. (Previously Presented) The controller of claim 1, wherein at least one of the back controls is formed separate from the outer case of the controller.
21. (Previously Presented) The controller of claim 2, wherein the top edge is substantially perpendicular to the front.
22. (Previously Presented) A hand held controller for a game console comprising:

an outer case comprising a front, a back, a top edge, and a bottom edge, wherein the back of the controller is opposite the front of the controller and the top edge is opposite the bottom edge;

a front control located on the front of the controller, wherein the controller is shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control; and

a first back control and a second back control, each back control being located on the back of the controller and each back control including an elongate member that extends substantially the full distance between the top edge and the bottom edge.

\* \* \*

## REMARKS

### SUMMARY OF THE CLAIMS

The application has been carefully reviewed in light of the Office Action dated August 9, 2013. This communication is believed to be a complete response to that Office Action. Claims 1, 2, 4 and 6-22 were pending in the present application prior to entry of the present amendments. By the present Office Action, claims 1, 2, 4, 6-22 have been rejected.

Claim 14 has been amended to correct an informality. Claims 1, 2, 4, 6-22 remain in the application. Reconsideration and reexamination of the present application is respectfully requested in view of the following remarks, which establish that the pending claims are directed to allowable subject matter.

#### Examiner Interview

The Examiner is thanked for the telephone discussion on October 3, 2013. The discussion focused on MPEP 715.01.

### SECTION 112 REJECTIONS

Claim 14 is rejected under 35 USC 112(b), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the inventor regards as the invention. Claim 14 has been amended for purposes of antecedent basis.

### SECTION 102 REJECTIONS

Claims 1-2, 4, 6-7, 11-12, and 15-22 are rejected under 35 USC 102(e) as being anticipated by "Review: Scuf Xbox 360 Controller" by Dave Burns, dated October 20, 2010 (hereinafter, **Burns**) (<http://web.archive.org/web/20101022215104/http://www.xboxer360.com/features/review-scuf-xbox-360-controller/>). A 132 affidavit is attached that establishes that **Burns** discloses subject matter derived from the applicant rather than

invented by the author notwithstanding the authorship of the article. MPEP 716.10 states:

Where there is a published article identifying the authorship (MPEP § 715.01(c)) or a patent or an application publication identifying the inventorship (MPEP § 715.01(a)) that discloses subject matter being claimed in an application undergoing examination, the designation of authorship or inventorship does not raise a presumption of inventorship with respect to the subject matter disclosed in the article or with respect to the subject matter disclosed but not claimed in the patent or published application so as to justify a rejection under 35 U.S.C. 102(f).

However, it is incumbent upon the inventors named in the application, in response to an inquiry regarding the appropriate inventorship under 35 U.S.C. 102(f) or to rebut a rejection under 35 U.S.C. 102(a) or (e), to provide a satisfactory showing by way of affidavit under 37 CFR 1.132 that the inventorship of the application is correct in that the reference discloses subject matter derived from the applicant rather than invented by the author, patentee, or applicant of the published application notwithstanding the authorship of the article or the inventorship of the patent or published application. *In re Katz*, 687 F.2d 450, 455, 215 USPQ 14, 18 (CCPA 1982) (inquiry is appropriate to clarify any ambiguity created by an article regarding inventorship and it is then incumbent upon the applicant to provide “a satisfactory showing that would lead to a reasonable conclusion that [applicant] is the ... inventor” of the subject matter disclosed in the article and claimed in the application).

An uncontradicted “unequivocal statement” from the applicant regarding the subject matter disclosed in an article, patent, or published application will be accepted as establishing inventorship. *In re DeBaun*, 687 F.2d 459, 463, 214 USPQ 933, 936 (CCPA 1982). However, a statement by the applicants regarding their inventorship in view of an article, patent, or published application may not be sufficient where there is evidence to the contrary. *Ex*



*parte Kroger*, 218 USPQ 370 (Bd. App. 1982) (a rejection under 35 U.S.C. 102(f) was affirmed notwithstanding declarations by the alleged actual inventors as to their inventorship in view of a nonapplicant author submitting a letter declaring the author's inventorship); *In re Carreira*, 532 F.2d 1356, 189 USPQ 461 (CCPA 1976) (disclaiming declarations from patentees were directed at the generic invention and not at the claimed species, hence no need to consider derivation of the subject matter).

