

**SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS  
RELATIVE TO THE LOCATION OF A MOBILE DEVICE**

**CROSS-REFERENCE TO RELATED APPLICATIONS**

[0001] This application is a continuation of U.S. Application No. 12/870,676, filed August 27, 2010. U.S. Application No. 12/870,676 is incorporated by reference in its entirety.

**FIELD OF TECHNOLOGY**

[0002] The subject matter herein generally relates to mobile devices, and more specifically relates to a system and method for determining an action spot based on the location of a mobile device.

**BACKGROUND**

[0003] With the advent of more robust electronic systems, advancements of mobile devices are becoming more prevalent. Mobile devices can provide a variety of functions including, for example, telephonic, audio/video, and gaming functions. Mobile devices can include mobile stations such as cellular telephones, smart telephones, portable gaming systems, portable audio and video players, electronic writing or typing tablets, handheld messaging devices, personal digital assistants, and handheld computers.

[0004] Mobile devices allow users to have an integrated device which can perform a variety of different tasks. For example, a mobile device can be enabled for each of or some of the following functions: voice transmission (cell phones), text transmission (pagers and PDAs), sending and receiving data for viewing of Internet websites, multi-media messages, videography and photography. Additionally, mobile devices can include one or more applications such as a map application or a navigation application for retrieving maps and directions to locations relative to the mobile device.

## BRIEF DESCRIPTION OF THE DRAWINGS

[0005] Implementations of the present technology will now be described, by way of example only, with reference to the attached figures, wherein:

[0006] Figure 1 is an illustrative flow chart of a method for determining a mobile device's current location and signifying an action spot, in accordance with an exemplary implementation of the present technology;

[0007] Figure 2 is an illustrative implementation of an electronic device with a map displayed in accordance with the present technology;

[0008] Figure 3 is an illustrative implementation of a graphical user interface displaying an action spot within a predetermined distance from a current location of a mobile device shown in Figure 2;

[0009] Figure 4 is an illustrative implementation of a display of a mobile device signifying a plurality of action spots present within the vicinity of the current location of the mobile device, in accordance with the present technology;

[0010] Figure 5 is an illustrative implementation of a graphical user interface of a mobile device displaying a venue-specific map and action spots in accordance with the present technology;

[0011] Figure 6 is an illustrative implementation of a graphical user interface of a mobile device displaying the documenting action associated with an action spot within a predetermined distance from the current location of the mobile device;

[0012] Figure 7 is an illustrative implementation of a graphical user interface of a mobile device having a compass showing at least the distance and direction to an action spot proximate to the mobile device;

[0013] Figure 8 is an illustrative implementation of a graphical user interface for determining action spots that utilizes a camera viewfinder of an integrated camera of the mobile device;

[0014] Figure 9 is a block diagram representing a mobile device interacting in a communication network in accordance with an exemplary implementation of the present technology; and

[0015] Figure 10 is a block diagram representing the interaction between a plurality of resources, a mobile device, and a processor configured to determine action spots relative to the location of the mobile device in accordance with an exemplary implementation of the present technology.

#### **DETAILED DESCRIPTION**

[0016] For simplicity and clarity of illustration, where appropriate, reference numerals have been repeated among the different figures to indicate corresponding or analogous elements. In addition, numerous specific details are set forth in order to provide a thorough understanding of the implementations described herein. However, those of ordinary skill in the art will understand that the implementations described herein can be practiced without these specific details. In other instances, methods, procedures and components have not been described in detail so as not to obscure the related relevant feature being described. Also, the description is not to be considered as limiting the scope of the implementations described herein.

[0017] Several definitions that apply throughout this disclosure will now be presented. The word “coupled” is defined as connected, whether directly or indirectly through intervening components, and is not necessarily limited to physical connections. The term “communicatively coupled” is defined as connected whether directly or indirectly through intervening components, is not necessarily limited to a physical connection, and allows for the transfer of data. The term “mobile device” is defined as any electronic device that is capable of at least accepting information entries from a user and includes the device’s own power source. A “wireless

communication” means communication that occurs without wires using electromagnetic radiation. The term “highlight” refers to altering the appearance of a graphical item displayed on the display screen to indicate that the graphical item has been selected for execution. For example, highlighting can include changing the color of the graphical item, changing the font or appearance of the graphical item, applying a background color to the graphical item, superimposing a block of semi-transparent color over the graphical item, placing a border around the graphical item, enlarging the graphical item as compared to other graphical items proximate to the highlighted graphical item, or other similar and known methods of highlighting graphical items or text items display on a display screen. The term “memory” refers to transitory memory and non-transitory memory. For example, non-transitory memory can be implemented as Random Access Memory (RAM), Read-Only Memory (ROM), flash, ferromagnetic, phase-change memory, and other non-transitory memory technologies.

**[0018]** The term “activity” refers to an action taken by a mobile device. For example, an activity can include but is not limited to a documenting action (such as a text messaging, emailing, blogging, posting a message on a social networking internet site, or any other documenting actions), a recording action (such as video recording, audio recording, or photographing taken by a mobile device) or any other action where the mobile device is being used to observe and make note of a location or an event currently occurring at the location of the mobile device. The term “action spot” refers to a location or an event where at least one activity is occurring relative to the current location of another mobile device.

**[0019]** When mobile devices are enabled for navigational functions, mobile devices can retrieve and display maps and directions to locations relative to the current location of the mobile device. Typically, the maps and directions are limited in information. For example, maps are limited to displaying the streets within a city. In order to find information relating to events and happenings currently occurring proximate to the mobile device’s present location, the user of the mobile device will have to search an external resource, such as an electronic events calendar, internet sites, internet calendars of individual business or event holders (stores, restaurants, concert venues, bars, etc.), and compare the locations of the found events and happenings to the mobile device’s current location. Such a process of manually researching events and

happenings, determining the location of the events and happenings, and comparing the location of the events and happenings to the user's current location is tedious and results in user frustration. Moreover, the results of the user's research of current events and happenings can be incomplete and inaccurate, and the user can miss certain happenings that are close in proximity to the current location of the user's mobile device.

**[0020]** The present disclosure provides a system and method of determining action spot locations relative to the location of a mobile device. In one implementation, a mobile device includes a display and a processor module communicatively coupled to the display. The processor can be configured to receive executable instructions to: determine a current location of the mobile device; determine at least one action spot, within a predetermined distance from the current location of the mobile device; signify the at least one action spot with a graphical item on the display of the mobile device; marking the graphical item according to an activity level of the at least one action spot. The activity spot can include a location relative to the current location of the mobile device where at least one other mobile device has engaged in documenting action within a predetermined period of time.

**[0021]** Figure 1 is an illustrative implementation of a flow chart of a method 1000 for determining action spots relative to the location of a mobile device. The method 1000 can be implemented on any mobile device, such as a cell phone, a smart phone, a netbook, a global position system (GPS) device, an electronic, table, an electronic pad, a personal digital assistant (PDA), or any other similar electronic device which includes a display and a processor communicatively coupled to the display. In Figure 1, a graphical user interface can be displayed on the display of a mobile device (Block 1010). For example, the graphical user interface can be a map, an interactive map, a graphical user interface associated with an application configured to retrieve maps and directions, a graphical user interface associated with an application configured to determine action spot locations, a graphical user interface of a camera application, or any other similar graphical user interface where the location of the mobile device and action spots relative to the location of the mobile device can be displayed.

**[0022]** Data indicative of the current location of the mobile device is received (Block 1020) and can be displayed on the graphical user interface. In the illustrated implementation, a processor of the mobile device can receive the data indicative of the current location of the mobile device. In at least some implementations, the data indicative of the current location of the mobile device can be received from a satellite positioning system, a communications network system, a triangularization system, or any other system that allows for determining the location or position of a mobile device.

**[0023]** The processor can determine at least one action spot located within a predetermined distance from the current location of the mobile device (Block 1030). In at least one implementation, the at least one action spot can be determined as a location where at least one other mobile device has engaged in a documenting action within a predetermined period of time from the time the mobile device arrived at the current location of the mobile device. For example, the processor can determine the at least one action spot as the location where at least one other mobile device is composing an email, composing a text message, messaging on an instant messenger application, posting messages, pictures, or videos on a social networking site, posting on a virtual posting mechanism, or any other similar documenting action. Alternatively, the at least one action spot can be determined based on at least one other mobile device performing a recording action, such as video recording, audio recording, or photographing, within a predetermined distance from the current location of the mobile device. In another implementation, the at least one action spot can be determined by monitoring the number of data packet transmissions occurring within a particular geographical area or the number of data packets being transmitted from at least one other mobile device. In yet other implementations, the at least action spot can be the location where at least one other mobile device has documented, recorded, accounted, chronicled, or otherwise has taken note of a location or a current happening occurring at the location.

**[0024]** The at least one action spot is signified on the graphical user interface (Block 1040). For example, the processor can execute instructions to display the at least one action spot on the graphical user interface as a graphical item such as an icon, a picture, a text representation, a drawing, an image, a symbol, or any other graphical item that is representative of the at least one

action spot. The at least one action spot can also be displayed relative to the current location of the mobile device. The processor can determine the level of activity at the at least one action spot and can provide an indication of the activity of the level at the at least one action spot on the graphical user interface (Block 1050). With a graphical indication of the action spots and activity levels associated with the action spots, a user can review information related to current happenings within the vicinity of the user's mobile device. Additionally, information relating to the popularity of and the current event occurring within the vicinity surrounding or associated with the current position of mobile devices is readily available to the mobile device without having to use an external device or a manual search engine, such as an internet search engine.

**[0025]** Exemplary implementations of the method 1000 for determining action spot locations relative to the location of a mobile device will be described in relation to Figures 2-8.

**[0026]** Figure 2 is exemplary implementation of the system and method of determining an action spot location implemented on a mobile device that is a mobile communication device. The mobile device 100 includes a housing which encases internal components of the device, such as a microprocessor 110 (shown in Figure 9), a printed circuit board (not shown), and other operational components. One of ordinary skill in the art will understand that other operational components can be included in the mobile device 100, but the present disclosure will not discuss such operational components in detail for the sake of brevity. The present disclosure provides details as to the components utilized in the implementation of the system and method of determining an action spot location on a mobile device.

**[0027]** The mobile device 100 includes a display screen 102 for displaying graphical user-interfaces associated with applications programmed on the mobile device 100. The display screen 102 can be a liquid crystal display (LCD) screen, a light emitting diode (LED) screen, an organic light emitting diode (OLED) screen, an active-matrix organic light emitting diode (AMOLED) screen, a nanocrystal display, a nanotube display, a touch-sensitive display screen, or any display screen on which graphical or visual elements can be displayed. Above the display screen 102 is a speaker 106 for emitting sound from the mobile device 100. Below the display screen 102 is a navigation tool 103. The navigation tool 103 can be an omnidirectional pad, a

jogball, a trackball, an omnidirectional joystick, a scroll wheel, an optical navigation tool, an optical trackball, or any other navigation tool. Below the navigation tool 103 is a keyboard 104 having a plurality of keys 105. In the illustrated implementation, each key 105 of the keyboard 104 bears at least one of an alphabetic, numeric, symbolic, or functional indicia. The indicia signify the data input to be input upon actuation of the key 105 bearing the indicia. In Figure 2, the keyboard 104 is a reduced keyboard, where at least one key 105 is associated with more than one alphabetic indicia. In an alternative implementation, the keyboard 104 can be a full keyboard having each key 105 associated with an alphabetic indicia. The indicia on the keys 122 of the keyboard 104 are arranged in a QWERTY keyboard layout 107; however, one of ordinary skill in the art will appreciate that the keyboard layout 107 can be an AZERTY layout, a QWERTZ layout, a DVORAK layout, a pinyin Chinese keyboard layout, or any other keyboard layout that allows a user to input alphabetic, numeric, symbolic, and functional indicia. The keys 105 can be press-actuable keys, touch-sensitive keys, capacitive keys, or any other similar key that allows for the input of data to a processor of the mobile device upon user-engagement with the key 105.

**[0028]** In the illustrated implementation of Figure 2, a graphical user interface 206 in the form of a map is displayed on the display screen 102. The map 206 can be a representation of the vicinity surrounding the current location of the mobile device 100. In at least one implementation, the map 206 can be displayed in response the selection and execution of a map application, a navigation application, an application for determining action spots, or any other similar application that provides directions, maps, and information relating to geographical locations on the mobile device 100. In an alternative implementation, a graphical user interface such as a dialogue box can be displayed in response to the launching of an application for determining action spots. In another implementation, an interactive map can be displayed allowing the user of the mobile device 100 to select graphical items, manipulate the map, or otherwise alter the map displayed on the mobile device 100.

**[0029]** Figure 3 an exemplary implementation of a graphical user interface associated with a system for determining an action spot relative to the location of a mobile device. More specifically, Figure 3 illustrates a screenshot of a graphical user interface 206 displayed on the



display 102 of a mobile device 100 that is an interactive map. In the illustrated implementation, the map 206 can be displayed after an application configured to determine action spots has been selected and launched. The map 206 can include graphical representations 308 of venues, locations, monuments, buildings, streets, lakes, and other locational landmarks representing the vicinity and area surrounding the current location of the mobile device 100.

**[0030]** Upon selection and execution of an application to display the map 206, a processor 110 (shown in Figure 9) can execute instructions to determine the current location of the mobile device 100 by retrieving positional data at a position module 101 (shown in Figure 9) communicatively coupled to the processor 110. The position module 101 can gather the positional data from a GPS system, a triangulation system, a communications network system, or any other system that can determine the position of a mobile device. The current location 302 of the mobile device 100 is identified on the map 206 by a graphical item. In Figure 3, the current location 302 of the mobile device 100 is identified by a graphical item that is a star. In alternative implementations, the current location 302 can a graphical item that is a circle, a square, or any other shape, an human-shaped icon, a text representation, a picture or photo, or any other graphical or textual item that signifies the current location 302 of the mobile device 100.

**[0031]** The processor 110 can determine whether there are action spots 304, 306 relative to the current location 302 of the mobile device 100 and signify the action spots 304, 306 on the map 206. In the illustrated implementation, the processor 110 identifies two action spots with a predetermined distance from the current location 302 of the mobile device 100. The action spots 304, 306 are signified on the map 206 by graphical items that are clouds. However, one of ordinary skill in the art will appreciate that the graphical items can be any other shape, a picture, any graphical item, a textual representation, a symbolic representation, or any other graphical representation that signifies the presence of an action spot within a predetermined distance from the current location 302 of the mobile device 100.

**[0032]** Also illustrated in Figure 3, the action spots 304, 306 can have different sizes to indicate the level of activity associated with the action spot 304, 306. For example, the larger in

size the graphical item is compared to other graphical items representing action spots, the more activity is occurring at the location identified by the graphical item. In the specific implementation in Figure 3, the graphical item associated with action spot 304 proximate to the lake is larger than the graphical item associated with action spot 306 proximate to the venue entitled Celebrity Court. The larger graphical item associated with action spot 304 can indicate that more documenting activity has occurred at the lake than at the Celebrity Court, and thus, the action spot 304 is a more active, a more popular, or a more lively location than action spot 306. The level of activity associated with the action spot 304, 306 can also be represented by varying the colors of the graphical items representing the action spots 304, 306. For example, a graphical item that is yellow can represent a moderate amount of documenting action; while a graphical item of green represents a large amount of documenting action, and thus an increased likelihood that the action spot associated with a green graphical item is a more happening location, a more popular location, or a location where a large number of people have gathered to witness and document a current event or happening. In other words, the indication of the level of activity includes coloring the graphical item in accordance with a range of activity occurring at the at least one action spot, 304, 306.

**[0033]** The implementation of the present technology illustrated in Figure 3 illustrates the results of the processor's 110 determination of action spots 304, 306, where the action spots 304, 306 based on locations where at least one other mobile device has engaged in documenting action within a specific period of time. Reference will now be made with respect to Figure 10 in regards to the processor's 110 determination of the action spots 304, 306. Figure 10 is a block diagram of the processor's 110 interaction and communication with the mobile device 100 and a plurality of resources from which the process 110 can retrieve data representative of documenting actions occurring within a predetermined distance from the mobile device 100. In at least one implementation, the processor 110 can retrieve the data from a resource 1110, 1130, 1140 configured to monitor the documenting actions of mobile devices within a predefined geographical location. For example, the resource can be an external server 1110 of the communications network provider of the mobile device 100. The external server 1110 can monitor the documenting actions of other mobile devices 1120 on the same communications network provider as the mobile device 100 and transmit data to the mobile device 100 indicative

of action spots located within a predetermined distance from the current location 302 of the mobile device 100. For example, the server 1110 can monitor and log where other mobile devices 1120 are capturing images, capturing videos, or transmitting messages, such as text messages, instant messages, virtual posts, or any combination thereof, and identify the locations as action spots. The server 1110 can also monitor the number of images, videos, messages, and posts being captured or transmitted at various locations to determine the level of documenting activity occurring at the various actions spots based on at least one of the aforementioned monitored activities. In at least one implementation, the processor 110 can transmit the current location 302 of the mobile device 100 to the server 1110, and a second processor (not shown) coupled to the server 1110 can determine which action spots are proximate to or in the same vicinity as the current location 302 of the mobile device 100. The server 1110 can also transmit the action spot locations and levels of activity of the processor 110 of the mobile device 100 for display on the graphical user interface of the mobile device 100.

**[0034]** In at least another implementation, the external server 1110 can monitor the transmission of data packets by other mobile devices 1120 within a predetermined distance from the mobile device 100. The locations of where the data packet transmissions originate can indicate an action spot. The amount a data packet transmissions can identify the level of activity associated the action spot. For example, the more number of data packet transmissions originating at a particular location, the more activity is associated with the action spot, as the number of data packet transmissions can signify the number of other mobile devices 1120 transmitting data packets that are representative of documenting actions at a particular location. Alternatively, the larger the size of the data packet transmissions originating at an action spot, the higher the level of activity associated with the action spot, as large sizes of data packet transmissions can signify the type of documenting activity occurring at the action spot (for example, posting or emailing a video recording and posting or emailing a photo).

**[0035]** In an alternative implementation, the resource can be an internet site 1130. The internet site 1130 can monitor and log documenting activity occurring in geographical locations. The processor 110 of the mobile device 100 can request data from the internet site 1130 relating to the locations of documenting actions occurring relative to the current location 302 of the

mobile device 100 as well as the amount of activity or amount of documenting actions associated with the retrieved actions.

**[0036]** In another alternative implementation, the resource can be a third-party server 1140 configured to monitor and log postings such as internet postings and social network postings, posted on virtual posting mechanisms 1150. Virtual posting mechanisms 1150 can also include postings on Facebook, Twitter, YouTube, an internet blogs, local newspaper message boards, local news station message boards, or any other virtual posting forum where current events and happenings can be posted. The third-party server 1140 can monitor and log the location of where such internet postings and social network postings originate and the amount of postings to determine. The processor 110 can transmit the current location 302 of the mobile device 100 to the third-party server 1140 and request data from the third-party server 1140 that is indicative of action spots relative to the current location 302 of the mobile device 100. For example, the third-party server 1140 can determine that a location within a predetermined distance from the current location 302 of the mobile device 100 is an action spot based on the number of message board posting and video postings occurring at the location within a predetermined distance from the current location 302 of the mobile device 100.

**[0037]** Returning to the illustrated implementation of Figure 3, although not shown, in at least one implementation, options relating to the determination and display of action spots can be configured by the user of the mobile device 100. For example, a user can configure options via a dialog box or a setup screen. A few examples of options are presented, but other can be included. In one implementation, the user of the mobile device 100 can manually set or define the predetermined distance from the current location 302 of the mobile device 100 from which to determine the presence of an action spot relative to the mobile device 100. In at least one implementation, the predetermined distance can be predefined by a software application developer, the server provider, the manufacturer of the mobile device 100, or the communication network service provider. The predetermined distance can be within five blocks, ten blocks, ten yards, one hundred yard, one hundred feet, thirty feet, ten meters, fifteen meters, five miles, ten miles, twelve miles, twenty miles, or any other distance from the current location 302 of the mobile device 100. In another implementation, the user can also manually set or define the

predetermined period of time from which to determine the presence of an action spot relative to the current location 302 of the mobile device 100. In at least one implementation the predetermined period of time can be preset by a software application developer, the server provider, the manufacturer of the mobile device 100, or the communication network service provider. The period of time can be within the last hour, the last twelve hours, the last twenty-four hours, the last thirty minutes, or any other time period that is measured from the time the mobile device 100 arrived at the current location 302.

**[0038]** Figure 4 is screenshot of an alternative implementation of a system and method for determining action spots relative to a mobile device. The screenshot illustrated in Figure 4 is similar to the screenshot in Figure 3 in that Figure 4 is a graphical user interface that is a map 206 displayed on the display screen of a mobile device 100. The map 206 also displays the current location 302 of the mobile device 100. Figure 4 differs from Figure 3 in that more action spots 402, 404, 406, 408, 410 are signified on the map 206, and the graphical items representing the action spots 402, 404, 406, 408, 410 include additional information relative to the action spots. In Figure 4, the action spots 402, 404, 406, 408, 410 include activity icons indicative of the type of activity occurring at the action spots 402, 404, 406, 408, 410.

**[0039]** For example, the activity icon associated with action item 402 is balloons, which can be indicative of a party occurring at the action spot 402. That a party is taking place at the action spot 402 can be determined by a processor 110 of the mobile device 100 or by a third-party server that receives data from postings, electronic calendar events, message board forums, or any other source in which at least a portion of the subject or text body includes a recitation that the location of a party is the location associated with action spot 402.

**[0040]** The activity icon associated with action spots 404 and 406 is a camera, which can indicate that at least one other mobile device is capturing photographs at the locations associated with action spots 404 and 406. In the implementation illustrated in Figure 4, the activity icon of action spot 406 includes two cameras, while the activity icon of action spot 404 includes one camera. The multiple camera activity icon associated with action spot 406 can indicate that more mobile devices are capturing photographs at action spot 406 than at action spot 404.

Alternatively, the two camera activity icon associated with action spot 406 can be shown if more than a predetermined number of mobile devices are capturing photographs, for example five. The single camera activity icon associated with action spot 404 can indicate that at least one but less than the predetermined number of mobile devices are capturing photographs. Additionally, a three camera activity icon (not shown) can indicate more than a second predetermined number of mobile devices are capturing photographs, for example ten. Additionally, the camera activity icon can vary between other camera activity icons to indicate a different in the level of camera documenting activity occurring in the vicinity of the current location 302 of the mobile device 100. In at least one implementation, the coloration can be in addition to the additional graphical indications (for example, the activity icon), while in other implementations, the coloration can be instead of the other graphical indications.

**[0041]** The activity icon associated with action spots 408 is a musical note, which can indicate a musical event, such as a musical or a concert, is occurring at action spot 408. The determination that a musical event is occurring at action spot 408 can result from a remote server or monitoring the types of documenting action taken by other mobile device located at action spot 408. For example, the remote server can monitor postings, electronic calendar events, message board forums, or any other source in which at least a portion of the subject or text body of the posting includes a recitation that the location of a concert or musical event is associated with the location having the same location as that of action spot 408. Alternatively, the processor 110 of the mobile device 100 can monitor the postings, messages, and calendar events.

**[0042]** The activity icon associated with action spot 410 is a video camera, which can indicate that at least one other mobile device is capturing video at the location associated with action spot 410. Alternatively, the activity icon can indicate that at least one other mobile device is posting a video recording to a social networking site, a video posting site, or any other virtual posting forum where videos can be posted. In the implementation illustrate in Figure 4, the graphical item (for example, the cloud) associated with action spot 410 is larger than the graphical items associated with action spots 402, 404, 406, and 408. The larger size of the graphical item associated with action spot 410 can indicate that the level of video camera activity occurring at action spot 410 is higher than the level of activity occurring at action spots 402, 404,

406, and 408. The level of activity can be determined by the size of the data packets associated with transmitting or posting the video recording, the length of the video recording, the number mobile devices capturing video, the number of video recordings being posted on a virtual posting forum, or any other calculation or method of determining the level of video recording activity.

**[0043]** Although not illustrated in Figure 4, an activity icon that is a messaging icon representing messaging-type documenting activity can also be implemented. A few examples of messaging icons are presented here, but others can be considered. For example, the messaging icon can be an envelope indicating at least one other mobile device is composing and transmitting emails at the action spot. The messaging icon can be also be a computer keyboard indicating that at least one other mobile device is composing a text message or an instant message at the action spot.

**[0044]** In at least one implementation, the graphical items associated with the action spots 402, 404, 406, 408, 410 can include a color, a cloud size or shape size, and activity icons to distinguish the levels of activity occurring at each action spot 402, 404, 406, 408, 410. For example, the graphical item associated with the action spot 410 can have a green color to indicate that the most activity is occurring at that action spot 410. The graphical item associated with the action spot 406 can be orange to indicate that the action spot 406 has the second most activity. The graphical item associated with the actions items 404 and 402 can be yellow to indicate that the activity level of action items 404 and 402 is less than that at the action spot 406. Lastly, the graphical item associated with action spot 408 can be gray to indicate that the action spot 408 has the least amount of activity occurring at the action spot 408, as compared to the other action spots 402, 404, 406, 410. One of ordinary skill in the art will understand that at least one of a color scheme, graphical-item-sizing scheme, activity icon scheme, or a combination of at least two of a color scheme, graphical-item-sizing scheme, and activity icon scheme can be associated with a range of activity levels. The color scheme, graphical-item-sizing scheme, activity, icon scheme, or combination of at least two of a color scheme, graphical-item-sizing scheme, and activity icon scheme can then be implemented to distinguish the activity levels occurring at the action spots 402, 404, 406, 408, 410 that are within the predetermined distance

of the current location 302 of the mobile device 100. The color scheme, graphical-item-sizing scheme, and activity icon scheme can be associated with a range of activity levels.

**[0045]** Figure 5 is a screenshot of an alternative implementation for determining action spots relative to the location of a mobile device 100. The implementation illustrated in Figure 5 is similar to that illustrated in Figures 3 and 4 in that the screenshot is displayed on the display 102 of a mobile device 100 and the current location 501 of the mobile device 100 is displayed as a graphical item that is a star. Figure 5 differs from Figures 3 and 4 in that the map 500 depicted on the display 102 is specific to a particular venue (for example, a zoo) rather than a map of a city or a neighborhood. In Figure 5, the processor 110 (shown in Figure 9) of the mobile device 100 has determined that the current location 501 of the mobile device 100 and determined that the current location 501 of the mobile device 100 is associated with a particular venue. The processor 110 can retrieve a venue-specific map directly from the venue or other remote source, thereby providing the user of the mobile device 100 with the most relevant and appropriate map associated the mobile device's 100 current location 501. For example, the processor 110 can retrieve the map from the zoo's internet site. That the map 500 is retrieved directly from the venue provides the user of the mobile device with the most relevant and accurate map of the current location 501 of the mobile device 100. Additionally, the map 501 can include more details as to the current location 501 of the mobile device 100, such as including identifications of exhibits, stores, restaurants, and other landmarks located within the venue associated with the current location 501 of the mobile device 100.

**[0046]** In the illustrated implementation, two action spots 502, 504 have been determined within a predetermined distance from the current location 501 of the mobile device 100. The action spots 502, 504 are signified on the map 500 by a graphical item that is a cloud. However, one of ordinary skill in the art will appreciate that the actions spots 502, 504 can be signified on the map 500 by any other symbol, shape, graphic, icon, pictorial representation, text representation, symbol representation, or any other graphical representation. In Figure 5, the graphical item associated with the action spot 502 includes an identifier icon that is an exclamation point, while the graphical item associated with the action spot 504 does not include an identifier. The identifier icon of the action spot 502 can indicate that the activity level



occurring at the location of action spot 502 is higher than the activity level occurring at the action spot 504. In another implementation, the identifier of the action spot 502 can indicate that the most recent documenting actions are occurring at action spot 502, thereby notifying the user of the mobile device 100 that the most current happening is occurring at action spot 502. For example, the identifier icon of the action spot 502 can be an indication that an exhibit show, such as a zookeeper talk or a photo opportunity, is currently taking place at action spot 502. Although the identifier icon is an exclamation point, one of ordinary skill in the art will understand that the identifier icon can be a change in color, a change in shape, a text representation, or any other graphical representation that is indicative of the activity level associated with the action spot 502, 504 or indicative of the recency of documenting actions occurring at action spots 502, 504 relative to the current location 501 of the mobile device 100.

**[0047]** While the implementation illustrated in Figure 5 is a venue-specific map 500 of a zoo, one of ordinary skill in the art will appreciate that the venue-specific map 500 can be of a museum, an amusement park, a national park, a hiking trail, a landmark, a tourist attraction, a building offering tours of the building, or any other venue which has maps specific to the layout of the venue.

**[0048]** Figure 6 is another alternative implementation of determining action spots relative to the location of a mobile device. Figure 6 illustrates a display 102 of a mobile device 100 having a current location 602 associated with a venue that is a baseball stadium. The displayed map 600 is a zoomed-in map focused on the venue associated with the current location 602 of the mobile device 100. Figure 6 is similar to the maps 206, 500 illustrated in Figures 3-5 in that the map of Figure 6 identifies the current location 602 of the mobile device 100 by a graphical item that is a star and signifies a plurality of action spots 604, 608 by graphical items that are clouds. Additionally, the action spot 604 includes an activity icon that is a camera, which indicates at least one other mobile device is capturing pictures at the action spot 604.

**[0049]** Figure 6 differs from Figures 3-5 in that a pop-up window 610 can be displayed proximate to the action spot 604 with the highest or most level of documenting activity. The pop-up window 610 can provide additional information relating to the documenting activity,

such as the number of other mobile devices engaging in documenting activity at action spot 604, a summary describing the venue, landmark, or monument associated with action spot 604, the date and time of the most recent documenting action engaged by another mobile device, or any other additional information. In the particular implementation illustrated in Figure 6, the pop-up window 610 displays the most recent captured photo that was posted on a virtual posting forum by another mobile device located at the action spot 608. In another implementation, the pop-up window 610 can display the most recent posting posted by another mobile device located at action spot 604.

**[0050]** In yet another implementation, the pop-up window 610 can provide directions to the action spot 604. In such an implementation, the directions can be provided in a pop-up window 610 to any of the action spots 604, 608 selected by the user of the mobile device 100. Alternatively, a user selectable option can be provided in the pop-up window 610 to launch an application that provides and displays navigational directions on the display 102 of the mobile device 100.

**[0051]** Figure 7 illustrates an implementation of the present technology, where the system and method of determining action spots relative to the current location of the mobile device utilizes a compass 702 rather than a map. The specific implementation illustrated in Figure 7 is a graphical user interface 700 displayed on the display 102 of a mobile device 100 when an application has been launched by the processor 110 (shown in Figure 9) to find an action spot. When the processor 110 has determined the current location of the mobile device 100 and the action spots relative to the current location of the mobile device 100, instructions are executed by the processor 110 to point the compass 702 in the direction of the closest action spot proximate to the mobile device 100. In Figure 7, the 702 compass is pointed in a northwest direction, indicating that if the user moves in the northwest direction, he or she will encounter an action spot.

**[0052]** The graphical user interface 700 illustrated in Figure 7 can include additional information relating to the determined action spot, such as bearing and distance information 708, an estimated time of arrival 710 to the action spot, the level of activity 704 occurring at the

action spot, the type of documenting action 706 engaged by other mobile devices at the action spot, or any other relevant information pertaining to the action spot. The bearing and distance information 708 provide the bearing and distance are provided in relation to the current location of the mobile device 100. For example, in Figure 7, the nearest action spot to the current location of is located in a direction heading 234 degrees and 0.2 miles from the current location from the mobile device. The bearing and distance information 708 provide guidance to the user of the mobile device 100 towards an action spot within the vicinity of the current location of the mobile device 100.

**[0053]** The level of activity 704 can be a count of the number of photos or videos captured at the action spot to which the compass 702 points; the number of text messages, postings, email messages, instant messages, or other virtual and electronic messages sent from the action spot to which the compass 702 points; the number of other mobile devices engaging in documenting action at the action spot to which the compass 702 points; or any other number that is representative of the level of activity occurring at the action spot to which the compass 702 points. The type of documenting action 706 counted in the level of activity count 704 can be displayed below the level of activity 704. While Figure 7 illustrates documenting action 706 that is capturing photographs with a camera of the mobile device, the documenting action 706 can also be identified as Messaging, Video Recording, Emailing, Twittering, or any other documenting action where a mobile device is being utilized to document and make note of a location or an event occurring at the location to which the compass 702 points.

**[0054]** The compass 702 and information 704, 706, 708, 710 relating to the action spot proximate to the current location of the mobile device 100 is dynamic and can be updated as the current location of the mobile device 100 changes. For example, as the mobile device 100 moves towards or away from an action spot, the direction displayed on the compass 702 can change. Additionally, the bearing and distance 708 and estimated time of arrival 710 to the action spot can also change accordingly. The activity count 704 and activity type 705 can also dynamically change to show the most current and up-to-date level of activity and type of activity occurring at the action spot to which the compass 702 points. For example, if more activity occurs from the first time the compass 702 locates the action spot and if the activity continues to

increase as the mobile device 100 approaches the action spot, the activity count 704 can change to reflect the change in the level of activity. Similarly, the activity type 706 can change if the type of documenting action changes from the first time the compass 702 locates the action spot and as the mobile device 100 approaches the action spot.

