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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,847	08/17/2010	Robert Paul Morris	0125-SP	4733

92924 7590 11/05/2014
Small Pond Associates, LLC
Robert Paul Morris
712 Latta Street
Raleigh, NC 27607

EXAMINER	
ERB, NATHAN	

ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
11/05/2014	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):

paul@smallpond.co
paul.morris@nc.rr.com

Notice of Abandonment	Application No.	Applicant(s)	
		12/857,847	MORRIS, ROBERT PAUL
	Examiner	Art Unit	
	NATHAN ERB	3628	

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

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 28 March 2014.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record or other party authorized under 37 CFR 1.33(b). See 37 CFR 1.138(b).
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

	/NATHAN ERB/ Primary Examiner, Art Unit 3628
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Petitions to revive under 37 CFR 1.137, or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,847	08/17/2010	Robert Paul Morris	0125-SP	4733
92924	7590	03/28/2014		
Small Pond Associates, LLC Robert Paul Morris 712 Latta Street Raleigh, NC 27607			EXAMINER ERB, NATHAN	
			ART UNIT 3628	PAPER NUMBER
			NOTIFICATION DATE 03/28/2014	DELIVERY MODE 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):

paul@smallpond.co
paul.morris@nc.rr.com

Office Action Summary	Application No. 12/857,847	Applicant(s) MORRIS, ROBERT PAUL	
	Examiner NATHAN ERB	Art Unit 3628	AIA (First Inventor to File) Status 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 MONTHS 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 11 October 2012.
☐ 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 or send an inquiry to 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 3) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____. | 4) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 11, 2012, has been entered.

Response to Arguments

3. Applicant's amendments have overcome the 112 rejections of claims 1-19 from the previous Office action. However, Applicant did not remove the "new matter" from claim 20, so that claim remains rejected under 112 in this Office action.
4. The prior art rejections have been updated to correspond to Applicant's amendments.
5. Examiner believes that the amendments to the prior art rejections render Applicant's arguments to be not applicable.

Claim Rejections - 35 USC § 112

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

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim **20** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant application, the specification fails to disclose support for the newly claimed subject matter, wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing. The applicant cited various paragraphs from the specification; however none provide clear support for the newly disclosed subject matter.

Claim Rejections - 35 USC § 103

8. 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.

9. Claims **1-4, 7-9, 11, 13-14, 16-20** are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Fadell, Pub. No. US2010/0010857 A1, hereinafter referred to as Fadell, in view of Delesalle, U.S. Patent Application Publication No. US 2008/0205399 A1.

As per **Claims 1, 19 and 20**, Fadell discloses a method and system comprising:

- receiving resource information identifying a particular resource for processing by a hardware component in performing an operation (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9);
- determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9); and
- sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9),
- wherein at least one of the receiving, the determining, and the sending includes execution of an instruction by an instruction processing unit (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

Fadell fails to disclose wherein the particular resource includes a video stream; wherein the processing includes transmitting the resource via a network. Delesalle discloses wherein the particular resource includes a video stream (paragraph [0096]); wherein the processing includes transmitting the resource via a network (paragraph [0096]). It would have been obvious to one of ordinary skill in the art to modify the invention of Fadell such that the particular resource includes a video stream; and the processing includes transmitting the resource via a network, as disclosed by Delesalle, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 2**, Fadell discloses wherein the resource information is received in response to a detected user input at least one of identifying the resource and identifying an operation that includes processing the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 3**, Fadell discloses wherein the measure is determined according to a metric based on at least one of electrical power, electrical energy, stored energy, mechanical resistance, electrical resistance, time, a count of a particular event, money, size, mass, distance, weight, heat, light, and movement (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 4**, Fadell discloses wherein the measure includes at least one of a measure of electrical power, a measure of electrical energy, a measure of stored energy, a measure of mechanical resistance, a measure of electrical resistance, a measure of time, a count of a particular event, a measure of a monetary cost, a measure of heat, a measure of light, a measure of distance, a measure of mass, a measure of size, and a measure of weight (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 7**, Fadell discloses wherein a metric for determining the measure is identified based on at least one of the resource, the operation, the hardware component included in performing the operation, a user, a group, a role, a task, a time, a location, a device for performing the operation, and device for providing the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 8**, Fadell discloses wherein the measure is determined based on a user input for identifying the metric (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 9**, Fadell discloses wherein determining the measure is based on locating a predefined measure based on at least one of the resource and the operation (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 11**, Fadell discloses wherein determining the measure further includes determining whether a specified energy condition is met based on the measure (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 13**, Fadell discloses receiving selection information identifying the resource in response to a detected user input corresponding to the representation of the resource; and presenting a warning indication, in response to receiving the selection

information, when the energy condition is not met (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 14**, Fadell discloses wherein the indication is included in the representation of the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 16**, Fadell discloses wherein sending the presentation information includes sending a message to a node operatively coupled to the output device (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 17**, Fadell discloses wherein the indication is presented in response to a user input predefined for presenting the indication (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 18**, Fadell discloses wherein the presentation information is sent in response to a change in at least one of a cost condition and a measure of a processing cost associated with another resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