The 132 affidavit removes **Burns** as a prior art reference under 35 USC 102(a) or (e) and the rejection is overcome. For at least these reasons, claims 1-2, 4, 6-7, 11-12, and 15-22 are patentable over **Burns**.

#### SECTION 103 REJECTIONS

Claims 8-10 rejected under 35 USC 103(a) as being unpatentable over **Burns**. As established above, **Burns** is removed as a prior art reference by the 132 affidavit. For at least these reasons, claims 8-10 are patentable over **Burns**.

Claims 13-14 are rejected under 35 USC 103(a) as being unpatentable over **Burns** in view of US Patent No. 5,551,693 to Goto et al. (hereinafter, **Goto**) As established above, **Burns** is removed as a prior art reference by the 132 affidavit. **Goto** fails to disclose all the features of claims 13-14 and the Office Action does not claim that it does. For at least these reasons, claims 13-14 are patentable over **Burns** in view of **Goto**.

#### FEES

The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 50-3447.

#### CONCLUSION

It is respectfully submitted that the application is in condition for allowance, and notice to that effect is respectfully requested. If Examiner Hylinski has any

new concerns, the Examiner is respectfully urged to contact the undersigned representative at her earliest convenience in order to efficiently advance prosecution of this application.

Respectfully Submitted,

PARKS IP LAW LLC

by /Stephen J. Terrell/  
Stephen Terrell; Reg. No. 62,734  
Agent for the Assignee

Parks IP Law  
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Atlanta, Georgia 30308  
385-282-5291  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Simon Burgess et al.      Conf. No.: 8138  
App No.: 13/162,727      Filing Date: June 17, 2011  
Art Unit: 3717      Examiner: Hylinski, Steven J.  
Title: CONTROLLER FOR VIDEO GAME CONSOLE

Docket No.: 0905-002

Mail Stop: AMENDMENT  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF SIMON BURGESS UNDER 37 C.F.R. § 1.132**

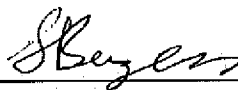
I, Simon Burgess, state as follows:

1. I am an inventor on the above-referenced patent application.
2. I understand that in the present Office Action, Claims 1-2, 4, 6-7, 11-12, and 15-22 are rejected under pre-AIA 35 U.S.C § 102(e) as being anticipated by: "Review: Scuf Xbox 360 Controller" by Dave Burns (hereinafter the *Burns* article), dated October 20, 2010 (<http://web.archive.org/web/20101022215104/http://www.xboxer360.com/features/review-scuf-xbox-360-controller/>).
3. I understand that in the present Office Action, claims 8-10 are rejected under pre-AIA 35 U.S.C § 103(a) as being unpatentable over the *Burns* article.
4. I understand that in the present Office Action, claims 13-14 are rejected under pre-AIA 35 U.S.C § 103(a) as being unpatentable over the *Burns* article in view of U.S. Patent No. 5,551,693 to Goto et al.
5. I am the inventor of the subject matter disclosed in the *Burns* article.
6. The inventorship of the present application is correct in that the *Burns* article discloses subject matter invented by me rather than by Dave Burns notwithstanding the authorship of the *Burns* article.

7. The following further supports my conception of the subject matter disclosed in the *Burns* article:
- a. At the time of publication of the *Burns* article, I was an owner of a business operating under the name "Scuf Control" and registered the domain name [www.scufcontrol.com](http://www.scufcontrol.com).
  - b. Scuf Control sent Dave Burns a controller, about which he wrote the online review, which is the *Burns* article, the cited reference.
  - c. The *Burns* article refers to the "Scuf" controller and to the domain name <http://www.scufcontrol.com/>.
  - d. The controller that was reviewed in the *Burns* article was sold on [www.scufcontrol.com](http://www.scufcontrol.com). Sales of the controller were serviced by Scuf Control.
  - e. I am the inventor of a UK Patent Application, GB 2481663. The UK application, filed July 1, 2010, was filed prior to the writing and publication of the *Burns* article.
8. I herein declare that all statements of my 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 statements and the like so made are punishable by fine or imprisonment, or both under Section 1000 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.

