



# UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,585	09/14/2012	7817182	001666-0901	1336
27571	7590	12/03/2012	EXAMINER	
TAREK N. FAHMI, APC 84 W. Santa Clara St. Suite 550 San Jose, CA 95113			CABRERA, ZOILA E	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			12/03/2012	PAPER

**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.



**DO NOT USE IN PALM PRINTER**

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

STROOCK & STROOCK & LAVAN LLP

180 MAIDEN LANE

NEW YORK, NY 10038

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/012,585.

PATENT NO. 7817182.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

<b>Order Granting / Denying Request For Ex Parte Reexamination</b>	<b>Control No.</b> 90/012,585	<b>Patent Under Reexamination</b> 7817182
	<b>Examiner</b> ZOILA CABRERA	<b>Art Unit</b> 3992

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

The request for *ex parte* reexamination filed 14 September 2012 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)  PTO-892,      b)  PTO/SB/08,      c)  Other: \_\_\_\_\_

1.  The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2.  The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 ( c ) will be made to requester:

- a)  by Treasury check or,  
b)  by credit to Deposit Account No. \_\_\_\_\_, or  
c)  by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

--	--	--

cc:Requester ( if third party requester )

**DECISION DENYING EX PARTE REEXAMINATION**

1. No substantial new question of patentability affecting claims 1-13 of Walker et al. (US Pat. 7,817,182) is raised by the request for *ex parte* reexamination and prior art cited therein for the reasons set forth below.

***References Presenting Substantial New Question of Patentability***

2. In the request for reexamination, it is stated that the following references raise substantial new questions of patentability as to the claims 1-13 of the '182 Patent:

- a) U.S. Patent No. 4,962,473 to Crain et al. ("Crain").
- b) U.S. Patent No. 5,855,008 to Goldhaber et al. ("Goldhaber").
- c) U.S. Patent No. 5,801,755 to Echerer et al. ("Echerer").
- d) U.S. Patent No. 5,117,353 to Stipanovich et al. ("Stipanovich")
- e) U.S. Patent No. 5,553,609 to Chen et al. ("Chen")
- f) U.S. Patent No. 5,544,649 to David et al. ("David")
- g) U.S. Patent No. 4,838,275 to Lee ("Lee")
- h) U.S. Patent No. 4,969,136 to Chamberlin et al. ("Chamberlin")
- i) U.S. Patent No. 6,070,144 to Ginsberg et al. ("Ginsberg")
- j) U.S. Patent No. 5,991,742 to Tran ("Tran")

Art Unit: 3992

***Issues Raised in the Request***

3. The Request further states that the above cited references raise SNQs in the following manner:

Issue 1 Crain in view of Goldhaber is asserted as rendering claims 1, 10, 11, 12 and 13 obvious.

Issue 2 Crain in view of Goldhaber in further view of Stipanovich is asserted as rendering claims 1, 10, 11, 12 and 13 obvious.

Issue 3 Crain in view of Echerer is asserted as rendering claims 1, 10, 11, 12 and 13 obvious.

Issue 4 Chen in view of Goldhaber is asserted as rendering claims 1, 3-5, 7, 9, 10, 12 and 13 obvious.

Issue 5 Chen in view of Echerer is asserted as rendering claims 1, 3-5, 7, 9, 10, 12 and 13 obvious.

Issue 6 David in view of Goldhaber is asserted as rendering claims 1, 9, 10, 12 and 13 obvious.

Issue 7 David in view of Echerer is asserted as rendering claims 1, 9, 10, 12 and 13 obvious.

Issue 8 Lee in view of Goldhaber is asserted as rendering claims 1, 9, 10, 12 and 13 obvious.