10. Claim **5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Delesalle in further view of Alam, et al., Pub. No. US20080319926 A1, hereinafter referred to as Alam.

As per **Claim 5**, Fadell fails to disclose wherein when the measure includes the count, the count is based on at least one of instruction-processing unit cycles, disk spins, data read operations, data write operations, refreshes of at least a portion of a presentation space, display refreshes, data transmitted via a network, data received via a network, and a measure of human movement. However, Alam teaches CPU resources, as used herein, are defined as CPU capacity (size), quantity (number of CPU's), and CPU clock cycle. Memory resources, as used herein, are defined as total capacity and access time of Random Access Memory (RAM) and total capacity and access time of Read-only Memory (ROM), where total capacity may consist of the sum of the products of the individual capacities and the quantities of each memory device (such as a RAM chip, for example). Applications utilizing memory resources may vary their usage by the length of memory resource access time. Hard disk resources, as used herein, are defined as hard disk capacity (size), quantity (number of hard disks), disk input/output (amount of data transferred), and access time of system hard disks. Network resources, as used herein, are defined as network devices (such as network cards, routers, switches, and the like), network input/output, bandwidth, and packet size and quantity (see at least 0011). It would have been obvious to one of ordinary skill in the art at the time of the invention to include measuring CPU resources and data

transmitted as taught by Alam in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

11. Claim **6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Delesalle in further view of Alam as applied to claim 1 above, and further in view of Maehira et al., Pub. No. US2009/0150787 A1, hereinafter referred to as Maehira.

As per **Claim 6**, Fadell fails to disclose wherein the measure of human movement is based on at least one of a measure of dispersion of key presses; a pattern and frequency of movement of a tracking device; and a count of at least one of key presses, squeezes, pushes, and pulls; changes between lower case and upper case, a count of numerical digits, and a count of different input devices providing information in response to user input. However, teaching the key input count memory area 33f stores a count indicating the number of times the operator has performed a prescribed key operation (pressed a key, for example) on the keyboard 15. The count in the key input count memory area 33f is incremented by "1" each time the user performs a prescribed key operation on the keyboard 15, for example (see at least 0143). It would have been obvious to one of ordinary skill in the art at the time of the invention to include employee/human costs as taught by Meahira in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element

merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

12. Claims **10**, **12** and **15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Delesalle in further view of Official Notice.

As per **Claim 10**, Fadell fails to disclose wherein determining the measure includes sending a message via a network to a node for determining the measure; and receiving a response via the network identifying the measure. Fadell does disclose providing a user with an alert such as a pop-up to a user. Further, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include providing notifications over the Internet. It would have been obvious to one of ordinary skill in the art at the time of the invention to include sending messages over the Internet as taught by Official Notice in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 12**, Fadell fails to disclose wherein the representation of the resource is user selectable when the energy condition is met and is not user selectable

when the energy condition is not met. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include selectable and grayed-out non-selectable option icons on a computer display. Further, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include providing notifications over the Internet. It would have been obvious to one of ordinary skill in the art at the time of the invention to include selectable and grayed-out non-selectable option icons as taught by Official Notice in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 15**, Fadell fails to disclose presenting the representation of the resource in a plurality of representations of resources according to an order based on a metric the measure represents. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include sorting resources or processes by various metrics such as cost, CPU usage, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to include sorting according to various metrics as taught by Official Notice in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN ERB whose telephone number is (571)272-7606. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. 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.

NATHAN ERB
Primary Examiner
Art Unit 3628

nhe

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Art Unit: 3628

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/NATHAN ERB/
Primary Examiner, Art Unit 3628

Notice of References Cited	Application/Control No. 12/857,847	Applicant(s)/Patent Under Reexamination MORRIS, ROBERT PAUL	
	Examiner NATHAN ERB	Art Unit 3628	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2008/0205399 A1	08-2008	Delesalle et al.	370/392
	B	US-			
	C	US-			
	D	US-			
	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


*		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.