**[0055]** In at least one implementation the graphical user interface 700 can include a background screen color to indicate the level of activity occurring at the action spot to which the compass 702 points. For example, if the background screen color is red, a high level of activity can be associated with the action spot. Alternatively, if the background color is blue, a low level of activity can be associated with the action spot. In another implementation, the background screen color can be indicative of the mobile device's 100 proximity to the action spot. For example, as the mobile device 100 travels towards the action spot to which the compass 702 points, the background screen color can change from green to red, indicating that the mobile device is close in proximity to the action spot. In at least one implementation, the background color can change from green to red, if the mobile device is within twenty-five feet from the action spot. In another implementation, the color of the compass 810 can change to indicate the mobile device's 100 proximity to the action spot.

**[0056]** Although Figure 7 illustrates displaying the compass 702 at the center of the display screen without a map, one of ordinary skill in the art will appreciate that the compass 702 can be displayed on top of a map, superimposed on top of a map such that the compass is semi-transparent, displayed in a corner of the map, superimposed on a camera viewfinder displayed on the display 102 of the mobile device, or any other manner of displaying the compass 702 on the display screen 102 of the mobile device such that an action spot can be signified for identification to the user of the mobile device 100. In other implementations, the compass 702 can be the display of the cardinal or ordinal direction the mobile device 100 must travel to in order to arrive at the action spot, the display of an arrow or symbol representing the direction towards the action spot, or other graphical element representative of navigational instrument for determining direction towards an action spot proximate to the current location of the mobile device 100.

**[0057]** Figure 8 illustrates an implementation of determining action spot relative to the location of a mobile device that utilizes the camera viewfinder of an integrated camera of the mobile device 100. Figure 8 is a screenshot of the display 102 of a mobile device 100 in which a graphical user interface for an image acquisition application 800 such as a camera application is displayed. The viewfinder 802 displays an image from a camera module. For example, the viewfinder displays the landscape, cityscape, or locations captured by the lens of a camera of the mobile device 100. In Figure 8, the viewfinder 802 displays a cityscape including building and greenery. When the camera application 800 is launched, a user-selectable option can be selected to instruct the processor 110 (shown in Figure 9) of the mobile device 100 to locate action spots relative to the current location of the mobile device 100 displayed in the viewfinder 802. The action spots 804, 806, 808 can be superimposed on the viewfinder 802 signifying the locations of action spots 804, 806, 808 located within the vicinity shown in the viewfinder 802. In Figure 8, the action spots 804, 806, 808 are superimposed proximate to buildings displayed in the viewfinder 802. The action spots 804, 806, 808 are signified by graphical items that are clouds, but can be any other graphical item as discussed herein. The graphical item associated with action spot 808 is larger than the graphical items associated with action spots 804 and 806, signifying that the activity level at action spot 808 is higher than the activity levels of action spots 804 and 806.

**[0058]** A compass 810 can be provided below the camera viewfinder to provide additional information and directions to the action spot 808 having the highest activity level. Similar to the compass 702 illustrated in Figure 7, the compass 810 can display a direction pointer pointing towards the action spot 808 having the highest level of activity. Similar to the graphical user interface 700 illustrated in Figure 7, the compass 810 can include additional information relating to the action spot 808 having the highest level of activity. For example, the additional information can include: the bearing and distance information 816, an estimated time of arrival 814 to the action spot 808, the level of activity 812 occurring at the action spot 808, the type of documenting action engaged by other mobile devices at the action spot 808, or any other relevant information pertaining to the action spot 808. Similar to Figure 7, the compass 810, additional information 812, 814, 816, and the background screen color of the viewfinder 802, the background screen color of the compass 810 can change to indicate the proximity of the mobile

device 100 to the action spot 804, 806, 808 as the mobile device 100 approaches the action spot 804, 806, 808.

**[0059]** While the implementation in Figure 8 illustrates the compass 810 and additional information 812, 814, 816 below the viewfinder 200, the compass 810 and additional information 812, 814, 816 can be superimposed on the viewfinder, such that the compass 810 and additional information 812, 814, 816 are semi-transparent and the landscape or cityscape captured by the lens of the camera can still be identified on the viewfinder 802.

**[0060]** An exemplary implementation of a mobile device 100 configured to determine a location-based preferred media file using the system and method described herein, can include components as illustrated in Figure 9. While the components of Figure 9 are not all inclusive, Figure 9 illustrates components that can be included on a mobile device 100 according to the present disclosure. Additional components are required to allow the mobile device 100 to function, but have been omitted for clarity.

**[0061]** As illustrated in Figure 9, the mobile device 100 includes a communication subsystem 930 to perform all communication transmission and reception with a wireless network 914. A processor module 110 can be connected with an auxiliary input/output (I/O) subsystem 928 which can be coupled to the mobile device 100. The processor module 110 can include one or more processors. Additionally, the processors can be micro-processors for example. In at least one implementation, the processor module 110 can be coupled to a serial port (for example, a Universal Serial Bus port) which can allow for communication with other devices or systems. The display 110 can be coupled to the processor module 110 to allow for displaying of information to a user of the mobile device 100. When the mobile device 100 is equipped with a keyboard 104, the keyboard 104 can also be connected with the processor module 110. The mobile device 100 can include a speaker 106, a microphone, random access memory (RAM) 924, and flash memory 926, all of which can be coupled to the processor module 110. Other similar components can be provided on the mobile device 100 as well and optionally coupled to the processor module 110. Other communication subsystems 930 and other communication device subsystems 928 are generally indicated as being functionally connected with the

processor module 110 as well. An example of the communication subsystem 912 is that of a short range communication system such as BLUETOOTH® communication module or a WI-FI® communication module (a communication module in compliance with IEEE 802.11 set of protocols) and associated circuits and components. The processor module 110 is able to perform operating system functions and enables execution of programs on the mobile device 100. In some implementations not all of the above components can be included in the mobile device 100.

**[0062]** The auxiliary I/O subsystem 960 can take the form of a trackpad navigation tool, or a trackball, a thumbwheel, a navigation pad, a joystick, touch-sensitive interface, or other I/O interface. While the above examples have been provided in relation to the auxiliary I/O subsystem 960, other subsystems capable of providing input or receiving output from the mobile device 100 are considered within the scope of this disclosure. Other keys can be placed along the side of the mobile device 100 to function as escape keys, volume control keys, scrolling keys, power switches, or user programmable keys, and can likewise be programmed accordingly.

**[0063]** Furthermore, the mobile device 100 is equipped with components to enable operation of various programs, as shown in Figure 9. For example, such a program can be a computer application programmed to determine location-based preferred media files or to retrieve directions and maps associated with the current position of the mobile device 100. In an exemplary implementation, the flash memory 926 is enabled to provide a storage location for the operating system 932, device programs 934, and data. The operating system 932 is generally configured to manage other programs 942 that are also stored in memory 926 and executable on the processor 110. The operating system 932 honors requests for services made by programs 934 through predefined program 934 interfaces. More specifically, the operating system 926 typically determines the order in which multiple programs 934 are executed on the processor 110 and the execution time allotted for each program 934, manages the sharing of memory 926 among multiple programs 934, handles input and output to and from other device subsystems 930, and so on. In addition, users can typically interact directly with the operating system 932 through a user interface which can include the keyboard 104 and display screen 110. While in an exemplary implementation the operating system 932 is stored in flash memory 926, the operating system 932 in other implementations is stored in read-only memory (ROM) or similar storage

element (not shown). As those skilled in the art will appreciate, the operating system 932, device program 934 or parts thereof can be loaded in RAM 924 or other volatile memory.

**[0064]** In one exemplary implementation, the flash memory 926 contains programs 934 for execution on the mobile device 100 including an address book 936, a personal information manager (PIM) 938, and the device state 940. Furthermore, programs 934 and other information 948 including data can be segregated upon storage in the flash memory 926 of the mobile device 100.

**[0065]** When the mobile device 100 is enabled for two-way communication within the wireless communication network 914, the mobile device 100 can send and receive messages from a mobile communication service. Examples of communication systems enabled for two-way communication include, but are not limited to, the General Packet Radio Service (GPRS) network, the Universal Mobile Telecommunication Service (UMTS) network, the Enhanced Data for Global Evolution (EDGE) network, the Code Division Multiple Access (CDMA) network, High-Speed Packet Access (HSPA) networks, Universal Mobile Telecommunication Service Time Division Duplexing (UMTS-TDD), Ultra Mobile Broadband (UMB) networks, Worldwide Interoperability for Microwave Access (WiMAX), and other networks that can be used for data and voice, or just data or voice. For the systems listed above, the communication device 100 can require a unique identifier to enable the communication device 100 to transmit and receive messages from the communication network 914. Other systems may not require such identifying information. GPRS, UMTS, and EDGE use a Subscriber Identity Module (SIM) in order to allow communication with the communication network 914. Likewise, most CDMA systems use a Removable User Identity Module (RUIM) in order to communicate with the CDMA network. The RUIM and SIM card can be used in multiple different mobile devices 100. The mobile device 100 can be able to operate some features without a SIM/RUIM card, but the mobile device will not be able to communicate with the network 914. A SIM/RUIM interface 944 located within the mobile device 100 allows for removal or insertion of a SIM/RUIM card (not shown). The SIM/RUIM card features memory and holds key configurations 946, and other information 948 such as identification and subscriber related information. With a properly



enabled mobile device 100, two-way communication between the mobile device 100 and communication network 914 is possible.

**[0066]** If the mobile device 100 is enabled as described above or the communication network 914 does not require such enablement, the two-way communication enabled mobile device 100 is able to both transmit and receive information from the communication network 914. The transfer of communication can be from the mobile device 100 or to the mobile device 100. In order to communicate with the communication network 914, the mobile device 100 in the presently described exemplary implementation is equipped with an integral or internal antenna 950 for transmitting messages to the communication network 914. Likewise the mobile device 100 in the presently described exemplary implementation is equipped with another antenna 952 for receiving communication from the communication network 914. These antennae (952, 950 in another exemplary implementation are combined into a single antenna (not shown). As one skilled in the art would appreciate, the antenna or antennae (952, 950) in another implementation are externally mounted on the mobile device 100.

**[0067]** When equipped for two-way communication, the mobile device 100 features the communication subsystem 912. As is understood in the art, the communication subsystem 912 is modified so that the subsystem 912 can support the operational needs of the mobile device 100. The subsystem 912 includes a transmitter 954 and receiver 956 including the associated antenna or antennae (952, 950) as described above, local oscillators (LOs) 958, and a processing module which in the presently described exemplary implementation is a digital signal processor (DSP) 960.

**[0068]** The present disclosure contemplates that communication by the mobile device 100 with the wireless network 914 can be any type of communication that both the wireless network 914 and mobile device 100 are enabled to transmit, receive and process. In general, these can be classified as voice and data. Voice communication generally refers to communication in which messages for audible sounds are transmitted by the mobile device 100 through the communication network 914. Data generally refers to all other types of communication that the mobile device 100 is capable of performing within the constraints of the wireless network 914.

**[0069]** Example device programs that can depend on such data include email, contacts and calendars. For each such program, synchronization with home-based versions of the programs can be desirable for either or both of the program's long term and short term utility. As an example, emails are often time sensitive, so substantially real time synchronization can be desired. Contacts, on the other hand, can be usually updated less frequently without inconvenience. Therefore, the utility of the mobile device 100 is enhanced when connectable within a communication system, and when connectable on a wireless basis in the network 914 in which voice, text messaging, and other data transfer are accommodated.

**[0070]** Even more, the present technology can take the form of hardware, or both hardware and software elements. In some implementations, the technology is implemented in software, which includes but is not limited to firmware, resident software, microcode, a Field Programmable Gate Array (FPGA) or Application-Specific Integrated Circuit (ASIC), etc. In particular, for real-time or near real-time use, an FPGA or ASIC implementation is desirable.

**[0071]** Those of skill in the art will appreciate that other implementations of the disclosure may be practiced in network computing environments with many types of computer system configurations, including personal computers, hand-held devices, multi-processor systems, microprocessor-based or programmable consumer electronics, network PCs, minicomputers, mainframe computers, and the like. Implementations may also be practiced in distributed computing environments where tasks are performed by local and remote processing devices that are linked (either by hardwired links, wireless links, or by a combination thereof) through a communications network. In a distributed computing environment, program modules may be located in both local and remote memory storage devices.

**[0072]** Furthermore, the present technology can take the form of a computer program product comprising program modules accessible from computer-usable or computer-readable medium storing program code for use by or in connection with one or more computers, processors, or instruction execution system. For the purposes of this description, a computer-usable or computer readable medium can be any apparatus that can contain, store, communicate, propagate, or transport the program for use by or in connection with the instruction execution

system, apparatus, or device. The medium can be an electronic, magnetic, optical, electromagnetic, infrared, or semiconductor system (or apparatus or device) or a propagation medium (though propagation mediums as signal carriers per se are not included in the definition of physical computer-readable medium). Examples of a physical computer-readable medium include a semiconductor or solid state memory, removable memory connected via USB, magnetic tape, a removable computer diskette, a random access memory (RAM), a read-only memory (ROM), a rigid magnetic disk, an optical disk, and non-transitory memory. Current examples of optical disks include compact disk – read only memory (CD-ROM), compact disk – read/write (CD-R/W), DVD, and Blu Ray™.

**[0073]** Implementations within the scope of the present disclosure may also include tangible and/or non-transitory computer-readable storage media for carrying or having computer-executable instructions or data structures stored thereon. Additionally, non-transitory memory also can store programs, device state, various user information, one or more operating systems, device configuration data, and other data that may need to be accessed persistently. Further, non-transitory computer-readable storage media expressly exclude media such as energy, carrier signals, electromagnetic waves, and signals per se. Such non-transitory computer-readable storage media can be any available media that can be accessed by a general purpose or special purpose computer, including the functional design of any special purpose processor as discussed above. When information is transferred or provided over a network or another communications connection (either hardwired, wireless, or combination thereof) to a computer, the computer properly views the connection as a computer-readable medium. Thus, any such connection is properly termed a computer-readable medium. Combinations of the above should also be included within the scope of the computer-readable media. Both processors and program code for implementing each medium as an aspect of the technology can be centralized or distributed (or a combination thereof) as known to those skilled in the art.

**[0074]** Computer-executable instructions include, for example, instructions and data which cause a general purpose computer, special purpose computer, or special purpose processing device to perform a certain function or group of functions. Computer-executable instructions also include program modules that are executed by computers in stand-alone or network

environments. Generally, program modules include routines, programs, components, data structures, objects, and the functions inherent in the design of special-purpose processors, etc. that perform particular tasks or implement particular abstract data types. Computer-executable instructions, associated data structures, and program modules represent examples of the program code means for executing steps of the methods disclosed herein. The particular sequence of such executable instructions or associated data structures represents examples of corresponding acts for implementing the functions described in such steps.

**[0075]** A data processing system suitable for storing a computer program product of the present technology and for executing the program code of the computer program product will include at least one processor coupled directly or indirectly to memory elements through a system bus. The memory elements can include local memory employed during actual execution of the program code, bulk storage, and cache memories that provide temporary storage of at least some program code in order to reduce the number of times code must be retrieved from bulk storage during execution. Input/output or I/O devices (including but not limited to keyboards, displays, pointing devices, etc.) can be coupled to the system either directly or through intervening I/O controllers. Network adapters can also be coupled to the system to enable the data processing system to become coupled to other data processing systems or remote printers or storage devices through intervening private or public networks. Modems, cable modem, Wi-Fi, and Ethernet cards are just a few of the currently available types of network adapters. Such systems can be centralized or distributed, e.g., in peer-to-peer and client/server configurations. In some implementations, the data processing system is implemented using one or both of FPGAs and ASICs.

**[0076]** Exemplary implementations have been described hereinabove regarding a system and method for determining action spots relative to the location of a mobile device. With the system and method for determining a location-based preferred media file, information relating to the popularity of venues and current happenings occurring within the vicinity surrounding or associated with the current location of mobile devices is readily available to the mobile device without having use an external device or a manual search engine, such as an internet search engine. Additionally, the present disclosure enables review of relevant information in regards to

the current location of the mobile device in the form of an action spot. The presentation of the action spots allows a user to receive limited relevant information. Also, when presented with multiple action spots in proximity to the current location of the mobile device, the present disclosure enables a more complete review of the surrounding vicinity. Additionally, when presented with a compass, enhanced information and directions can be presented to the user of the mobile device to guide the user to action spots proximate to the current location of the user's mobile device.

**[0077]** One of ordinary skill in the art will appreciate that the features in each of the figures described herein can be combined with one another and arranged to achieve the described benefits of the presently disclosed system and method for determining action spots relative to the location of a mobile device. Additionally, one of ordinary skill will appreciate that the elements and features from the illustrated implementations herein can be optionally included to achieve the described benefits of the presently disclosed system and method for determining action spots relative to the location of a mobile device. Various modifications to and departures from the disclosed implementations will occur to those having skill in the art.

## CLAIMS

What is claimed is:

1. A server configured to:
  - receive data indicative of a current location of a mobile device;
  - determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action;
  - transmit the at least one action spot to the mobile device; and
  - transmit an indication of the activity level at the at least one action spot to the mobile device.
2. The server as recited in claim 1, wherein the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action is within a predetermined period of time.
3. The server as recited in claim 1, wherein the activity level is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted, within a predetermined distance from the at least one action spot.
4. The server as recited in claim 1, wherein the activity level is based upon at least one of length of video recording and size of data packets associated with the video recording, within a predetermined distance from the at least one action spot.
5. The server as recited in claim 1, wherein the server is further configured to transmit directions to the at least one action spot in response to receiving an indication that a graphical item associated with the at least one action spot has been selected.
6. The server as recited in claim 5, wherein the transmitting directions further includes transmitting a map.

7. The server as recited in claim 1, wherein the determining of the at least one action spot is based upon a defined distance from the mobile device.

8. A non-transitory computer program product comprising a computer useable medium having computer readable program code embodied therein providing action spots on a mobile device, the computer program product comprising computer readable program code configured to cause the mobile device to:

determine, via a processor, a current location of the mobile device;

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action; and

display a graphical item on a display of the mobile device, said graphical item identifying a direction, relative to the current location, in which to travel in order to arrive at the determined at least one action spot.

9. The non-transitory computer program product of claim 8, wherein the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action is within a predetermined period of time.

10. The non-transitory computer program product of claim 8, wherein the at least one action spot has an associated activity level that is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted, within a predetermined distance from the at least one action spot.

11. The non-transitory computer program product of claim 8, wherein the at least one action spot has an associated activity level that is based upon at least one of length of video recording and size of data packets associated with the video recording, within a predetermined distance from the at least one action spot.

12. The non-transitory computer program product of claim 8, wherein a level of activity associated with the at least one action spot is signified on the display of the mobile device.

13. The non-transitory computer program product of claim 8, wherein the display of the graphical item on the display of the mobile device further comprises coloring the background of the display according to a color scheme associated with a range of activity occurring at the at least one action spot.

14. The non-transitory computer program product of claim 8, wherein the display of the graphical item on the display of the mobile device further comprises sizing a graphical item associated with the at least one action spot in accordance with a range of activity occurring at the at least one action spot.

15. The non-transitory computer program product of claim 8, wherein the level of activity is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted within a predetermined distance from the at least one action spot.

16. The non-transitory computer program product of claim 8, wherein the level of activity is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted within a predetermined distance from the at least one action spot for a given period of time.

17. The non-transitory computer program product of claim 8, wherein the computer readable program code is further configured to cause the mobile device to display directions to the at least one action spot in response to a selection of a graphical item associated with the at least one action spot.

18. The non-transitory computer program product of claim 8, wherein the displayed directions further includes a map displayed on a graphical interface on a display of the mobile device.



19. The non-transitory computer program product of claim 8, wherein the displayed directions further includes a compass displayed on a graphical user interface on a display of the mobile device.

20. The non-transitory computer program product of claim 18, wherein the compass provides bearing and distance to the at least one activity spot.

## **ABSTRACT**

A system, server, mobile device, and method for determining action spot location. The action spot location can be determined relative to the location of a mobile device. The mobile device can include a display and a processor module communicatively coupled to the display. The system, server, mobile device, and method can receive data indicative of the current location of the mobile device, and determine at least one action spot relative to the current location of the mobile device. The action spot can be a location where at least one other mobile device has engaged in documenting action within a predetermined period of time from when the mobile device arrived at the current location.