11/10/2013

Date



Simon Burgess

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	17116608
<b>Application Number:</b>	13162727
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8138
<b>Title of Invention:</b>	CONTROLLER FOR VIDEO GAME CONSOLE
<b>First Named Inventor/Applicant Name:</b>	Simon Burgess
<b>Customer Number:</b>	52245
<b>Filer:</b>	Stephen J. Terrell/Adrienne Mittons
<b>Filer Authorized By:</b>	Stephen J. Terrell
<b>Attorney Docket Number:</b>	0905-002
<b>Receipt Date:</b>	14-OCT-2013
<b>Filing Date:</b>	17-JUN-2011
<b>Time Stamp:</b>	13:16:21
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		0905-002res.pdf	153629 <small>59297faa381bb50523671bae51a05910dab0c2d7</small>	yes	9

Multipart Description/PDF files in .zip description			
Document Description	Start	End	
Amendment/Req. Reconsideration-After Non-Final Reject	1	1	
Claims	2	5	
Applicant Arguments/Remarks Made in an Amendment	6	9	

**Warnings:**

**Information:**

2	Affidavit-Rule 131-pre-AIA (FTI) ONLY	0905-002Affidavit.pdf	100680	no	2
			b718cf3796356be603d5ded455cc2c8c2eb3022a		

**Warnings:**

**Information:**

<b>Total Files Size (in bytes):</b>		254309
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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.

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.

<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875	Application or Docket Number <b>13/162,727</b>	Filing Date <b>06/17/2011</b>	<input type="checkbox"/> To be Mailed
---	---	----------------------------------	---------------------------------------

ENTITY:  LARGE  SMALL  MICRO

**APPLICATION AS FILED – PART I**

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	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).			
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

**APPLICATION AS AMENDED – PART II**

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
<b>AMENDMENT</b>	<b>10/14/2013</b>	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		
		* 20	Minus	** 20	= 0	X \$40 = 0
		* 2	Minus	***3	= 0	X \$210 = 0
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>					
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						
					TOTAL ADD'L FEE	<b>0</b>

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
<b>AMENDMENT</b>		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		
		*	Minus	**	=	X \$ =
		*	Minus	***	=	X \$ =
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>					
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						
					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  
/MARSHA RICHARDS/

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, 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.



NOTICE OF ALLOWANCE AND FEE(S) DUE

52245 7590 11/18/2013
Parks IP Law LLC
730 Peachtree Street, NE
Suite 600
ATLANTA, GA 30308

Table with 2 columns: EXAMINER (HYLINSKI, STEVEN J), ART UNIT (3717), PAPER NUMBER (8138)

DATE MAILED: 11/18/2013

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

13/162,727 06/17/2011 Simon Burgess 0905-002 8138

TITLE OF INVENTION: CONTROLLER FOR VIDEO GAME CONSOLE

Table with 7 columns: APPLN. TYPE, ENTITY STATUS, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

nonprovisional SMALL \$890 \$300 \$0 \$1190 02/18/2014

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)

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.

52245                      7590                      11/18/2013  
**Parks IP Law LLC**  
 730 Peachtree Street, NE  
 Suite 600  
 ATLANTA, GA 30308

**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.
13/162,727	06/17/2011	Simon Burgess	0905-002	8138

TITLE OF INVENTION: CONTROLLER FOR VIDEO GAME CONSOLE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$890	\$300	\$0	\$1190	02/18/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
HYLINSKI, STEVEN J	3717	463-037000

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. <b>Use of a Customer Number is required.</b></p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1</p> <p>(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. _____ 2</p> <p>_____ 3</p>
---	---

**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

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s): (<b>Please first reapply any previously paid issue fee shown above</b>)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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5. **Change in Entity Status** (from status indicated above)

- Applicant certifying micro entity status. See 37 CFR 1.29
- Applicant asserting small entity status. See 37 CFR 1.27
- Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see form PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

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.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

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NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

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This collection of information 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.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
13/162,727 06/17/2011 Simon Burgess 0905-002 8138

52245 7590 11/18/2013
Parks IP Law LLC
730 Peachtree Street, NE
Suite 600
ATLANTA, GA 30308

EXAMINER

HYLINSKI, STEVEN J

ART UNIT PAPER NUMBER

3717

DATE MAILED: 11/18/2013

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

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 Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

## 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.

**Notices of Allowance and Fee(s) Due mailed between October 1, 2013 and  
December 31, 2013**

(Addendum to PTOL-85)

If the “Notice of Allowance and Fee(s) Due” has a mailing date on or after October 1, 2013 and before January 1, 2014, the following information is applicable to this application.