<p align="center"><i>Index of Claims</i></p> 	Application/Control No. 12857847	Applicant(s)/Patent Under Reexamination MORRIS, ROBERT PAUL
	Examiner FADEY JABR	Art Unit 3628

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant										<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
CLAIM		DATE													
Final	Original	04/04/2012	07/07/2012	03/24/2014											
	1	✓	✓	✓											
	2	✓	✓	✓											
	3	✓	✓	✓											
	4	✓	✓	✓											
	5	✓	✓	✓											
	6	✓	✓	✓											
	7	✓	✓	✓											
	8	✓	✓	✓											
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	18	✓	✓	✓											
	19	✓	✓	✓											
	20	✓	✓	✓											

Search Notes 	Application/Control No. 12857847	Applicant(s)/Patent Under Reexamination MORRIS, ROBERT PAUL
	Examiner FADEY JABR	Art Unit 3628

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Search, see attached	4/4/12	FSJ
EIC Plus Search, see attached		
EAST Search, see attached	7/6/12	FSJ
EAST search, search strategy attached	3-24-2014	NHE

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

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	"12/857,847"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2014/03/24 10:25
L2	1	("20100010857").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/03/24 10:34
L3	1	("20080319926").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/03/24 10:53
L4	4	((@ad<"20100817" or @pd<"20100817" or @rlad<"20100817" or @prad<"20100817" or @ptad<"20100817") and ((meter or metered or metering or meterer) near15 (processing) near15 (video adj stream))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2014/03/24 10:55
L5	35	((@ad<"20100817" or @pd<"20100817" or @rlad<"20100817" or @prad<"20100817" or @ptad<"20100817") and ((meter or metered or metering or meterer) near15 (processing) near15 (data)).ab. and video.ab.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2014/03/24 10:56
L6	0	((@ad<"20100817" or @pd<"20100817" or @rlad<"20100817" or @prad<"20100817" or @ptad<"20100817") and ((meter or metered or metering or meterer) near15 (processing) near15 (data)).ab. and (per adj image)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2014/03/24 10:58
L7	0	((@ad<"20100817" or @pd<"20100817" or @rlad<"20100817" or @prad<"20100817" or @ptad<"20100817") and ((meter or metered or metering or meterer) near15 (processing) near15 (data)).ab. and (per adj file)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2014/03/24 10:58
L8	0	((@ad<"20100817" or @pd<"20100817" or @rlad<"20100817" or @prad<"20100817" or @ptad<"20100817") and ((meter or metered or metering or meterer) near15 (processing) near15 (data)).ab. and (per adj video)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2014/03/24 10:58
L9	118	((@ad<"20100817" or @pd<"20100817" or @rlad<"20100817" or @prad<"20100817" or @ptad<"20100817") and ((meter or	US-PGPUB; USPAT; USOCR; FPRS; EPO;	OR	ON	2014/03/24 10:59

		metered or metering or meterer) near15 (processing) near15 (data)).ab. and (per)	JPO; DERWENT			
L10	3	((@ad<"20100817" or @pd<"20100817" or @rlad<"20100817" or @prad<"20100817" or @ptad<"20100817") and ((meter or metered or metering or meterer) near6 (streaming adj video))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2014/03/24 11:05
L11	1	("20080205399").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/03/24 11:19
L12	1	(US-20040068447-\$).did.	US-PGPUB	OR	ON	2014/03/24 11:19

EAST Search History (Interference)

< This search history is empty >

3/ 24/ 2014 11:21:25 AM**C:\ Users\ nerb\ Documents\ EAST\ Workspaces\ 20140324d.wsp**

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

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

I hereby appoint:



Practitioners associated with the Customer Number:

92045

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 assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

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



The address associated with Customer Number:

92045

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone			Email

Assignee Name and Address:

Sitting Man, LLC
712 Latta St
Raleigh, NC 27607

A copy of this form, together with a statement under 37 CFR 3.73(b) (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(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, 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	/Robert Paul Morris/	Date
Name	Robert Paul Morris	Telephone
Title	Managing Member	

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 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 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 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.

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.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Robert Paul MorrisApplication No./Patent No.: 12/857,847Filed/Issue Date: 08-17-2010Titled: **METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE**

Sitting Man, LLC

, a Limited Liability Company

(Name of Assignee)

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

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- 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 _____, Frame _____, or for which a copy therefore is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Robert Paul MorrisTo: Sitting Man, LLC

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.