1000

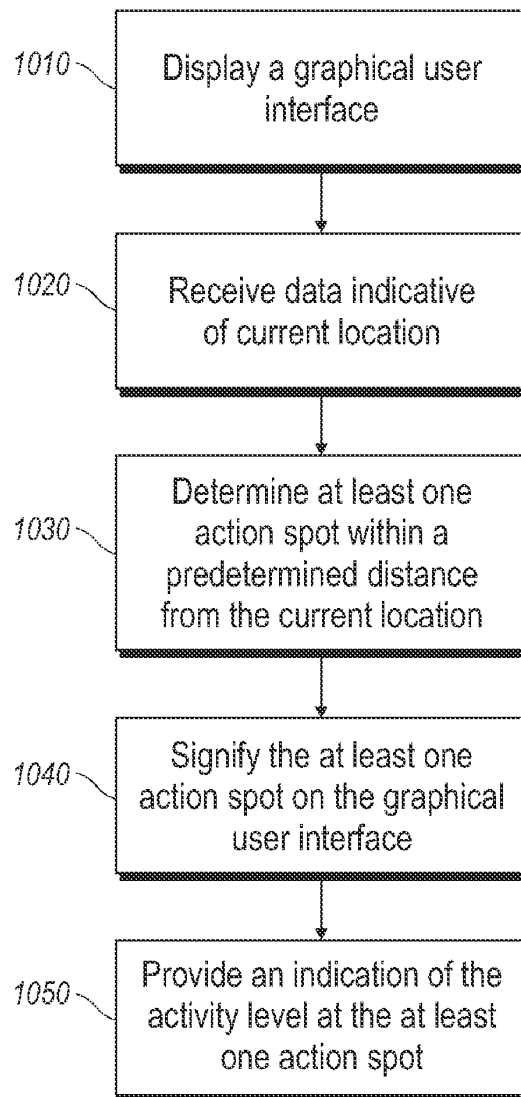


FIG. 1

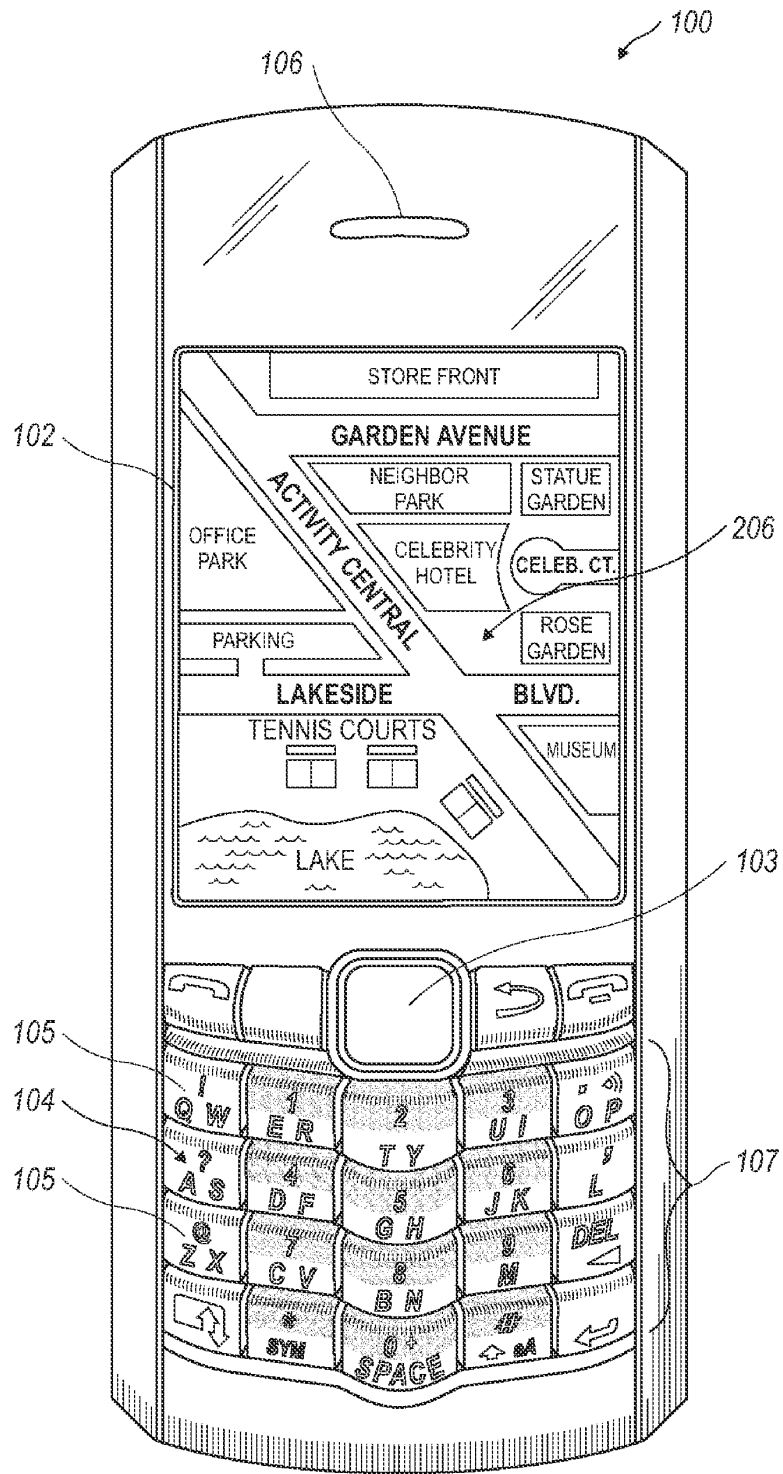


FIG. 2

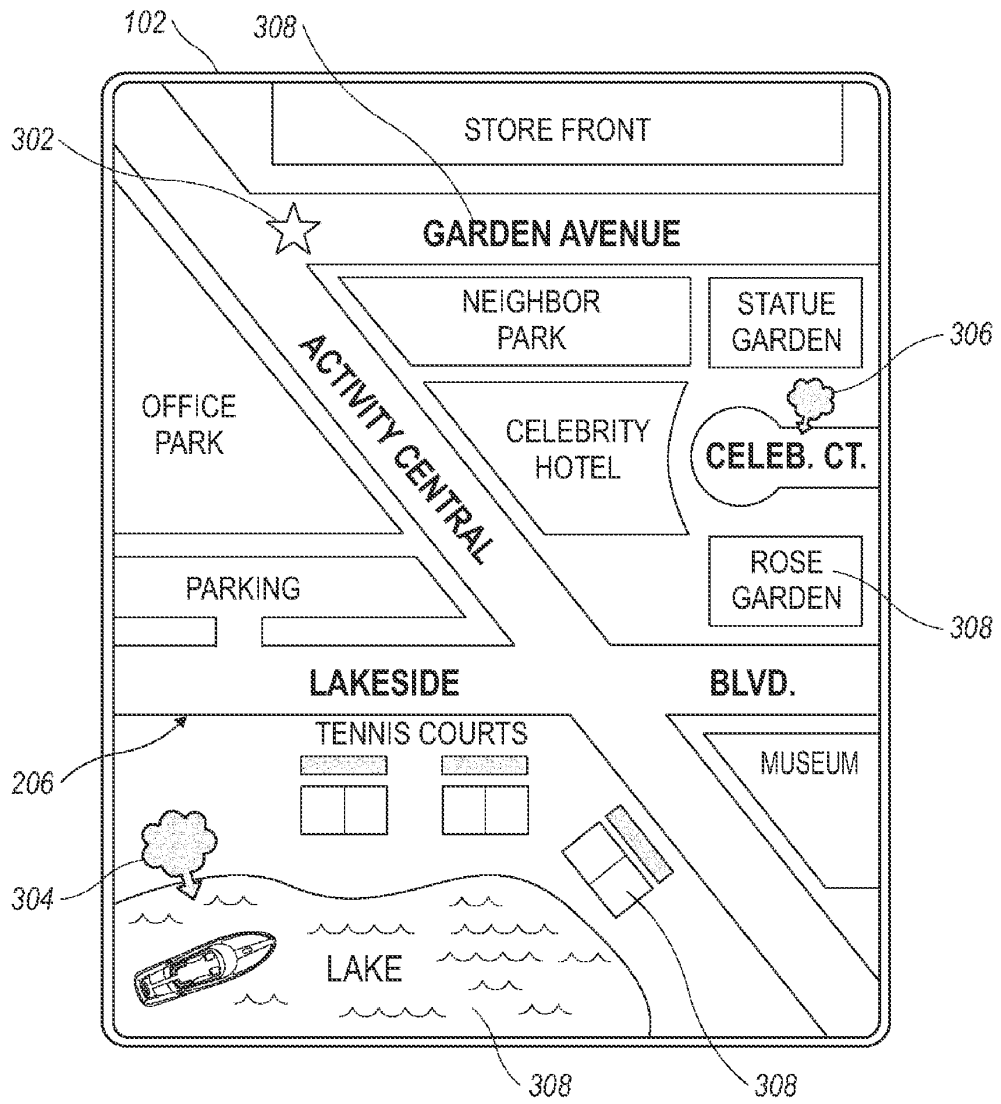


FIG. 3

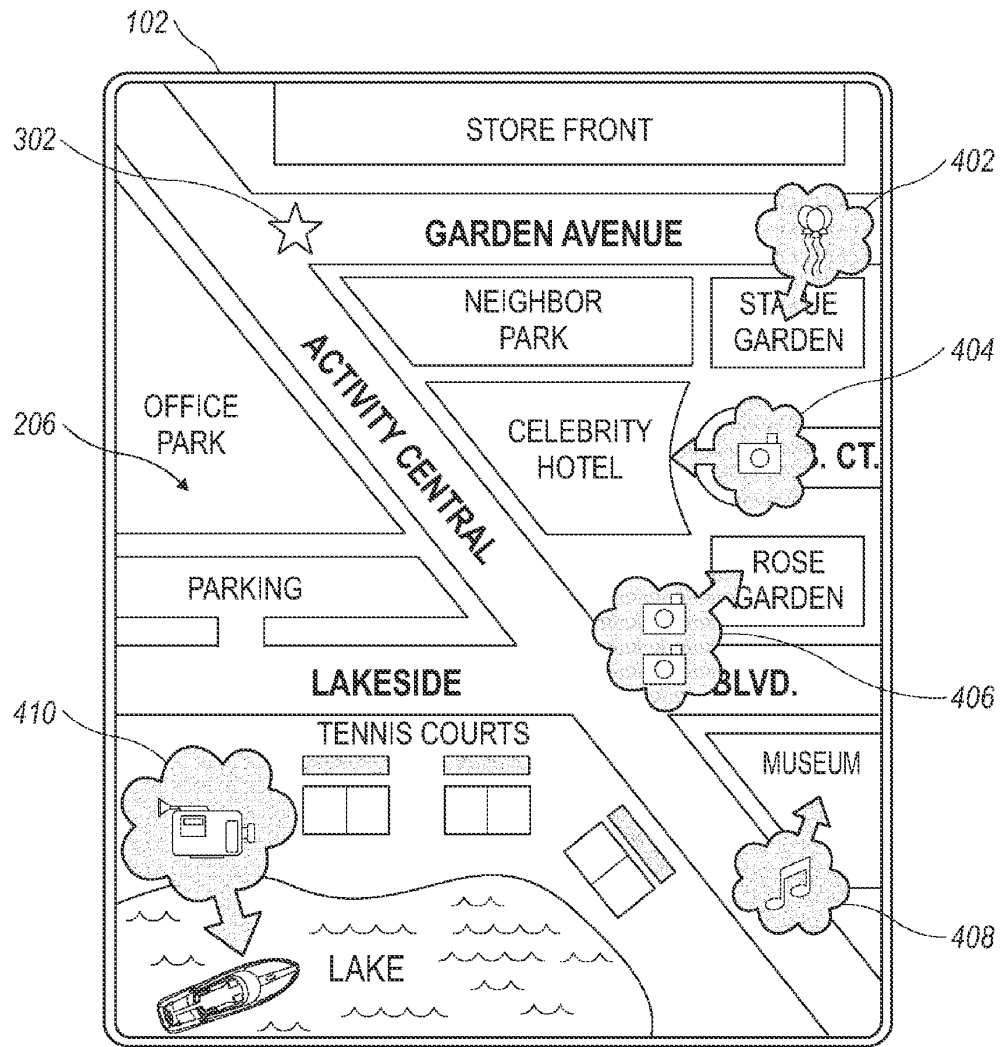


FIG. 4

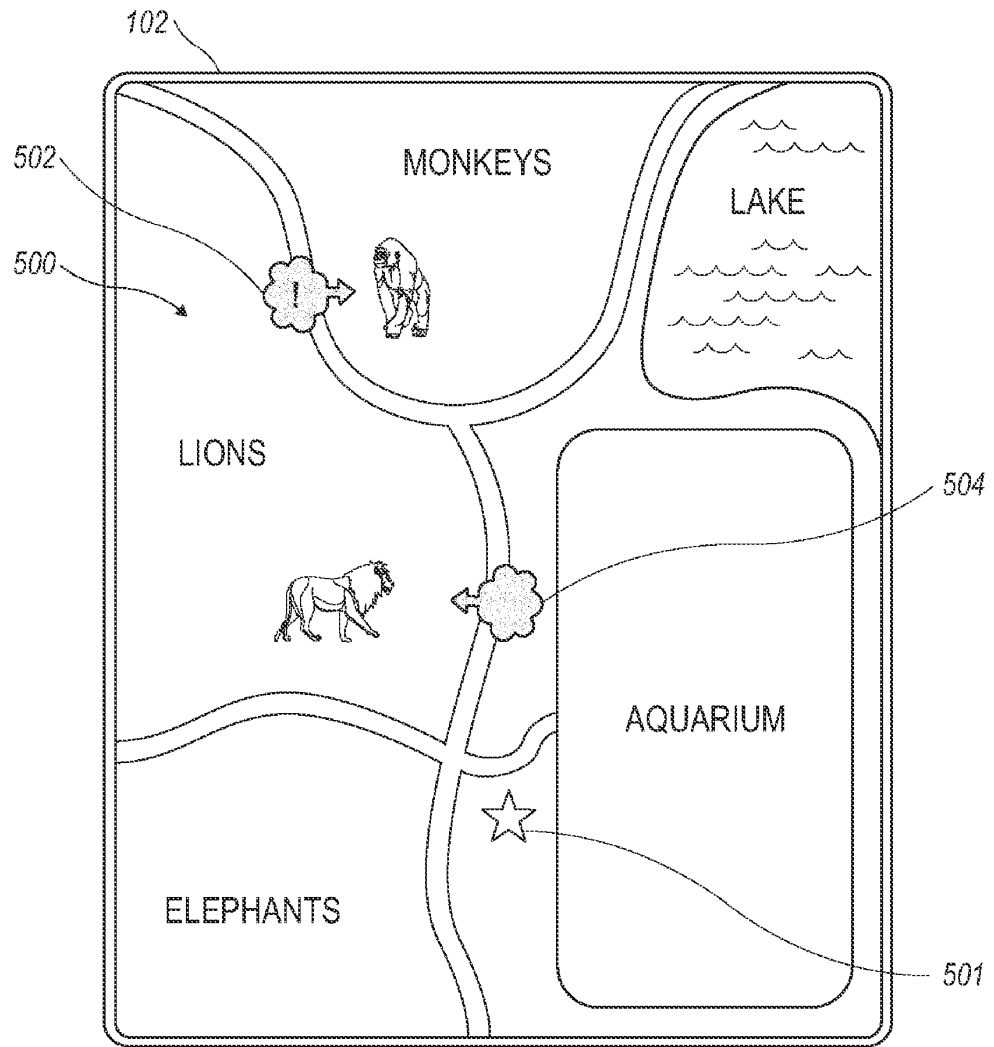


FIG. 5

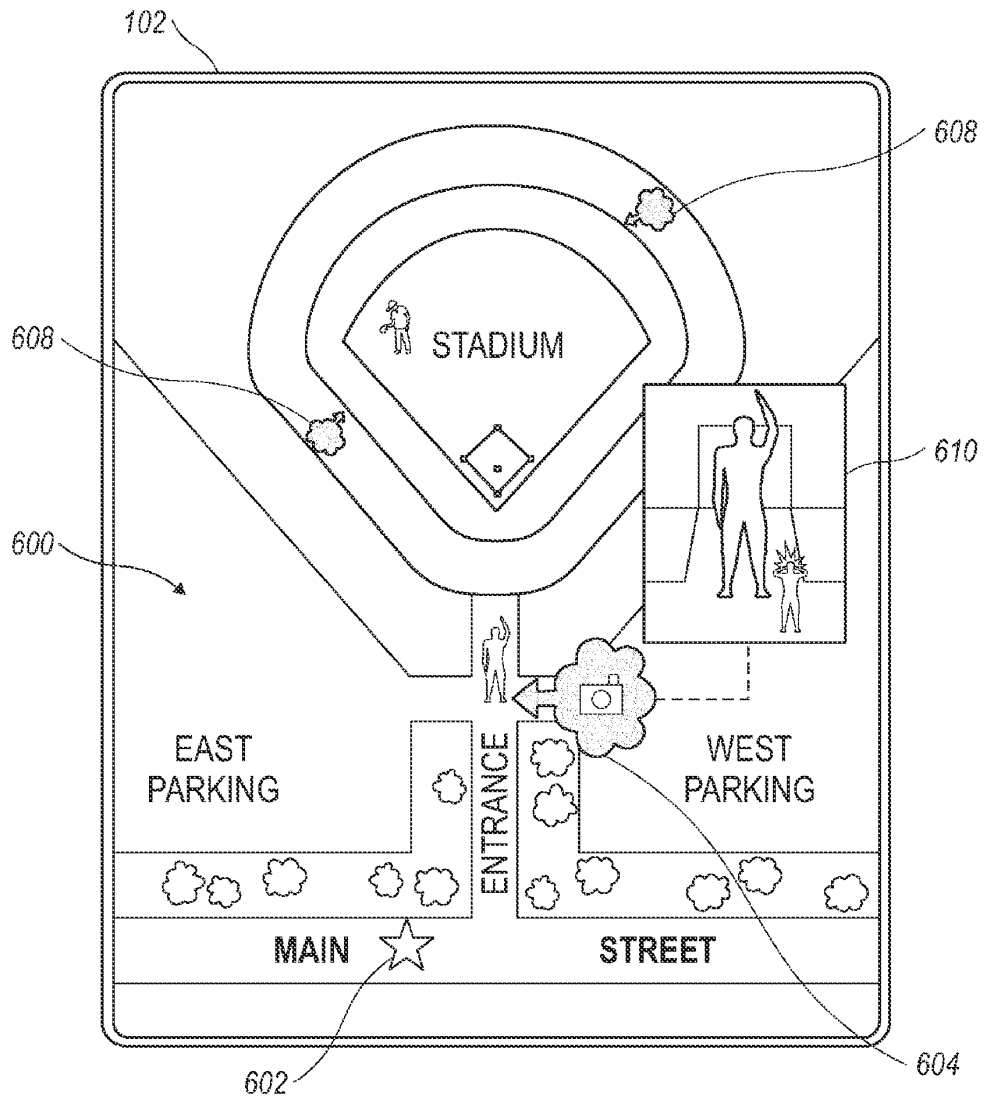


FIG. 6



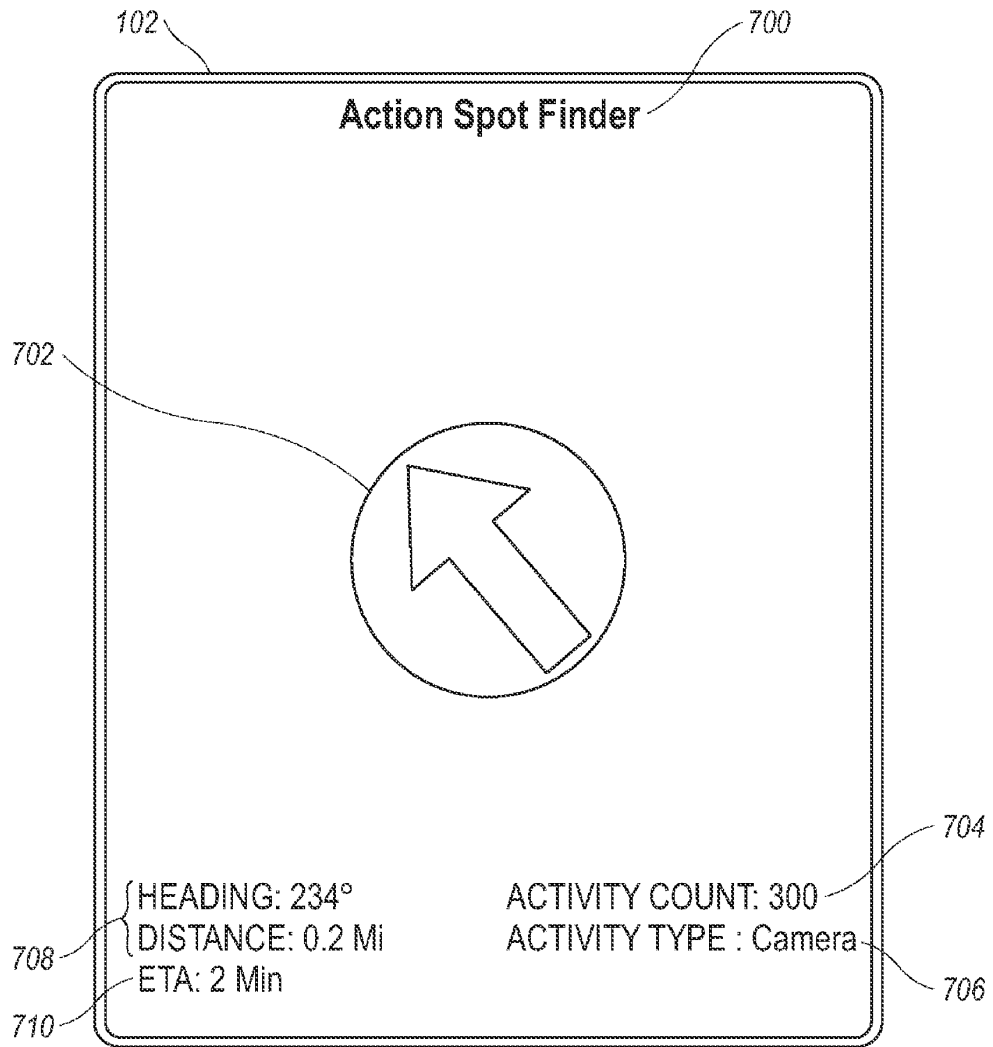


FIG. 7

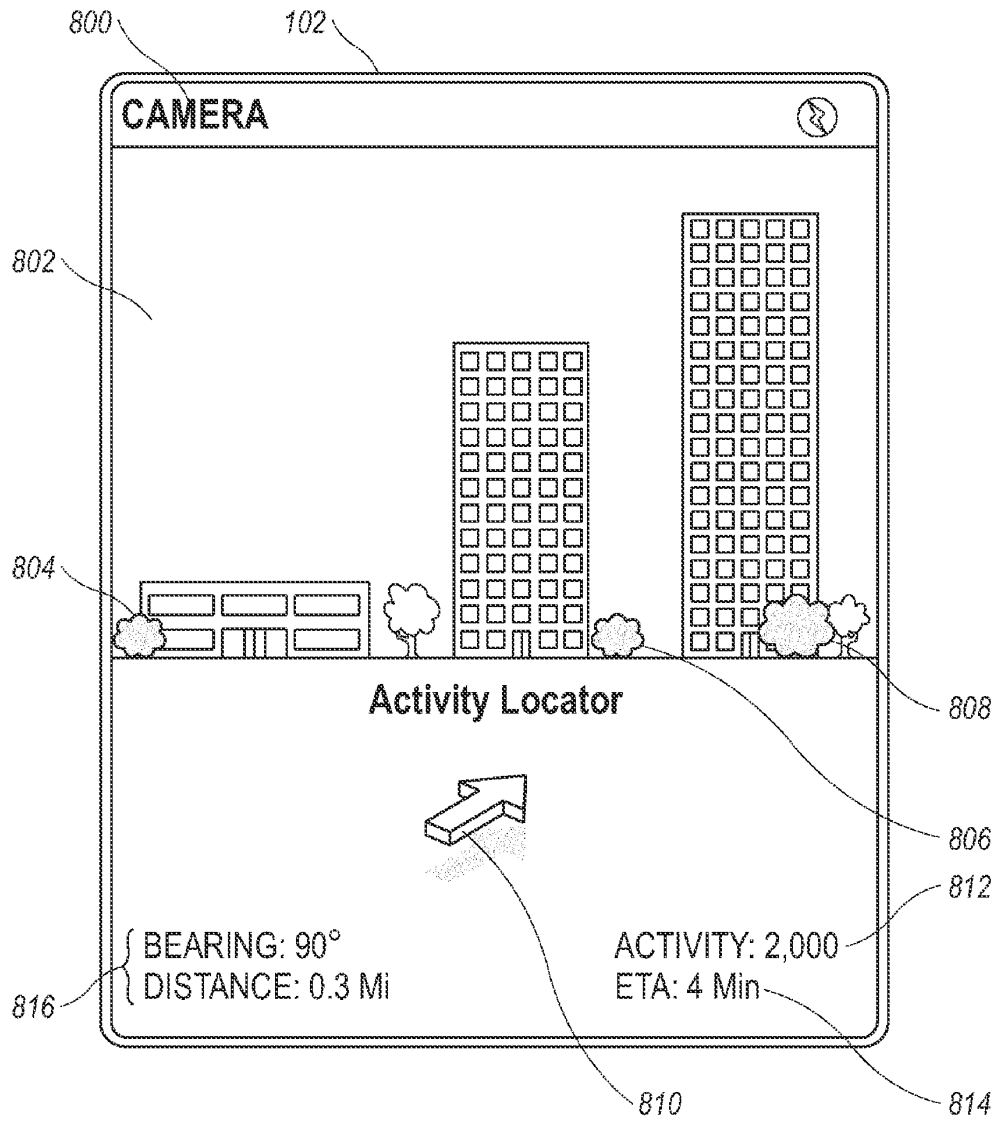


FIG. 8

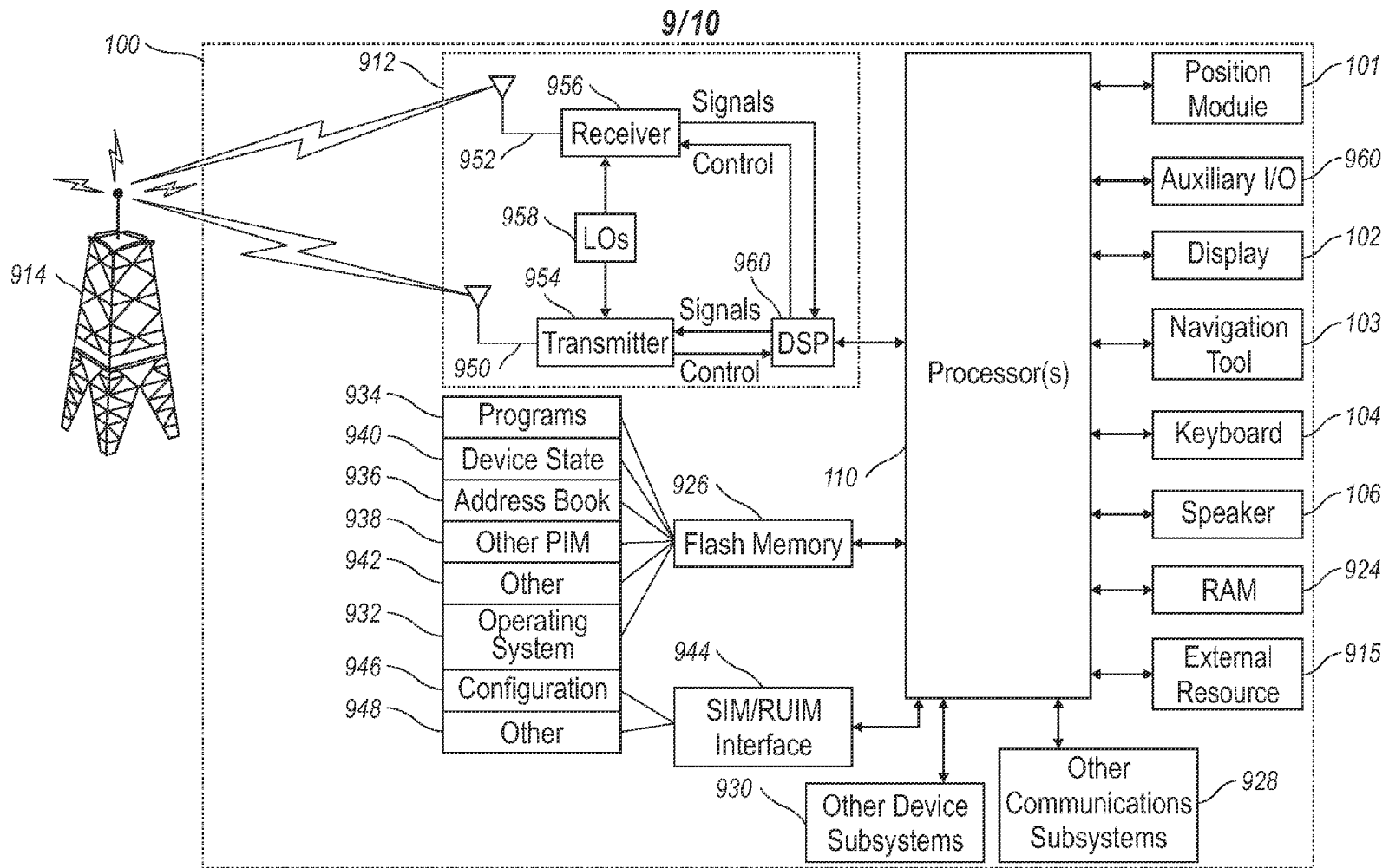


FIG. 9

10/10

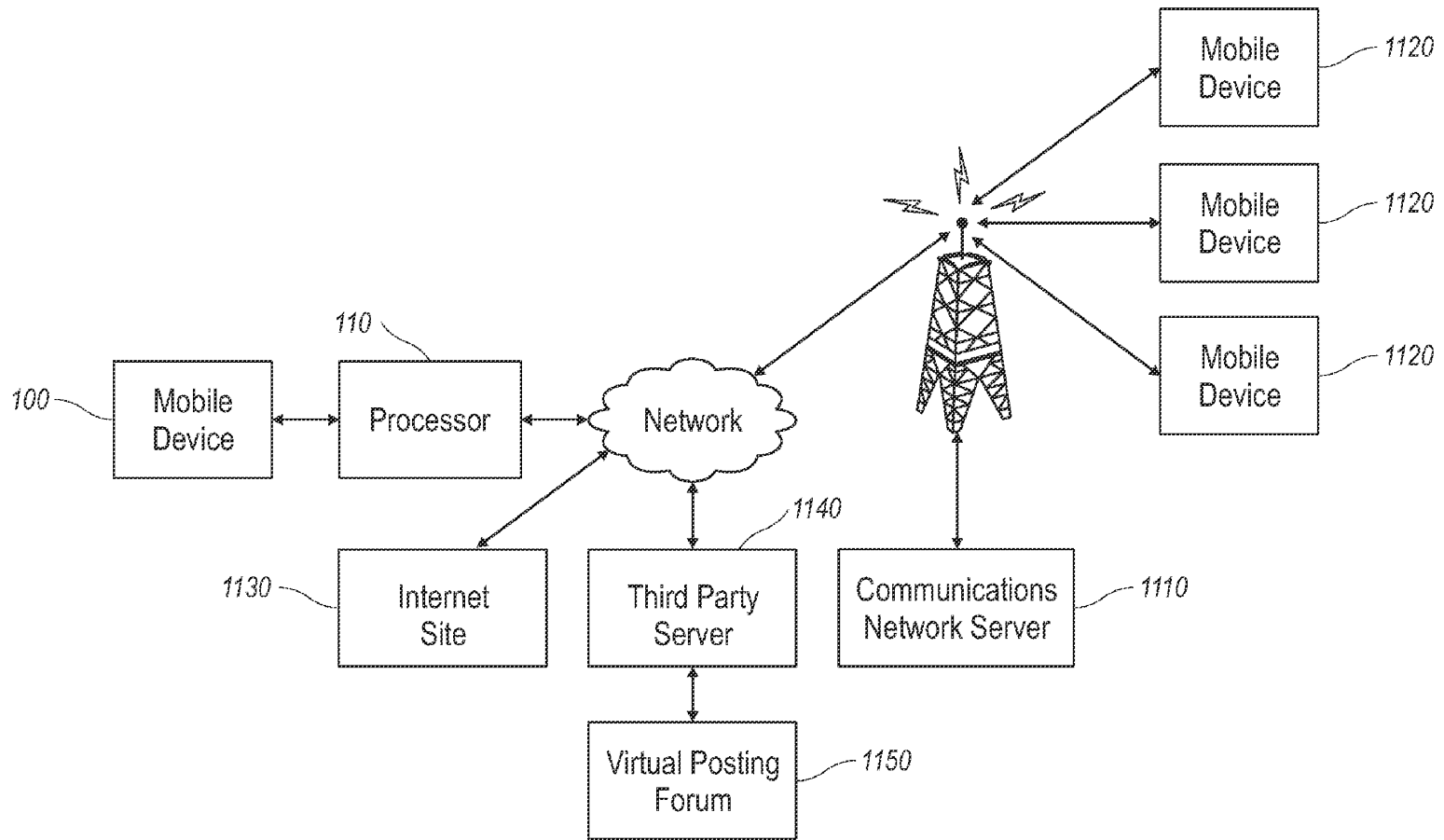


FIG. 10

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	8085.229.CNUS00
		Application Number	
Title of Invention	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

### Secrecy Order 37 CFR 5.2

<input type="checkbox"/> Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)	
--	--

### Inventor Information:

<b>Inventor 1</b> <span style="float: right; border: 1px solid black; padding: 2px;">Remove</span>				
<b>Legal Name</b>				
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>
	James	Allen	HYMEL	
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				
<b>City</b>	Kitchener	<b>Country of Residence</b>	CA	
<b>Mailing Address of Inventor:</b>				
<b>Address 1</b>	195 Columbia St. W.			
<b>Address 2</b>	Extension 72590			
<b>City</b>	Waterloo	<b>State/Province</b>	ON	
<b>Postal Code</b>	N2L 5Z5	<b>Country</b>	CA	
<b>Inventor 2</b> <span style="float: right; border: 1px solid black; padding: 2px;">Remove</span>				
<b>Legal Name</b>				
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>
	Jean	Philippe	BOUCHARD	
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				
<b>City</b>	Waterloo	<b>Country of Residence</b>	CA	
<b>Mailing Address of Inventor:</b>				
<b>Address 1</b>	195 Columbia St. W.			
<b>Address 2</b>	Extension 71813			
<b>City</b>	Waterloo	<b>State/Province</b>	ON	
<b>Postal Code</b>	N2L 5Z5	<b>Country</b>	CA	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the <b>Add</b> button. <span style="float: right; border: 1px solid black; padding: 2px;">Add</span>				

### Correspondence Information:

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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	8085.229.CNUS00
		Application Number	
Title of Invention	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE		

Enter either Customer Number or complete the Correspondence Information section below.  
For further information see 37 CFR 1.33(a).

An Address is being provided for the correspondence information of this application.

Customer Number	63206		
Email Address	patentgroup@novakdruce.com	<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>

### Application Information:

Title of the Invention	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE		
Attorney Docket Number	8085.229.CNUS00	Small Entity Status Claimed	<input 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)	10	Suggested Figure for Publication (if any)	1

### Publication Information:

Request Early Publication (Fee required at time of Request 37 CFR 1.219)

**Request Not to Publish.** 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 **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

### Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer number will be used for the Representative Information during processing.

Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> Limited Recognition (37 CFR 11.9)
Customer Number	63296		

### Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

Prior Application Status	Pending	<input type="button" value="Remove"/>
--------------------------	---------	---------------------------------------

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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	8085.229.CNUS00
		Application Number	
Title of Invention	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE		
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	12/870676	2010-08-27
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the <b>Add</b> button.			<input type="button" value="Add"/>

### Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Application Number	Country <sup>i</sup>	Filing Date (YYYY-MM-DD)	Priority Claimed
			<input type="radio"/> Yes <input type="radio"/> No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

### Authorization to Permit Access:

Authorization to Permit Access to the Instant Application by the Participating Offices

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the instant patent application is filed access to the instant patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the instant patent application is filed to have access to the instant patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the instant patent application with respect to: 1) the instant patent application-as-filed; 2) any foreign application to which the instant patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the instant patent application; and 3) any U.S. application-as-filed from which benefit is sought in the instant patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing this Authorization.

### Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>	Attorney Docket Number	8085.229.CNUS00
	Application Number	
Title of Invention	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE	

<b>Applicant 1</b>			
If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.			
<a href="#">Remove</a>			
<input checked="" type="radio"/> Assignee	<input type="radio"/> Legal Representative under 35 U.S.C. 117		
<input type="radio"/> Person to whom the inventor is obligated to assign.	<input type="radio"/> Person who shows sufficient proprietary interest		
If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:			
Name of the Deceased or Legally Incapacitated Inventor : <input type="text"/>			
If the Assignee is an Organization check here. <input checked="" type="checkbox"/>			
Organization Name	RESEARCH IN MOTION LIMITED		
<b>Mailing Address Information:</b>			
Address 1	295 Phillip Street		
Address 2			
City	Waterloo	State/Province	ON
Country <sup>i</sup>	CA	Postal Code	N2L 3W8
Phone Number		Fax Number	
Email Address			
Additional Applicant Data may be generated within this form by selecting the Add button. <a href="#">Add</a>			

<b>Signature:</b>					
<a href="#">Remove</a>					
NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications					
Signature	/Andrew Z. Weaver/		Date (YYYY-MM-DD)	2012-10-09	
First Name	Andrew Z.	Last Name	Weaver	Registration Number	56468
Additional Signature may be generated within this form by selecting the Add button. <a href="#">Add</a>					



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	8085.229.CNUS00
		Application Number	
Title of Invention	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE		

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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.

Electronic Patent Application Fee Transmittal				
<b>Application Number:</b>				
<b>Filing Date:</b>				
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE			
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL			
<b>Filer:</b>	Andrew Z. Weaver/Michelle Griffin			
<b>Attorney Docket Number:</b>	8085.229.CNUS00			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
Utility application filing	1011	1	390	390
Utility Search Fee	1111	1	620	620
Utility Examination Fee	1311	1	250	250
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>1260</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	13945706
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Andrew Z. Weaver/Michelle Griffin
<b>Filer Authorized By:</b>	Andrew Z. Weaver
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	09-OCT-2012
<b>Filing Date:</b>	
<b>Time Stamp:</b>	19:25:32
<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	\$1260
RAM confirmation Number	6715
Deposit Account	141437
Authorized User	NOVAK DRUCE AND QUIGG LLP

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)					
<b>File Listing:</b>					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		APP-37534-US-PAT_Application-as-Filed_8085229NPUS00.pdf	179480 37fb7920c6a268f188d1f9fd32a70547ae5df5	yes	34
<b>Multipart Description/PDF files in .zip description</b>					
<b>Document Description</b>			<b>Start</b>	<b>End</b>	
Specification			1	29	
Claims			30	33	
Abstract			34	34	
<b>Warnings:</b>					
<b>Information:</b>					
2	Drawings-only black and white line drawings	DRW-37534-US-PAT_Drawings-as-Filed_8085229NPUS00.pdf	526547 9f055215652780c5c99583fec9b99412ed6a17e9	no	10
<b>Warnings:</b>					
<b>Information:</b>					
3	Application Data Sheet	ADS-37534-US-PAT_Application-Data-Sheet_8085229NPUS00.pdf	1064280 ffbf1cb8eadc4213fde9744830b64aaedd2c70d5	no	6
<b>Warnings:</b>					
<b>Information:</b>					
4	Fee Worksheet (SB06)	fee-info.pdf	33552 2b3812ee42cf4ccf7a4a1d7521cd437d94af3b58	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			1803859		

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.

### Electronic Acknowledgement Receipt

<b>EFS ID:</b>	13945706
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
10/25/2012 CCETIN 00000030 141437 13648167 01 FC:1051 130.00 DA  <b>Title of Invention:</b>  Application Number:	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE  EFS ID: 13945706 Application Number: 13648167
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Andrew Z. Weaver/Michelle Griffin
<b>Filer Authorized By:</b>	Andrew Z. Weaver
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	09-OCT-2012
<b>Filing Date:</b>	
<b>Time Stamp:</b>	19:25:32
<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 <small>Filer Authorized By:</small>	\$1260 Andrew Z. Weaver
RAM confirmation Number	6715
Deposit Account	141437
Authorized User	NOVAK DRUCE AND QUIGG LLP

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)



**PATENT APPLICATION FEE DETERMINATION RECORD**

Substitute for Form PTO-875

Application or Docket Number  
13/648,167

**APPLICATION AS FILED - PART I**

		(Column 1)	(Column 2)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
FOR		NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A	N/A			N/A	390
SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A	N/A	N/A			N/A	620
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A	N/A			N/A	250
TOTAL CLAIMS (37 CFR 1.16(i))		20	minus 20 = *			OR	x 62 =	0.00
INDEPENDENT CLAIMS (37 CFR 1.16(h))		2	minus 3 = *			OR	x 250 =	0.00
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).							0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))								0.00
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL			TOTAL	1260

**APPLICATION AS AMENDED - PART II**

		(Column 1)	(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
				TOTAL ADD'L FEE			OR	TOTAL ADD'L FEE		
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							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".  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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: 13/648,167, 10/09/2012, 3661, 1390, 8085.229.CNUS00, 20, 2

CONFIRMATION NO. 1036

FILING RECEIPT



63206
RIM/NOVAK DRUCE
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON, TX 77002

Date Mailed: 11/01/2012

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

Inventor(s)

James Allen HYMEL, Kitchener, CANADA;
Jean Philippe BOUCHARD, Waterloo, CANADA;

Applicant(s)

RESEARCH IN MOTION LIMITED, Waterloo, CANADA

Assignment For Published Patent Application

RESEARCH IN MOTION LIMITED, Waterloo, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 63296

Domestic Priority data as claimed by applicant

This application is a CON of 12/870,676 08/27/2010

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.)

Permission to Access - A proper Authorization to Permit Access to Application by Participating Offices (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 10/25/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 13/648,167

Projected Publication Date: 02/07/2013

Non-Publication Request: No

Early Publication Request: No

**Title**

SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE

**Preliminary Class**

701

**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.

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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>.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/648,167	10/09/2012	James Allen HYMEL	8085.229.CNUS00

**CONFIRMATION NO. 1036**

63206  
RIM/NOVAK DRUCE  
1000 LOUISIANA STREET  
FIFTY-THIRD FLOOR  
HOUSTON, TX 77002

**NOTICE**



Date Mailed: 11/01/2012

**INFORMATIONAL NOTICE TO APPLICANT**

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):  
All  
Applicant may submit the inventor's oath or declaration at any time before the Notice of Allowance and Fee(s) Due, PTOL-85, is mailed.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	
	Filing Date		2012-10-09	
	First Named Inventor	HYMEL, James Allen		
	Art Unit	3661		
	Examiner Name	Not yet assigned		
	Attorney Docket Number	8085.229.CNUS00		

U.S.PATENTS							Remove
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	
	1	5757290		1998-05-26	Watanabe, Masaki et al.		
	2	6853911		2005-02-08	Sakarya, Taskin		
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	1	20100004005		2010-01-07	Pereira, Mindy et al.		
	2	20080163057		2008-07-03	Lohi, Hannu et al.		
	3	20110288770		2011-11-24	Greasby, Steven P.		
	4	20090098888		2009-04-16	Yoon, Mu Hy		

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	
	Filing Date		2012-10-09	
	First Named Inventor	HYMEL, James Allen		
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	Examiner Name	Not yet assigned		
	Attorney Docket Number	8085.229.CNUS00		

	5	20050073443		2005-04-07	Sheha, Michael A. et al.	
	6	20090189811		2009-07-30	Tysowski, Piotr Konrad et al.	
	7	20090176509		2009-07-09	Davis, Marc E. et al.	
	8	20090132941		2009-05-21	Pilskalns, Orest et al.	
	9	20090051785		2009-02-26	Kamada, Yasunori et al.	
	10	20090319595		2009-12-24	Millmore, Martin et al.	
	11	20080045138		2008-02-21	Milic-Frayling, Natasa et al.	