Art Unit: 3992

- Issue 9 Lee in view of Echerer is asserted as rendering claims 1, 9, 10, 12 and 13 obvious.
- Issue 10 Crain in view of Goldhaber in further view of Chamberlin is asserted as rendering claims 2 and 11 obvious.
- Issue 11 Chen in view of Goldhaber in further view of Chamberlin is asserted as rendering claims 2 and 11 obvious.
- Issue 12 David in view of Goldhaber in further view of Chamberlin is asserted as rendering claims 2 and 11 obvious.
- Issue 13 Lee in view of Goldhaber in further view of Chamberlin is asserted as rendering claims 2 and 11 obvious.
- Issue 14 Crain in view of Goldhaber in further view of Ginsberg is asserted as rendering claim 6 obvious.
- Issue 15 Chen in view of Goldhaber in further view of Ginsberg is asserted as rendering claim 6 obvious.
- Issue 16 David in view of Goldhaber in further view of Ginsberg is asserted as rendering claim 6 obvious.
- Issue 17 Lee in view of Goldhaber in further view of Ginsberg is asserted as rendering claim 6 obvious.
- Issue 18 Crain in view of Goldhaber in further view of Tran is asserted as rendering claim 8 obvious.

Art Unit: 3992

Issue 19      Chen in view of Goldhaber in further view of Tran is asserted as rendering claim 8 obvious.

Issue 20      Lee in view of Goldhaber in further view of Tran is asserted as rendering claim 8 obvious.

Issue 21      David in view of Goldhaber in further view of Tran is asserted as rendering claim 8 obvious.

### ***Prosecution History***

4.      The Walker patent was assigned serial number 11/424,708, which issued as US Patent 7,817,182 [hereinafter “the ‘182 Patent”]. During the original prosecution of the ‘708 application, a non-final action was mailed on March 20, 2009 rejecting claims 30-42 [renumbered as Claims 1-13 in the ‘182 Patent] as being obvious over Acosta (US Pat. No. 6,166,729) in view of Von Kohorn (US Pat. No. 5,034,807). In a response filed August 20, 2009, Applicants argued, *inter alia*, that the cited prior art of record fail to teach “*receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment*” and stated the following:

“Applicants respectfully note, however, that the above-quoted limitation does not recite a user paying to see images. Instead, the opposite is recited. In other words, the user requests to monitor a remote location **in exchange for the user receiving payment.**” (Applicant’s Remarks of 8/20/09, p. 8)

Thereafter, a notice of allowability was mailed on December 15, 2009 wherein the Examiner stated the reasons for allowance by rewriting the entire claim 30 [renumbered as Claim 1 of the '182 Patent].

A request for *ex parte* reexamination was filed and the order was granted on June 13, 2012 (Control No. 90/020,000). A Notice of Intent to Issue a Reexam Certificate was mailed on August 29, 2012 confirming all claims 1-13 and stating that Chen, David, and Lee fail to teach "*an indication of a user request to monitor any of a plurality of remote locations in exchange for payment*".

Thus, it appears from the record that the case was allowed because the cited prior art of record did not disclose or suggest:

***"receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment"***, as recited in each independent claim of the '182 Patent.

### ***Analysis of substantial New Questions of Patentability***

#### **Issues 1-3, 10, 14, and 18**

5. It is **not** agreed that the consideration of Crain in combination with Goldhaber (Issue 1) or when further combined with Stipanovich or Chamberlin or Ginsberg or Tran (Issues 2, 10, 14 and 18); or Crain in view of Echerer (Issue 3) raise a Substantial New Question (SNQ) of patentability as to claims 1-2, 6, 8, 10, 11, 12 and 13.



Art Unit: 3992

The independent claims 1, 10, 12, and 13, require *inter alia* **“receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment”** [Emphasis added].

The ‘182 Patent describes regarding the above limitations the following:

**“[t]o monitor remote locations for value, users initially register with the central server 200 and receive a user identifier. After registering, users can simply present their user identifier to central server 200 when logging on for assignment of a remote monitoring task.”** (the ‘182 Pat., Col. 4:12-16)

“FIG. 4 illustrates an exemplary user database 230, which **records information concerning users who have registered to log on to the central server of the present invention to monitor remote locations in exchange for value.** As previously indicated, **when a user first requests to monitor a remote location, a record for the user is established in the user database 230.** For each record, the user database 230 includes a user identifier field 410, a user rating field 420, and an account balance field 430.