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.

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

- ☒ As required by 37 CFR 3.73(b)(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.

/Robert Paul Morris/

10/17/2013

Signature

Date

Robert Paul Morris

Managing Member

Printed or Typed Name

Title

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.**

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Privacy Act Statement

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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.
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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.

ASSIGNMENT OF PATENT RIGHTS

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, on this 5th day of September, 2013, Robert Paul Morris of Wake County, Raleigh, North Carolina, a person, (“**Assignor**”), hereby sells, assigns, and transfers to Sitting Man, LLC, a Delaware limited liability company (“**Assignee**”), the full extent of all right, title, and interest in and to any and all of the following (collectively, the “**Rights**”):

1. The patents, provisional patent applications and patent applications listed in the table below (individually and collectively referred to herein as the “**Patents**”);
2. All inventions claimed or described in the Patents (collectively, the “**Inventions**”);
3. All rights with respect to the Inventions, including all U.S. patents or other governmental grants or issuances that may be granted with respect to the Inventions or from any direct or indirect divisionals, continuations, continuations-in-part, or other patent applications claiming priority rights from the Patents (“**Potential Patents**”);
4. All reissues, reexaminations, extensions, registrations, or any and all priority patent application(s) of the Patents or Potential Patents;
5. All non-United States patents, patent applications, and counterparts relating to any or all of the Inventions, the Patents, or Potential Patents, including, without limitation, certificates of invention, utility models, industrial design protection, design patent protection, and other governmental grants or issuances (“**Foreign Rights**”), and including the right to file foreign applications directly in the name of Assignee, its successors and assigns;
6. The right to claim priority rights deriving from the Patents;
7. All causes of action and remedies related to the Patents, the Inventions, Potential Patents, or Foreign Rights (including, without limitation, the right to sue for past, present, or future infringement, misappropriation or violation of rights related to any of the foregoing and the right to collect royalties and other payments under or on account of any of the foregoing); and
8. Any and all other rights and interests arising out of, in connection with, or in relation to, the Patents, the Inventions, Potential Patents, or Foreign Rights.

Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
12/688,996	01-18-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR TRAVERSING NODES IN PATH ON A DISPLAY DEVICE Robert Paul Morris
13/023,883	02-09-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR DIRECTING ATTENTION OF AN OCCUPANT OF AN AUTOMOTIVE VEHICLE TO A VIEWPORT Robert Paul Morris

Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
8,422,858	01-21-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR COORDINATING PLAYING OF MEDIA STREAMS Robert Paul Morris
13/790,082	03-08-2013	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR COORDINATING PLAYING OF MEDIA STREAMS Robert Paul Morris
12/696,854	01-29-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR CONTROLLING PLAY OF MEDIA STREAMS Robert Paul Morris
12/689,169	01-18-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR AUTOMATICALLY SELECTING OBJECTS IN A PLURALITY OF OBJECTS Robert Paul Morris
12/868,767	08-26-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR NAVIGATING BETWEEN VISUAL COMPONENTS Robert Paul Morris
13/045,556	03-11-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROVIDING FEEDBACK TO A USER OF A PORTABLE ELECTRONIC DEVICE IN MOTION Robert Paul Morris
12/689,177	01-18-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR AUTOMATING OPERATIONS ON A PLURALITY OF OBJECTS Robert Paul Morris

Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
12/955,993	11-30-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR AUTOMATICALLY SCROLLING ITEMS IN A SELECTION CONTROL Robert Paul Morris
8,346,853	05-27-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING AN ATTACHED COMMAND RESPONSE Robert Paul Morris
13/685,739	11-27-2012	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING AN ATTACHED COMMAND RESPONSE Robert Paul Morris
12/714,063	02-26-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR DETECTING AN IDLE TCP CONNECTION Robert Paul Morris
12/705,638	02-15-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR DELAYING PRESENTATION OF AN UPDATE TO A USER INTERFACE Robert Paul Morris
8,219,606	02-27-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR SHARING INFORMATION FOR DETECTING AN IDLE TCP CONNECTION Robert Paul Morris
13/477,402	05-22-2012	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR SHARING INFORMATION FOR DETECTING AN IDLE TCP CONNECTION Robert Paul Morris

Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
12/857,836	08-17-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MAINTAINING A RESOURCE BASED ON A COST OF ENERGY Robert Paul Morris
12/857,847	08-17-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE Robert Paul Morris
12/758,125	04-12-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING AN IDLE COMPUTING COMPONENT Robert Paul Morris
12/956,008	11-30-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR BINDING ATTRIBUTES BETWEEN VISUAL COMPONENTS Robert Paul Morris
12/788,373	05-27-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PREVENTING PROCESSING OF AN HTTP RESPONSE Robert Paul Morris
13/023,916	02-09-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR DIRECTING ATTENTION TO A SEQUENCE OF VIEWPORTS OF AN AUTOMOTIVE VEHICLE Robert Paul Morris
12/857,857	08-17-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR SELECTING A RESOURCE IN RESPONSE TO A CHANGE IN AVAILABLE ENERGY Robert Paul Morris

Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
12/758,828	04-13-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR IDENTIFYING AN IDLE USER INTERFACE ELEMENT Robert Paul Morris
8,233,482	04-22-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR DISABLING AN OPERATIVE COUPLING TO A NETWORK Robert Paul Morris
13/531,544	06-24-2012	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR DISABLING AN OPERATIVE COUPLING TO A NETWORK Robert Paul Morris
12/819,214	06-20-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR IDENTIFYING A CONTACTEE IN A COMMUNICATION Robert Paul Morris
8,331,372	04-22-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR ENABLING AN OPERATIVE COUPLING TO A NETWORK Robert Paul Morris
13/663,513	10-30-2012	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR ENABLING AN OPERATIVE COUPLING TO A NETWORK Robert Paul Morris
12/830,385	07-05-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR CONFIGURING ACCESS TO A DATA SOURCE BASED ON A CHANNEL IDENTIFIER Robert Paul Morris

Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
12/789,538	05-28-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING AN ATTACHED COMMAND RESPONSE BASED ON A MARKUP ELEMENT Robert Paul Morris
12/789,550	05-28-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A NON-RETURNABLE COMMAND RESPONSE BASED ON A MARKUP ELEMENT Robert Paul Morris
13/941,502	07-14-2013	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A NON-RETURNABLE COMMAND RESPONSE BASED ON A MARKUP ELEMENT Robert Paul Morris
12/788,381	05-27-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A COMBINED COMMAND RESPONSE Robert Paul Morris
12/789,568	05-28-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A COMBINED COMMAND RESPONSE BASED ON A MARKUP ELEMENT Robert Paul Morris
12/819,215	06-20-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR IDENTIFYING A COMMUNICANT IN A COMMUNICATION Robert Paul Morris

Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
8,447,819	07-09-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A REQUEST FOR A RESOURCE IN A COMMUNICATION Robert Paul Morris
13/867,040	04-20-2013	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A REQUEST FOR A RESOURCE IN A COMMUNICATION Robert Paul Morris
12/833,016	07-09-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR REFERENCING AN ATTACHMENT IN A COMMUNICATION Robert Paul Morris
12/830,389	07-05-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A CONTEXTUAL CHANNEL IDENTIFIER Robert Paul Morris
12/830,388	07-05-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR SELECTING A DATA SOURCE BASED ON A CHANNEL IDENTIFIER Robert Paul Morris
12/857,851	08-17-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR SELECTING A RESOURCE BASED ON A MEASURE OF A PROCESSING COST Robert Paul Morris
12/830,392	07-05-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR CONFIGURING A CONTEXTUAL CHANNEL IDENTIFIER Robert Paul Morris

Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
13/025,939	02-11-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROVIDING STEERING-CONTROL FEEDBACK TO AN OPERATOR OF AN AUTOMOTIVE VEHICLE Robert Paul Morris
13/025,944	02-11-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING ATTENTION OF A USER OF A PORTABLE ELECTRONIC DEVICE Robert Paul Morris
13/024,444	02-10-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING OPERATION OF A PORTABLE ELECTRONIC DEVICE Robert Paul Morris
13/023,932	02-09-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR ALTERING ATTENTION OF AN AUTOMOTIVE VEHICLE OPERATOR Robert Paul Morris
13/023,952	02-09-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING ATTENTION OF AN OPERATOR AN AUTOMOTIVE VEHICLE Robert Paul Morris
13/024,466	02-10-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING OPERATION OF AN AUTOMOTIVE VEHICLE Robert Paul Morris

Assignors will not sign any writing or do any act conflicting with this Assignment, and, without further compensation, will sign all documents and do such additional acts as Assignee, its successors, legal representatives, and assigns deem necessary or desirable to perfect enjoyment of the Rights, conduct proceedings regarding the Rights (including any litigation or interference proceedings), or perfect or defend title to the Rights. Assignors request the respective patent office

or governmental agency in each jurisdiction to issue any and all patents, certificates of invention, utility models, or other governmental grants or issuances that may be granted upon any of the Rights in the name of the Assignee, as the assignee to the entire interest therein.