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	1	20070036737	WO		2007-04-05	Gower, Andrew		<input type="checkbox"/>

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	Filing Date		2012-10-09
	First Named Inventor	HYMEL, James Allen	
	Art Unit		3661
	Examiner Name	Not yet assigned	
	Attorney Docket Number		8085.229.CNUS00

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>
	1	PRESSELITE. Twitter 360. <a href="http://www.twitter-360.com">http://www.twitter-360.com</a> . Retrieval November 29, 2010.	<input type="checkbox"/>
	2	ASSOCIATION FOR COMPUTING MACHINERY. Inferring generic activities and events from image content and bags of geo-tags; <a href="http://portal.acm.org/citation.cfm?id=1386361&amp;dl=GUIDE&amp;coll=GUIDE&amp;CFID=76303014&amp;CFTOKEN=93381868">http://portal.acm.org/citation.cfm?id=1386361&amp;dl=GUIDE&amp;coll=GUIDE&amp;CFID=76303014&amp;CFTOKEN=93381868</a> . Retrieval November 29, 2010.	<input type="checkbox"/>
	3	IEEE. Annotating collections of photos using hierarchical event and scene models. <a href="http://ieeexplore.ieee.org/Xplore/login.jsp?url=http%3A%2F%2Fieeexplore.ieee.org%2Fiel5%2F4558014%2F4587335%2F04587382.pdf%3Farnumber%3D4587382&amp;authDecision=-203">http://ieeexplore.ieee.org/Xplore/login.jsp?url=http%3A%2F%2Fieeexplore.ieee.org%2Fiel5%2F4558014%2F4587335%2F04587382.pdf%3Farnumber%3D4587382&amp;authDecision=-203</a> . Retrieval November 29, 2010.	<input type="checkbox"/>
	4	BONGWON SUH. Semi-automatic photo annotation strategies using event based clustering and clothing based person recognition. <a href="http://www.sciencedirect.com/science_ob=ArticleURL&amp;_udi=B6V0D-4N68NFK-1&amp;_user=10&amp;_coverDate=07%2F31%2F2007&amp;_alid=1561701294&amp;_rdoc=1&amp;_fmt=high&amp;_orig=search&amp;_origin=search&amp;_zone=rslt_list_item&amp;_cdi=5644&amp;_sort=r&amp;_st=13&amp;_docanchor=&amp;view=c&amp;_ct=1&amp;_acct=C000050221&amp;_version=1&amp;_urlVersion=0&amp;_userid=10&amp;md5=d1fd8b6eb5d6ef3ebf18835ddc41e761&amp;searchtype=a">http://www.sciencedirect.com/science_ob=ArticleURL&amp;_udi=B6V0D-4N68NFK-1&amp;_user=10&amp;_coverDate=07%2F31%2F2007&amp;_alid=1561701294&amp;_rdoc=1&amp;_fmt=high&amp;_orig=search&amp;_origin=search&amp;_zone=rslt_list_item&amp;_cdi=5644&amp;_sort=r&amp;_st=13&amp;_docanchor=&amp;view=c&amp;_ct=1&amp;_acct=C000050221&amp;_version=1&amp;_urlVersion=0&amp;_userid=10&amp;md5=d1fd8b6eb5d6ef3ebf18835ddc41e761&amp;searchtype=a</a> . Retrieval November 30, 2010.	<input type="checkbox"/>
	5	Jesper Kjeldskov, Jeni Paay. "Just-for-us: a context-aware mobile information system facilitating sociality", ACM, 2 PENN Plaza , suite 701 - New York USA, 19 September 2005, -22 September 2005, pages 23-30, XP040026719, Salzburg DOI: 10.1145/1085777.1085782 ISBN: 1-59593-089-2 abstract * figures 3-9* section 4.	<input type="checkbox"/>
	6	Extended European Search Report dated May 18, 2011. In corresponding application number 10174308.6.	<input type="checkbox"/>
	7	Francesca, Carmagnola et al. "tag-based user modeling for social multi-device adaptive guides", User Modeling and User -Adapted Interaction, Kluwer Academic Publishers, Do, vol. 18, no. 5, 29 July 2008, pages 497-538, XP019650064, ISSN: 1573-1391. DOI: DOI: 10.1007/S11257-008-9052-2 abstract pages 498-500* pages 510-515.	<input type="checkbox"/>
	8	Partial European Search Report mailed January 28, 2011. In corresponding application number 10174308.6.	<input type="checkbox"/>

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Examiner Signature		Date Considered	
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	13648167
Filing Date	2012-10-09
First Named Inventor	HYMEL, James Allen
Art Unit	3661
Examiner Name	Not yet assigned
Attorney Docket Number	8085.229.CNUS00

<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	13648167
	Filing Date	2012-10-09
	First Named Inventor	HYMEL, James Allen
	Art Unit	3661
	Examiner Name	Not yet assigned
	Attorney Docket Number	8085.229.CNUS00

**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	/Andrew Z. Weaver/	Date (YYYY-MM-DD)	2012-11-15
Name/Print	Andrew Z. Weaver	Registration Number	56,468

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.

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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.

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	14241507
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Andrew Z. Weaver/Michelle Griffin
<b>Filer Authorized By:</b>	Andrew Z. Weaver
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	15-NOV-2012
<b>Filing Date:</b>	09-OCT-2012
<b>Time Stamp:</b>	17:15:40
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	IDS-37534-CNT_Information-Disclosure-Statement_8085229CNUS00.pdf	19724 <small>a715c9c60a7a563e0b88e16868c34bf1b2119dc</small>	no	2

### Warnings:

### Information:

2	Information Disclosure Statement (IDS) Form (SB08)	IDS-37534-CNT_Information-Disclosure-Statement-Form-PTOSB08a_8085229CNUS00.pdf	614203 e2e971916d91669f092574142d68a2aa9128329f	no	6
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			633927		
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>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.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>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.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>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.</b></p>					

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HYMEL, James Allen et al. Group Art Unit: 3661

Serial No.: 13/648,167 Confirmation No.: 1036

Date Filed: October 9, 2012 Examiner: Not yet assigned

For: SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS  
RELATIVE TO THE LOCATION OF A MOBILE DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-450

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted today via the Office electronic filing system (EFS-Web) in accordance with 37 CFR §1.8.

Date: November 15, 2012 Signature: /Michelle Griffin/  
Printed Name: Michelle Griffin

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In compliance with Rules 1.97 and 1.98, and in fulfillment of the duty of disclosure under Rule 1.56, it is respectfully requested that the references listed on the accompanying enclosed Form PTO/SB/08a be made of record and considered with respect to the above-referenced U.S. patent application. All of the foreign references and non-patent literature references were cited in at least one of the parent applications; therefore pursuant to 37 CFR 1.98(d), the foreign and non-patent literature references listed on the IDS form are not submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first office action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, or an admission that the information cited is, or is considered to be, material to patentability, or that the information is analogous to the subject

matter of the present invention, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Written notification that the enclosed references have been considered in their entirety by return of a copy of the enclosed form, completed by the Examiner, is respectfully requested.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 8085.229.CNUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Novak Druce + Quigg LLP  
1000 Louisiana, Fifty-Third Floor  
Houston, Texas 77002  
(713) 571-3400  
(713) 456-2836 (fax)  
andrew.weaver@novakdruce.com

Respectfully submitted,

/Andrew Z. Weaver/

Andrew Z. Weaver  
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I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(c).

I hereby appoint:

Practitioners associated with Customer Number: 63206

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used).

Name	Registration Number	Name	Registration Number

As attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications a signed copy to the undersigned according to the USPTO assignment records or assignments documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:

The address associated with Customer Number: 63206

OR

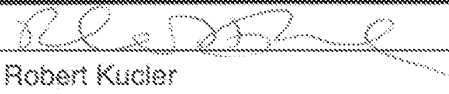
<input type="checkbox"/> Firm or Individual Name	Novak Druce + Quigg LLP		
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Assignee Name and Address: *Research In Motion Limited,  
 295 Philip Street,  
 Waterloo, Ontario,  
 N6L 0W8, Canada*

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of the practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date <b>September 19, 2012</b>
Name	<b>Robert Kucler</b>	Telephone <b>519-888-7465</b>
Title	<b>Authorized Signing Officer</b>	

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to be (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 3 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 1469, Alexandria, VA 22313-1469. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1469, Alexandria, VA 22313-1469.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**STATEMENT UNDER 37 CFR 3.73(c)**Applicant/Patent Owner: Research In Motion LimitedApplication No./Patent No.: 13/648,167 Filed/Issue Date: 10-09-2012Titled: SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICEResearch In Motion Limited, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1.  The assignee of the entire right, title, and interest.
2.  An assignee of less than the entire right, title, and interest (check applicable box):
- The extent (by percentage) of its ownership interest is \_\_\_\_\_%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.
- There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3.  The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4.  The recipient, via a court proceeding or the like (e.g., bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

- A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 029310, Frame 0020, or for which a copy thereof is attached.
- B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:
1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). 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 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.*

**STATEMENT UNDER 37 CFR 3.73(c)**

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

4. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

5. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

6. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Andrew Z. Weaver/

11-30-2012

Signature

Date

Andrew Z. Weaver

56,468

Printed or Typed Name

Title or Registration Number

## 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 Acknowledgement Receipt

<b>EFS ID:</b>	14347347
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Andrew Z. Weaver/Lauryn Smith
<b>Filer Authorized By:</b>	Andrew Z. Weaver
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	30-NOV-2012
<b>Filing Date:</b>	09-OCT-2012
<b>Time Stamp:</b>	09:12:34
<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	Power of Attorney	POA-37534-US-CNT_Power-of-Attorney_8085229CNUS00.pdf	2017970 <small>307eab099aa4607b55c2942e085462716417dc6</small>	no	1

### Warnings:

### Information:

2	Assignee showing of ownership per 37 CFR 3.73.	SUB-37534-US-CNT_AssigneeStmnt_8085229C NUS00.pdf	118465 af89be27e8a7f96637a029788f5c00b4e890e682	no	3
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>				2136435	
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>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.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>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.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>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.</b></p>					

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.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

<b>Title of Invention</b>	<b>SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE</b>
---------------------------	--

As the below named inventor, I hereby declare that:

This declaration is directed to:  The attached application, or  
 United States application or PCT international application number 13/648,167  
filed on October 9, 2012.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

**LEGAL NAME OF INVENTOR**

Inventor: James Allen HYMEL Date (Optional): Nov 9, 2012  
Signature: \_\_\_\_\_

Note: An application data sheet (PTO/AIA/14 or equivalent), including naming the entire inventive entity, must accompany this form. Use an additional PTO/SE/AIA/01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1 minute 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.

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

<b>Title of Invention</b>	<b>SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE</b>
---------------------------	--

As the below named inventor, I hereby declare that:

This declaration is directed to:  The attached application, or  United States application or PCT international application number 13/648,167 filed on October 9, 2012

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

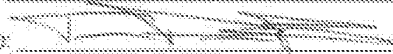
I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

**WARNING:**

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**LEGAL NAME OF INVENTOR**

Inventor: Jean Philippe BOUCHARD Date (Optional): 11/1/2012

Signature: 

Note: An application data sheet (PTO/AIA/14 or equivalent), including naming the entire inventive entity, must accompany this form. Use an additional PTO/SB/AIA01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which it 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 1 minute 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-9198 and select option 2.*

## 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>	13648167			
<b>Filing Date:</b>	09-Oct-2012			
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE			
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL			
<b>Filer:</b>	Andrew Z. Weaver/Michelle Griffin			
<b>Attorney Docket Number:</b>	8085.229.CNUS00			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
Late filing fee for oath or declaration	1051	1	130	130
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>130</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	14358160
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Andrew Z. Weaver/Michelle Griffin
<b>Filer Authorized By:</b>	Andrew Z. Weaver
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	30-NOV-2012
<b>Filing Date:</b>	09-OCT-2012
<b>Time Stamp:</b>	17:28:52
<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	\$130
RAM confirmation Number	6094
Deposit Account	141437
Authorized User	NOVAK DRUCE AND QUIGG LLP

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	Transmittal Letter	SUB-37534-US-CNT_Certificate-of-Transmission_8085229CNUS00.pdf	14926 9136cfa5a4838d92dd909d76af95bbba47a644	no	1
<b>Warnings:</b>					
<b>Information:</b>					
2	Oath or Declaration filed	DEC-37534-US-CNT_Executed-Declaration-Hymel_8085229CNUS00.pdf	125552 42675a679e41fa9af626b761c1619f79d3197c7f	no	1
<b>Warnings:</b>					
<b>Information:</b>					
3	Oath or Declaration filed	DEC-37534-US-CNT_Executed-Declaration-Bouchard_8085229CNUS00.pdf	220263 7c0cbd0cc94dbf35872a832f224cc3b4c93bd3e7	no	2
<b>Warnings:</b>					
<b>Information:</b>					
4	Fee Worksheet (SB06)	fee-info.pdf	30582 26bc18cd133e2fad3c77a0f162e3b20b22a773f5	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			391323		

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.

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

In re Application of:	HYMEL, James Allen	§ § § §	Group Art Unit No.:	2642
Serial No.:	13/648,167	§ § §	Confirmation No.:	1036
Date Filed:	October 9, 2012	§	Examiner:	Not yet assigned

For: SYSTEM AND METHOD FOR  
DETERMINING ACTION SPOT  
LOCATIONS RELATIVE TO  
THE LOCATION OF A MOBILE  
DEVICE

Commissioner for Patents  
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**CERTIFICATE OF TRANSMISSION**

I hereby certify that the items listed below are being transmitted today via the Office electronic filing system (EFS-Web) in accordance with 37 CFR §1.8.

1. Executed Declarations; and
2. Fee.

Date: November 30, 2012

Signature: /Michelle Griffin/  
Printed Name: Michelle Griffin

### Electronic Acknowledgement Receipt

<b>EFS ID:</b>	13945706
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
10/25/2012 CCETIN 00000030 141437 13648167 01 FC:1051 130.00 DA  <b>Title of Invention:</b>  SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE  Application Number: 13648167	
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Andrew Z. Weaver/Michelle Griffin
<b>Filer Authorized By:</b>	Andrew Z. Weaver
<b>Attorney Docket Number:</b>	8085.229.CNU500
<b>Receipt Date:</b>	09-OCT-2012
<b>Filing Date:</b>	
<b>Time Stamp:</b>	19:25:32
<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	\$1260
RAM confirmation Number	6715
Deposit Account	141437
Authorized User	NOVAK DRUCE AND QUIGG LLP

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)



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/648,167	10/09/2012	James Allen HYMEL	8085.229.CNUS00

63206  
RIM/NOVAK DRUCE  
1000 LOUISIANA STREET  
FIFTY-THIRD FLOOR  
HOUSTON, TX 77002

**CONFIRMATION NO. 1036**  
**POA ACCEPTANCE LETTER**



Date Mailed: 12/11/2012

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/30/2012.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/zabraha/

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/648,167	10/09/2012	James Allen HYMEL	8085.229.CNUS00

**CONFIRMATION NO. 1036**

**POWER OF ATTORNEY NOTICE**



63206  
RIM/NOVAK DRUCE  
1000 LOUISIANA STREET  
FIFTY-THIRD FLOOR  
HOUSTON, TX 77002

Date Mailed: 12/11/2012

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/30/2012.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervned as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/zabraha/

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 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: 13/648,167, 10/09/2012, 2642, 1390, 8085.229.CNUS00, 20, 2

CONFIRMATION NO. 1036

REPLACEMENT FILING RECEIPT



63206
RIM/NOVAK DRUCE
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON, TX 77002

Date Mailed: 12/17/2012

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

Inventor(s)

James Allen HYMEL, Kitchener, CANADA;
Jean Philippe BOUCHARD, Waterloo, CANADA;

Applicant(s)

RESEARCH IN MOTION LIMITED, Waterloo, CANADA

Assignment For Published Patent Application

RESEARCH IN MOTION LIMITED, Waterloo, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 63206

Domestic Priority data as claimed by applicant

This application is a CON of 12/870,676 08/27/2010 PAT 8326327

Foreign Applications for which priority is claimed (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access - A proper Authorization to Permit Access to Application by Participating Offices (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 10/25/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 13/648,167

Projected Publication Date: 02/07/2013

Non-Publication Request: No

**Early Publication Request:** No  
**Title**

SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE  
LOCATION OF A MOBILE DEVICE

**Preliminary Class**

455

## **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**

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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 4 columns: APPLICATION NUMBER (13/648,167), FILING OR 371(C) DATE (10/09/2012), FIRST NAMED APPLICANT (James Allen HYMEL), ATTY. DOCKET NO./TITLE (8085.229.CNUS00)

CONFIRMATION NO. 1036

63206
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PUBLICATION NOTICE



Title:SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE

Publication No.US-2013-0035116-A1

Publication Date:02/07/2013

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 Managment, 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, NOTIFICATION DATE, DELIVERY MODE. Includes application details for James Allen HYMEL and examiner TRAN, CONGVAN.

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):

ndqrimpatents@novakdruce.com
portfolioprosecution@rim.com

<b>Office Action Summary</b>	<b>Application No.</b> 13/648,167	<b>Applicant(s)</b> HYMEL ET AL.	
	<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2641	

**-- 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 October 2013.
- 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.

\* 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 09 October 2013 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 \_\_\_\_\_.
- 3)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 4)  Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. 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. Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by Paulson et al. (8,228,234).

Regarding claim 1, Paulson discloses a power saving system and method for mobile communication device comprising, a server configured to (fig.5, element 132 and its description):

receive data indicative of a current location of a mobile device (see abstract, fig.5, elements 10, 130/132, and its description);

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action (see abstract, fig.5, elements 10, 132, col.8, line 14 and its description);

transmit the at least one action spot to the mobile device (see abstract, fig.5, elements 130, col.8, line 14 and its description); and

transmit an indication of the activity level at the at least one action spot to the mobile device (see abstract, fig.5, elements 130/132, col.10, line 45 and its description).

Regarding claim 2, Paulson further discloses the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action is within a predetermined period of time (see col.10, line 45).

Regarding claim 3, Paulson further discloses the activity level is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted, within a predetermined distance from the at least one action spot (see col.10, line 45).

Regarding claim 4, Paulson further discloses the activity level is based upon at least one of length of video recording and size of data packets associated with the video recording, within a predetermined distance from the at least one action spot (see col.10, line 45).

Regarding claims 5-6, Paulson further discloses the server is further configured to transmit directions to the at least one action spot in response to receiving an indication that a graphical item associated with the at least one action spot has been selected (see fig.6, col.10, line 60,and its description).

Regarding claim 7, Paulson further discloses the determining of the at least one action spot is based upon a defined distance from the mobile device (see col.10, line 45).

Regarding claim 8, Paulson discloses a power saving system and method for mobile communication device comprising, a computer useable medium having



computer readable program code embodied therein providing action spots on a mobile device, the computer program product comprising computer readable program code configured to cause the mobile device to (see col.1. line 44):

determine, via a processor, a current location of the mobile device (see abstract, fig.5, elements 10, 104, 134, and its description);

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action (see abstract, fig.5, elements 10, 132, col.8, line 14 and its description); and

display a graphical item on a display of the mobile device, said graphical item identifying a direction, relative to the current location, in which to travel in order to arrive at the determined at least one action spot (see figs.5-6, col.10, line 14 and its description).

Regarding claims 9-20 have been described the same as rejected claims 2-7.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed

by the Examiner. SEE MPEP 2141.02 [R-5] VI. **PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS:** *A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.* W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1201,73 USPQ2d 1141, 1146 (Fed. Cir. 2004).  
>See also MPEP §2123.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. 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.

Application/Control Number: 13/648,167  
Art Unit: 2641

Page 6



UNITED STATES PATENT AND TRADEMARK OFFICE

/CongVan Tran/  
Primary Examiner, Art Unit 2641

<b>Notice of References Cited</b>	Application/Control No. 13/648,167	Applicant(s)/Patent Under Reexamination HYMEL ET AL.	
	Examiner CongVan Tran	Art Unit 2641	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-8,228,234	07-2012	Paulson et al.	342/451
*	B US-2011/0040603	02-2011	Wolfe, Andrew	705/10
*	C US-8,140,403	03-2012	Ramalingam et al.	705/26.1
*	D US-2008/0102809	05-2008	Beyer, Malcolm K.	455/420
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	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> 13648167	<b>Applicant(s)/Patent Under Reexamination</b> HYMEL ET AL.
	<b>Examiner</b> CONG TRAN	<b>Art Unit</b> 2641

✓	<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	02/21/2013							
	1	✓							
	2	✓							
	3	✓							
	4	✓							
	5	✓							
	6	✓							
	7	✓							
	8	✓							
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	14	✓							
	15	✓							
	16	✓							
	17	✓							
	18	✓							
	19	✓							
	20	✓							

<b>Search Notes</b>  	<b>Application/Control No.</b>  13648167	<b>Applicant(s)/Patent Under Reexamination</b>  HYMEL ET AL.
	<b>Examiner</b>  CONG TRAN	<b>Art Unit</b>  2641

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	404.2, 408, 409, 456.1, 456.2, 456.3, 456.5	2/20/13	CT

SEARCH NOTES		
Search Notes	Date	Examiner

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

	/CONG TRAN/ Primary Examiner.Art Unit 2641
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Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

13648167 - GAI: 2641

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	
	Filing Date		2012-10-09	
	First Named Inventor	HYMEL, James Allen		
	Art Unit	3661		
	Examiner Name	Not yet assigned		
	Attorney Docket Number	8085.229.CNUS00		

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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	
	1	5757290		1998-05-26	Watanabe, Masaki et al.		
	2	6853911		2005-02-08	Sakarya, Taskin		
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	1	20100004005		2010-01-07	Pereira, Mindy et al.		
	2	20080163057		2008-07-03	Lohi, Hannu et al.		
	3	20110288770		2011-11-24	Greasby, Steven P.		
	4	20090098888		2009-04-16	Yoon, Mu Hy		

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	Examiner Name	Not yet assigned	
	Attorney Docket Number	8085.229.CNUS00	

5	20050073443		2005-04-07	Sheha, Michael A. et al.	
6	20090189811		2009-07-30	Tysowski, Piotr Konrad et al.	
7	20090176509		2009-07-09	Davis, Marc E. et al.	
8	20090132941		2009-05-21	Pilskalns, Orest et al.	
9	20090051785		2009-02-26	Kamada, Yasunori et al.	
10	20090319595		2009-12-24	Millmore, Martin et al.	
11	20080045138		2008-02-21	Milic-Frayling, Natasa et al.	

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Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup> i	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	1	20070036737	WO		2007-04-05	Gower, Andrew		<input type="checkbox"/>

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	13648167 - GAU: 2641
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	1	PRESSELITE. Twitter 360. <a href="http://www.twitter-360.com">http://www.twitter-360.com</a> . Retrieval November 29, 2010.	<input type="checkbox"/>
	2	ASSOCIATION FOR COMPUTING MACHINERY. Inferring generic activities and events from image content and bags of geo-tags; <a href="http://portal.acm.org/citation.cfm?id=1386361&amp;dl=GUIDE&amp;coll=GUIDE&amp;CFID=76303014&amp;CFTOKEN=93381868">http://portal.acm.org/citation.cfm?id=1386361&amp;dl=GUIDE&amp;coll=GUIDE&amp;CFID=76303014&amp;CFTOKEN=93381868</a> . Retrieval November 29, 2010.	<input type="checkbox"/>
	3	IEEE. Annotating collections of photos using hierarchical event and scene models. <a href="http://ieeexplore.ieee.org/Xplore/login.jsp?url=http%3A%2F%2Fieeexplore.ieee.org%2Fiel5%2F4558014%2F4587335%2F04587382.pdf%3Famumber%3D4587382&amp;authDecision=-203">http://ieeexplore.ieee.org/Xplore/login.jsp?url=http%3A%2F%2Fieeexplore.ieee.org%2Fiel5%2F4558014%2F4587335%2F04587382.pdf%3Famumber%3D4587382&amp;authDecision=-203</a> . Retrieval November 29, 2010.	<input type="checkbox"/>
	4	BONGWON SUH. Semi-automatic photo annotation strategies using event based clustering and clothing based person recognition. <a href="http://www.sciencedirect.com/science_ob=ArticleURL&amp;_udi=B6V0D-4N68NFK-1&amp;_user=10&amp;_coverDate=07%2F31%2F2007&amp;_alid=1561701294&amp;_rdoc=1&amp;_fmt=high&amp;_orig=search&amp;_origin=search&amp;_zone=rslt_list_item&amp;_cdi=5644&amp;_sort=r&amp;_st=13&amp;_docanchor=&amp;view=c&amp;_ct=1&amp;_acct=C000050221&amp;_version=1&amp;_urlVersion=0&amp;_userid=10&amp;md5=d1fd8b6eb5d6ef3ebf18835ddc41e761&amp;searchtype=a">http://www.sciencedirect.com/science_ob=ArticleURL&amp;_udi=B6V0D-4N68NFK-1&amp;_user=10&amp;_coverDate=07%2F31%2F2007&amp;_alid=1561701294&amp;_rdoc=1&amp;_fmt=high&amp;_orig=search&amp;_origin=search&amp;_zone=rslt_list_item&amp;_cdi=5644&amp;_sort=r&amp;_st=13&amp;_docanchor=&amp;view=c&amp;_ct=1&amp;_acct=C000050221&amp;_version=1&amp;_urlVersion=0&amp;_userid=10&amp;md5=d1fd8b6eb5d6ef3ebf18835ddc41e761&amp;searchtype=a</a> . Retrieval November 30, 2010.	<input type="checkbox"/>
	5	Jesper Kjeldskov, Jeni Paay: "Just-for-us: a context-aware mobile information system facilitating sociality", ACM, 2 PENN Plaza , suite 701 - New York USA, 19 September 2005, -22 September 2005, pages 23-30, XP040026719, Salzburg DOI: 10.1145/1085777.1085782 ISBN: 1-59593-089-2 abstract * figures 3-9* section 4.	<input type="checkbox"/>
	6	Extended European Search Report dated May 18, 2011. In corresponding application number 10174308.6.	<input type="checkbox"/>
	7	Francesca, Carmagnola et al. "tag-based user modeling for social multi-device adaptive guides", User Modeling and User -Adapted Interaction, Kluwer Academic Publishers, Do, vol. 18, no. 5, 29 July 2008, pages 497-538, XP019650064, ISSN: 1573-1391. DOI: DOI: 10.1007/S11257-008-9052-2 abstract pages 498-500* pages 510-515.	<input type="checkbox"/>
	8	Partial European Search Report mailed January 28, 2011. In corresponding application number 10174308.6.	<input type="checkbox"/>

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Examiner Signature	/CongVan Tran/ (02/21/2013)	Date Considered	
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13648167	13648167 - GAU: 2641
	Filing Date	2012-10-09	
	First Named Inventor	HYMEL, James Allen	
	Art Unit	3661	
	Examiner Name	Not yet assigned	
	Attorney Docket Number	8085.229.CNUS00	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13648167	13648167 - GAU: 2641
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	First Named Inventor	HYMEL, James Allen	
	Art Unit	3661	
	Examiner Name	Not yet assigned	
	Attorney Docket Number	8085.229.CNUS00	

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

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- 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	/Andrew Z. Weaver/	Date (YYYY-MM-DD)	2012-11-15
Name/Print	Andrew Z. Weaver	Registration Number	56,468

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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.
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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.
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.T./

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT ( Not for submission under 37 CFR 1.99)</b>	Application Number		13648167	
	Filing Date		2012-10-09	
	First Named Inventor	James Allen HYMEL		
	Art Unit	2641		
	Examiner Name	TRAN, CONGVAN		
	Attorney Docket Number	8085.229.CNUS00		

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167
	Filing Date		2012-10-09
	First Named Inventor	James Allen HYMEL	
	Art Unit		2641
	Examiner Name	TRAN, CONGVAN	
	Attorney Docket Number		8085.229.CNUS00

	1	Examination report mailed February 14, 2013, in corresponding European patent application number 10174308.6.	<input type="checkbox"/>
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Signature	/Andrew Z. Weaver/	Date (YYYY-MM-DD)	2013-03-29
Name/Print	Andrew Z. Weaver	Registration Number	56,468

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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	15391343
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Andrew Z. Weaver/Khristine McNeil
<b>Filer Authorized By:</b>	Andrew Z. Weaver
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	29-MAR-2013
<b>Filing Date:</b>	09-OCT-2012
<b>Time Stamp:</b>	16:13:55
<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	Transmittal Letter	IDS_37534_US_CNT_IDS_Transmittal_Letter_8085_229_CNUS00.pdf	19629 <small>747617689de90865a118ced4d0f40257c646e195</small>	no	2

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2	Information Disclosure Statement (IDS) Form (SB08)	IDS_37534_US_CNT_IDS_FOR M_8085_229_CNUS00.pdf	612179 8c5ec5b653e7e7c38e77dc34a0eb058da913a225	no	4
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<b>Information:</b>					
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3	Non Patent Literature	101743086_Examination_Report_02_14_2013.PDF	477170 e5cce741cf15c125529328df4e2b58e1fe005652	no	5
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	James Allen HYMEL	Group Art Unit:	2641
Serial No.:	13/648,167	Confirmation No.	1036
Date Filed:	October 9, 2012	Examiner:	TRAN, CONGVAN
For:	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted today via the Office electronic filing system (EFS-Web) in accordance with 37 CFR §1.8.

Date: March 29, 2013      Signature: /Christine McNeil/  
Printed Name: Christine McNeil

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In compliance with Rules 1.97 and 1.98, and in fulfillment of the duty of disclosure under Rule 1.56, it is respectfully requested that the references listed on the accompanying enclosed Form PTO/SB/08a be made of record and considered with respect to the above-referenced U.S. patent application. A copy of the non-patent literature document is enclosed.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, or an admission that the information cited is, or is considered to be, material to patentability, or that the information is analogous to the subject matter of the present invention, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Written notification that the enclosed references have been considered in their

entirety by return of a copy of the enclosed form, completed by the Examiner, is respectfully requested.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 8085.229.CNUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

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1000 Louisiana, Fifty-Third Floor  
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/Andrew Z. Weaver/

Andrew Z. Weaver  
Reg. No. 56,468

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HYMEL, James Allen et al. Group Art Unit: 2641

Serial No.: 13/648,167 Confirmation No. 1036

Date Filed: October 9, 2012 Examiner: TRAN, Congvan

For: SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS  
RELATIVE OT THE LOCATION OF A MOBILE DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted today via the Office electronic filing system (EFS-Web) in accordance with 37 CFR §1.8.

Date: May 28, 2013

Signature: /Michelle Griffin/  
Printed Name: Michelle Griffin

**RESPONSE TO THE NON-FINAL OFFICE ACTION**

In response to the Non-Final Office Action mailed February 28, 2013 (hereinafter “the Office Action”), please find attached the following remarks:

**Claims** begin on page 2 of this paper. This claims listing replaces all prior claims listing on record.

**Remarks** begin on page 6 of this paper.

**CLAIMS LISTING:**

1. (Currently Amended) A server configured to:
  - receive data indicative of a current location of a mobile device;
  - determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action;
  - transmit the at least [[on]] one action spot to the mobile device; and
  - transmit an indication of the activity level at the at least one action spot to the mobile device.
  
2. (Original) The server as recited in claim 1, wherein the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action is within a predetermined period of time.
  
3. (Original) The server as recited in claim 1, wherein the activity level is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted, within a predetermined distance from the at least one action spot.
  
4. (Original) The server as recited in claim 1, wherein the activity level is based upon at least one of length of video recording and size of data packets associated with the video recording, within a predetermined distance from the at least one action spot.
  
5. (Original) The server as recited in claim 1, wherein the server is further configured to transmit directions to the at least one action spot in response to receiving an indication that a graphical item associated with the at least one action spot has been selected.
  
6. (Original) The server as recited in claim 5, wherein the transmitting directions further includes transmitting a map.
  
7. (Original) The server as recited in claim 1, wherein the determining of the at least one action spot is based upon a defined distance from the mobile device.

8. (Original) A non-transitory computer program product comprising a computer useable medium having computer readable program code embodied therein providing action spots on a mobile device, the computer program product comprising computer readable program code configured to cause the mobile device to:

determine, via a processor, a current location of the mobile device;

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action; and

display a graphical item on a display of the mobile device, said graphical item identifying a direction, relative to the current location, in which to travel in order to arrive at the determined at least one action spot.

9. (Original) The non-transitory computer program product of claim 8, wherein the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action is within a predetermined period of time.

10. (Original) The non-transitory computer program product of claim 8, wherein the at least one action spot has an associated activity level that is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted, within a predetermined distance from the at least one action spot.

11. (Original) The non-transitory computer program product of claim 8, wherein the at least one action spot has an associated activity level that is based upon at least one of length of video recording and size of data packets associated with the video recording, within a predetermined distance from the at least one action spot.

12. (Original) The non-transitory computer program product of claim 8, wherein a level of activity associated with the at least one action spot is signified on the display of the mobile device.

13. (Original) The non-transitory computer program product of claim 8, wherein the display of the graphical item on the display of the mobile device further comprises coloring the background of the display according to a color scheme associated with a range of activity occurring at the at least one action spot.

14. (Original) The non-transitory computer program product of claim 8, wherein the display of the graphical item on the display of the mobile device further comprises sizing a graphical item associated with the at least one action spot in accordance with a range of activity occurring at the at least one action spot.

15. (Original) The non-transitory computer program product of claim 8, wherein the level of activity is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted within a predetermined distance from the at least one action spot.

16. (Original) The non-transitory computer program product of claim 8, wherein the level of activity is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted within a predetermined distance from the at least one action spot for a given period of time.

17. (Original) The non-transitory computer program product of claim 8, wherein the computer readable program code is further configured to cause the mobile device to display directions to the at least one action spot in response to a selection of a graphical item associated with the at least one action spot.

18. (Original) The non-transitory computer program product of claim 8, wherein the displayed directions further includes a map displayed on a graphical interface on a display of the mobile device.



19. (Original) The non-transitory computer program product of claim 8, wherein the displayed directions further includes a compass displayed on a graphical user interface on a display of the mobile device.