The user identifier field 410 of user database 230 contains a user identifier such as a password, a PIN number, a credit card number, or a telephone number provided by the user, or some other identifier assigned to the user by the central server 200. The user rating field 420 contains a user rating generated by central server 200 based on the user's past

Art Unit: 3992

performance during remote monitoring sessions. Lastly, **account balance field 430 is a running account (e.g., a financial account) of the value credited to the user in exchange for performing remote monitoring tasks.** (the '182 Pat., Col. 5:51 to Col. 6:3)

The request states (Request, pp. 45-46) that **Goldhaber** and **Crain** teach "*receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment*".

The Request cites Col. 5, lines 26-47 of Goldhaber and asserts that Goldhaber teaches "requesting to monitor video in exchange for payment". Goldhaber discloses the following:

**"Since all the ads on the list will be targeted to the consumer's needs, interests, and preferences, it is very likely that she would be inclined to view them even without a cash incentive. However, the system provided by the present invention will offer her one.** The present invention provides a "consumer interface button"--for example, the image of a little gold coin ("CyberCoin") next to each title on a list. This use of a consumer interface button --the "CyberCoin"-- though reminiscent of the prior art "gems" in video game adventures, is innovative and unique in that it transfers real value. The "CyberCoin" transaction reflects a radical and innovative change in the meaning of sponsorship. In effect, the advertisers have elected to sponsor the consumer who selects the

Art Unit: 3992

CvberCoin-- that is, **they have chosen to pay the consumer directly for her attention** rather than using the same funds for mass-market ad campaigns that are far less likely to hit the mark. Thus, the present invention provides a method of separating advertising sponsorship from the editorial content of the medium in which the advertising appears. We call this ability to decouple the advertising content from other content "orthogonal sponsorship." [Emphasis added] (Goldhaber, col. 5, lines 26-47).

Examiner notes that Goldhaber teaches that consumers (or users) get paid for their attention to an advertisement or other information. Goldhaber discloses:

"it [the invention] can be used to provide direct, immediate payment to a consumer for paying attention to an advertisement or other information." ( Goldhaber, Abstract).

It is noted that Goldhaber discloses paying users for "viewing" ads or other information and not for "monitoring". Therefore, Goldhaber fails to disclose "receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment".

The request further relies on Crain for the teaching of "a user requests to monitor a remote location" by entering information on the log on screen and cites Crain, Col. 4, lines 31-40. The request states that "[i]t is inherent that a security professional receives payment in exchange for an appointment" (see Request, p. 46) and also states that in

Art Unit: 3992

Crain "it is inherent that the security professionals receive payment monitoring the locations" (see Request, p. 5).

Examiner notes that while security professionals in Crain may be paid in general for their jobs, Crain does not disclose that professionals are specifically paid for the monitoring because they are already being paid even prior to requesting to monitor a remote location.

Regarding **Echerer**, the Request states (see Request, pp. 81-82) that doctors can examine and treat a number of patients and, to do this, it is inherent that a doctor must login and thereby select patients. The request further states that Fig. 2 shows the service is in exchange for payment (e.g. credit card, insurance or prepaid credit).

Examiner notes that Echerer discloses that 'patients' request services and the service is in exchange for payment, Echerer does not disclose a user [doctor or patient] request to monitor any of a plurality of remote locations in exchange for payment, as recited in each independent claim 1, 10, 12, and 13.

Thus, Crain, Goldhaber and Echerer fail to disclose "***receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment***" as recited in each independent claim 1, 10, 12, and 13.

Thus, given the above teachings, there is not a substantial likelihood that a reasonable examiner would consider Crain, Goldhaber and Echerer important in deciding the patentability of Claims 1-13 of the '182 patent during prosecution of the application which became the '182 patent.

**Issues 4-5, 11, 15, and 19**

6. It is **not** agreed that the consideration of Chen in combination with Goldhaber (Issue 4) or when further combined with Chamberlin or Ginsberg or Tran (Issues 11, 15 and 19); or Chen in view of Echerer (Issue 5) raise a Substantial New Question (SNQ) of patentability as to claims 1-13.

