

R E M A R K S

By the present amendment, claims 1, 2, 5, 6, 10-12, 15-27 have been amended; and claims 3, 4, 7-9, 13, and 14 have been canceled. The five independent claims are claims 1, 11, 17, and 23-25. Claims 2, 5, 6, and 10 depend directly from claim 1. Claims 12, 15 and 16 depend directly from claim 11. Claims 18-22 depend directly from claim 17. Claims 26 and 27 depend directly from claim 25. Claims 1, 2, 5, 6, 10-12, and 15-27 remain for consideration.

On October 19, 1994, Applicant's representative, had an interview with Examiner Kerry Owens based on a proposed amendment presented earlier for her consideration. Examiner Owens agreed that the rejections based on 35 U.S.C. §112, second paragraph, and 35 U.S.C. § 102 (a and e) were obviated by the proposed amendment of the specification, drawing and the claims. Examiner Owens indicated during the interview that the amended claims appear to be drawn to allowable subject matter subject to further search and review. Note the Examiner Interview Summary Record (Paper No. 8).

The Examiner rejected claims 1-27 under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is considered moot in view of the Examiner's indication that the amended claims overcome the rejection based on indefiniteness.

The Examiner rejected claims 1-3, 11, 17-20, and 22 under 35 U.S.C. § 102 (a and e), as anticipated by Mann. This rejection is considered moot in view of the Examiner's indication that the amended claims overcame the rejection based on anticipation by Mann.

Claim 12 was rejected under 35 U.S.C. §103 as being unpatentable over Mann in view of Cromarty. Original claims 4-10, 13-15, 23-25, and 27 were rejected under 35 U.S.C. § 103 as being unpatentable over Mann in view of Gautraud et al. Original claims

16 and 26 were rejected as being unpatentable over Mann in view of Poillon et al.; and claim 21 was rejected as being unpatentable over Mann in view of Gautraud et al. and Poillon et al.

The claims in this application have been revised to more particularly define applicants' unique construction in view of the prior art of record. Since the amended claims are now drawn to methods and apparatus for instructional aid in the areas of sports and the selection of optimum geographical sites or objects (targets), the separate rejections based on obviousness will be discussed together.

Mann is the primary reference relied on to show both the method and apparatus. The Examiner relies on Mann for the implementation of instructions to assist a person to emulate a preferred movement. Amended claims 11, 15, 16, and 23-27 are believed to distinguish over Mann, Cromarty, Gautraud et al., and Poillon et al., because none of these references teach or remotely suggest the application of Applicant's invention to the selection of either a suitable geographical area, i.e., location development (specification, page 17, line 7 to page 18, line 2) or a target (specification, page 18, lines 3-30).

Amended claims 1, 2, 5, 6, and 10 are drawn to a method for providing an instructional aid for assisting a person to emulate a preferred movement. Claims 17-22 are drawn to the apparatus implementing the teaching process. Mann is relied on for the disclosure of a method and apparatus for providing instructional aid for assisting a person to emulate a preferred movement. The Examiner contends Mann's method and apparatus includes the procedural steps and apparatus means to capture and store visual signals representative of a specific physical movement, to compare the captured image signals with stored image signals of a preferred

movement, and to generate further image signals based on the original signals.

Applicant disagrees with the Examiner's reading of Mann in that the basic issue is the separation or remoteness of the two basic components of Applicant's system to form a more personalized instructional aid. Nowhere in Mann is there a teaching that the computer system is located remotely from the teaching station as is emphasized in Applicant's disclosure, wherein the primary images are formed in one location for instruction such as a studio or an aircraft. Transmittance to a separate location for analysis and feedback is critical in Applicant's invention, because the programming can be efficiently performed at the remote computer station. Applicant respectfully submits that this modification is patentable in the absence of any prior art teachings to the contrary.

Applicant's specification on page 16 is clear as to the unique audio component (claims 16, 24 and 26) which includes comments by a professional previously stored in a computer's data base. Therefore, the reliance on Poillon et al. by the Examiner for the inclusion of an audio component is flawed, because the reason for the combination is the alleged obvious substitution of the audio component when neither teaching nor suggestion is present in both patents which would direct one skilled in the art to exclude a keyboard input required by Poillon et al. (column 3, lines 11-29). Applicant's system does not require this additional input because the computer has already been programmed to include the audio input in the visual image data base.

Cromarty was further relied on for the alleged obvious substitution of remote sensing devices in the process and apparatus of Mann. Amended claim 27 is the sole claim drawn to this

embodiment and recites the application of Applicant's invention to the embodiment of modifying a selected target such as a tool based upon its optical photometric characteristics. Consequently, Cromarty's teaching of utilizing foot sensor pads to measure weight distribution during a golf swing is considered non-analogous art and unavailing as a proper reference to combine with Mann.

Gautraud et al. was relied on for the obvious addition of a remote communications system to the teaching system of Mann. The Examiner's rationale for combining these references is "to allow for instruction at remote locations". Where is the teaching or suggestion for this combination? It is unobvious to take the in situ "electronic communications medium" teaching of Gautraud et al. and extend this limited disclosure to suggest to one of ordinary skill in the art to modify the locus or situs of the imaging and image conversion systems. Applicant respectfully requests the Examiner reconsider the prior art rejections of record and allow each of the claims as amended.

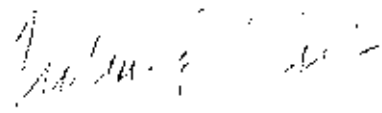
The objections to the drawings as filed have been noted. These objections will be taken care of upon the filing of the formal, inked drawing boards, which will be accomplished no later than upon submission of the issue fee.

A proposed drawing change is submitted herewith. Proposed changes are shown in red. Reference characters 19, 20 and 21 have been added to Fig. 1 to indicate the video cassette, the stick figure, and the true virtual image, respectively.

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Accordingly, it is respectfully submitted that this application is in condition to be passed to issue. If such is not the case, the Examiner is respectfully requested to call the undersigned attorney at the number given below in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,


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