20. (Original) The non-transitory computer program product of claim 18, wherein the compass provides bearing and distance to the at least one activity spot.

**REMARKS**

Claims 1-20 are pending in this application and stand rejected. Independent claim 1 is amended in this Response to correct a typographical error. Specifically “on” in claim 1 is replaced with “one.” No new matter has been added. The undersigned respectfully requests reconsideration and allowance of these claims in view of the following remarks.<sup>1</sup>

**Claim Rejections under 35 U.S.C. §102:**

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 8,228,234 to Paulson *et al.* (“Paulson”). The undersigned respectfully traverses this rejection. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987)) (emphasis added). The undersigned submits that Paulson does not anticipate the claims.

Regarding independent claim 1, Paulson does not disclose:

A server configured to:

receive data indicative of a current location of a mobile device;

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action;

transmit the at least one action spot to the mobile device; and

transmit an indication of the activity level at the at least one action spot to the mobile device.

(Emphasis added). Regarding the “determine at least one action spot” feature of claim 1, the Office Action asserts the abstract, figure 5, elements 10, 132, column 8, line 14 and its description of Paulson. *Office Action* at p. 2. The “at least one action spot” is further narrowed in claim 1 and recites, “corresponding to a location where at least one other mobile device has engaged in documenting action.” Paulson does not disclose such an action spot. Paulson is directed to a location-determining system in which a current location of the mobile computing device is determined at a first rate. Based on various factors, Paulson may adjust the first rate to a second rate. However, the undersigned fails to see where Paulson discloses the action spot of

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<sup>1</sup> As the undersigned representative's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, the undersigned representative's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by the undersigned representative that such assertions are accurate or such requirements have been met, and the undersigned representative reserves the right to analyze and dispute such in the future.

claim 1 and more specifically where Paulson discloses at least one other mobile device engaging in a documenting action. Paulson does not appear to disclose either a second mobile device or a documenting action.

Given that Paulson does not “determine at least one action spot,” Paulson does not disclose “transmit the at least one action spot,” nor can Paulson disclose, “transmit an indication of the activity level at the at least one action spot to the mobile device,” as recited in amended independent claim 1. Thus, a *prima facie* case of anticipation of independent claim 1 has not been established as Paulson does not disclose each and every limitation of independent claim 1.

Regarding independent claim 8, claim 8, like claim 1, also recites, “determine at least one action spot ...” Thus, the arguments regarding this feature that are recited above with respect to independent claim 1 also apply to independent claim 8.

For at least these reasons, Paulson does not disclose each and every feature of independent claims 1 and 8. Thus, independent claims 1 and 8 are patentable over Paulson. Claims 2-7 depend from independent claim 1. Claims 9-20 depend from independent claim 8. Claims 2-7 and 9-20 should also be allowable at least by virtue of their dependency on independent claims 1 and 8, and because they contain additional features. Therefore, the undersigned will not address the arguments with respect to these claims and reserves the right to address the arguments in the Office Action at a later time. The undersigned respectfully submits that claims 1-20 are not anticipated by Paulson and respectfully requests the withdrawal of the rejection of claims 1-20 under 35 U.S.C. § 102(e).

**CONCLUSION**

In view of the above, the undersigned respectfully submits that the present application is in condition for allowance and a Notice to that effect is earnestly solicited. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

The undersigned requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 8085.229.CNUS00.

Date: May 28, 2013

Respectfully submitted,

/Andrew Z. Weaver/

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Andrew Z. Weaver, Esq.  
Reg. No. 56,468

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	15888279
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Jacob Bruce Henry/Michelle Griffin
<b>Filer Authorized By:</b>	Jacob Bruce Henry
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	28-MAY-2013
<b>Filing Date:</b>	09-OCT-2012
<b>Time Stamp:</b>	19:30:32
<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		RESP-37534-US-CNT_Office-Action-Response_8085229CNUS00.pdf	51907 <small>697d32c2d130b431e3d9add28825b3dccc6d20b35</small>	yes	8

<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
Claims	2	5
Applicant Arguments/Remarks Made in an Amendment	6	8

**Warnings:**

**Information:**

<b>Total Files Size (in bytes):</b>	51907
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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>13/648,167</b>	Filing Date <b>10/09/2012</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**

AMENDMENT	(Column 1)	(Column 2)	(Column 3)	(Column 4)	(Column 5)	RATE (\$)	ADDITIONAL FEE (\$)	
	<b>05/28/2013</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA				
	Total (37 CFR 1.16(i))	* 20	Minus ** 20	= 0		X \$80 =	0	
	Independent (37 CFR 1.16(h))	* 2	Minus *** 3	= 0		X \$420 =	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>	

AMENDMENT	(Column 1)	(Column 2)	(Column 3)	(Column 4)	(Column 5)	RATE (\$)	ADDITIONAL FEE (\$)	
		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA				
	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 L. 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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/648,167	10/09/2012	James Allen HYMEL	8085.229.CNUS00	1036
63206	7590	07/25/2013	EXAMINER	
RIM/NOVAK DRUCE 1000 LOUISIANA STREET FIFTY-THIRD FLOOR HOUSTON, TX 77002			TRAN, CONGVAN	
			ART UNIT	PAPER NUMBER
			2641	
			NOTIFICATION DATE	DELIVERY MODE
			07/25/2013	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):

ndqrimpatents@novakdruce.com  
portfolioprosecution@blackberry.com



<b>Office Action Summary</b>	<b>Application No.</b> 13/648,167	<b>Applicant(s)</b> HYMEL ET AL.	
	<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2641	<b>AIA (First Inventor to File) Status</b> 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 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 28 May 2013.  
 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) 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.

\* 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).

**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/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 3)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 4)  Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments.*

1. Applicant's arguments, see REMARKS, filed May 28, 2013, with respect to the rejection(s) of claim(s) 1-20 under *35 USC § 102* have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Saavedra et al. (2010/0248746).

### *Claim Rejections - 35 USC § 102*

2. 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.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Saavedra et al. (2010/0248746).

Regarding claim 1, Saavedra discloses a predictive search location-based application, comprising a server (see fig.1, element 106) configured to:

receive data indicative of a current location of a mobile device (see abstract, fig.1, elements 102, 106, fig.4A, step s 402, paragraphs [0025] and its description);

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a

location where at least one other mobile device has engaged in documenting (see abstract, fig.1, elements 102, 106, fig.4A, steps 404-410, paragraphs [0013], [0022-0023][0031] and its description);

transmit the at least one action spot to the mobile device (see abstract, fig.1, elements 102, 106, fig.4A, steps 402, paragraphs [0013] and its description); and

transmit an indication of the activity level at the at least one action spot to the mobile device (see abstract, figs.1-3, elements 102, 106, fig.4A, steps 402, paragraphs [0010-0012], [0022-0026] and its description).

Regarding claim 2, Saavedra further discloses the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action is within a predetermined period of time (see paragraph [0024]).

Regarding claim 3, Saavedra further discloses the activity level is based upon **at least one** of a number of images being captured, a number of videos being captured, or a number of messages being transmitted, within a predetermined distance from the at least one action spot (see abstract, fig.5C, and its description).

Regarding claim 4, Saavedra further discloses the activity level is based upon **at least one** of length of video recording and size of data packets associated with the video recording, within a predetermined distance from the at least one action spot (see abstract, figs.1-3, elements 102, 106, fig.4A, steps 402, paragraphs [0010-0012], [0022-0026], fig.5C and its description).

Regarding claims 5-6, Saavedra further discloses the server is further configured to transmit directions to the at least one action spot in response to receiving an

indication that a graphical item associated with the at least one action spot has been selected (see fig.5C, paragraph [0007-0008] and its description).

Regarding claim 7, Saavedra further discloses the determining of the at least one action spot is based upon a defined distance from the mobile device (see abstract, fig.5C, and its description).

Regarding claim 8, Saavedra discloses a predictive search location-based application, comprising Saavedra discloses a predictive search location-based application, comprising, a computer useable medium having computer readable program code embodied therein providing action spots on a mobile device, the computer program product comprising computer readable program code configured to cause the mobile device to (see fig.1, elements 102, 106/112, paragraph [0031]):

determine, via a processor, a current location of the mobile device (see abstract, fig.2, elements 106/202, paragraph [0025] and its description);

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action (see abstract, fig.1, elements 102, 106, fig.4A, steps 404-410, paragraphs [0013], [0031], [0034] and its description); and

display a graphical item on a display of the mobile device, said graphical item identifying a direction, relative to the current location, in which to travel in order to arrive at the determined at least one action spot (see abstract, fig.1, elements 102, 106, fig.4B, paragraph [0014], figs.5-6 and its description).

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Page 5

Art Unit: 2641

Regarding claims 9-20 have been described the same as rejected claims 2-7.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. **PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS:** *A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.* W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1201,73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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UNITED STATES PATENT AND TRADEMARK OFFICE

/CongVan Tran/  
Primary Examiner, Art Unit 2641

<b>Notice of References Cited</b>	Application/Control No. 13/648,167	Applicant(s)/Patent Under Reexamination HYMEL ET AL.	
	Examiner CongVan Tran	Art Unit 2641	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2010/0248746	09-2010	Saavedra et al.	455/456.3
*	B US-2003/0076808 A1	04-2003	McNiff et al.	370/345
*	C US-2010/0125492	05-2010	Lin et al.	705/14.5
*	D US-8,290,513	10-2012	Forstall et al.	455/456.3
*	E US-8,229,458	07-2012	Busch, James David	455/456.1
*	F US-2009/0047972	02-2009	NEERAJ, CHAWLA	455/456.1
	G US-			
	H US-			
	I US-			
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	K US-			
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	V				
	W				
	X				

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
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Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

13648167 - GAI: 2641

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	
	Filing Date		2012-10-09	
	First Named Inventor	James Allen HYMEL		
	Art Unit	2641		
	Examiner Name	TRAN, CONGVAN		
	Attorney Docket Number	8085.229.CNUS00		

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	13648167 - GAU: 2641
	Filing Date		2012-10-09	
	First Named Inventor	James Allen HYMEL		
	Art Unit	2641		
	Examiner Name	TRAN, CONGVAN		
	Attorney Docket Number	8085.229.CNUS00		

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Examiner Signature	/CongVan Tran/ (07/19/2013)	Date Considered	
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<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	13648167	13648167 - GAU: 2641
	Filing Date	2012-10-09	
	First Named Inventor	James Allen HYMEL	
	Art Unit	2641	
	Examiner Name	TRAN, CONGVAN	
	Attorney Docket Number	8085.229.CNUS00	

**CERTIFICATION STATEMENT**

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

**SIGNATURE**

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Signature	/Andrew Z. Weaver/	Date (YYYY-MM-DD)	2013-03-29
Name/Print	Andrew Z. Weaver	Registration Number	56,468

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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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.
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.T./

<b><i>Index of Claims</i></b> 	<b>Application/Control No.</b> 13648167	<b>Applicant(s)/Patent Under Reexamination</b> HYMEL ET AL.
	<b>Examiner</b> CONG TRAN	<b>Art Unit</b> 2641

✓	<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
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  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	02/21/2013	07/19/2013						
	1	✓	✓						
	2	✓	✓						
	3	✓	✓						
	4	✓	✓						
	5	✓	✓						
	6	✓	✓						
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	18	✓	✓						
	19	✓	✓						
	20	✓	✓						

<b>Search Notes</b>  	<b>Application/Control No.</b>  13648167	<b>Applicant(s)/Patent Under Reexamination</b>  HYMEL ET AL.
	<b>Examiner</b>  CONG TRAN	<b>Art Unit</b>  2641

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US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	404.2, 408, 409, 456.1, 456.2, 456.3, 456.5	2/20/13	CT

SEARCH NOTES		
Search Notes	Date	Examiner
Examiner's note: current location=IP address a predetermined distance = registered with the service node (within a service area while still being able to place and receive calls)	7/17/13	CT
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US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/CONG TRAN/ Primary Examiner. Art Unit 2641
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	
	Filing Date		2012-10-09	
	First Named Inventor	HYMEL, James Allen		
	Art Unit	2641		
	Examiner Name	TRAN, Congvan		
	Attorney Docket Number	8085.229.CNUS00		

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167
	Filing Date		2012-10-09
	First Named Inventor	HYMEL, James Allen	
	Art Unit	2641	
	Examiner Name	TRAN, Congvan	
	Attorney Docket Number	8085.229.CNUS00	

	1	Notice of Allowance and Fee(s) Due mailed September 12, 2013, in corresponding European patent application number 10174308.6.	<input type="checkbox"/>
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	Art Unit	2641
	Examiner Name	TRAN, Congvan
	Attorney Docket Number	8085.229.CNUS00

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Signature	/Jacob B. Henry/	Date (YYYY-MM-DD)	2013-10-10
Name/Print	Jacob b. Henry	Registration Number	61,093

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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	17098819
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Jacob Bruce Henry/Michelle Griffin
<b>Filer Authorized By:</b>	Jacob Bruce Henry
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	10-OCT-2013
<b>Filing Date:</b>	09-OCT-2012
<b>Time Stamp:</b>	17:44:10
<b>Application Type:</b>	Utility under 35 USC 111(a)

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	IDS-37534-US-CNT_Information-Disclosure-Statement_8085229CNUS00.pdf	21311 <small>01da71b5849edf3547838b0564ea137af3c3c7a</small>	no	2

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3	Non Patent Literature	NOA.PDF	172197 9a75986e9dc4d43ef027f5a33176abe6dba6d8af	no	6
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			805708		
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b> 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.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b> 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.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b> 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.</p>					

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	HYMEL, James Allen	Group Art Unit:	2641
Serial No.:	13/648,167	Confirmation No.:	1036
Date Filed:	October 9, 2012	Examiner:	TRAN, Congvan
For:	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted today via the Office electronic filing system (EFS-Web) in accordance with 37 CFR §1.8.

Date: October 10, 2013                      Signature: /Michelle Griffin/  
Printed Name: Michelle Griffin

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In compliance with Rules 1.97 and 1.98, and in fulfillment of the duty of disclosure under Rule 1.56, it is respectfully requested that the references listed on the accompanying enclosed Form PTO/SB/08a be made of record and considered with respect to the above-referenced U.S. patent application. A copy of the non-patent literature document is enclosed.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, or an admission that the information cited is, or is considered to be, material to patentability, or that the information is analogous to the subject matter of the present invention, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Written notification that the enclosed references have been considered in their

entirety by return of a copy of the enclosed form, completed by the Examiner, is respectfully requested.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No: **14-1437**, referencing Attorney Docket No.: **8085.229.CNUS00**.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

/Jacob B. Henry/

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HYMEL, James Allen et al.      Group Art Unit: 2641

Serial No.: 13/648,167      Confirmation No. 1036

Date Filed: October 9, 2012      Examiner: TRAN, Congvan

For: SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS  
RELATIVE OT THE LOCATION OF A MOBILE DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted today via the Office electronic filing system (EFS-Web) in accordance with 37 CFR §1.8.	
Date: <u>October 25, 2013</u>	Signature: <u>/Michelle Griffin/</u> Printed Name: Michelle Griffin

**RESPONSE TO THE NON-FINAL OFFICE ACTION**

In response to the Non-Final Office Action mailed July 25, 2013 (hereinafter “the Office Action”), please find attached the following amendments and remarks:

**Claims** begin on page 2 of this paper. This claims listing replaces all prior claims listing on record.

**Interview Summary** begins on page 6 of this paper.

**Remarks** begin on page 7 of this paper.

**CLAIMS LISTING:**

1. (Currently amended) A server configured to:
  - receive data indicative of a current location of a mobile device;
  - determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action;
  - transmit the at least one action spot to the mobile device; and
  - transmit an indication of ~~the~~an activity level at the at least one action spot to the mobile device.
  
2. (Original) The server as recited in claim 1, wherein the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action is within a predetermined period of time.
  
3. (Original) The server as recited in claim 1, wherein the activity level is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted, within a predetermined distance from the at least one action spot.
  
4. (Original) The server as recited in claim 1, wherein the activity level is based upon at least one of length of video recording and size of data packets associated with the video recording, within a predetermined distance from the at least one action spot.
  
5. (Original) The server as recited in claim 1, wherein the server is further configured to transmit directions to the at least one action spot in response to receiving an indication that a graphical item associated with the at least one action spot has been selected.
  
6. (Original) The server as recited in claim 5, wherein the transmitting directions further includes transmitting a map.
  
7. (Original) The server as recited in claim 1, wherein the determining of the at least one action spot is based upon a defined distance from the mobile device.



8. (Currently amended) A non-transitory computer program product comprising a computer useable medium having computer readable program code embodied therein providing action spots on a mobile device, the computer program product comprising computer readable program code configured to cause the mobile device to:

determine, via a processor, a current location of the mobile device;

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action; and

display a graphical item on a display of the mobile device, said graphical item identifying a direction, relative to the current location, in which to travel in order to arrive at the determined at least one action spot, and display a level of activity associated with the at least one action spot.

9. (Original) The non-transitory computer program product of claim 8, wherein the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action is within a predetermined period of time.

10. (Original) The non-transitory computer program product of claim 8, wherein the at least one action spot has an associated activity level that is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted, within a predetermined distance from the at least one action spot.

11. (Original) The non-transitory computer program product of claim 8, wherein the at least one action spot has an associated activity level that is based upon at least one of length of video recording and size of data packets associated with the video recording, within a predetermined distance from the at least one action spot.

12. (Canceled).

13. (Original) The non-transitory computer program product of claim 8, wherein the display of the graphical item on the display of the mobile device further comprises coloring the background

of the display according to a color scheme associated with a range of activity occurring at the at least one action spot.

14. (Original) The non-transitory computer program product of claim 8, wherein the display of the graphical item on the display of the mobile device further comprises sizing a graphical item associated with the at least one action spot in accordance with a range of activity occurring at the at least one action spot.

15. (Original) The non-transitory computer program product of claim 8, wherein the level of activity is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted within a predetermined distance from the at least one action spot.

16. (Original) The non-transitory computer program product of claim 8, wherein the level of activity is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted within a predetermined distance from the at least one action spot for a given period of time.

17. (Original) The non-transitory computer program product of claim 8, wherein the computer readable program code is further configured to cause the mobile device to display directions to the at least one action spot in response to a selection of a graphical item associated with the at least one action spot.

18. (Original) The non-transitory computer program product of claim 8, wherein the displayed directions further includes a map displayed on a graphical interface on a display of the mobile device.

19. (Original) The non-transitory computer program product of claim 8, wherein the displayed directions further includes a compass displayed on a graphical user interface on a display of the mobile device.

20. (Original) The non-transitory computer program product of claim 18, wherein the compass provides bearing and distance to the at least one activity spot.

21. (New) The server as recited in claim 1, wherein the indication comprises one or more graphical icons identifying a relative level of documenting action occurring at the at least one action spot.

22. (New) The server as recited in claim 21, wherein the one or more graphical icons identify a type of documenting action occurring at the at least one action spot.

23. (New) The server as recited in claim 21, wherein

the one or more graphical icons includes a first graphical icon corresponding to a first action spot and a second graphical icon corresponding to a second action spot; and

the first graphical icon is different from the second graphical icon, the difference identifying the relative level of documenting action by one of color, size, activity type, icon-scheme, item-sizing scheme, or activity icon scheme.

**Examiner Interview Summary**

A telephonic Examiner Interview was conducted on October 8, 2013. The participants included Examiner Congvan Tran and Applicant's representative Andrew Z. Weaver. The Applicant's representative thanks Examiner Tran for his time and courtesies extended during the Examiner Interview. The independent claims of the present application and U.S. Patent Application 2010/0248746 to Saavedra *et al.* (hereinafter "Saavedra") were discussed. The Examiner and Applicant's representative could not reach an agreement.

**REMARKS**

Claims 1-20 stand rejected. Claim 1 has been amended to correct a typographical error. Claim 8 is amended herewith to include the features of dependent claim 12. Dependent claim 12 has been canceled without prejudice or disclaimer. Claims 21-23 are newly submitted and finds support in paragraph [0044]. Thus, no new matter has been added. The undersigned respectfully requests reconsideration and allowance of these claims in view of the following remarks.<sup>1</sup>

**Claim Rejections under 35 U.S.C. §102:**

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application 2010/0248746 to Saavedra *et al.* (“Saavedra”). The rejection of claim 12 is rendered moot as claim 12 has been canceled without prejudice or disclaimer. The undersigned respectfully traverses this rejection. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987)) (emphasis added). The undersigned submits that Saavedra does not anticipate the claims.

Regarding independent claim 1, Saavedra does not disclose:

A server configured to:

receive data indicative of a current location of a mobile device;

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action;

transmit the at least one action spot to the mobile device; and

transmit an indication of the activity level at the at least one action spot to the mobile device. (Emphasis added).

Regarding the “transmit an indication of the activity level at the at least one action spot to the mobile device,” feature of claim 1, Figure 4 of the present application (reproduced below) provides an example of a display showing five action spots 402, 404, 406, 408 and 410. As shown, the activity icon associated with action spots 404 and 406 include one camera and two cameras, respectively. Since action spot 406 has two camera icons, action spot 406 indicates that

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<sup>1</sup> As the undersigned representative's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, the undersigned representative's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by the undersigned representative that such assertions are accurate or such requirements have been met, and the undersigned representative reserves the right to analyze and dispute such in the future.

more mobile devices are capturing photographs at action spot 406 than at action spot 404. *See, e.g., 2013/0035116* at [0040] (the printed publication of the present application). In other words, the camera icons show the activity level at the two action spots. Saavedra does not disclose such a feature.

Figures 4 and 8 are reproduced herein for use with the remarks regarding independent claims 1 and 8.

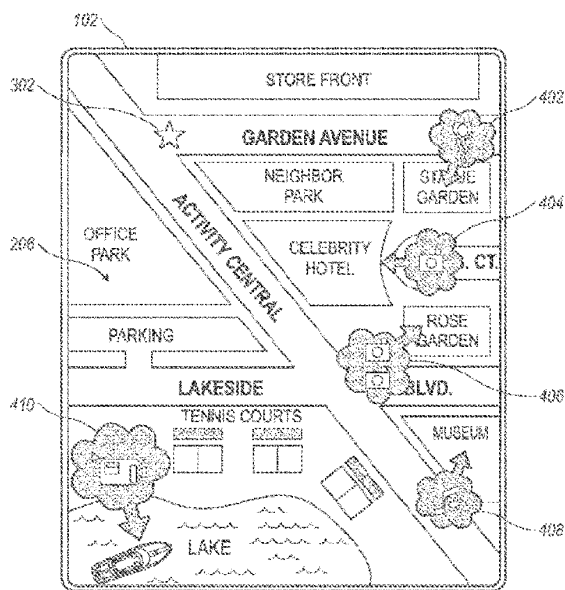


Figure 4 of the Present Application

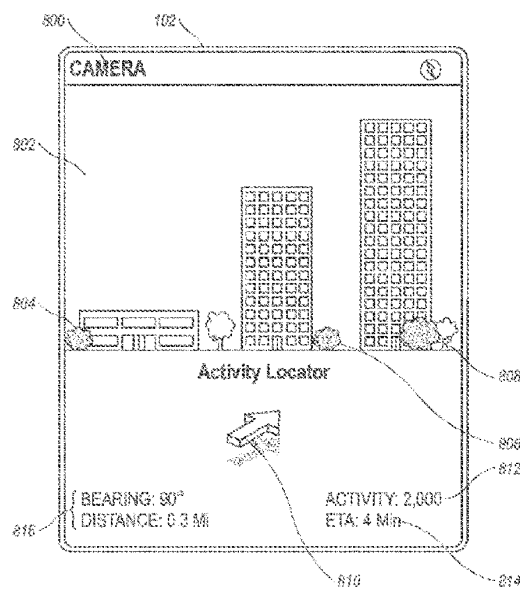


Figure 8 of the Present Application

Regarding the “transmit an indication of an activity level at the at least one action spot to the mobile device,” feature of claim 1, the Office Action asserts the abstract, figures 1-3, elements 102, 106, figure 4A, steps 402, paragraphs [0010-0012], [0022-0026] and its description of Saavedra. *Office Action* at p. 3. None of these asserted figures and sections provides an indication of the activity level at the at least one action spot. At most, the asserted paragraphs of Saavedra show points of interest but do not provide an indication of an activity level. Hence, Saavedra does not disclose each and every feature of independent claim 1 of the present application.

Regarding independent claim 8, Saavedra does not disclose,

A non-transitory computer program product comprising a computer useable medium having computer readable program code embodied therein providing

action spots on a mobile device, the computer program product comprising computer readable program code configured to cause the mobile device to:

determine, via a processor, a current location of the mobile device;

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action; and

display a graphical item on a display of the mobile device, said graphical item identifying a direction, relative to the current location, in which to travel in order to arrive at the determined at least one action spot, and display a level of activity associated with the at least one action spot. (Emphasis added).

Regarding the display feature of independent claim 8, Figure 8 of the present application (reproduced above) shows example of a display of the graphical item (compass 810) identifying a direction in which to travel in order to arrive at the determined at least one action spot. *See also, 2013/0035116* at Figure 7 and [0051-0059]. Regarding the display feature of independent claim 8, the Office Action asserts the abstract, figure 1, elements 102, 106, figure 4B, paragraph [0014], figures 5-6 and its description of Saavedra for disclosing this feature. None of the asserted sections of Saavedra disclose the graphical item of independent claim 8. More specifically, the asserted sections of Saavedra do not disclose a compass identifying a direction in which to travel to arrive at an action spot. Additionally, claim 8 has been amended to recite "and display a level of activity associated with the at least one action spot." This feature was recited in original claim 12. No rejection of claim 12 was made previously. There is nothing in Saavedra that displays the level of activity associated with the at least one action spot. Hence, Saavedra does not disclose each and every feature of independent claim 8 of the present application.

Regarding dependent claims 3 and 10, these claims further describe that the activity level can be based on a number of images being captured, a number of videos being captured, or a number of messages being transmitted, within a predetermined distance from the at least one action spot. The Office Action asserts the abstract, figure 5C and its description of Saavedra for disclosing the features of these claims. As discussed above, the asserted sections do not provide an indication of an activity level and do not further describe the activity levels in such terms as recited in dependent claims 3 and 10. Hence, Saavedra does not disclose each and every feature of dependent claims 3 and 10 of the present application.

Regarding dependent claims 4 and 11, these claims further describe that the activity level can be based on length of video recording and size of data packets associated with the video recording, within a predetermined distance from the at least one action spot. The Office Action asserts the abstract, figures 1-3, elements 102, 106, figure 4A, steps 402, paragraphs [0010-0012], [0022-0026], figure 5C and its description of Saavedra for disclosing the features of these claims. As discussed above, the asserted sections do not provide an indication of an activity level and do not further describe the activity levels in such terms as recited in dependent claims 4 and 11. Hence, Saavedra does not disclose each and every feature of dependent claims 4 and 11 of the present application.

Regarding dependent claims 9-20, the Office Action asserts that these claims are rejected for the same reasons as dependent claims 2-7. *Office Action* at p. 5. However, dependent claims 9-20 do not directly correlate with dependent claims 2-7, thus the Office Action fails to properly identify how all of these claims are rejected. Claim 12 has been canceled without prejudice or disclaimer, so the rejection thereof is rendered moot. Due to the improper notice, the undersigned representative requests that a new Non-Final Office Action issue if the Examiner continues to apply the same prior art in another Office Action.

For at least these reasons, Saavedra does not disclose each and every feature of independent claims 1 and 8. Claims 2-7 depend from independent claim 1. Claims 9-11 and 13-20 depend from independent claim 8. As a result, independent claims 1 and 8 are patentable over Saavedra, claims 2-7, 9-11 and 13-20 should also be allowable at least by virtue of their dependency on independent claims 1 and 8, and because they contain additional features. Therefore, the undersigned will not address the arguments with respect to each of these claims and reserves the right to address the arguments in the Office Action at a later time. The undersigned respectfully submits that claims 1-11 and 13-20 are not anticipated by Saavedra and respectfully requests the withdrawal of the rejection of claims 1-11 and 13-20 under 35 U.S.C. § 102(e).



**New Claim 21**

Claims 21-23 are new claims. Claims 21-23 should be allowable as they depends from independent claim 1 which as indicated above is allowable.

Additionally, dependent claim 21 recites "wherein the indication comprises one or more graphical icons identifying a relative level of documenting action occurring at the at least one action spot." There is nothing in Saavedra regarding a graphical icon identifying a relative level of documenting action occurring at the at least one action spot. Rather, the only disclosure in Saavedra concerns having a point of interest and associated information. The associate information is one of "note with information about a traffic incident, note about an entertainment event, user "shouts" or comments about a location, note about a friend's location, or a "check-in" note describing the latest location of a friend." [0023]. These are just indications of individual actions at the point of interest and does not indicate an activity level much less identifying a relative level of documenting action as recited in claim 21.

Claim 22 recites "wherein the one or more graphical icons identify a type of documenting action occurring at the at least one action spot." There is nothing in Saavedra that discloses this feature.

Additionally, there is nothing in Saavedra that discloses "wherein the one or more graphical icons includes a first graphical icon corresponding to a first action spot and a second graphical icon corresponding to a second action spot; and the first graphical icon is different from the second graphical icon, the difference identifying the relative level of documenting action by one of color, size, activity type, icon-scheme, item-sizing scheme, or activity icon scheme," as recited in claim 23.

Thus, the undersigned respectfully requests that the next action from the Office indicate that claims 21-23 are allowable.

**CONCLUSION**

In view of the above, the undersigned respectfully submits that the present application is in condition for allowance and a Notice to that effect is earnestly solicited. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

The undersigned requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No.: **14-1437**, referencing Attorney Docket No.: **8085.229.CNUS00**.

Respectfully submitted,

*/Andrew Z. Weaver/*

Date: October 25, 2013

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Andrew Z. Weaver, Esq.  
Reg. No. 56,468

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	13648167			
<b>Filing Date:</b>	09-Oct-2012			
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE			
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL			
<b>Filer:</b>	Andrew Z. Weaver/Michelle Griffin			
<b>Attorney Docket Number:</b>	8085.229.CNUS00			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
Claims in Excess of 20	1202	2	80	160
<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>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>160</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	17234193
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Andrew Z. Weaver/Michelle Griffin
<b>Filer Authorized By:</b>	Andrew Z. Weaver
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	25-OCT-2013
<b>Filing Date:</b>	09-OCT-2012
<b>Time Stamp:</b>	17:25:34
<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	\$160
RAM confirmation Number	4575
Deposit Account	141437
Authorized User	NOVAK DRUCE AND QUIGG LLP

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		RESP-37534-US-PAT_Office-Action-Response_8085229CNU500.pdf	337235 326ab57cbe29562de7a84cd98c26b132376c755f	yes	12

**Multipart Description/PDF files in .zip description**

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	5
Applicant summary of interview with examiner	6	6
Applicant Arguments/Remarks Made in an Amendment	7	12

**Warnings:**

**Information:**

2	Fee Worksheet (SB06)	fee-info.pdf	30777 997adef6d748c158c7f8861e7ef0e93dd50f66d8	no	2
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**Warnings:**

**Information:**

**Total Files Size (in bytes):** 368012

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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.

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>13/648,167</b>	Filing Date <b>10/09/2012</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(j))	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**

AMENDMENT	10/25/2013	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 22	Minus	** 20	= 2	X \$80 =	160	
	Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	X \$420 =	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>160</b>	

AMENDMENT	(Column 1)	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
	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".  
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The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE  
/ANGELONA JONES/

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/648,167	10/09/2012	James Allen HYMEL	8085.229.CNUS00	1036
63206	7590	01/02/2014	EXAMINER	
BLACKBERRY/NOVAK DRUCE 1000 LOUISIANA STREET FIFTY-THIRD FLOOR HOUSTON, TX 77002			TRAN, CONGVAN	
			ART UNIT	PAPER NUMBER
			2641	
			NOTIFICATION DATE	DELIVERY MODE
			01/02/2014	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):

ndqrimpatents@novakdruce.com  
portfolioprossecution@blackberry.com





## DETAILED ACTION

### *Response to Arguments.*

1. Applicant's arguments, see REMARKS, filed Oct. 25, 2013, with respect to the rejection(s) of claim(s) 1-20 under *35 USC § 102* have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ramalingam et al. (2011/0238517).
2. Claims 21-23 have been added.
3. Claim 12 has been canceled.

### *Claim Rejections - 35 USC § 102*

4. 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.

5. Claims 1-2, 8-9 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramalingam et al. (2011/0238517).

Regarding claim 1, Ramalingam discloses user profile and geolocation for efficient transaction, comprising a server (see fig.1, element 108, figs.3-4 and its description) configured to:

receive data indicative of a current location of a mobile device (see abstract, fig.1, elements 102/104, 108, fig.5, steps 502-504, paragraphs [0051- 0052] and its description] and its description);

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting (see abstract, fig.1, elements 102/104, 108, fig.5, steps 502-510, paragraphs [0051-0053] and its description);

transmit the at least on action spot to the mobile device (see abstract, fig.1, elements 102/104, 108, fig.5, steps 502-512, paragraphs [0051-0054] and its description); and

transmit an indication of the activity level at the at least one action spot to the mobile device (see abstract, fig.1, elements 102/104, 108, fig.5, steps 508/502-514, paragraphs [0051-0055] and its description).