The independent claims 1, 10, 12, and 13, require *inter alia* **“receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment”** [Emphasis added].

The ‘182 Patent describes regarding the above limitations the following:

**“[t]o monitor remote locations for value, users initially register with the central server 200 and receive a user identifier. After registering, users can simply present their user identifier to central server 200 when logging on for assignment of a remote monitoring task.”** (the ‘182 Pat., Col. 4:12-16)

“FIG. 4 illustrates an exemplary user database 230, which **records information concerning users who have registered to log on to the central server of the present invention to monitor remote locations in exchange for value.** As previously indicated, **when a user first requests to monitor a remote location,** a record for the user is **established in the user database 230.** For each record, the user database 230 includes a user identifier field 410, a user rating field 420, and an account balance field 430.

The user identifier field 410 of user database 230 contains a user identifier such as a password, a PIN number, a credit card number, or a telephone number provided by the user, or some other identifier assigned to the user by the central server 200. The user rating field 420 contains a user rating generated by central server 200 based on the user's past performance during remote monitoring sessions. Lastly, **account balance field 430 is a running account (e.g., a financial account) of the value credited to the user in exchange for performing remote monitoring tasks.** (the '182 Pat., Col. 5:51 to Col. 6:3)

The request states (Request, pp. 99-102) that **Goldhaber** and **Chen** teach "*receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment*".

The Request cites Col. 5, lines 26-47 of Goldhaber and asserts that Goldhaber teaches "requesting to monitor video in exchange for payment". Goldhaber discloses the following:

**"Since all the ads on the list will be targeted to the consumer's needs, interests, and preferences, it is very likely that she would be inclined to view them even without a cash incentive. However, the system provided by the present invention will offer her one.** The present invention provides a "consumer interface button"--for example, the image of a little gold coin ("CyberCoin") next to each title on a list. This

Art Unit: 3992

use of a consumer interface button --the "CyberCoin"-- though reminiscent of the prior art "gems" in video game adventures, is innovative and unique in that it transfers real value. The "CyberCoin" transaction reflects a radical and innovative change in the meaning of sponsorship. In effect, the advertisers have elected to sponsor the consumer who selects the CyberCoin-- that is, **they have chosen to pay the consumer directly for her attention** rather than using the same funds for mass-market ad campaigns that are far less likely to hit the mark. Thus, the present invention provides a method of separating advertising sponsorship from the editorial content of the medium in which the advertising appears. We call this ability to decouple the advertising content from other content "orthogonal sponsorship." [Emphasis added] (Goldhaber, col. 5, lines 26-47).

Examiner notes that Goldhaber teaches that consumers (or users) get paid for their attention to an advertisement or other information. Goldhaber discloses:

"it [the invention] can be used to provide direct, immediate payment to a consumer for paying attention to an advertisement or other information." ( Goldhaber, Abstract).

It is noted that Goldhaber discloses paying users for "viewing" ads or other information and not for "monitoring". Therefore, Goldhaber fails to disclose "receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment".

The request further relies on Chen for the teaching of “a user requests to monitor a remote location” by entering information on the log on screen and cites Chen, Col. 12, lines 13-18; Col. 9, ll. 19-39; Col. 7, ll. 3-16 and Col. 8, ll. 24-39. Specifically, Chen discloses:

"Referring now to FIG. 8, a log on screen 202 for the user interface of the present invention is shown. The screen 202 requires a health care professional operating an MMS 24 to enter their name 204 and corresponding password 206. Screen 202 thus acts as a security measure by ensuring that only legitimate users may operate the system." (Emphasis added). Chen, col. 12, lines 13-18.

The request states (see Request, pp. 14-15) that Chen teaches “receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment” because Chen teaches that “[t]o monitor one of the locations, a health care professional logs in to the system”, and, therefore, the Requester asserts that “[h]ealth care professionals typically work in exchange for payment”.

Examiner notes that while health care professionals in Chen may be paid in general for their jobs, Chen does not disclose that health care professionals are specifically paid for the monitoring because they are already being paid even prior to requesting to monitor a remote location.

