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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/457,816	03/13/2017	Isaac Levanon	AP026CON5	3049

90150 7590 10/04/2018

Tully Rinckey PLLC
777 Third Avenue
New York, NY 10017

EXAMINER	
LAZARO, DAVID R	

ART UNIT	PAPER NUMBER
2455	

NOTIFICATION DATE	DELIVERY MODE
10/04/2018	ELECTRONIC

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

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

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

shoffberg@tullylegal.com
steve@hoffberglaw.com
uspto@dockettrak.com

Office Action Summary	**Application No.** 15/457,816	**Applicant(s)** Levanon et al.	
	Examiner DAVID R LAZARO	**Art Unit** 2455	**AIA Status** No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☑ Responsive to communication(s) filed on 6/12/18.

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

2a)☑ This action is **FINAL.** 2b) ☐ This action is non-final.

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

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

Disposition of Claims*

5) ☑ Claim(s) 25-36,39-50,53-64,67-78 and 81-86 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) 25-36,39-50,53-64,67-78 and 81-86 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☑ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date 8/24/18.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

Notice of Pre-AIA or AIA Status

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

Response to Arguments

1. The examiner thanks the applicant for clarifying the claim language and providing support for the claim amendments.

2. The rejection of claims under 35 USC 112(a) and (b) regarding the "local store" subject matter are withdrawn based on the amendment.

Response to Arguments

3. Applicant's arguments filed 01/04/2018 concerning Reddy not teaching the "local embedded server" elements are moot based on the new grounds of rejection.

4. Applicant's arguments concerning Claim 28 are moot based on the new grounds of rejection.

5. Applicant's arguments concerning Chiarabini not being prior art have been fully considered but they are not persuasive. The examiner acknowledges that 09/513,441, of which Chiarabini claims priority, does appear to lack description regarding the use of threaded requests. Accordingly, regarding this subject matter, the examiner agrees Chiarabani is only entitled to the filing date of 08/24/2001.

6. However, while applicant is claiming priority to 12/27/2000 based on filed provisional applications, these provisional applications do not describe the use of threaded requests and thread pools. Provisionals 60/258,468 and 60/258,467 describe concurrent downloads, however the concurrent downloads are not described as using a threaded mechanism or any type of pool for requests. Accordingly, claims directed towards the broader concurrent downloading are entitled to the 12/27/2000 priority date. Claims directed towards using threads and a thread pool are only entitled to

the 12/24/2001 priority date associated with 10/035,987 now US 7,644,131 which does describe the use of threads and thread pools. Therefore Chiarabini is proper prior art for these claims. The examiner also makes note that Heimshoth (US 5,764,915) also teaches the use of threads for concurrent requests (See Col. 21).

3. Applicant further argues that Chiarabini does not disclose a thread pool, stating, "*Chiarabani merely discusses starting new threads until saturation of connection. In contrast, the pending claims specify a thread pool, which allows a number of threads to be created and reused over and over again for subsequent requests, making resource utilization of the client device more efficient*." The examiner disagrees. Chiarabani specifically identifies that it checks if the number of current threads is above a threshold and suggests a number between 4 and 8. Thus there is a particular number of threads available for requests for image data. The claim language does not provide any specific technical details concerning a pool of threads. As such, it is not clear as to why this grouping of threads in Chiarabani is not within the scope of a "pool" of threads.

7. Applicant argues in relation to claim 34 and 81, "*As specified in Applicant's claims, a wireless device may be operative to select a defined data parcel in order to provide for progressive resolution enhancement. Reddy, on the other hand, requires that the user "fly" close to a particular area before the system will request a higher-resolution tile of the area.... The Terra Vision 11 system performs this fixed, simple algorithm in response to the user's proximity to any particular tile, it does not allow for selection and retrieval to be done "automatically without specific user input, in response to the navigational input" as specified in the pending claims.*"

8. Applicant's arguments seem to indicate that Reddy has the progressive resolution required in the claims, however Reddy also requires the user to "fly" close to the area. The examiner interprets the input of a user "flying" close to an area as navigation input. It is not clear how applicant is excluding this

type of navigation input in terms of the scope "*automatically without specific user input, in response to the navigational input*". The user "flying" close to an area is just as applicant has provided in support of the limitation noted in the 6/12/18 remarks, i.e. "No user input beyond navigation input to define viewing frustrum".

Claim Rejections - 35 USC § 103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 25, 27, 29, 30, 32-34, 39, 41, 43, 44, 46-48, 53, 55, 57, 58, 60-62, 67, 69, 71, 72, 74-76, and 81-86 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over "TerraVision II: Visualizing Massive Terrain Databases in VRML" by Reddy et al. (Reddy) in view of US 6,492,985 by Mutz et al. (Mutz).

Examiner's Note: This rejection based on Reddy is made with reference to the various Petitions for Inter Partes Review in the related issued Patents. Consideration of and response to this rejection should be made in light of the support and evidence provided in each of these Petitions. Based on the broader scope of the instant claims, the Hornbacker reference was not deemed necessary for the rejection.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.