Regarding claims 2, 9, Ramalingam further discloses the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action is within a predetermined period of time (see paragraph [0060]).

Regarding claims 21-22, Ramalingam further discloses the indication comprises one or more graphical icons identifying a relative level of documenting action occurring at the at least one action spot (see paragraph [0049-0050]).

Regarding claim 8, Ramalingam discloses user profile and geolocation for efficient transaction, comprising:

a computer useable medium having computer readable program code embodied therein providing action spots on a mobile device, the computer program product comprising computer readable program code configured to cause the mobile device to (see abstract, fig.3, elements 304, paragraphs [0041], [0117], and its description):

determine, via a processor, a current location of the mobile device (see abstract, fig.1, elements 102/104, 108, fig.3, elements 302/304, fig.5, steps 502-504, paragraphs [0041], [0051- 0052] and its description);

determine at least one action spot within a predetermined distance from the current location of the mobile device, the at least one action spot corresponding to a location where at least one other mobile device has engaged in documenting action (see abstract, fig.1, elements 102/104, 108, fig.5, steps 502-510, paragraphs [0051- 0053] and its description); and

6. display a graphical item on a display of the mobile device, said graphical item identifying a direction, relative to the current location, in which to travel in order to arrive at the determined at least one action spot, and display a level of activity associated with the at least one action spot (see abstract, fig.1, elements 102/104, 108, fig.2, element 218, fig.5, steps 508/502-514, paragraphs [0049], [0051-0055] and its description).

***Claim Rejections - 35 USC § 103***

7. 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.

8. Claims 3-7, 10-11, 13-20 and 23 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Ramalingam et al. (2011/0238517) in view of Saavedra (2011/0248746).

Regarding claim 3, Ramalingam discloses all the subject matters described in rejected claim 1, except for the activity level is based upon **at least one** of a number of images being captured, a number of videos being captured, or a number of messages being transmitted, within a predetermined distance from the at least one action spot. However, Saavedra discloses predictive search location-based application, comprising the activity level is based upon **at least one** of a number of images being captured, a number of videos being captured, or a number of messages being transmitted, within a predetermined distance from the at least one action spot (see abstract, figs.1-3, elements 102, 106, fig.4A, step s 402, paragraphs [0010-0012], [0022-0026], fig.5C and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Saavedra's the images being captured to combine in Ramalingam's mobile station in order to improve the use of mobile system.

Regarding claim 4, Saavedra further discloses the activity level is based upon **at least one** of length of video recording and size of data packets associated with the video recording, within a predetermined distance from the at least one action spot (see abstract, figs.1-3, elements 102, 106, fig.4A, step s 402, paragraphs [0010-0012], [0022-0026], fig.5C and its description).

Regarding claims 5-6, Saavedra further discloses the server is further configured to transmit directions to the at least one action spot in response to receiving an indication that a graphical item associated with the at least one action spot has been selected (see fig.5C, paragraph [0007-0008] and its description).

Regarding claim 7, Saavedra further discloses the determining of the at least one action spot is based upon a defined distance from the mobile device (see abstract, fig.5C, and its description).

Regarding claims 10-11, 13-20 have been described the same as rejected claims 3-7.

Regarding claims 23, Saavedra further discloses the one or more graphical icons includes a first graphical icon corresponding to a first action spot and a second graphical icon corresponding to a second action spot; and the first graphical icon is different from the second graphical icon, the difference identifying the relative level of documenting action by one of color, size, activity type, icon-scheme, item-sizing scheme, or activity icon scheme (see fig.5-6 and its description).

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. **PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS:** A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1201,73 USPQ2d 1141, 1146 (Fed. Cir. 2004).  
>See also MPEP §2123.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. 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

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Art Unit: 2641

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/CongVan Tran/  
Primary Examiner, Art Unit 2641



<b>Notice of References Cited</b>	Application/Control No. 13/648,167	Applicant(s)/Patent Under Reexamination HYMEL ET AL.	
	Examiner CongVan Tran	Art Unit 2641	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2011/0238517 A1	09-2011	Ramalingam et al.	705/26.1
	B US-			
	C US-			
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
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	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>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	
	Filing Date		2012-10-09	
	First Named Inventor	HYMEL, James Allen		
	Art Unit	2641		
	Examiner Name	TRAN, Congvan		
	Attorney Docket Number	8085.229.CNUS00		

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	13648167 - GAU: 2641
	Filing Date		2012-10-09	
	First Named Inventor	HYMEL, James Allen		
	Art Unit	2641		
	Examiner Name	TRAN, Congvan		
	Attorney Docket Number	8085.229.CNUS00		

	1	Notice of Allowance and Fee(s) Due mailed September 12, 2013, in corresponding European patent application number 10174308.6.	<input type="checkbox"/>
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Examiner Signature	/CongVan Tran/ (12/27/2013)	Date Considered	
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13648167	13648167 - GAU: 2641
	Filing Date	2012-10-09	
	First Named Inventor	HYMEL, James Allen	
	Art Unit	2641	
	Examiner Name	TRAN, Congvan	
	Attorney Docket Number	8085.229.CNUS00	

**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.
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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	/Jacob B. Henry/	Date (YYYY-MM-DD)	2013-10-10
Name/Print	Jacob b. Henry	Registration Number	61,093

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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. /C.T./

<b><i>Index of Claims</i></b> 	<b>Application/Control No.</b> 13648167	<b>Applicant(s)/Patent Under Reexamination</b> HYMEL ET AL.
	<b>Examiner</b> CONG TRAN	<b>Art Unit</b> 2641

✓	<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	02/21/2013	07/19/2013	12/27/2013					
	1	✓	✓	✓					
	2	✓	✓	✓					
	3	✓	✓	✓					
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	5	✓	✓	✓					
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	7	✓	✓	✓					
	8	✓	✓	✓					
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	19	✓	✓	✓					
	20	✓	✓	✓					
	21			✓					
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	23			✓					

<b>Search Notes</b>  	<b>Application/Control No.</b>  13648167	<b>Applicant(s)/Patent Under Reexamination</b>  HYMEL ET AL.
	<b>Examiner</b>  CONG TRAN	<b>Art Unit</b>  2641

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Class	Subclass	Date	Examiner
455	404.2, 408, 409, 456.1, 456.2, 456.3, 456.5	2/20/13	CT

SEARCH NOTES		
Search Notes	Date	Examiner
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(active activity) adj3 level with indicat\$4 with (mobile \$4phone) and @ad<="20100827" and current adj3 (location position) with (mobile \$4phone)	7/18/13	CT
activity near4 level with (wireless, mobile, \$4phone) with (spot, location) and @ad<="20100827" and current near3 (spot position location) with (wireless, mobile, \$4phone)	12/27/13	CT

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

	/CONG TRAN/ Primary Examiner.Art Unit 2641
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	
	Filing Date		2012-10-09	
	First Named Inventor	HYMEL, James Allen		
	Art Unit	2641		
	Examiner Name	TRAN, Congvan		
	Attorney Docket Number	8085.229.CNUS00		

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	1	20090006994	A1	2009-01-01	Forstall, Scott et al.			
	2	20100035596	A1	2010-02-11	Nachman, George et al.			
	3	20050073443	A1	2005-04-07	Sheha, Michael et al.			
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	1	2007036737	WO		2007-04-05	British Telecomm		<input type="checkbox"/>



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167
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	Art Unit		2641
	Examiner Name	TRAN, Congvan	
	Attorney Docket Number		8085.229.CNUS00

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	1	Extended European Search Report mailed December 18, 2013, in corresponding European patent application number 13183343.6.	<input type="checkbox"/>
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13648167
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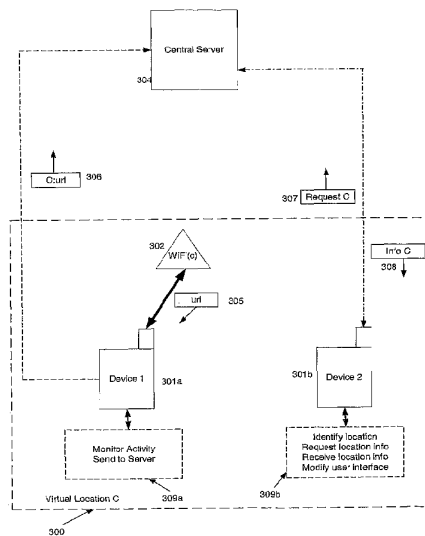
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(54) Title: INFORMATION BASED ON LOCATION AND ACTIVITY OF A USER



(57) Abstract: The present invention relates to context or location aware computing, and in particular though not exclusively to providing an activity based view of a location. The invention provides a method for providing activity based information for a location (100), and comprises determining the location (410); automatically determining data about a process associated with an activity on a device within the location (430); receiving at another device within the location activity based information which is dependent on the determined process data (420).

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## INFORMATION BASED ON LOCATION AND ACTIVITY OF A USER

Field of the Invention

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The present invention relates to context or location aware computing, and in particular though not exclusively to providing an activity based view of a location.

Background of the Invention

10

The Internet and World Wide Web (The Web) have been successful in providing users with the ability to access information and computing or information technology (IT) services from virtually any location. This has been further enhanced by the development of wireless access technologies which in addition to enhancing the connectivity coverage, additionally provides the user with mobility. On the other hand, there has also been a growing demand for context aware provision of connectivity and IT services. Such services include the provision of local information such as nearby restaurants and the automatic connection to different types of networks depending on location, for example home or work. Numerous other examples of context aware services are increasingly available.

20

"Future of Location Based Experiences" by Steve Benford University of Nottingham, TSW0501, JISC Technology and Standards Watch, January 2005, describes various examples of context aware computing, including the ability of tourists to upload comments about a tourist attraction for later download by other tourists, and the ability to adjust the virtual location of a computer game depending on the actual physical location of the player.

25

The Massachusetts Institute of Technology (MIT) Media Lab Reality Mining Project at <http://reality.media.mit.edu/> describes monitoring user activities of time and place using wireless identifiers such as Bluetooth™ fixed equipment (eg printer) as locators. This information is used to model human interactions.

30

US2005/0020307 discloses configuring computing or electronic devices depending on the user's current context which in turn is related to their current location. For example a so configured device may only show secure work-related wireless connections when the user is at work, but any wireless connections when the user is elsewhere, for example at home.

35

US2004/0203851 discloses monitoring of activities the user engages in at a location for

uploading to service providers serving that location; in order that they may better configure their services at that location based on user activity.

5 JP9053957 (English Abstract) discloses monitoring of activities over location and time on a device, for use in re-configuring the device to better service the user's habits.

#### Summary of the Invention

10 In general terms the present invention provides a method and system for providing activity based information for a location. The location is a virtual location in that it is defined in terms of activity. A virtual location may in addition be identified as and/or defined according to an actual physical or geographical location, or it may be identified and/or defined solely according to the services provided there, for example a virtual location may be defined by a WiFi identifier  
15 which could change its physical location. The virtual location is also associated with the current and/or past activities performed there, for example by a high percentage of user media streaming in that virtual location. This information can be used by new devices entering the virtual location, or devices already in the virtual location, to reconfigure themselves, dependent on the activities of other devices in the virtual location. For example if the virtual location is associated with a library,  
20 this may result in a lot of wireless connections being established to download the library's information index, and this activity based information could be used to automatically present the user of a device entering the virtual location with an option to do the same activity. In another example, as more and more devices within a virtual location associated with a theatre start turning their device ringers off prior to the performance, this might prompt other user's who have  
25 not yet done this with the option to switch off their device ringers.

Such an arrangement eases operation of user interfaces on devices by automatically providing likely options for a user. Also the provision of an activity based view of a location allows a user to manually re-configure their device according to user preferences and expectations, for  
30 example the activities the user believes they are most likely to engage in. Users may set their device to automatically action (rather than manually action) local dynamic group activity such as the theatre example outlined above.

The activity information gathered about a virtual location may also be used by service  
35 providers supporting the virtual location, for example to rationalize their information delivery processes. This could include the caching of 'popular' information on a local server that is most likely to be requested by others in that location. Alternatively, likely information could be

temporarily cached on the users device in anticipation of it being requested.

5 In one aspect the present invention provides a method of providing activity based information associated with a virtual location. The method comprises automatically determining data about a process on a device within the virtual location, the process associated with an activity; and receiving at another device activity based information which is dependent on the determined process data.

10 An embodiment provides a view of most popular information requested at this location, for example the top 10 WebPages viewed at this virtual location, or the most popular games. Alternatively or additionally the user device may be configured such that a user looking for places and times where people gather to play mobile a specific Bluetooth games is alerted by their mobile device that the virtual location they have just encountered is a 'gaming hotspot'.

15 The virtual location is defined by reference to services provided within a space or area, for example a WLAN having a specific WiFi BSSID and/or encryption key. Thus any device which is able to receive the corresponding WLAN beacon is said to be within the virtual location. The beacon provides a virtual location clue, and can be used by the device to identify that it has entered a predefined virtual location. The predefined virtual location may be stored on the device's memory, such that when it detects the corresponding signature or clue, it assumes it has entered the virtual location. Alternatively, the WLAN access point may transmit an identifier according to a predetermined protocol which the device is able to recognise. In another alternative, the device may send a request to a central server together with the virtual location clue or clues it has detected. In another alternative, a service provider such as a Wi-Fi access point associated with defining a virtual location may recognise devices that enter its network coverage area. This information can then be used by the server to forward a virtual location identifier and/or virtual location dependent activity based information. The virtual location clues will typically correspond to one or more wireless technologies, for example a WiFi and a Bluetooth beacon carrying a respective identifier which can be used together with the technology type (eg IEEE802.11g and BT v2).

20  
25  
30  
35 The virtual location may or may not correspond with a geographical location, for example the definition of the virtual location may also include a range of GPS coordinates. On the other hand, where the virtual location is defined by reference to a WLAN, the WLAN could move geographical location but the virtual location defined by it would be the same. In an embodiment, the virtual locations are defined by reference to one or more wireless technologies, for example a WiFi identifier and/or GPS provided coordinates. Virtual locations could also be defined using



GPS or even WLAN signal strength to subdivide a large wireless network thereby creating a cluster of individual Virtual Locations.

5           Alternatively the virtual location may be defined by the devices that form it, for example  
whenever three predetermined devices are within a certain range of each other, they are said to  
be in a virtual location and carry out the above defined method. The range may be that sufficient  
for them to communicate with each other using a nominated wireless technology for example  
Bluetooth. A record of activities performed at this virtual location can be recorded (on the devices  
10 rather than on a server) for future reference. Rather than the system being reliant on a server in  
this example a smaller system could run on each host device.

More generally a virtual location is an area defined by available wireless network  
technologies (server-client or peer-to-peer) for the purpose of situation or activity profiling.  
15 Situation profiling combines the users activities (applications, services, content utilised by users),  
activity chronology, and user or device profiling to provide enhanced application, service or  
content customisation.

The process data may be determined by each device within the virtual location uploading  
20 its respective data to a central server. Alternatively, each device may use peer-to-peer  
connections with other devices within the virtual location in order to determine the process data.  
The process data corresponds to an application executed or a function carried out on the device.  
Examples include an email client, a web browser, or switching the devices backlight or ringer off.  
The processes are associated with an activity such as sending and receiving email, surfing the  
25 internet, or putting the device in a "sleep" mode. The activities are typically user initiated in the  
sense that a user of the device activates or instructs the device to carry out the function or  
application associated with the process. This can include an automatic procedure that a user has  
previously set-up. For example when entering a virtual location (toilet, library, managers office,  
customer reception area) divert all incoming calls to my answer phone or turn my ringer off.

30           The relationship between the process data and the activity based information could be  
one-to-one, or typically the process data is processed for example by deriving statistics relating to  
the process data from a number of devices within the location. For example the most popular  
activity in a virtual location as determined from the process data from all the devices in the virtual  
35 location can be provided to a requesting device.

Either a client-server or a peer-to-peer architecture can be used for implementing the

automatic gathering and provision of activity based information to the devices within the virtual location. Virtual location definition in a peer-to-peer architecture may use a predetermined virtual location clue such as a WLAN beacon, or alternatively devices within a space or area may form a virtual location according to a predetermined protocol, for example using an ad hoc WLAN in which each device is with range of every other device within the WLAN. Thus the virtual location definition or clue can be the identifier or BSSID and the corresponding beacon.

The virtual location can be defined using multiple wireless technologies, for example WiFi; Bluetooth; UMTS; and/or GPS. In an embodiment a virtual location is defined using a number of clues which combine the wireless technology and a corresponding identifier such as a WiFi BSSID.

Examples of user initiated activities include: establishing an Internet connection; establishing an email connection; establishing a streaming media connection; changing the user interface of the device, for example switching on the backlight or executing a process such as a game. Some of this information may be more specific such as the web-site visited or the game played – though this type of information would typically not be linked to a particular user for privacy reasons, but used only to provide an indication of the most popular web-site or game currently in the virtual location for example.

A time dimension may also be added to the activity based information, which may change depending on the time of day. For example users in a coffee shop at lunchtime may receive different activity based information than users in the same coffee shop after work.

A user profile dimension can also be added to the activity based information, for example the activity based information downloaded to a teenage user of a virtual location may be different to that downloaded for a middle-aged salesman. For example the teenager may be more interested in gaming levels or popularity for the virtual location whereas the salesman may be more interested in the most popular websites visited in the same virtual location. Similarly, mobile police officers may be interested in information related to the activities of previous police officers, such as relevant and/or recent incidents at the same virtual location.

Thus the activity based information downloaded to a device may be provided in the form of a virtual location profile (VLP) whose content may vary depending on the time of day and/or a user profile for the downloading device. The VLP may include for example the most popular websites visited at that virtual location, the most popular games played, the most popular media streamed, and the most common device control re-setting such as ringer volume reduction in an

eBook zone.

The activity based information provided about a virtual location may be used to infer additional information or context likelihood's, for example a high number of gaming activities might designate a virtual location as a gaming hot-spot. In another example, high eBook application usage may indicate that the virtual location is likely to offer seating and food facilities.

The activity based information associated with a virtual location can also be used by other devices or users not within the virtual location, for example a home personal computer (PC). Where the virtual location can be associated with a geographical location, the activity based information can be mapped for use by others in identifying locations corresponding to certain activity profiles. For example a teenager may use a map based application or search engine on their home PC to find local gaming hotspots, such as places where people in the past (or possibly currently) have played a particular peer-to-peer game. Similarly, a local area suitable for reading an eBook could be identified based on the activities (ie reading eBooks) of others.

In another aspect the presenting invention provides a method of providing activity based information associated with a location. The method comprises automatically determining data about a process on a number of devices within the location, the process associated with an activity; and receiving at another device activity based information which is dependent on the determined process data. The activities are not limited to interactions with a single wireless service provider, and include all of a number of predetermined activities on the devices within the location. The location may be a virtual location, or it may be a physical location. The determined process data can be associated with a geographical identifier corresponding of the location, for example GPS co-ordinates or a post code. This data or information can then be used with mapping applications, for example to identify physical locations having a high incidence of a particular activity, such as gaming or a particular P2P game.

#### Brief Description of the Drawings

Embodiments will now be described with reference to the following drawings, by way of example only and without intending to be limiting, in which:

Figure 1 illustrates a number of virtual locations according to an embodiment;

Figure 2 illustrates a client-server architecture for automatically gathering activity based data from devices within a virtual location according to an embodiment;

Figure 3 illustrates the provision of activity based information to a device entering a virtual location according to an embodiment;

5           Figure 4 is a flow chart illustrating a method of operating a device according to an embodiment;

Figure 5 is a flow chart illustrating a method of operating a server according to an embodiment;

10

Figure 6 illustrates a number of virtual locations according to another embodiment;

Figure 7 illustrates the gathering of activity based information using a peer-to-peer architecture according to another embodiment; and

15

Figure 8 is a flow chart illustrating a method of operating a device in the peer-to-peer architecture of figure 7.

20    Detailed Description

Referring to figure 1, a number of virtual locations 100 (A-D) are illustrated. These virtual locations are defined by reference to a number of virtual location clues, in this case provided by a number of wireless technology providers 102. These wireless service providers 102 include a  
25    global positioning system satellite (GPS), WLAN access points WiFi(a), WiFi(b), and WiFi(c), static Bluetooth devices such as printers or PC's BT, and a cellular radio network base station GSM. The clues are provided by an identifier associated with each wireless service provider 102 relied upon to define the virtual location 100. For example the virtual location clue provided by the GPS satellite are coordinates, the clue provided by the WLAN access points WiF(a)-(c) are their  
30    respective BSSID's, the virtual location clue provided by the static Bluetooth device is its Bluetooth MAC address, and the clue provided by the cellular base station is the cellular ID. The clues may also comprise an identifier for each respective wireless technology, for example for virtual location C, the clue may be – "IEEE802.11b + BSSID=BT00223029", and may also comprise an encryption key.

35

The first virtual location 100A is defined according to predetermined GPS coordinates, a WLAN identifier WiFi(a), and a Bluetooth device MAC address BT. Thus to be in virtual location

5 A, the GPS coordinates of a candidate device must be within a predetermined range – of longitude, latitude, and altitude. The candidate device must also be able to receive the beacon from the WLAN access point (102WiFi(a)), and the beacon from the static Bluetooth device (102BT). Thus each of the identifiers or clues received matches those required for defining the  
10 virtual location A. If one of these virtual location identifiers or “clues” is not detected by the candidate device, then it is not within the virtual location A – it may perhaps be in another virtual location. Indeed it is possible that one virtual location may be within a larger virtual location, for example when seeing only the GPS coordinates and the WiFi(a) clues, the candidate device may be within a larger virtual location A’ (not shown).

15 The second virtual location B is identified or defined by reference to identifiers for two wireless service providers 102, and is detected or confirmed when a candidate device (not shown) can detect both the beacon from another WLAN (102WiFi(b)) and the beacon from the cellular base station (GSM). This may or may not overlap the first virtual location A.

20 The third virtual location C is defined solely by reference to a third WLAN beacon – 102WiFi(c) – provided by the corresponding wireless service provider or access point 102. If a device can detect this WLAN (WiFi(c)), then it is said to be in the virtual location C. Note that this virtual location C is not associated with a permanent physical location, as the WiFi(c) access point 102 for the WLAN could be moved to another geographical location. This compares with the first virtual location A, which is defined by reference to GPS coordinates and so is associated with a permanent physical location – unless it is later defined by different location clues.

25 The fourth virtual location D is defined solely by reference to geographical coordinates provided by the GPS wireless service provider 102. The “clue” in this case is simply geographical coordinates within a predetermined range.

30 The virtual locations A-D are all defined by wireless technologies – GPS (global positioning system), WLAN for example WiFi, cellular wireless such as GSM, CDMA2000, UMTS, and piconets such as Bluetooth. Other types of wireless technologies could also be used, and the virtual locations 100 may be defined by reference to two or more wireless technologies for greater certainty and accuracy. In some cases redundancy may also be an issue, in which case if for example the WLAN access point 102 (WiFi(a)) of virtual location A was disabled, the virtual location A might be temporarily redefined according to the remaining two wireless technologies –  
35 GPS and BT.

Figure 2 illustrates a number of devices 201 within a virtual location 200 and

communicating with a number of wireless access points or gateways 202, using wireless links 203. The communication between the devices and the wireless service providers 202 allow the devices to carry out various activities or processes. Examples of activities include surfing the Internet, sending and/or receiving email, and streaming media. The activities carried out need not  
5 involve the wireless communications links 203, for example playing a game on a device 201, or switching on the backlight. The activities may be user initiated such as surfing the Internet, or may be automatic such as adjusting the device's sound output according to ambient sound levels. Various processes are carried out on the device in order to support the user activities, for example to support a user surfing the Internet a wireless application must establish and maintain  
10 a connection with one of the wireless service providers 202, and an Internet browsing application must be executed. Data about the types of processes carried out on each device 201 are monitored and uploaded to a central server 204, via a suitable upload channel 205. The uploading 205 of the processes or activity based data may be carried out using the wireless links 203 or some other manner. For example some devices may have a wired as well as a wireless  
15 capability, in which case the uploaded or determined process data may be uploaded using the wired link.

As discussed with respect to figure 1, the virtual location 200 each of the devices 201 is operating within can be defined by reference to the various wireless service providers 202 shown.  
20

The activity data uploaded may simply be a virtual location identifier (eg A from figure 1) together with a predetermined activity type such as playing a game, sending email and so on. In this way the user's identity is not associated with the activity, and merely the numbers or types of different activities being engage in within the virtual location is made available to the server 204.  
25 Devices using the system may be configured to send the processes or activity data periodically, for example once every minute. More specific information may be gathered, for example actual URL's visited during web browsing activities, or songs downloaded or Internet radio stations "tuned" to during streaming activities. In this way, the most requested song in the virtual location may be made available to other user's in the location. Similarly at a concert, where an unknown  
30 band has taken the stage, the most popular activity may be visiting the band's web-site, and this may then be provided to users of the system, for example so that they can go straight to the web-site as well. Thus the activity based information provided to a user in a virtual location may simply be the most popular activities within a number of categories.

35 Typically the data about processes activated or running on a device described above is related to user initiated activity in which the user is required to actuate a user interface button for example, and that is context or location dependent, such as an eBook or Gaming application.

However in some configurations it may be extended to location independent activities such as receiving information, for example emails.

Figure 3 illustrates determining process data on a first device 301a and receiving activity based information at another device 301b within the same virtual location 300. In the example the first device 301a is interacting with a WLAN access point WiFi(c) 302 to surf the Internet, and has just downloaded a website 305. Additional functionality 309a within the device 301a monitors the processes carried out on the device to support these user activities, and sends this process data or data dependent on it to a central server 304. The data 306 uploaded to the server 304 may be a periodic packet with the virtual location's identifier C together with the URL of the web-site visited, or simply a code corresponding to the generic activity of web-browsing or internet surfing; and depending on configuration of the system the connection (eg to WiFi(c)) supporting this. The central server 304 may process this data from a number of similar devices 301 within the same virtual location C, for example by determining the most visited web-sites within the last ten minutes within the virtual location, or simply that the most popular current activity within the virtual location C is web-browsing.

When a second device 301b enters the virtual location C, additional functionality 309b within it determines the virtual location C and requests 307 from the system the corresponding activity based information. Determining the virtual location may involve noting the various wireless service 302 available to the new device 301b, and sending this information with the request 307 to the server 304 which returns a corresponding virtual location identifier C. The server 304 forwards the processed information 308 (and if appropriate the virtual location identifier C) to the second device 301b, which may simply display this for the user, or may use this information to reconfigure the device for use in the virtual location C. Thus a user of the new device 301b may be able to determine that a particular url or web-site is currently very popular within the virtual location, and may be prompted to visit this. Alternatively at a lower level of information granularity, the user of the device may be informed that the most popular activity within the virtual location is media streaming, and the device's start top-level menu may be adjusted to show this activity at the top of the list. Each of the devices 301 within the virtual location C may be configured to periodically request 307 activity based information from the server 304, or this might be provided automatically to each device "registered" in the virtual location C.

The embodiment might be alternatively configured such that each device 301 monitoring its own processes sends an "activity ranking list" to the central server 304, rather than each process at a time.

Alternatively or additionally, each device 301 may be further configured to notify the server 304 of its type, for example laptop or mobile phone. In this way, the process data provided by each device 301 may be categorised such that devices only receive activity based information for their own device type within the virtual location. Thus what occurs on a laptop may have little  
5 effect on what information is provided to a mobile device which has substantially less processing power and likely less bandwidth over wireless communications links. Alternatively the same activity based information may be downloaded to each device 301, but the device itself may be configured to handle it differently depending on its device type.

10 Each device may also or alternatively be categorised by a user type or profile. Examples include teenager interested in gaming; middle aged executive; elderly retired; male/female. The user profile may be extended to membership of special interest groups such as the police; specific employer or company; fan club; and so on. This may be indicated to the server using a predetermined tag on capable devices for uploading gathered process data 306, and requesting  
15 virtual location profile (VLP) data or activity based information in a request 307. The server 304 can then send VLP or information 308 according to the device's associated user profile.

The server 304 may also be configured to vary the downloaded activity based information according to the time of day. Thus the activity based view of a café/bar at lunchtime may differ  
20 significantly from the activity based view of the same virtual location in the evening. Similarly the activity based characterisation of the virtual location may be different at weekends compared with week days; or there may even be seasonal or annual variations.

Figure 4 illustrates a method of operating a device according to an embodiment. Referring also to figure 3, when a device 301b is operating according to the method (400), it looks  
25 for wireless systems or service providers 302 that can offer clues as to its virtual whereabouts or location. These can include GPS, Bluetooth, GPRS, and WLAN signatures or beacons. The device 301b monitors for predetermined virtual location clues (410), such as identifiers associated with the identified wireless systems 302, for example GPS coordinates, WLAN BSSID, and GPRS  
30 cell ID. The device may be configured to periodically send these clues (415) to the system server 304, or it may have various virtual locations pre-identified within its memory and then simply match the detected clues with those stored in order to determine that it has entered the virtual location. As a further alternative it may only request a virtual location identity when a new clue  
and/or wireless service provider 302 is identified.

35 The device then receives the virtual location information (420), and if required a virtual location identifier C. The device may not require the virtual location identifier at all, and may



5 simply receive the activity based location information. The device may be configured simply to display or store this information, or it may be configured to adjust an operating or user interface parameter dependent on the received activity based information (425): For example the user interface start menu may be rearranged to put the most popular activities currently or historically engaged in by others in the virtual location towards the top of the menu. As mentioned above, the other users on which the downloaded activity based information is dependent may be restricted to users having the same profile – for example middle aged executive compared with teenage gamer. In an alternative arrangement, the user may be directly prompted as to whether they wish to start the most popular activity. If the virtual location corresponds to a darkened room for example, other users may have switched their backlights on, and the device of the user newly entering the virtual location may be configured to automatically switch its backlight on.

15 Another example of device adjustment or automatic re-configuration when receiving the activities based information, the device may determine that it is unlikely to carry out certain activities such as playing games, and may therefore shut down its 3D graphics capability in order to reduce power consumption. The device may also be configured to provide a quick-link list of things to do in the new virtual location. Other examples include changing on-line presence from “Available” to “Do not disturb” in a chat application for example, automatically downloading some service or content, and vibrate on ringer off.

20 The activity based information (or VLP) provided to a user device by the system or server is system configurable. For example the information may simply be a list of the most popular activities within certain predefined activity categories such as web browsing, media streaming, gaming, and device re-configuring. Respective activity examples include most popular web-sites visited within the virtual location, most popular songs or videos streamed, most popular peer-to-peer games played, and the most common device adjustments such as ringer off and/or backlight on. These lists of activities in each activity category may be further categorised for example according to user profile and/or time.

30 The provided activity based information may alternatively relate to changes or anomalies in activity patterns. For example some groups (eg Police) may be interested in building a view of the least popular activities or significant changes in type of content consumed at a location.

35 The device 301 is also likely to be configured to automatically monitor its own user activities (430), for example by simply noting a code for each of a number of predetermined processes – web-browser application, email client, media streaming client, game playing application, e-book reading application, and so on. This information may be accumulated locally

over a period, and then sent to the central server (435). This may even extend to the device 301 storing activity related data for a number of different virtual locations and then uploading the data to the central server 304 say at the end of the day, when it is synchronised with a wired PC for example. Alternatively each new process activated on the device may trigger it to report this to the server 304. As a further alternative, the device 301 may have a standard template which is updated periodically and forwarded to the server after a period. The recorded processes can be time-stamped in order to aid processing by the central server, and the data sent may also include the length of time over which a process was active. The method (400) then returns to the receiving activity based information step (420) to refresh this information. In this way, users of devices in a virtual location may affect each other over time, for example an event may cause a number of users to access a particular web-site, which in turn may prompt other users in the virtual location to do the same.

The system may be configured to bias towards current or recent user activity information, or it may be more historically based, using data about the processes run on many devices over a considerable period of time.

Figure 5 shows a method for the central server 304 which receives device process data from a number of devices 301 in a number of virtual locations 300. The method (500) comprises two branches, in the first the server processes requests for identifiers for virtual locations, and receives clues from devices (505) such as the various wireless services providers it is able to currently access and/or their identifiers. The server determines from these clues a corresponding virtual location (515). This may be achieved simply by attempting to match the received clues with clues corresponding to a number of predetermined virtual locations. The server 304 then retrieves and sends the virtual location identifier to the requesting device (520). The method (500) then moves on to sending activity based information for that virtual location to the requesting device (535).

The second branch of the method (500) relates to monitoring and sending activity based information to devices within a virtual location. The server 304 receives data about processes on each device within a virtual location (525), and updates the activity based information it holds for that virtual location (530). This may comprise re-processing all the stored activity based information, for example the new process data may be used to adjust a "top activities" list within the activity based information. The updated information is then sent to the devices within the corresponding virtual location (535), and the method returns to receive further data about processes on the devices (525).