Regarding **Echerer**, the Request states (see Request, pp. 130-132) that doctors can examine and treat a number of patients and, to do this, it is inherent that a doctor



Art Unit: 3992

must login and thereby select patients. The request further states that Fig. 2 shows the service is in exchange for payment (e.g. credit card, insurance or prepaid credit).

Examiner notes that Echerer discloses that 'patients' request services and the service is in exchange for payment, Echerer does not disclose a user [doctor or patient] request to monitor any of a plurality of remote locations in exchange for payment, as recited in each independent claim 1, 10, 12, and 13.

Thus, Chen, Goldhaber and Echerer fail to disclose “***receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment***” as recited in each independent claim 1, 10, 12, and 13.

Thus, given the above teachings, there is not a substantial likelihood that a reasonable examiner would consider Chen, Goldhaber and Echerer important in deciding the patentability of Claims 1-13 of the '182 patent during prosecution of the application which became the '182 patent.

#### **Issues 6-7, 12, 16, and 21**

7. It is **not** agreed that the consideration of David in combination with Goldhaber (Issue 6) or when further combined with Chamberlin or Ginsberg or Tran (Issues 12, 16, and 21); or David in view of Echerer (Issue 7) raise a Substantial New Question (SNQ) of patentability as to claims 1-2, 6, 8-13.

Art Unit: 3992

The independent claims 1, 10, 12, and 13, require *inter alia* **“receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment”** [Emphasis added].

The ‘182 Patent describes regarding the above limitations the following:

**“[t]o monitor remote locations for value, users initially register with the central server 200 and receive a user identifier. After registering, users can simply present their user identifier to central server 200 when logging on for assignment of a remote monitoring task.”** (the ‘182 Pat., Col. 4:12-16)

“FIG. 4 illustrates an exemplary user database 230, which **records information concerning users who have registered to log on to the central server of the present invention to monitor remote locations in exchange for value.** As previously indicated, **when a user first requests to monitor a remote location, a record for the user is established in the user database 230.** For each record, the user database 230 includes a user identifier field 410, a user rating field 420, and an account balance field 430.

The user identifier field 410 of user database 230 contains a user identifier such as a password, a PIN number, a credit card number, or a telephone number provided by the user, or some other identifier assigned to the user by the central server 200. The user rating field 420 contains a user rating generated by central server 200 based on the user's past

Art Unit: 3992

performance during remote monitoring sessions. Lastly, **account balance field 430 is a running account (e.g., a financial account) of the value credited to the user in exchange for performing remote monitoring tasks.** (the '182 Pat., Col. 5:51 to Col. 6:3)

The request states (Request, pp. 164-166) that **Goldhaber** and **David** teach *“receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment”*.

The Request cites Col. 5, lines 26-47 of Goldhaber and asserts that Goldhaber teaches “requesting to monitor video in exchange for payment”. Goldhaber discloses the following:

**“Since all the ads on the list will be targeted to the consumer's needs, interests, and preferences, it is very likely that she would be inclined to view them even without a cash incentive. However, the system provided by the present invention will offer her one.** The present invention provides a “consumer interface button”--for example, the image of a little gold coin (“CyberCoin”) next to each title on a list. This use of a consumer interface button --the “CyberCoin”-- though reminiscent of the prior art “gems” in video game adventures, is innovative and unique in that it transfers real value. The “CyberCoin” transaction reflects a radical and innovative change in the meaning of sponsorship. In effect, the advertisers have elected to sponsor the consumer who selects the

Art Unit: 3992

CvberCoin-- that is, **they have chosen to pay the consumer directly for her attention** rather than using the same funds for mass-market ad campaigns that are far less likely to hit the mark. Thus, the present invention provides a method of separating advertising sponsorship from the editorial content of the medium in which the advertising appears. We call this ability to decouple the advertising content from other content "orthogonal sponsorship." [Emphasis added] (Goldhaber, col. 5, lines 26-47).

Examiner notes that Goldhaber teaches that consumers (or users) get paid for their attention to an advertisement or other information. Goldhaber discloses:

"it [the invention] can be used to provide direct, immediate payment to a consumer for paying attention to an advertisement or other information." ( Goldhaber, Abstract).

