C. A Response
Due: 23 August 2006

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

Application No. 11/166,991
Applicant(s) STERN, RICHARD H.
Examiner Chanda L. Harris
Art Unit 3715

-- 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 21 April 2006.
2a) ☐ This action is FINAL.
2b) ☒ This action is non-final.
3) ☐ 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

4) ☒ Claim(s) 1-4; 6-14 and 16-22 is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4; 6-14 and 16-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ 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).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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) 4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date: _______.
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 6) ☐ Other: _______
   Paper No(s)/Mail Date 4/6/06.
DETAILED ACTION

Status of Claims

In response to the Amendment filed 4/6/06, Claims 1-14, 16-19, and 22 are pending.

Claim Objections

Claim 1 is objected to because of the following informalities: line 11: “an object” should be “the object”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear exactly which user “user-derived input” refers to. Also, it is not clear what Applicant means by “based at least in part on user-derived input”. What else can the determining based on?
Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-14 and 16-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The rejection from the previous office action is maintained and is incorporated herein by reference.

To satisfy section 35 USC 101 requirements, the claims must be for a practical application of the 101 judicial exception, which can be identified in various ways:

- The claimed invention “transforms” an article or physical object to a different state or thing.
- The claimed invention otherwise produces a useful, concrete and tangible result.

It is not evident that the claimed invention transforms an article or physical object (i.e., the first person in the claimed invention) to a different state or thing. For example, if during the step of “making a determination whether to repeat the third step, said determination comprising determining, based at least in part on user-derived input, whether, or to what extent, a reduction of the initial level of fear, anger, or negative thoughts or feelings of said first person has occurred”, the first person’s sentiments never change, than the first person is never transformed to a different state.
Moreover, it is not evident that the claimed invention provides a practical application that produces a useful, tangible and concrete result. The claimed invention cannot be useful if the first person's sentiments are never reduced. Moreover, there is no evidence that the claimed processes for providing mental therapy produce a result that is concrete (i.e., repeatable (e.g., said first person undergoes a transformation of mental state, said transformation comprising a reduction of said feelings of fear, powerlessness, vulnerability, or anger)).

As indicated above, the claims are not considered to set forth patentable eligible subject matter and therefore are considered to be non-statutory.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10-14, 16-19, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson et al. (US 2003/0013376).

1. [Claims 1,13,16-17,21-22]: Regarding Claims 1,13,16-17, and 21-22, Larson discloses causing to be visibly displayed to, or perceived by, a first person an image closely resembling a second person (e.g., character), said first person having, in respect to said second person, because of a prior adverse interpersonal interaction between said first person and said second person, an initial level of fear, anger, or negative
thoughts or feelings as to which said first person desires therapy to reduce the initial level on p.2, [0032], [0034]:

For instance, the child may be told or read a story, listen to an audiotape, view a video, or the like, which leads the child to believe that a monster (or other like unpleasant imagining) is present in the child’s bedroom.

As gleaned elsewhere herein, one example of a character or animal that can be formed is a monster (e.g., resembling a vertebrate, invertebrate, bird, reptile, mammal, gargoyle, demon, troll, ogre, goblin, fairy, ghoul, witch, warlock, clown, werewolf, dragon, dinosaur, or mixtures of two or more thereof). The fanciful creature may also be configured in the shape of a good person, such as a super-hero, an angel, a law enforcement official, a child, or the like.

Larson discloses causing to be visibly displayed to, or perceived by, said first person an image of a potentially harmful object (e.g., spray container). See p.2, [0033]. Larson discloses causing said image of the object to touch, become located within, or become near said image of said second person in a manner such that said object appears to harm said second person. See p.3, [0044]. Larson discloses making a determination whether to repeat the third step, said determination comprising determining, based at least in part on user-derived input whether, or to what extent, a reduction of the initial level of fear, anger, or negative thoughts or feelings of said first person has occurred. See p.5, [0070]-[0071].

2. [Claims 2-4]: Regarding Claims 2-4, Larson discloses wherein, prior to step 1 of claim 1, said first person has a first state of mind, said first state of mind characterized
by thought patterns constituting or representative of fear, anger, or negative thoughts or
feelings; and wherein said method further comprises transforming said first state of
mind of said first person to a second state of mind of said first person, said second state
characterized by thought patterns constituting or representative of a reduction of said
fear, anger, or negative thoughts or feelings. See p.2, [0032] and p5.5, [0070]-[0071].
3. [Claim 5]: Regarding Claim 5, Larson discloses wherein at least one step is
carried out by a machine (inherent by a tape). See p.3, [0045].
4. [Claims 6,18]: Regarding Claims 6 and 18, Larson discloses wherein said image
of a second person and said image of an object are each located on a computer display
visible to said first person, said computer display operatively coupled to a
programmable processing unit operatively coupled to a memory, said memory storing a
computer program (i.e., software) for carrying out said method of claim 5. See p. 3,
[0045].
5. [Claim 7]: Regarding Claim 7, Larson discloses wherein said image of an object
is embodied in an animated graphics file, said file embodying an audiovisual work that is
performed on said computer display when said first person engaged in a prespecified
action on an input device operatively coupled to said processing unit. See p.3, [0044].
6. [Claims 10-12,14,19]: Regarding Claims 10-12,14, and 19, Larson discloses
wherein at least one step of aid method is preceded, accompanied, or followed by an
audible rendition of a predetermined phrase, mantra, or incantation: It may optionally
include provisions for a therapist to include reinforcement suggestions or other
suggestions for overcoming the fear (p.3, [0045]).
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larson in view of Official Notice.

[Claim 9]: Regarding Claim 9, Larson discloses a step of logging on to the Internet (i.e., website). See p.3, [0044].

Larson does not disclose expressly an Internet-implemented step of causing a payment to be made to a vendor and wherein at least one step of said method comprises transmitting a signal over the Internet between the first person and the vendor. However, such is old and well known in the art. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into Larson's invention, in order to conduct business over the Internet.
Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant’s disclosure.

- Rose (US 6,258,022)
  -overcoming fears

- Crawford (US 4,244,142)
  -overcoming fears of being touched

Response to Arguments

Applicant’s arguments have been considered but are moot in view of the new ground(s) of rejection. See rejection above. This action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Robert Olszewski can be reached on 571-272-6788. 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).

Chanda L. Harris  
Primary Examiner  
Art Unit 3715
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<td>Mark S. George MD <em>et al.</em></td>
<td>Advances in Brain Imaging: An Overview of what the Primary Psychiatrist Needs to Know. Medical Website: <a href="http://www.musc.edu/frnd/primerOverview.htm">http://www.musc.edu/frnd/primerOverview.htm</a>.</td>
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**EXAMINER:** Chanda Harris
**DATE CONSIDERED:** 05/15/2006

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §600. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
### U.S. PATENT DOCUMENTS

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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.