Figure 6 illustrates another embodiment in which virtual locations can include non-wireless devices. The virtual locations 600 include wireless devices 601 which determine whether they are within a virtual location 600 by reference to wireless clues associated with a number of wireless service providers 602. For example in the case of the first virtual location A, the wireless clues 602 are a coordinates range provided by the GPS system, a WLAN access point identifier WiFi(a), and a Bluetooth MAC address BT. If the device 601 detects all three clues 602, then it can assume it is within virtual location A.

However a fixed or wired device 603a can also be determined to be within the virtual location A without reference to the wireless clues 602. In this example, a personal computer PC is connected for example by Ethernet to the WLAN access point WiFi(a), and by virtue of the type of wired connection (Ethernet is typically used only locally) is determined to be within the virtual location. For example the system could automatically link wired devices together by fact that they are all connected into a switch and use specific IP addresses within a certain range. The wireless access point that provides the wireless network would also be connected on to the same LAN and switch and have a specific IP addresses within the same range. Also the LAN switch and WLAN access point may be connected to the Internet via a specific router or gateway. An external service could therefore assume that any information request via this router or gateway was within the same virtual location. Alternatively a static PC could simply be assigned to a virtual location. In this way the system still records user initiated activities (time, device and user specific) at specified locations and provides that information back to any device, service, or application within that virtual location that could benefit.

For example, in a library setting corresponding to a virtual location, all the wired computers provided to users of the library may be determined to be within the library virtual location. The wired device 603a may in fact not be within the physical range of the various wireless service providers 602 providing the virtual location clues, however is considered logically to be within the virtual location.

In the example of virtual location B, there is no Ethernet or other (relatively) short distance wired connection between the wired device 603b and a wireless service provider 602 associated with that virtual location. In this case, a personal computer PC or other device is not at all associated by physical location with other devices within the virtual location, but is logically associated by being assigned as being part of the virtual location B. The remote device 603b may be connected to the server via the internet for example. For example, a pub regular may be in another country on business but may want to virtually interact with his friends in their usual or local pub, and may do so according to this embodiment by assigning the PC the virtual location

identifier B of the virtual location B, in order to receive the activities based information corresponding to the virtual location B from the server. The assigned PC 603b may or may not upload data about its own activities or processes to the central server. In this way, the remote PC 603b may also be influenced by what other devices are doing within the virtual location B. This  
5 might be extended for example to supporters of a football team, some of whom may not be in a particular location to watch a match, but want to participate remotely at the location with other members of the football team supporters club. This concept could even be used as a way to build and support virtual communities, groups and Special Interest Groups.

10 Figure 7 illustrates another embodiment using a peer-to-peer architecture to implement the activities based view of a virtual location. As with the arrangement of figure 2, each of the devices 701 is using a number of wireless gateways or service providers 702 to perform various activities such as surfing the Internet. Other activities not requiring wireless links 703 may also be carried out on the devices 701. Each device 701 also includes additional functionality 704 to carry  
15 out the monitoring of device based processes within the virtual location. Each device polls 705 each other device 701 within the virtual location 700 about the types of activities it is engaging in. Instead of this data being stored in a central server, each respective device 701 stores this information locally and if so configured, adjusts its user interface or some other operating parameter depending on the activities based information received.

20 A protocol for determining and agreeing a virtual location can be used, for example all devices that recognise the Bluetooth piconet coordinator BT, the WLAN access point WiFi, and the cellular base station CDMA.

25 Figure 8 is a flow chart showing operation of a device using the peer-to-peer architecture of figure 7. Following initiation (805) of the system or method (800), the device determines location clues (810) for example various wireless technology beacons and GPS coordinates. It agrees with other wireless devices within its vicinity that it is within a particular virtual location, and requests data from other devices using the same virtual location identifier about the user  
30 processes running on them (815). Activity based information from the other devices in the same virtual location is received (820), and the device updates its own on-board database or store of activity based information within the virtual location (825). The device may then adjust its user interface or other operating parameter as described above according to the activities based information recovered (830). The method then returns to the requesting step (815) in order to  
35 refresh the activity based information for the devices current virtual location.

Although not shown, the device is also configured to respond to requests for its own

processes data from other devices within the same virtual location, forwarding this data to them.

5 Whilst the embodiments have been described with respect to providing or acting on downloaded activity based information, this information could also be used to infer further information or context about a virtual location. For example a high number or percentage of eBook applications may indicate a library or coffee shop with a high likelihood of having seating and food facilities for reading eBooks.

10 Whilst embodiments have been described with respect to automatically determining process data related to user activities in a virtual location, and providing this to other users within the virtual location, this gathered information or process data could additionally or alternatively be provided to others who are not in the virtual location. For example a user at a home PC may be reviewing the activity based view of a number of nearby locations, to identify a gaming hotspot. This facility may also be used by others at significant geographical distances but who are  
15 intending to visit a city and want to view it in an activity based way, for example in order to plan a nightlife "tourist" itinerary. The gathered process data in this case may be associated with a geographical location, which may be provided using a definition of the virtual location which includes real coordinates such as provided by GPS.

20 This geographically associated activity based information can then be used by other users, for example in mapping and/or search engine type applications. Thus a map of a city may show gaming hotspots, quiet spaces for reading eBooks, areas having high numbers of web-site hits relating to a particular pop-star, or even bars or cafes where certain user profiles are prevalent.

25 The skilled person will recognise that the above-described apparatus and methods may be embodied as processor control code, for example on a carrier medium such as a disk, CD- or DVD-ROM, programmed memory such as read only memory (Firmware), or on a data carrier such as an optical or electrical signal carrier. For many applications embodiments of the invention will be implemented on a DSP (Digital Signal Processor), ASIC (Application Specific  
30 Integrated Circuit) or FPGA (Field Programmable Gate Array). Thus the code may comprise conventional programme code or microcode or, for example code for setting up or controlling an ASIC or FPGA. The code may also comprise code for dynamically configuring re-configurable apparatus such as re-programmable logic gate arrays. Similarly the code may comprise code for  
35 a hardware description language such as Verilog™ or VHDL (Very high speed integrated circuit Hardware Description Language). As the skilled person will appreciate, the code may be distributed between a plurality of coupled components in communication with one another. Where

appropriate, the embodiments may also be implemented using code running on a field-(re)programmable analogue array or similar device in order to configure analogue hardware.

5 The skilled person will also appreciate that the various embodiments and specific features described with respect to them could be freely combined with the other embodiments or their specifically described features in general accordance with the above teaching. The skilled person will also recognise that various alterations and modifications can be made to specific examples described without departing from the scope of the appended claims.

## CLAIMS

1. A method of profiling a location to provide activity based information associated with the location, the method comprising:
  - 5 automatically detecting an activity performed by at least one wireless communications device;
  - determining the location of each at least one wireless communications device performing said activity;
  - determining data about a process associated with said activity and correlating this with
  - 10 information associated with the location of a plurality of said devices;
  - receiving at another device, activity based information which is dependent on the determined process data, said activity based information providing a profile of the location.
2. A method according to claim 1 wherein said other device comprises a wireless
- 15 communications device and said step of receiving at another device activity based information automatically occurs when said other device crosses a boundary into said location.
3. A method according to claim 1 or 2 wherein said step of receiving at another device activity based information occurs when said other device is located within said location and a user
- 20 of said other device generates a request for activity based information on the user's location.
4. A method according to claim 1 or 2 wherein said step of receiving at another device activity based information occurs when said device is not in said location and a comprises the steps of:
  - 25 said other device generating a request for said activity based information; and
  - providing said activity based information in association with said location.
5. A method according to claim 4 further comprising the step of:
  - 30 identifying the location of the other device; and
  - providing navigation information to said other device from its location to the location associated with the activity based information.
6. A method according to any previous claim wherein the location associated with the activity based information comprises a geographic location.
- 35 7. A method according to any one of claims 1 to 5 wherein the location associated with the activity based information is identified as a virtual location.

8. A method according to any previous claim wherein the step of automatically determining data about a process associated with an activity comprises the step of uploading said data to a server and wherein the step of receiving at another device said activity based information  
5 comprises the step of downloading the activity based information from the server to the receiving device.

9. A method according to any one of claims 1 to 7, wherein the determining data about activity associated processes comprises the receiving device requesting said data from other  
10 devices within the virtual location over peer-to-peer communication links; and wherein receiving said information comprises receiving said data over said links.

10. A method according to any one preceding claims wherein the location is defined by a wireless service provider identifier.  
15

11. A method according to any one preceding claim wherein the activity comprises: establishing an Internet connection and/or browsing the Internet; establishing an email connection; establishing a streaming media connection; downloading files; uploading files; changing the user interface of the respective device; executing an application on the respective  
20 device.

12. A method according to any one preceding claim wherein the received activity based information comprises a pre-determined number of the most popular activities in a number of activity categories.  
25

13. A method according to any one preceding claim wherein the automatically determined process data comprises an indication of each of a number of predetermined processes running on the device together with a location identifier.

14. A method according to any one preceding claim wherein the received activity based information is further dependent on a user profile associated with the other device.  
30

15. A method according to any one preceding claim wherein the received activity based information is further dependent on the time at which it is received.  
35

16. A method according to any one preceding claim wherein operational parameters of the receiving device are adjusted according to the received activity based information.



17. A method according to any one preceding claim wherein the received activity based information is further associated with a geographical identifier.
- 5 18. A carrier medium carrying processor code which when implemented on a processor is arranged to carry out a method according to any one preceding claim.
19. A system for providing activity based information for a location, the system comprising:  
means for defining the location;  
10 means for automatically determining data about a process associated with an activity on a device within the location;  
means for receiving, at another device within the location, activity based information which is dependent on the determined process data.
- 15 20. A system as claimed in claim 19, arranged to profile a location to provide activity based information associated with the location, wherein:  
said means for defining the location comprise location-positioning apparatus arranged to define the geographic location, and further comprise means to generate information identifying the position of said location;  
20 said means for automatically determining data about a process associated with an activity comprise means for determining data about a process associated with activity of at least one wireless communication device within the location;
- 25 wherein said means for receiving at another device comprise means for receiving activity based information providing a profile of the location and means for receiving information identifying the position of said location.
21. A system as claimed in claim 18 or 20, wherein said other device comprises a wireless  
30 communications device and said system communicates information to said other device using a wireless transmission link.
22. A device comprising:  
means for identifying a defined location;  
35 means for automatically determining data about a process on the device associated with an activity; and  
means for receiving activity based information which is dependent on determined process

data associated with other devices.

23. A device according to claim 22 wherein the means for determining data about activity associated processes comprises means for uploading said data to a server and wherein the  
5 means for receiving activity based information comprises means for downloading said information from the server.

24. A device according to claim 22 wherein the determining data about activity associated processes comprises means for requesting said data from other devices within the location over  
10 peer-to-peer communication links; and wherein the means for receiving said information comprises means for receiving said information over said links from the other devices.

25. A device according to any one of claims 22 to 24 wherein the means for determining the process data comprises means for sending an indication of each of a number of predetermined  
15 processes running on the device together with a virtual location identifier.

26. A device according to any one of claims 22 to 24 wherein the received activity based information is further dependent on a user profile associated with the device.

20 27. A device according to any one of claims 22 to 24 wherein the received activity based information is further dependent on the time at which it is received.

28. A device according to any one claims 22 to 24 and arranged such that operational parameters of said device are adjusted according to the received activity based information.  
25

29. A device according to any one of claims 22 to 24 wherein the received activity based information is further associated with a geographical identifier.

30. A server arranged to provide information profiling a location by associating a location with activity based information, the server comprising:

means for identifying a location;  
means for receiving automatically determined data about a process associated with an activity on a device within the location;

35 means for forwarding to another device within the location activity based information which is dependent on the determined process data.

31. A method of identifying a geographic location in dependence of activity based information

associated with usage of communications devices within the location, the method comprising:  
automatically determining data about a process associated with an activity on a  
communications device within a communications network;  
determining the location of the communications device performing the activity;  
5 associating the activity data with the location;  
requesting at another device a location associated with said activity;  
receiving at said other device said activity based information which is dependent on the  
determined process data and associated with the geographical location.

10 32. A method according to claim 31 wherein the activity based information comprises a  
geographical identifier.

33. A method according to claim 31 or 32 wherein the determined process data comprises a  
geographical identifier.

15

34. A method according to claim 32 or 33 wherein the geographical identifier comprises GPS  
coordinates and/or a post code.

20 35. A method according to any one of preceding claims 31 to 34 wherein the determining  
data about activity associated processes comprises uploading said data to a server and wherein  
the activity based information is downloaded from the server to the receiving device.

25 36. A method according to any one of preceding claims 31 to 35 wherein the determining  
data about activity associated processes comprises the receiving device requesting said data  
from other devices within the location over peer-to-peer communication links; and wherein  
receiving said information comprises receiving said data over said links.

30 37. A method according to any one of preceding claims 31 to 36 wherein the activity  
comprises: establishing an Internet connection and/or browsing the Internet; establishing an email  
connection; establishing a streaming media connection; downloading files; uploading files;  
changing the user interface of the respective device; executing an application on the respective  
device.

35 38. A method according to any one of preceding claims 31 to 37 wherein the received activity  
based information comprises a number of the most popular activities in a number of activity  
categories.

39. A method according to any one of preceding claims 31 to 38 wherein the automatically determined process data comprises an indication of each of a number of predetermined processes running on the device together with a location identifier.
- 5 40. A method according to any one of preceding claims 31 to 39 wherein the received activity based information is further dependent on a user profile associated with the other device.
41. A method according to any one of preceding claims 31 to 40 wherein the received activity based information is further dependent on the time at which it is received.
- 10 42. A method according to any one of preceding claims 31 to 41 wherein operational parameters of the receiving device are adjusted according to the received activity based information.
- 15 43. A carrier medium carrying processor code which when implemented on a processor is arranged to carry out a method according to any one of preceding claims 31 to 42.
44. A system for providing activity based information for a location, the system comprising:  
means for defining a geographical location;  
20 means for automatically determining data about a process associated with an activity on a device within the location;  
means for receiving at another device within the location activity based information which is dependent on the determined process data and the geographical location.
- 25 45. A device comprising:  
means for identifying a geographical location;  
means for automatically determining data about a process on the device associated with an activity;  
30 means for receiving activity based information which is dependent on determined process data associated with other devices and the geographical location.
46. A device according to claim 45 wherein the activity based information and/or the determined process data comprises a geographical identifier.
- 35 47. A device according to claim 45 or 46 wherein the means for determining data about activity associated processes comprises means for uploading said data to a server and wherein the means for receiving activity based information comprises means for downloading said

information from the server.

48. A device according to claim 45 or 46 wherein the determining data about activity associated processes comprises means for requesting said data from other devices within the location over peer-to-peer communication links; and wherein the means for receiving said information comprises means for receiving said information over said links from the other devices.
49. A device according to any one of claims 45 to 48 wherein the means for determining the process data comprises means for sending an indication of each of a number of predetermined processes running on the device together with a location identifier.
50. A device according to any one of claims 45 to 49 wherein the received activity based information is further dependent on a user profile associated with the device.
51. A device according to any one claims 45 to 50 and arranged such that operational parameters of said device are adjusted according to the received activity based information.
52. A server for providing activity based information for a location, the server comprising:  
means for identifying a geographical location;  
means for receiving from a device within the location automatically determined data about a process associated with an activity on the device;  
means for forwarding to another device within the location activity based information which is dependent on the determined process data and the geographical location.

25

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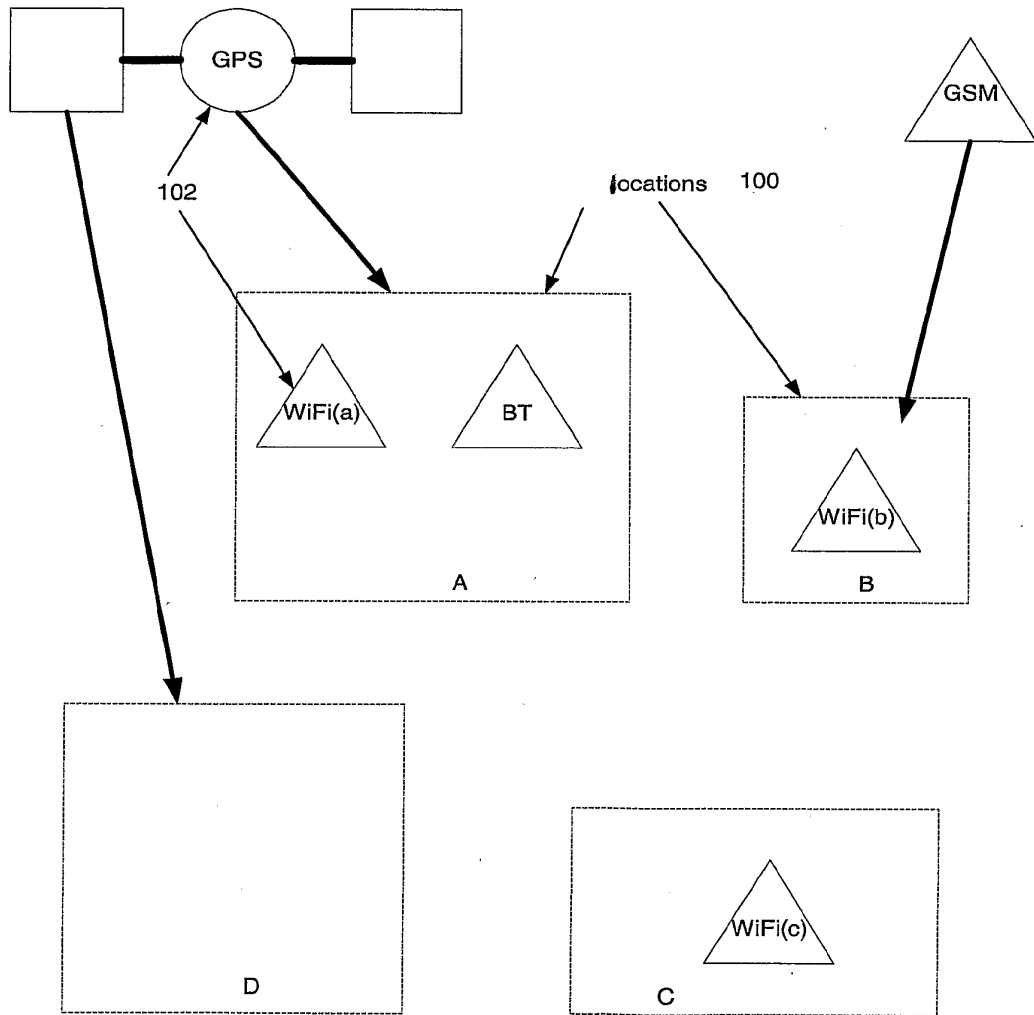


FIG 1

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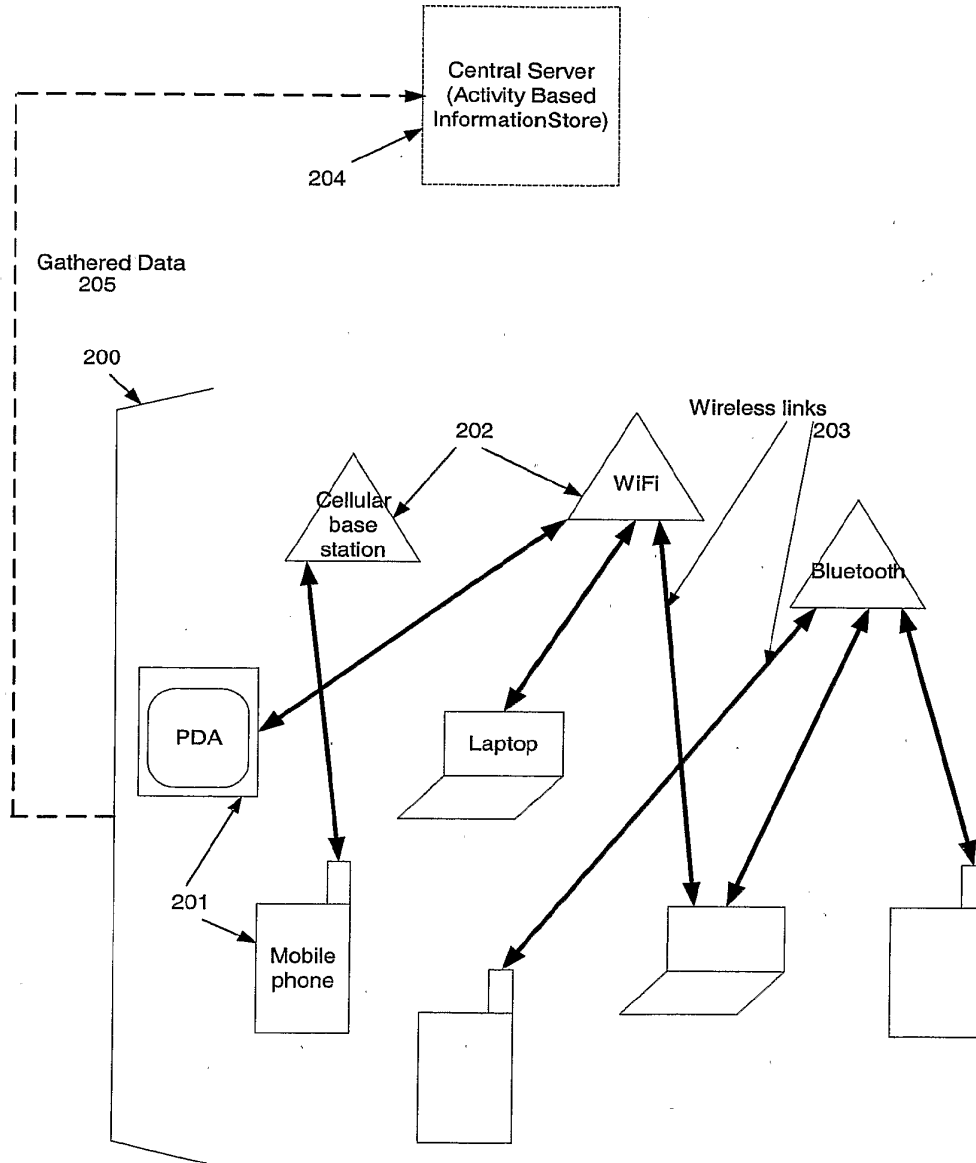


FIG 2

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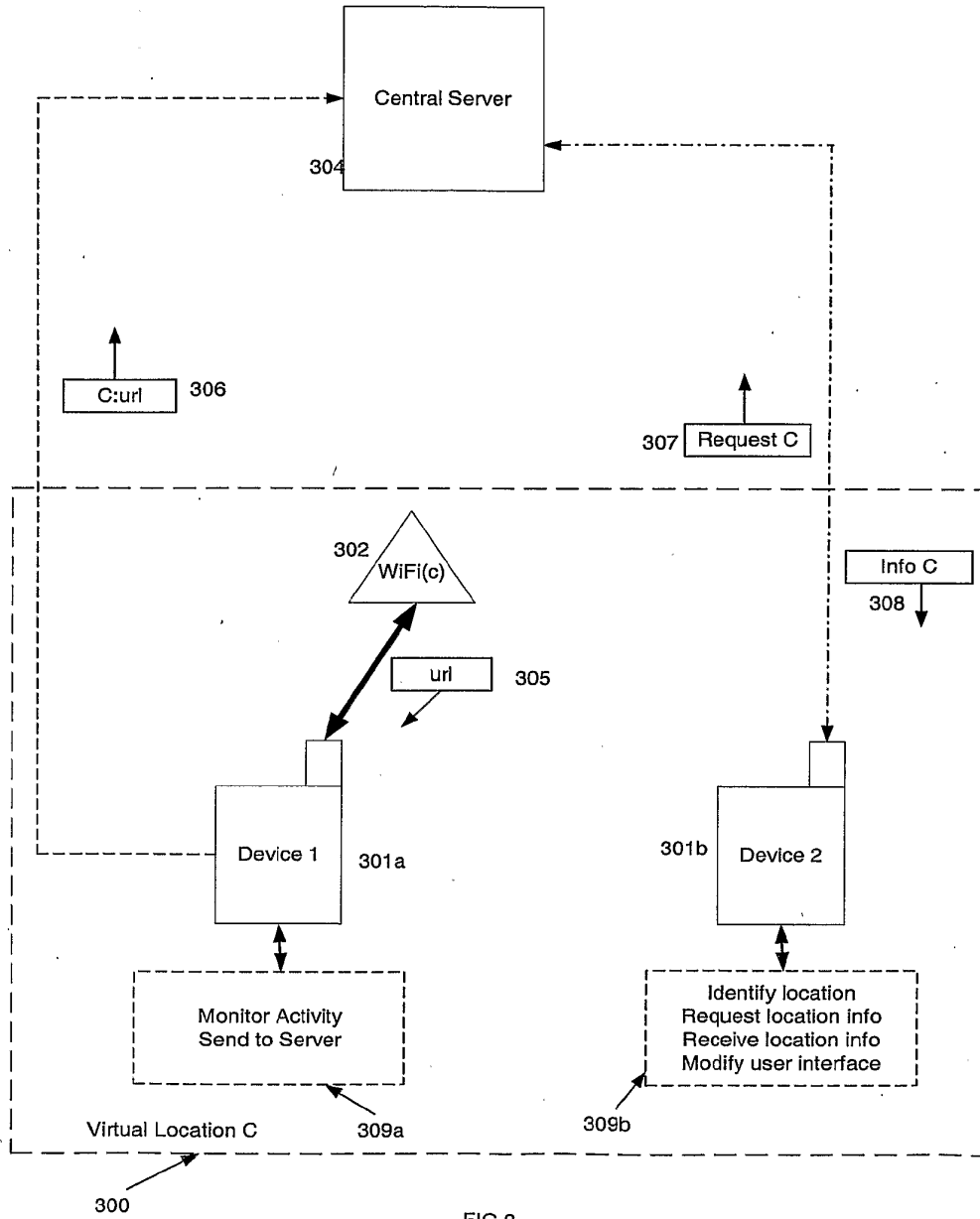


FIG 3



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400

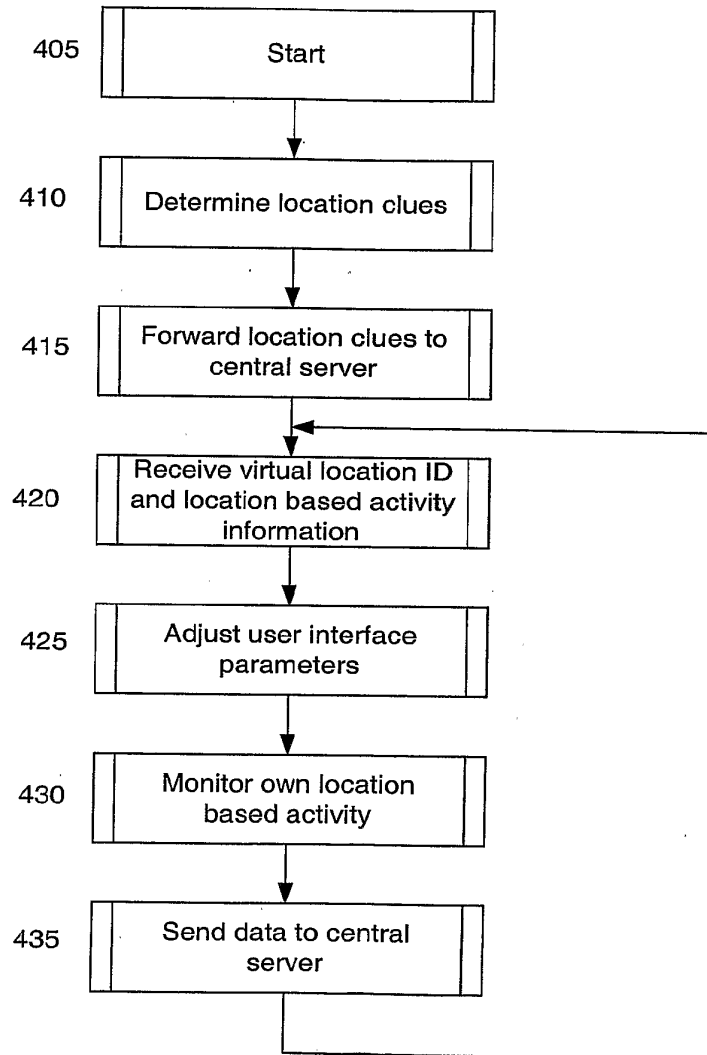


FIG 4

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500

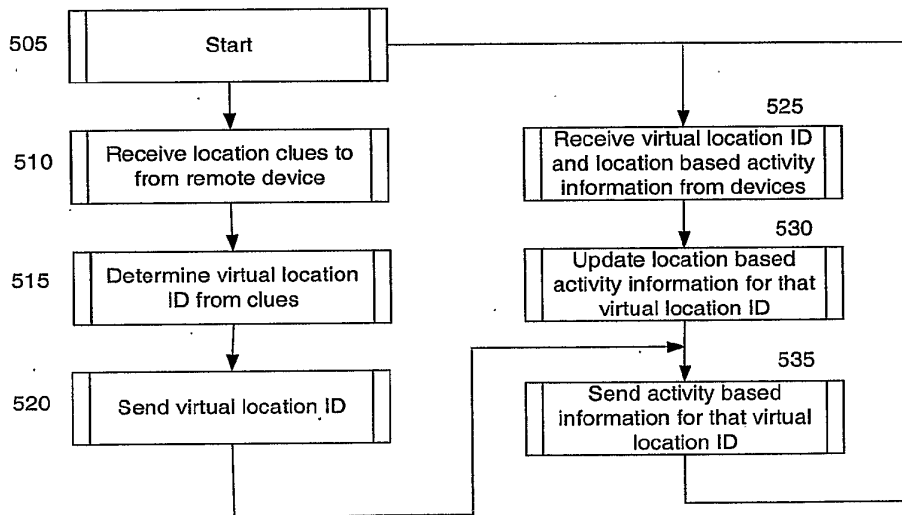


FIG 5

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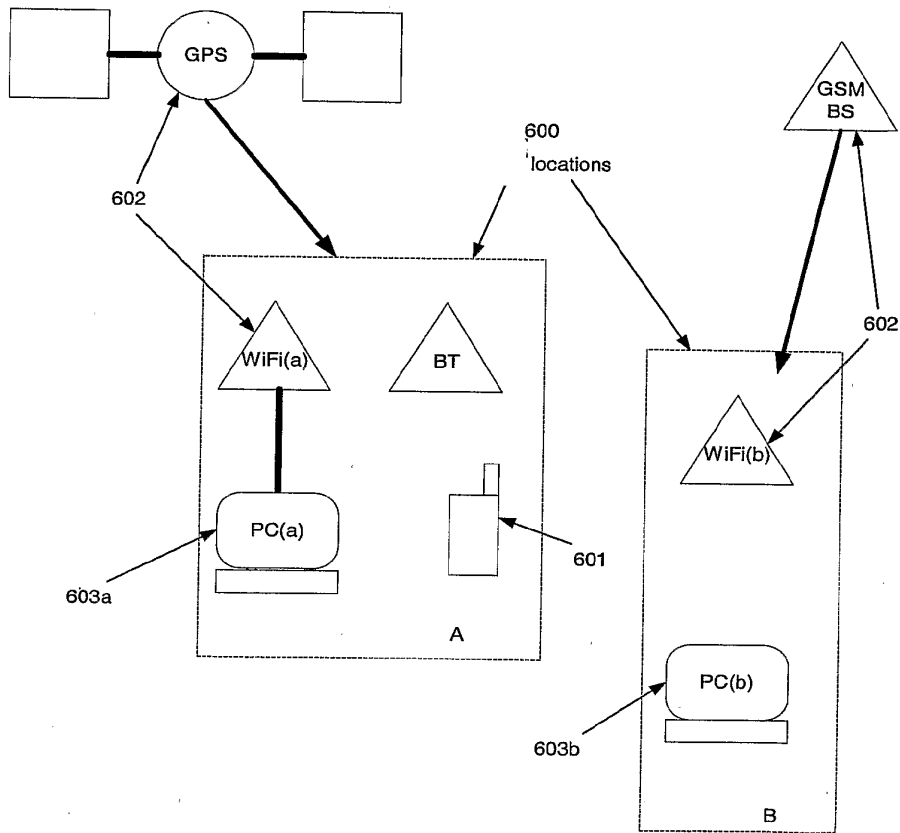