It is noted that Goldhaber discloses paying users for "viewing" ads or other information and not for "monitoring". Therefore, Goldhaber fails to disclose "receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment".

The request further relies on David for the teaching of "a user requests to monitor a remote location" because a health care practitioner can request to monitor a location by sending a request to the central station (David, Col. 13, lines 38-54 and Col. 8, ll. 1-5). The request states that "[i]t is inherent that any "observer" that monitors a number of remote locations (e.g., a nurse) as part of their employment could be said to "monitor

Art Unit: 3992

any of a plurality of remote locations in exchange for payment.” (see Request, p. 165).

The Request further states that in David “it is inherent that the health care professionals are receiving payment for monitoring the locations” (see Request, p. 18).

Examiner notes that while health care professionals in David may be paid in general for their jobs, David does not disclose that professionals are specifically paid for the monitoring because they are already being paid even prior to requesting to monitor a remote location.

Regarding **Echerer**, the Request states (see Request, pp. 193-195) that doctors can examine and treat a number of patients and, to do this, it is inherent that a doctor must login and thereby select patients. The request further states that Fig. 2 shows the service is in exchange for payment (e.g. credit card, insurance or prepaid credit).

Examiner notes that Echerer discloses that 'patients' request services and the service is in exchange for payment, Echerer does not disclose a user [doctor or patient] request to monitor any of a plurality of remote locations in exchange for payment, as recited in each independent claim 1, 10, 12, and 13.

Thus, David, Goldhaber and Echerer fail to disclose “***receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment***” as recited in each independent claim 1, 10, 12, and 13.

Thus, given the above teachings, there is not a substantial likelihood that a reasonable examiner would consider David, Goldhaber and Echerer important in deciding the patentability of Claims 1-13 of the '182 patent during prosecution of the application which became the '182 patent.

**Issues 8-9, 13, 17, and 20**

8. It is **not** agreed that the consideration of Lee in combination with Goldhaber (Issue 8) or when further combined with Chamberlin or Ginsberg or Tran (Issues 13, 17, and 20); or Lee in view of Echerer (Issue 9) raise a Substantial New Question (SNQ) of patentability as to claims 1-2, 6, 8-13.

The independent claims 1, 10, 12, and 13, require *inter alia* **“receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment”** [Emphasis added].

The '182 Patent describes regarding the above limitations the following:

**“[t]o monitor remote locations for value, users initially register with the central server 200 and receive a user identifier. After registering, users can simply present their user identifier to central server 200 when logging on for assignment of a remote monitoring task.”** (the '182 Pat., Col. 4:12-16)

“FIG. 4 illustrates an exemplary user database 230, which **records information concerning users who have registered to log on to the central server of the present invention to monitor remote locations in exchange for value.** As previously indicated, **when a user first requests to monitor a remote location,** a record for the user is established in the user database 230. For each record, the user

Art Unit: 3992

database 230 includes a user identifier field 410, a user rating field 420, and an account balance field 430.

The user identifier field 410 of user database 230 contains a user identifier such as a password, a PIN number, a credit card number, or a telephone number provided by the user, or some other identifier assigned to the user by the central server 200. The user rating field 420 contains a user rating generated by central server 200 based on the user's past performance during remote monitoring sessions. Lastly, **account balance field 430 is a running account (e.g., a financial account) of the value credited to the user in exchange for performing remote monitoring tasks.** (the '182 Pat., Col. 5:51 to Col. 6:3)

The request states (Request, pp. 224-225) that **Goldhaber** and **Lee** teach *"receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment"*.