If the issue fee is being timely paid on or after January 1, 2014, the amount due is the issue fee and publication fee in effect January 1, 2014. On January 1, 2014, the issue fees set forth in 37 CFR 1.18 decrease significantly and the publication fee set forth in 37 CFR 1.18(d)(1) decreases to \$0.

If an issue fee or publication fee has been previously paid in this application, applicant is not entitled to a refund of the difference between the amount paid and the amount in effect on January 1, 2014.

<b>Notice of Allowability</b>	<b>Application No.</b> 13/162,727	<b>Applicant(s)</b> BURGESS ET AL.	
	<b>Examiner</b> STEVEN J. HYLINSKI	<b>Art Unit</b> 3717	<b>AIA (First Inventor to File) Status</b> 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 10/14/2013.  
 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 1,2,4 and 6-22. 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](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto: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. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 6. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 7. <input type="checkbox"/> Other _____.   |
| 4. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____.                     |  |

/STEVEN J HYLINSKI/  
Primary Examiner, Art Unit 3717

### **DETAILED ACTION**

The present application is being examined under the pre-AIA first to invent provisions.

#### ***Response to Arguments***

The amendment to claim 14 to overcome the 35 USC 112(b) rejection is accepted. The 35 USC 112(b) rejection has been withdrawn.

Examiner has reviewed and accepts the 37 CFR 1.132 Affidavit of 10/14/2013 as establishing that the "Burns" publication was derived from Applicant's own invention, and is now excluded as prior art because the "Burns" publication has a 102(e) date.

#### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: Claims 1-2, 4, and 6-22 are allowed because the best prior art reference of "Burns" has been excluded by a 37 CFR 1.132 showing that it was a derivation of Applicant's own invention and that the author of the "Burns" reference was not the inventor of the "Scuf Gaming" controller described in that article. None of the other prior art references cited, including the closest date-eligible reference of US 7,859,514 to Park, anticipate or suggest the invention as claimed in independent claims 1 and 22 wherein "each back control including an elongate member that extends substantially the full distance between the top edge and the bottom edge", when interpreted in the whole context of claims 1 and 22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 3717

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN J. HYLINSKI whose telephone number is (571)270-1995. The examiner can normally be reached on Mon-Fri 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on (571)272-4709. 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.

/STEVEN J HYLINSKI/  
Primary Examiner, Art Unit 3717



<b>Search Notes</b>  	<b>Application/Control No.</b>  13162727	<b>Applicant(s)/Patent Under Reexamination</b>  BURGESS ET AL.
	<b>Examiner</b>  STEVEN J HYLINSKI	<b>Art Unit</b>  3717

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
463	37	06/16/2012	SJH
463	37	01/17/2013	SJH

SEARCH NOTES		
Search Notes	Date	Examiner
See EAST search history.	06/16/2012	SJH
Updated East search , see search history.	01/30/2013	SJH
Updated East search , see search history.	08/07/2013	SJH

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
463	37	11/14/2013	SJH

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**EAST Search History****EAST Search History (Prior Art)**


&lt;This search history is empty&gt;

**EAST Search History (Interference)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1859	463/37.ccls.	US-PGPUB; USPAT; UPAD	OR	OFF	2013/11/14 16:16
L2	1	"7859514".pn.	US-PGPUB; USPAT; UPAD	OR	OFF	2013/11/14 16:25
L3	0	(game controller top bottom front back edge elongate).clm.	US-PGPUB; USPAT; UPAD	WITH	ON	2013/11/14 16:47


**11/ 14/ 2013 4:47:58 PM****C:\Users\shylinski\Documents\EAST\Workspaces\13162727.wsp**



<b>Issue Classification</b> 	<b>Application/Control No.</b> 13162727	<b>Applicant(s)/Patent Under Reexamination</b> BURGESS ET AL.
	<b>Examiner</b> STEVEN J HYLINSKI	<b>Art Unit</b> 3717

US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION							
CLASS		SUBCLASS				CLAIMED				NON-CLAIMED			
463		37				A	6	3	F	9 / 24 (2006.01.01)			
CROSS REFERENCE(S)						A	6	3	F	13 / 00 (2006.01.01)			
						CLASS		SUBCLASS (ONE SUBCLASS PER BLOCK)					
463	36	46	47										
200	5R	5A	329	341	345								

NONE		<b>Total Claims Allowed:</b>	
		20	
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/STEVEN J HYLINSKI/ Primary Examiner. Art Unit 3717	11/14/2013	1	1,3
(Primary Examiner)	(Date)		

