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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	EXAMINER	
Tully Rinckey PLLC 777 Third Avenue New York, NY 10017			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.

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PTOL-90A (Rev. 04/07)

**Bradium Exhibit 2053**



***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 The rejection of claims under 35 USC 112(a) and (b) regarding the “local store” subject matter are withdrawn based on the amendment.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, "*Chiarabini 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. Chiarabini 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 Chiarabini 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 negated 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.

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