The Request cites Col. 5, lines 26-47 of Goldhaber and asserts that Goldhaber teaches "requesting to monitor video in exchange for payment". Goldhaber discloses the following:

**"Since all the ads on the list will be targeted to the consumer's needs, interests, and preferences, it is very likely that she would be inclined to view them even without a cash incentive. However, the system provided by the present invention will offer her one. The**

Art Unit: 3992

present invention provides a "consumer interface button"--for example, the image of a little gold coin ("CyberCoin") next to each title on a list. This use of a consumer interface button --the "CyberCoin"-- though reminiscent of the prior art "gems" in video game adventures, is innovative and unique in that it transfers real value. The "CyberCoin" transaction reflects a radical and innovative change in the meaning of sponsorship. In effect, the advertisers have elected to sponsor the consumer who selects the CyberCoin-- that is, **they have chosen to pay the consumer directly for her attention** rather than using the same funds for mass-market ad campaigns that are far less likely to hit the mark. Thus, the present invention provides a method of separating advertising sponsorship from the editorial content of the medium in which the advertising appears. We call this ability to decouple the advertising content from other content "orthogonal sponsorship." [Emphasis added] (Goldhaber, col. 5, lines 26-47).

Examiner notes that Goldhaber teaches that consumers (or users) get paid for their attention to an advertisement or other information. Goldhaber discloses:

"it [the invention] can be used to provide direct, immediate payment to a consumer for paying attention to an advertisement or other information." ( Goldhaber, Abstract).

It is noted that Goldhaber discloses paying users for "viewing" ads or other information and not for "monitoring". Therefore, Goldhaber fails to disclose "receiving an indication



Art Unit: 3992

of a user request to monitor any of a plurality of remote locations in exchange for payment”.

The request further relies on Lee for the teaching of “a user requests to monitor a remote location” because Lee discloses that a physician requests to monitor a location by signing in. (Lee, Col. 12, lines 16-22 and line 65 to Col. 13, line 4; Col. 13, ll. 26-34). The request states that in Lee “[i]t is inherent that a health care professional, works in exchange for payment” (see Request, pp. 22 and 225).

Examiner notes that while health care professionals in Lee may be paid in general for their jobs, Lee does not disclose that health care professionals are specifically paid for the monitoring because they are already being paid even prior to requesting to monitor a remote location.

Regarding **Echerer**, the Request states (see Request, pp. 242-244) that doctors can examine and treat a number of patients and, to do this, it is inherent that a doctor must login and thereby select patients. The request further states that Fig. 2 shows the service is in exchange for payment (e.g. credit card, insurance or prepaid credit).

Examiner notes that Echerer discloses that 'patients' request services and the service is in exchange for payment, Echerer does not disclose a user [doctor or patient] request to monitor any of a plurality of remote locations in exchange for payment, as recited in each independent claim 1, 10, 12, and 13.

Thus, Lee, Goldhaber and Echerer fail to disclose “***receiving an indication of a user request to monitor any of a plurality of remote locations in exchange for payment***” as recited in each independent claim 1, 10, 12, and 13.

Thus, given the above teachings, there is not a substantial likelihood that a reasonable examiner would consider Lee, Goldhaber and Echerer important in deciding the patentability of Claims 1-13 of the '182 patent during prosecution of the application which became the '182 patent.

### ***Conclusion***

9. The references set forth in the request have been considered both alone and in combination. They fail to raise a substantial new question of patentability as to any one of the '182 Patent claims. Accordingly, the request for reexamination is **DENIED**.

10. All correspondence relating to this *ex parte* reexamination proceeding should be directed:

By EFS: registered users may submit via the electronic filing system EFS-Web, at <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>.

By Mail to: Mail Stop *Ex Parte* Reexam  
Central Reexamination Unit  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

By FAX to: (571) 273-9900  
Central Reexamination Unit

By hand: Customer Service Window  
Attn: Central Reexamination Unit  
Randolph Building, Lobby Level  
401 Dulany Street  
Alexandria, VA 22314

For EFS-Web transmissions, 37 CFR 1.8(a)(1)(i) (C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a

Art Unit: 3992

certificate of transmission for each piece of correspondence stating the data of transmission, which is prior to the expiration of the set period of time in the Office action.

Any inquiry by the patent owner concerning this communication or earlier communications from the Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

/Zoila Cabrera/  
Primary Examiner  
Central Reexamination Unit 3992

Conferees:

/Ovidio Escalante/

/Alexander J Kosowski/

Supervisory Patent Examiner, Art Unit 3992