<b>Issue Classification</b> 	<b>Application/Control No.</b> 13162727	<b>Applicant(s)/Patent Under Reexamination</b> BURGESS ET AL.
	<b>Examiner</b> STEVEN J HYLINSKI	<b>Art Unit</b> 3717

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47									
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	16	17												
2	2	17	18												
	3	18	19												
6	4	19	20												
	5	5	21												
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14	13														
15	14														
3	15														
4	16														

NONE		<b>Total Claims Allowed:</b>	
		20	
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/STEVEN J HYLINSKI/ Primary Examiner.Art Unit 3717	11/14/2013	1	1,3
(Primary Examiner)	(Date)		


**UNITED STATES PATENT AND TRADEMARK OFFICE**

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

**BIB DATA SHEET**
**CONFIRMATION NO. 8138**

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.	
13/162,727	06/17/2011	463	3717	0905-002	
<b>APPLICANTS</b> <b>INVENTORS</b> Simon Burgess, Loughborough, UNITED KINGDOM; Duncan Ironmonger, Atlanta, GA; <b>** CONTINUING DATA *****</b> <b>** FOREIGN APPLICATIONS *****</b> <b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY **</b> 06/28/2011					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input type="checkbox"/> No Verified and /STEVEN J HYLINSKI/ Acknowledged Examiner's Signature	<input type="checkbox"/> Met after Allowance  _____ Initials	<b>STATE OR COUNTRY</b>  UNITED KINGDOM	<b>SHEETS DRAWINGS</b>  2	<b>TOTAL CLAIMS</b>  20	<b>INDEPENDENT CLAIMS</b>  1
<b>ADDRESS</b> Parks IP Law LLC 730 Peachtree Street, NE Suite 600 ATLANTA, GA 30308 UNITED STATES					
<b>TITLE</b> CONTROLLER FOR VIDEO GAME CONSOLE					
<b>FILING FEE RECEIVED</b> 527	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

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)

52245 7590 11/18/2013  
 Parks IP Law LLC  
 730 Peachtree Street, NE  
 Suite 600  
 Atlanta, GA 30308

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.

Adrienne D. Mittons	(Depositor's name)
<i>A. D. Mittons</i>	(Signature)
12/23/13	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/162,727	06/17/2011	Simon Burgess	0905-002	8138

TITLE OF INVENTION:

Controller for Video Game Console

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$890	\$300	\$1190	02/18/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
Hylinski, Steven J	3717	463-037000

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, 1 Parks IP Law LLC  
 (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. 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 **Ironburg Inventions LTD.** (B) RESIDENCE: (CITY and STATE OR COUNTRY) **United Kingdom**

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 enclosed:  
 Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies 1

4b. Payment of Fee(s):  
 A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-3447 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)  
 a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature /Stephen J. Terrell Date December 23, 2013  
 Typed or printed name Stephen J. Terrell Registration No. 62734

This collection of information 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.

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	13162727
<b>Filing Date:</b>	17-Jun-2011
<b>Title of Invention:</b>	CONTROLLER FOR VIDEO GAME CONSOLE
<b>First Named Inventor/Applicant Name:</b>	Simon Burgess
<b>Filer:</b>	Stephen J. Terrell/Adrienne Mittons
<b>Attorney Docket Number:</b>	0905-002

Filed as Small Entity

### Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
Utility Appl Issue Fee	2501	1	890	890
Publ. Fee- Early, Voluntary, or Normal	1504	1	300	300



Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Extension-of-Time:</b>				
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>1190</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	17745626
<b>Application Number:</b>	13162727
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8138
<b>Title of Invention:</b>	CONTROLLER FOR VIDEO GAME CONSOLE
<b>First Named Inventor/Applicant Name:</b>	Simon Burgess
<b>Customer Number:</b>	52245
<b>Filer:</b>	Stephen J. Terrell/Adrienne Mittons
<b>Filer Authorized By:</b>	Stephen J. Terrell
<b>Attorney Docket Number:</b>	0905-002
<b>Receipt Date:</b>	23-DEC-2013
<b>Filing Date:</b>	17-JUN-2011
<b>Time Stamp:</b>	16:27:34
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1190
RAM confirmation Number	4138
Deposit Account	
Authorized User	

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Issue Fee Payment (PTO-85B)	0905-002IF.pdf	91628	no	1
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**Warnings:**