FIG 6

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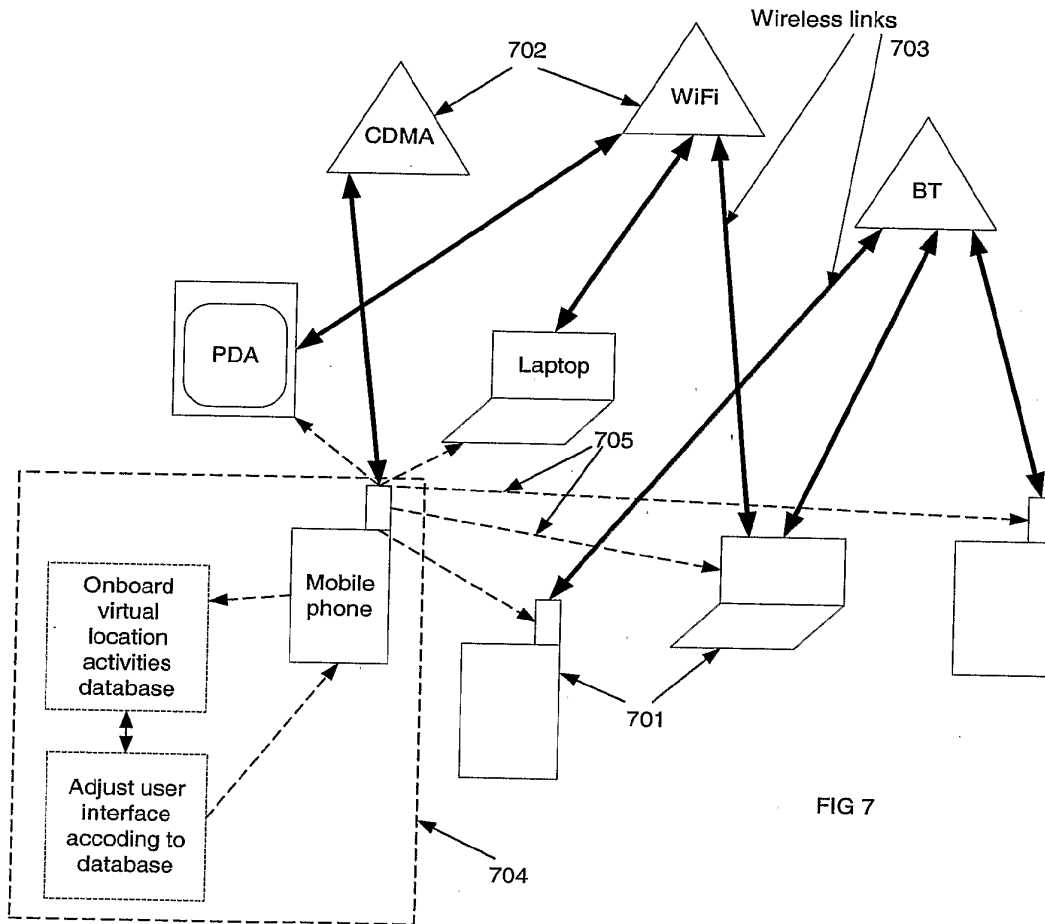


FIG 7

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800

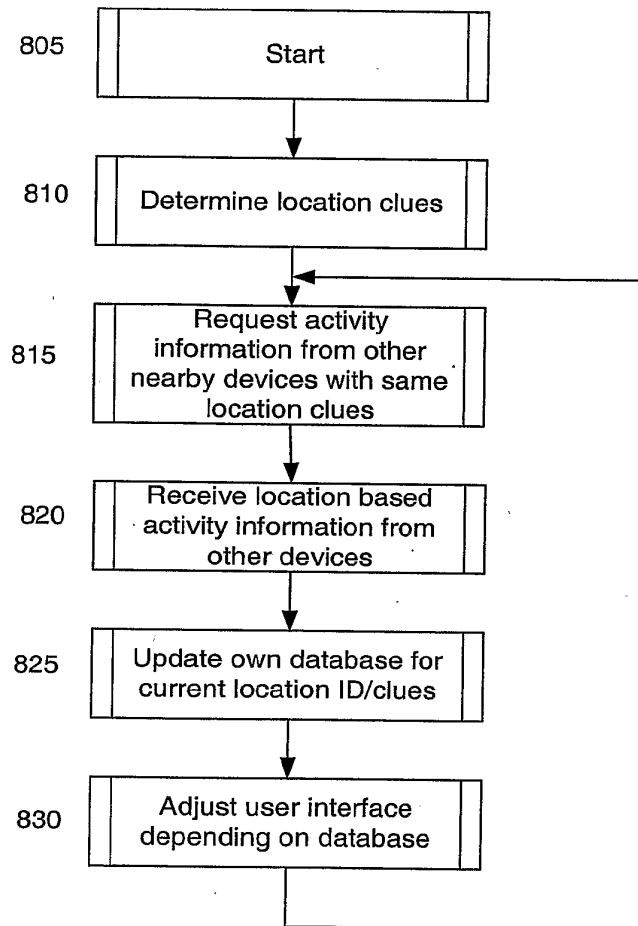


FIG 8

## INTERNATIONAL SEARCH REPORT

International application No <b>PCT/GB2006/003630</b>
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<b>A. CLASSIFICATION OF SUBJECT MATTER</b> INV. H04L29/08		
According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b>		
Minimum documentation searched (classification system followed by classification symbols) H04L		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal, WPI Data, PAJ		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X  A	US 5 603 054 A (THEIMER ET AL) 11 February 1997 (1997-02-11)  abstract figures 1-3 column 2, paragraph 7 column 4, paragraph 2 column 4, paragraph 5 column 8, paragraph 2 - column 10, paragraph 3	1-4, 6-30, 44-52 31-43
X  A	WO 02/42921 A (BUTTERFLY.NET, INC) 30 May 2002 (2002-05-30)  abstract page 3, paragraph 4 - page 5, paragraph 3  ----- -/--	1-4, 6-30, 44-52 31-43
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C. <span style="margin-left: 200px;"><input checked="" type="checkbox"/> See patent family annex.</span>		
* Special categories of cited documents : <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier document but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> </div> <div style="width: 45%;"> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.</p> <p>"&amp;" document member of the same patent family</p> </div> </div>		
Date of the actual completion of the international search	Date of mailing of the international search report	
18 December 2006	27/12/2006	
Name and mailing address of the ISA/ European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer  <b>Hackl, Alexander</b>	

Form PCT/ISA 210 (second sheet) (April 2005)

**INTERNATIONAL SEARCH REPORT**

International application No PCT/GB2006/003630
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C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2005/020307 A1 (PARUPUDI GOPAL ET AL) 27 January 2005 (2005-01-27) cited in the application abstract paragraphs [0008], [0034]	1-52
A	US 2004/203851 A1 (VETRO ANTHONY ET AL) 14 October 2004 (2004-10-14) cited in the application abstract paragraphs [0013] - [0016], [0020]	1-52

Form PCT/ISA/210 (continuation of second sheet) (April 2005)

**INTERNATIONAL SEARCH REPORT**

International application No  
PCT/GB2006/003630

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5603054	A	11-02-1997	US 5555376 A	10-09-1996
			US 5717955 A	10-02-1998
			US 5611050 A	11-03-1997
			US 5544321 A	06-08-1996
WO 0242921	A	30-05-2002	AU 1985702 A	03-06-2002
US 2005020307	A1	27-01-2005	US 7096029 B1	22-08-2006
US 2004203851	A1	14-10-2004	CN 1516947 A	28-07-2004
			EP 1493259 A1	05-01-2005
			WO 03085930 A1	16-10-2003
			JP 2005522763 T	28-07-2005

Form PCT/ISA/210 (patent family annex) (April 2005)



## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	13648167
<b>Filing Date:</b>	09-Oct-2012
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Filer:</b>	Jacob Bruce Henry/Michelle Griffin
<b>Attorney Docket Number:</b>	8085.229.CNUS00

Filed as Large 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>				

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>180</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	18192051
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Jacob Bruce Henry/Michelle Griffin
<b>Filer Authorized By:</b>	Jacob Bruce Henry
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	12-FEB-2014
<b>Filing Date:</b>	09-OCT-2012
<b>Time Stamp:</b>	18:02:04
<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	\$180
RAM confirmation Number	5078
Deposit Account	141437
Authorized User	NOVAK DRUCE AND QUIGG LLP

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)

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Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
<b>File Listing:</b>					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	IDS-37534-US-CNT_Information-Disclosure-Statement_8085229CNUS00.pdf	21295 d4cba932679465d15bd92831e7f3dd250a9bf042	no	2
<b>Warnings:</b>					
<b>Information:</b>					
2	Information Disclosure Statement (IDS) Form (SB08)	IDS-37534-US-CNT_Information-Disclosure-Statement-Form_8085229CNUS00.pdf	612507 7f225d4d458af0a2f95f0b0169374aea379f280	no	4
<b>Warnings:</b>					
<b>Information:</b>					
3	Foreign Reference	WO2007_036737.PDF	1525880 cd6d0367c4a6c606ac253ce1c9ff8a373f09d87	no	37
<b>Warnings:</b>					
<b>Information:</b>					
4	Non Patent Literature	131833436_EESR_12_18_2013.PDF	253146 ff0db9d9f1c49fb26b76ca78f99cacc7c9879b3	no	9
<b>Warnings:</b>					
<b>Information:</b>					
5	Non Patent Literature	2748971_CA_OA_12_12_2012.PDF	365250 8a73c8a87aaddfe3656ee8342c9fe3c6cdeb2704	no	2
<b>Warnings:</b>					
<b>Information:</b>					
6	Non Patent Literature	101743086_EESR_09_18_2013.PDF	172197 9a75986e9dc4d43ef027f5a33176abe6dbad8af	no	6
<b>Warnings:</b>					
<b>Information:</b>					
7	Fee Worksheet (SB06)	fee-info.pdf	30596 ede90eb73f5d4285b8ee1f3ef39b559ab32f50d3	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			2980871		

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HYMEL, James Allen                      Group Art Unit: 2641

Serial No.: 13/648,167                                      Confirmation No.: 1036

Date Filed: October 9, 2012                              Examiner: TRAN, Congvan

For: SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS  
RELATIVE TO THE LOCATION OF A MOBILE DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted today via the Office electronic filing system (EFS-Web) in accordance with 37 CFR §1.8.	
Date: <u>February 12, 2014</u>	Signature: <u>/Michelle Griffin/</u> Printed Name: Michelle Griffin

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In compliance with Rules 1.97 and 1.98, and in fulfillment of the duty of disclosure under Rule 1.56, it is respectfully requested that the references listed on the accompanying enclosed Form PTO/SB/08a be made of record and considered with respect to the above-referenced U.S. patent application. A copy of each foreign reference and non-patent literature document is enclosed.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, or an admission that the information cited is, or is considered to be, material to patentability, or that the information is analogous to the subject matter of the present invention, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Written notification that the enclosed references have been considered in their

entirety by return of a copy of the enclosed form, completed by the Examiner, is respectfully requested.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No: **14-1437**, referencing Attorney Docket No.: **8085.229.CNUS00**.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

/Jacob B. Henry/

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PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HYMEL, James Allen et al. Group Art Unit: 2641  
Serial No.: 13/648,167 Confirmation No. 1036  
Date Filed: October 9, 2012 Examiner: TRAN, Congvan  
For: SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS  
RELATIVE TO THE LOCATION OF A MOBILE DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted today via the Office electronic filing system (EFS-Web) in accordance with 37 CFR §1.8.

Date: April 2, 2014

Signature: /Michelle Griffin/

Printed Name: Michelle Griffin

**RESPONSE TO NON-FINAL OFFICE ACTION MAILED JANUARY 2, 2014**

In response to the Non-Final Office Action mailed January 02, 2014 (hereinafter “the Office Action”), please find attached the following amendments and remarks:

**Claims** begin on page **2** of this paper. This claims listing replaces all prior claims listing on record.

**Examiner Interview Summary** begins on page **6** of this paper.

**Remarks** begin on page **7** of this paper.



**CLAIMS LISTING:**

1. (Currently amended) A server configured to:
  - receive data indicative of a current location of a first mobile device;
  - determine at least one action spot within a predetermined distance from the current location of the first mobile device, the at least one action spot corresponding to a location where at least one ~~other~~ second mobile device has engaged in at least one documenting action, the documenting action including at least one of capturing images, capturing videos and transmitting messages;
  - transmit the at least one action spot to the first mobile device; and
  - transmit to the first mobile device, an indication of an activity level at the at least one action spot ~~to the mobile device,~~
  - wherein the activity level is based upon at least one of a number of images captured, a number of videos captured, and a number of messages transmitted.
  
2. (Currently amended) The server as recited in claim 1, wherein the at least one action spot ~~corresponding~~ corresponds to a location where at least one other mobile device has engaged in a documenting action ~~is~~ within a predetermined period of time.
  
- 3-4. (Canceled)
  
5. (Original) The server as recited in claim 1, wherein the server is further configured to transmit directions to the at least one action spot in response to receiving an indication that a graphical item associated with the at least one action spot has been selected.
  
6. (Original) The server as recited in claim 5, wherein the transmitting directions further includes transmitting a map.
  
7. (Original) The server as recited in claim 1, wherein the determining of the at least one action spot is based upon a defined distance from the mobile device.

8. (Currently amended) A non-transitory computer program product comprising a computer useable medium having computer readable program code embodied therein providing action spots on a first mobile device, the computer program product comprising computer readable program code configured to cause the first mobile device to:

determine, via a processor, a current location of the first mobile device;

determine at least one action spot within a predetermined distance from the current location of the first mobile device, the at least one action spot corresponding to a location where at least one ~~other~~ second mobile device has engaged in at least one documenting action, the documenting action including at least one of capturing images, capturing videos and transmitting messages; and

display a graphical item on a display of the first mobile device, said graphical item identifying a direction, relative to the current location, in which to travel in order to arrive at the determined at least one action spot, and display a level of activity associated with the at least one action spot, the level of activity based upon at least one of a number of images captured, a number of videos captured, and a number of messages transmitted.

9. (Currently amended) The non-transitory computer program product of claim 8, wherein the at least one action spot ~~corresponding~~ corresponds to a location where at least one other mobile device has engaged in a documenting action ~~is~~ within a predetermined period of time.

10-12. (Canceled)

13. (Currently amended) The non-transitory computer program product of claim 8, wherein the display of the graphical item on the display of the first mobile device further comprises coloring the background of the display according to a color scheme associated with a range of activity occurring at the at least one action spot.

14. (Currently amended) The non-transitory computer program product of claim 8, wherein the display of the graphical item on the display of the first mobile device further comprises sizing a graphical item associated with the at least one action spot in accordance with a range of activity occurring at the at least one action spot.

15. (Canceled)

16. (Currently amended) The non-transitory computer program product of claim 8, wherein the level of activity is based upon at least one of a number of images being captured, a number of videos being captured, or a number of messages being transmitted ~~within a predetermined distance~~ from the at least one action spot for a given period of time.

17. (Currently amended) The non-transitory computer program product of claim 8, wherein the computer readable program code is further configured to cause the first mobile device to display directions to the at least one action spot in response to a selection of a graphical item associated with the at least one action spot.

18. (Currently amended) The non-transitory computer program product of claim 8, wherein the displayed directions further includes a map displayed on a graphical interface on a display of the first mobile device.

19. (Currently amended) The non-transitory computer program product of claim 8, wherein the displayed directions further includes a compass displayed on a graphical user interface on a display of the first mobile device.

20. (Original) The non-transitory computer program product of claim 18, wherein the compass provides bearing and distance to the at least one activity spot.

21. (Previously presented) The server as recited in claim 1, wherein the indication comprises one or more graphical icons identifying a relative level of documenting action occurring at the at least one action spot.

22. (Previously presented) The server as recited in claim 21, wherein the one or more graphical icons identify a type of documenting action occurring at the at least one action spot.

23. (Previously presented) The server as recited in claim 21, wherein

the one or more graphical icons includes a first graphical icon corresponding to a first action spot and a second graphical icon corresponding to a second action spot; and

the first graphical icon is different from the second graphical icon, the difference identifying the relative level of documenting action by one of color, size, activity type, icon-scheme, item-sizing scheme, or activity icon scheme.

**EXAMINER INTERVIEW SUMMARY**

A telephonic interview was took place on March 18, 2014. Those attending were Examiner Tran, and Jacob Henry and Phillip Rice, the Applicant's representatives. The undersigned appreciates the Examiner's time and his courtesies extended during the interview. The parties discussed the language of claim 1 with regard to the art cited in the Office Action. Although no agreement was reached, Examiner Tran did make some suggestions regarding possibly further clarifying the claim term "activity level."

### **REMARKS**

Claims 1-11 and 13-23 stand rejected. Claims 3-4, 10-12 and 15 have been canceled without prejudice or disclaimer. Claims 1-2, 8-9, 13-14 and 16-19 are amended with this Response. No new matter is included. Support for the amendments can be found at least in paragraphs [0033-0034] of Applicant's Specification. The undersigned respectfully requests reconsideration and allowance of claims 1-2, 5-9, 13-14 and 16-23 in view of the following remarks.<sup>1</sup>

### **Claim Rejections**

The Office Action recites that claims 1-2, 8-9 and 21-22 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2011/0238517 ("Ramalingam"). Additionally, the Office Action recites that claims 3-7, 10-11, 13-20 and 23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ramalingham in view of U.S. Patent Application Publication No. 2010/0248746 ("Saavedra"). The undersigned respectfully traverses this rejection. Nevertheless, in order to expedite prosecution, the undersigned has amended independent claims 1 and 8.

Amended independent claim 1 recites a server configured to:

receive data indicative of a current location of a first mobile device;

determine at least one action spot within a predetermined distance from the current location of the first mobile device, the at least one action spot corresponding to a location where at least one second mobile device has engaged in at least one documenting action, the documenting action including at least one of capturing images, capturing videos and transmitting messages;

transmit the at least one action spot to the first mobile device; and

**transmit to the first mobile device, an indication of an activity level at the at least one action spot,**

---

<sup>1</sup> As the undersigned representative's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, the undersigned representative's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by the undersigned representative that such assertions are accurate or such requirements have been met, and the undersigned representative reserves the right to analyze and dispute such in the future.

wherein the **activity level** is based upon at least one of a **number** of images captured, a **number** of videos captured, and a **number** of messages transmitted.

(Emphasis added.)

According to one non-limiting example, with regard to a first device, a server can monitor and log the locations where other mobile devices, which are different from the first device, are capturing images, capturing videos, or transmitting messages, such as text messages, instant messages, virtual posts, or any combination thereof, and identify the locations as action spots. The server can also monitor **the number** of images, videos, messages, and posts being captured or transmitted at various locations **to determine the level of documenting activity** being engaged in by the other different mobile devices at the various actions spots, based on at least one said activities. (See paragraphs [0033-0034] of Applicant's Specification.)

A user of a device is thus provided with information regarding the amount of image capturing activity, video capturing activity, or messaging activity that is being engaged in by users of other devices in particular locations. The user is thereby provided with an indicator of the locations where large amounts of such activity are taking place.

The Office Action concedes that Ramalingham does not disclose transmitting an indication of an activity level. (See page 5 of the Office Action.) However, the Office Action points to Saavedra as allegedly curing the deficiencies of Ramalingham. The undersigned disagrees. The portions of Saavedra cited by the Office Action, (Abstract, FIGS. 1-3, FIG. 4A, FIG 5C and its description, paragraphs [0010-0012], [0022-0026]), describe that information about “[geographical] points of interest” (POI) is transmitted to a device. According to Saavedra, “[e]xamples of POI information include, but are not limited to, note with information about a traffic incident, note about an entertainment event, user "shouts" or comments about a location, note about a friend's location, or a "check-in" note describing the latest location of a friend.” (See paragraph [0022] of Saavedra.) Saavedra does not, however, describe **providing an indication of the quantity of such actions**. Thus, Saavedra does not disclose, teach or suggest transmitting “an indication of an activity level at the at least one action spot, wherein the activity level is based upon at least one of a **number** of images captured, a **number** of videos captured, and a **number** of messages transmitted,” as recited in amended independent claim 1.

In view of the foregoing differences between amended independent claim 1 and the art of record, amended independent claim 1 is allowable. Amended independent claim 8 recites features which are, in relevant part, substantially similar to those discussed above with respect to amended independent claim 1 and should be allowable for at least substantially the same reasons. Claims 2, 5-7 and 21-23 depend from amended independent claim 1. Claims 9, 13-14, and 16-20 depend from amended independent claim 8. Claims 2, 5-7, 21-23, 9, 13-14, and 16-20 should therefore be allowable at for the reason that they depend from allowable independent claims and recite additional features. The undersigned therefore requests that the rejections of these claims be withdrawn. Additionally, the undersigned requests that the rejection of canceled claims 3-4, 10-11 and 15 be withdrawn as moot.

### **Conclusion**

In view of the above, the undersigned respectfully submits that the present application is in condition for allowance and a Notice to that effect is earnestly solicited. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

The undersigned requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No.: **14-1437**, referencing Attorney Docket No.: **8085.229.CNUS00**.

Respectfully submitted,

/Jacob B. Henry/

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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	18654357
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Jacob Bruce Henry/Michelle Griffin
<b>Filer Authorized By:</b>	Jacob Bruce Henry
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	02-APR-2014
<b>Filing Date:</b>	09-OCT-2012
<b>Time Stamp:</b>	16:16:34
<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		37534-US-PAT_2014-04-02_Response-to-Office-Action.pdf	56775 <small>87325338753e2deafe94f49cf5bf2416ad25e100</small>	yes	9

<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
Claims	2	5
Applicant summary of interview with examiner	6	6
Applicant Arguments/Remarks Made in an Amendment	7	9
<b>Warnings:</b>		
<b>Information:</b>		
<b>Total Files Size (in bytes):</b>		56775
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  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.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  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.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  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.</p>		

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>13/648,167</b>	Filing Date <b>10/09/2012</b>	<input type="checkbox"/> To be Mailed
ENTITY: <input checked="" type="checkbox"/> LARGE <input type="checkbox"/> SMALL <input type="checkbox"/> MICRO					
<b>APPLICATION AS FILED – PART I</b>					
(Column 1)		(Column 2)			
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(j))</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		

<b>APPLICATION AS AMENDED – PART II</b>						
(Column 1)		(Column 2)		(Column 3)		
<b>AMENDMENT</b>	<b>04/02/2014</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 17	Minus ** 20	=	X \$ =	
	Independent (37 CFR 1.16(h))	* 2	Minus *** 3	=	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)		
<b>AMENDMENT</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
	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	
<p>* 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.</p>						
					LIE	/TERRANCE LAWRENCE/

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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

63206 7590 04/28/2014
BLACKBERRY/NOVAK DRUCE
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON, TX 77002

EXAMINER

TRAN, CONGVAN

ART UNIT PAPER NUMBER

2641

DATE MAILED: 04/28/2014

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

13/648,167 10/09/2012 James Allen HYMEL 8085.229.CNUS00 1036
TITLE OF INVENTION: SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE

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 UNDISCOUNTED \$960 \$0 \$0 \$960 07/28/2014

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)

63206 7590 04/28/2014  
**BLACKBERRY/NOVAK DRUCE**  
 1000 LOUISIANA STREET  
 FIFTY-THIRD FLOOR  
 HOUSTON, TX 77002

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.

_____ (Depositor's name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/648,167	10/09/2012	James Allen HYMEL	8085.229.CNUS00	1036

TITLE OF INVENTION: SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	07/28/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
TRAN, CONGVAN	2641	455-456300

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 \_\_\_\_\_  
 (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 \_\_\_\_\_ (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

4a. The following fee(s) are submitted:  
 Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (**Please first reapply any previously paid issue fee shown above**)  
 A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

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 forms 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.

**NOTE:** This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_



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.
Row 1: 13/648,167, 10/09/2012, James Allen HYMEL, 8085.229.CNUS00, 1036
Row 2: 63206, 7590, 04/28/2014, [EXAMINER], [ ]
Row 3: [ ], [ ], [ ], [EXAMINER], [ ]
Row 4: [ ], [ ], [ ], [ART UNIT], [PAPER NUMBER]
Row 5: [ ], [ ], [ ], 2641, [ ]

BLACKBERRY/NOVAK DRUCE
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON, TX 77002

DATE MAILED: 04/28/2014

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.

## OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B 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.

### 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.

<b>Notice of Allowability</b>	<b>Application No.</b> 13/648,167	<b>Applicant(s)</b> HYMEL ET AL.	
	<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2641	<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 Amendment filed on Apr. 02, 2014.  
 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 \_\_\_\_\_. 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)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> <li>4. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>6. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>7. <input type="checkbox"/> Other _____.</li> </ol> |
|---|---|

/CongVan Tran/  
Primary Examiner, Art Unit 2641



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	
	Filing Date		2012-10-09	
	First Named Inventor	HYMEL, James Allen		
	Art Unit	2641		
	Examiner Name	TRAN, Congvan		
	Attorney Docket Number	8085.229.CNUS00		

U.S. PATENTS							Remove
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	
	1						

If you wish to add additional U.S. Patent citation information please click the Add button. Add

U.S. PATENT APPLICATION PUBLICATIONS							Remove
Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	20090006994	A1	2009-01-01	Forstall, Scott et al.		
	2	20100035596	A1	2010-02-11	Nachman, George et al.		
	3	20050073443	A1	2005-04-07	Sheha, Michael et al.		

If you wish to add additional U.S. Published Application citation information please click the Add button. Add

FOREIGN PATENT DOCUMENTS								Remove
Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup>	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	1	2007036737	WO		2007-04-05	British Telecomm		<input type="checkbox"/>

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13648167	13648167 - GAU: 2641
	Filing Date		2012-10-09	
	First Named Inventor	HYMEL, James Allen		
	Art Unit	2641		
	Examiner Name	TRAN, Congvan		
	Attorney Docket Number	8085.229.CNUS00		

If you wish to add additional Foreign Patent Document citation information please click the Add button **Add**

**NON-PATENT LITERATURE DOCUMENTS** Remove

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>
	1	Extended European Search Report mailed December 18, 2013, in corresponding European patent application number 13183343.6.	<input type="checkbox"/>
	2	Office Action mailed December 12, 2013, in corresponding Canadian patent application number 2,748,971.	<input type="checkbox"/>
	3	Extended European Search Report mailed September 18, 2013, in corresponding European patent application number 10174308.6.	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button **Add**

**EXAMINER SIGNATURE**

Examiner Signature	/CongVan Tran/ (04/21/2014)	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.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13648167	13648167 - GAU: 2641
	Filing Date	2012-10-09	
	First Named Inventor	HYMEL, James Allen	
	Art Unit	2641	
	Examiner Name	TRAN, Congvan	
	Attorney Docket Number	8085.229.CNUS00	

**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	/Jacob B. Henry/	Date (YYYY-MM-DD)	2014-02-12
Name/Print	Jacob B. Henry	Registration Number	61,093

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. /C.T./




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 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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BIB DATA SHEET

CONFIRMATION NO. 1036

<b>SERIAL NUMBER</b> 13/648,167	<b>FILING or 371(c) DATE</b> 10/09/2012 <b>RULE</b>	<b>CLASS</b> 455	<b>GROUP ART UNIT</b> 2641	<b>ATTORNEY DOCKET NO.</b> 8085.229.CNUS00		
<b>APPLICANTS</b> RESEARCH IN MOTION LIMITED, Waterloo, CANADA <b>INVENTORS</b> James Allen HYMEL, Kitchener, CANADA; Jean Philippe BOUCHARD, Waterloo, CANADA; <b>** CONTINUING DATA *****</b> This application is a CON of 12/870,676 08/27/2010 PAT 8326327 <b>** FOREIGN APPLICATIONS *****</b> <b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **</b> 10/25/2012						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Met after Allowance Initials	<b>STATE OR COUNTRY</b> CANADA	<b>SHEETS DRAWINGS</b> 10	<b>TOTAL CLAIMS</b> 20	<b>INDEPENDENT CLAIMS</b> 2
<b>ADDRESS</b> BLACKBERRY/NOVAK DRUCE 1000 LOUISIANA STREET FIFTY-THIRD FLOOR HOUSTON, TX 77002 UNITED STATES						
<b>TITLE</b> SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE						
<b>FILING FEE RECEIVED</b> 1550	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		

<b>Search Notes</b> 	<b>Application/Control No.</b> 13648167	<b>Applicant(s)/Patent Under Reexamination</b> HYMEL ET AL.
	<b>Examiner</b> CONG TRAN	<b>Art Unit</b> 2641

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	404.2, 408, 409, 456.1, 456.2, 456.3, 456.5	2/20/13	CT

SEARCH NOTES		
Search Notes	Date	Examiner
Examiner's note: current location=IP address a predetermined distance = registered with the service node (within a service area while still being able to place and receive calls)	7/17/13	CT
(active activity) adj3 level with indicat\$4 with (mobile \$4phone) and @ad<="20100827" and current adj3 (location position) with (mobile \$4phone)	7/18/13	CT
activity near4 level with (wireless, mobile, \$4phone) with (spot, location) and @ad<="20100827" and current near3 (spot position location) with (wireless, mobile, \$4phone)	12/27/13	CT


INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
455	456.1	4/21/14	CT

	/CONG TRAN/ Primary Examiner.Art Unit 2641
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<b>Issue Classification</b> 	<b>Application/Control No.</b> 13648167	<b>Applicant(s)/Patent Under Reexamination</b> HYMEL ET AL.
	<b>Examiner</b> CONG TRAN	<b>Art Unit</b> 2641

<input type="checkbox"/> <b>Claims renumbered in the same order as presented by applicant</b> <input type="checkbox"/> <b>CPA</b> <input type="checkbox"/> <b>T.D.</b> <input type="checkbox"/> <b>R.1.47</b>															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	14	17												
2	2	15	18												
-	3	16	19												
-	4	17	20												
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10	9														
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-	11														
-	12														
11	13														
12	14														
-	15														
13	16														

NONE		<b>Total Claims Allowed:</b>	
		17	
(Assistant Examiner)	(Date)		
/CONG TRAN/ Primary Examiner. Art Unit 2641	04/21/2014	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

**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)

63206 7590 04/28/2014  
**BLACKBERRY/NOVAK DRUCE**  
 1000 LOUISIANA STREET  
 FIFTY-THIRD FLOOR  
 HOUSTON, TX 77002

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.

_____ (Depositor's name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/648,167	10/09/2012	James Allen HYMEL	8085.229.CNUS00	1036

TITLE OF INVENTION: SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	07/28/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
TRAN, CONGVAN	2641	455-456300

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,  
 (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.

1 NOVAK DRUCE CONNOLLY  
 2 BOVE + QUIGG LLP  
 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 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE **BLACKBERRY LIMITED** (B) RESIDENCE: (CITY and STATE OR COUNTRY) **WATERLOO, CANADA**

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 submitted:**

Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

**4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)**

A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number 14-1437 (enclose an extra copy of this form).

**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 forms 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.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Andrew Z. Weaver/  
 Typed or printed name Andrew Z. Weaver

Date July 15, 2014  
 Registration No. 56,468

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	13648167			
<b>Filing Date:</b>	09-Oct-2012			
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE			
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL			
<b>Filer:</b>	Andrew Z. Weaver/Michelle Griffin			
<b>Attorney Docket Number:</b>	8085.229.CNUS00			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<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	1501	1	960	960
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>960</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	19581402
<b>Application Number:</b>	13648167
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1036
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR DETERMINING ACTION SPOT LOCATIONS RELATIVE TO THE LOCATION OF A MOBILE DEVICE
<b>First Named Inventor/Applicant Name:</b>	James Allen HYMEL
<b>Customer Number:</b>	63206
<b>Filer:</b>	Andrew Z. Weaver/Michelle Griffin
<b>Filer Authorized By:</b>	Andrew Z. Weaver
<b>Attorney Docket Number:</b>	8085.229.CNUS00
<b>Receipt Date:</b>	15-JUL-2014
<b>Filing Date:</b>	09-OCT-2012
<b>Time Stamp:</b>	12:36:55
<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	\$960
RAM confirmation Number	11050
Deposit Account	141437
Authorized User	NOVAK DRUCE AND QUIGG LLP

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	Transmittal Letter	37534-US-CNT_2014-07-15_Certificate-of-Transmission.pdf	14949 ae0aee7636406922307ffed35ee753d4681eb843	no	1

**Warnings:**

**Information:**

2	Issue Fee Payment (PTO-85B)	37534-US-CNT_2014-07-15_Issue-Fee-Transmittal.pdf	174262 ceb25a40be82d32e48d5821a5572afdf630443b	no	1
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**Warnings:**

**Information:**

3	Fee Worksheet (SB06)	fee-info.pdf	30941 9ff8bef3694ee645de18b570511fc4ef36f14058	no	2
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**Warnings:**

**Information:**

**Total Files Size (in bytes):** 220152

**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.**

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

In re Application of:	HYMEL, James Allen et al.	§	Group Art Unit	2641
		§	No.:	
		§		
Serial No.:	13/648,167	§	Confirmation	1036
		§	No.:	
		§		
Date Filed:	October 9, 2012	§	Examiner:	TRAN, Congvan
		§		
For:	FLEXIBLE STRAP FOR A SECUREMENT MECHANISM	§		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that the items listed below are being transmitted today via the Office electronic filing system (EFS-Web) in accordance with 37 CFR §1.8.

1. Issue Fee Transmittal; and
2. Fee.

Date: July 15, 2014

Signature: /Michelle Griffin/  
Printed Name: Michelle Griffin



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United States Patent and Trademark Office  
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/648,167	09/02/2014	8825084	8085.229.CNUS00	1036

63206 7590 08/13/2014  
BLACKBERRY/NOVAK DRUCE  
1000 LOUISIANA STREET  
FIFTY-THIRD FLOOR  
HOUSTON, TX 77002

**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):

James Allen HYMEL, Kitchener, CANADA;  
Jean Philippe BOUCHARD, Waterloo, CANADA;  
RESEARCH IN MOTION LIMITED, Waterloo, CANADA

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