**Information:**

2	Fee Worksheet (SB06)	fee-info.pdf	31883	no	2
			63ad10a7e4899d5a03cab2082befde428d05c99b		

**Warnings:**

**Information:**

<b>Total Files Size (in bytes):</b>			123511		
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**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.**



APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/162,727	02/04/2014	8641525	0905-002	8138

52245            7590            01/15/2014  
Parks IP Law LLC  
730 Peachtree Street, NE  
Suite 600  
ATLANTA, GA 30308

### 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 0 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):

Simon Burgess, Loughborough, UNITED KINGDOM;  
Duncan Ironmonger, Atlanta, GA;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit [SelectUSA.gov](http://SelectUSA.gov).

# PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1  
 Stylesheet Version v1.2

EPAS ID: PAT2983051

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	SECURITY INTEREST

**CONVEYING PARTY DATA**

Name	Execution Date
IRONBURG INVENTIONS LIMITED	07/31/2014

**RECEIVING PARTY DATA**

<b>Name:</b>	CHATHAM CAPITAL MANAGEMENT IV, LLC
<b>Street Address:</b>	400 GALLERIA PARKWAY
<b>Internal Address:</b>	SUITE 1950
<b>City:</b>	ATLANTA
<b>State/Country:</b>	GEORGIA
<b>Postal Code:</b>	30339

**PROPERTY NUMBERS Total: 20**

Property Type	Number
Application Number:	61910176
Application Number:	61826087
Application Number:	61910260
Application Number:	61910168
Application Number:	61930065
Application Number:	61882171
Application Number:	61935898
Application Number:	13162727
Application Number:	14141840
Application Number:	13163368
Application Number:	13910409
Application Number:	13910427
Application Number:	61844548
Application Number:	29394525
Application Number:	29425268
Application Number:	29451960
Application Number:	29481483
Application Number:	29480547
Application Number:	29480182
Application Number:	29480396

**CORRESPONDENCE DATA****Fax Number:**

*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.*

**Phone:** 404-685-4269**Email:** rlockwood@burr.com**Correspondent Name:** ROBERT LOCKWOOD**Address Line 1:** 171 SEVENTEENTH STREET, NW**Address Line 2:** SUITE 1100**Address Line 4:** ATLANTA, GEORGIA 30363

<b>ATTORNEY DOCKET NUMBER:</b>	0017224.0000025
<b>NAME OF SUBMITTER:</b>	ROBERT LOCKWOOD
<b>SIGNATURE:</b>	/Robert Lockwood/
<b>DATE SIGNED:</b>	08/15/2014
	This document serves as an Oath/Declaration (37 CFR 1.63).

**Total Attachments: 3**

source=Scuf Gaming -- Assignment for Security - Patents#page1.tif

source=Scuf Gaming -- Assignment for Security - Patents#page2.tif

source=Scuf Gaming -- Assignment for Security - Patents#page3.tif

## ASSIGNMENT FOR SECURITY --PATENTS

WHEREAS, IRONBURG INVENTIONS LIMITED, a private limited company incorporated in England and Wales (the "Grantor") holds all right, title and interest in the letter patents, design patents and utility patents listed on the attached Schedule A, which patents are issued or applied for in the United States Patent and Trademark Office (the "Patents");

WHEREAS, the Grantor has entered into a Pledge and Security Agreement, dated July 31, 2014 (as amended, restated, supplemented, modified or otherwise changed from time to time, the "Security Agreement"), in favor of Chatham Capital Management IV, LLC, a Georgia limited liability company, as the Collateral Agent for itself and certain lenders (in such capacity, together with its successors and assigns, if any, the "Grantee"); and

WHEREAS, pursuant to the Security Agreement, the Grantor has granted to the Grantee, and granted to the Grantee for the benefit of the Secured Parties (each such term as defined in the Security Agreement), a continuing security interest in all right, title and interest of the Grantor in, to and under the Patents and the applications and registrations thereof, and all proceeds thereof, including, without limitation, any and all causes of action which may exist by reason of infringement thereof and any and all damages arising from past, present and future violations thereof (the "Collateral"), to secure the payment, performance and observance of the Secured Obligations (as defined in the Security Agreement).

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby pledge and collaterally assign to the Grantee for the benefit of the Secured Parties, a continuing security interest in the Collateral to secure the prompt payment, performance and observance of the Secured Obligations.

The Grantor does hereby further acknowledge and affirm that the rights and remedies of the Grantee with respect to the Collateral are more fully set forth in the Security Agreement, the terms and provisions of which are hereby incorporated herein by reference as if fully set forth herein.

IN WITNESS WHEREOF, the Grantor has caused this Assignment to be duly executed by its officer thereunto duly authorized as of July 31, 2014.

IRONBURG INVENTIONS LIMITED

By: [Signature]  
Name: DUNCAN IRONMONGER  
Title: CEO

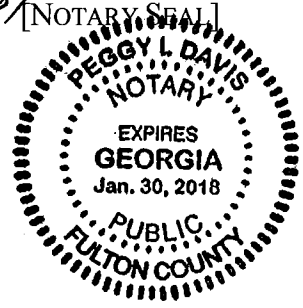
STATE OF GEORGIA

ss.:

COUNTY OF FULTON

On this 1st day of August, 2014, before me personally came DUNCAN IRONMONGER to me known to be the person who executed the foregoing instrument, and who, being duly sworn by me, did depose and say that ~~s~~he is the CEO of IRONBURG INVENTIONS LIMITED, a GB PRIVATE LTD. CO., and that ~~s~~he executed the foregoing instrument in the firm name of IRONBURG INVENTIONS LIMITED, and that ~~s~~he had authority to sign the same, and ~~s~~he acknowledged to me that he executed the same as the act and deed of said firm for the uses and purposes therein mentioned.

Peggy L. Davis  
[NOTARY SEAL]





SCHEDULE A TO ASSIGNMENT FOR SECURITY

**Ironburg Inventions Limited - U.S. Patents**

OUR REF	FILING DATE	APPLICATION NO.	TITLE	STATUS
PUS1311169	29/11/2013	US61/910,176	INTERCHANGEABLE CONTROL COMPONENTS	PROVISIONAL PATENT
PUS1311048	22/05/2013	US61/826,087	CONTROLLER FOR A GAMES CONSOLE	PROVISIONAL PATENT
PUS1311174	29/11/2013	US61/910,260	X BOX HAIR TRIGGER STOP	PROVISIONAL PATENT
PUS1311084	29/11/2013	US61/910,168	BIOMECHANICS CONTROLLER	PROVISIONAL PATENT
PUS1411200	22/01/2014	US61/930,065	X BOX ONE GRIP MOUNTED HAIR TRIGGER	PROVISIONAL PATENT
PUS1311121	25/09/2013	US61/882,171	PADDLE SADDLE	PROVISIONAL PATENT
PUS1411195	05/02/2014	US61/935,898	CONTROLLER FOR A GAMES CONSOLE, TOOL AND A METHOD THEREFOR	PROVISIONAL PATENT
FPUS1110630	17/06/2011	US13/162,727	CONTROLLER FOR VIDEO GAME CONSOLE	UTILITY PATENT
FPUS1410630CON	27/12/2013	US14/141,840	CONTROLLER FOR VIDEO GAME CONSOLE	UTILITY PATENT
FPUS1110629	17/06/2011	US13/163,368	GAME CONTROLLER	UTILITY PATENT
FPUS1310629DIV1	05/06/2013	US13/910,409	GAME CONTROLLER	UTILITY PATENT
FPUS1310629DIV2	05/06/2013	US13/910,427	GAME CONTROLLER	UTILITY PATENT
FPUS1311038	10/07/2013	US61/844,548	GAMES CONTROLLER AND TRIGGER THEREFOR	PROVISIONAL PATENT
FDUS1110633	17/06/2011	US29/394,525	GAME CONTROLLER	DESIGN PATENT
FDUS1210633DIV	21/06/2012	US29/425,268	GAME CONTROLLER	DESIGN PATENT
FDUS1310633DIV1	10/04/2013	US29/451,960	GAME CONTROLLER	DESIGN PATENT
DUS1411202		US29/481,483	TRIGGER STOP	DESIGN PATENT
DUS1411203	27/01/2014	US29/480,547	X BOX ONE BATTERY HATCH	DESIGN PATENT
DUS1411204	23/01/2014	US29/480,182	X BOX ONE GRIPS	DESIGN PATENT
DUS1411205	24/01/2014	US29/480,396	PS 4 BACK PANEL	DESIGN PATENT
PUS1311047			MAGNETIC MOTION POT	PATENT