The terms and conditions of this Assignment will inure to the benefit of Assignee, its successors, legal representatives, and assigns and will be binding upon Assignors, their successors, legal representatives and assigns.



Name: Robert Paul Morris
(Signature MUST be attested)

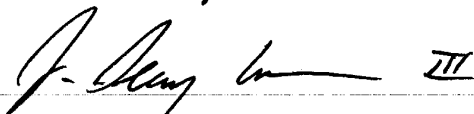
ATTESTATION OF SIGNATURE PURSUANT TO 28 U.S.C. § 1746

The undersigned witnessed the signature of Robert Paul Morris to the above Assignment of Patent Rights and makes the following statements:

1. I am over the age of 18 and competent to testify as to the facts in this Attestation block if called upon to do so.
2. Robert Paul Morris is personally known to me (or proved to me on the basis of satisfactory evidence) and appeared before me on _____, 2013 to execute the above Assignment of Patent Rights.
3. Robert Paul Morris subscribed to the above Assignment of Patent Rights.

I declare under penalty of perjury under the laws of the United States of America that the statements made in the three (3) numbered paragraphs immediately above are true and correct.

EXECUTED on Sept 27, 2013



Print Name: J. Deacy Lawson, III

Electronic Acknowledgement Receipt	
EFS ID:	17998343
Application Number:	12857847
International Application Number:	
Confirmation Number:	4733
Title of Invention:	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE
First Named Inventor/Applicant Name:	Robert Paul Morris
Customer Number:	92924
Filer:	Patrick Edgar Caldwell
Filer Authorized By:	
Attorney Docket Number:	0125-SP
Receipt Date:	23-JAN-2014
Filing Date:	17-AUG-2010
Time Stamp:	04:21:36
Application Type:	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	Morris_POA_pre_2012.pdf	435724 16c4e6143c6e06d8305afa69a2cfd95096a8d40	no	2

Warnings:

Information:

2	Assignee showing of ownership per 37 CFR 3.73.	Morris-SittingMan_Assignment_9-5-13_P MOR0125_373b_vF.pdf	391791 f71859036c69897a78214137f351d2b3444b22b4	no	11
Warnings:					
Information:					
Total Files Size (in bytes):			827515		
<p>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.</p> <p><u>New Applications Under 35 U.S.C. 111</u> 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><u>National Stage of an International Application under 35 U.S.C. 371</u> 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><u>New International Application Filed with the USPTO as a Receiving Office</u> 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 ASSIGNMENT COVER SHEET

Electronic Version v1.1
 Stylesheet Version v1.2

EPAS ID: PAT2601318

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
ROBERT PAUL MORRIS	09/05/2013
RECEIVING PARTY DATA	
Name:	SITTING MAN, LLC
Street Address:	712 LATTA ST
City:	RALEIGH
State/Country:	NORTH CAROLINA
Postal Code:	27607
PROPERTY NUMBERS Total: 48	
Property Type	Number
Application Number:	12688996
Application Number:	13023883
Patent Number:	8422858
Application Number:	13790082
Application Number:	12696854
Application Number:	12689168
Application Number:	12868767
Application Number:	13045556
Application Number:	12689177
Application Number:	12955993
Patent Number:	8346853
Application Number:	13685739
Application Number:	12714063
Application Number:	12705638
Patent Number:	8219606

CH \$1920.00 12688996

Application Number:	13477402
Application Number:	12857836
Application Number:	12857847
Application Number:	12758125
Application Number:	12956008
Application Number:	12788373
Application Number:	13023916
Application Number:	12857857
Application Number:	12758828
Patent Number:	8233482
Application Number:	13531544
Application Number:	12819214
Patent Number:	8331372
Application Number:	13663513
Application Number:	12830385
Application Number:	12789538
Application Number:	12789550
Application Number:	12789568
Application Number:	12819215
Patent Number:	8447819
Application Number:	13867040
Application Number:	12833016
Application Number:	12830389
Application Number:	12830388
Application Number:	12857851
Application Number:	12830392
Application Number:	13025939
Application Number:	13025944
Application Number:	13024444
Application Number:	13023932
Application Number:	13023952
Application Number:	13024466
Application Number:	12788381

CORRESPONDENCE DATA

Fax Number:

Email: pcalwell@thecaldwellfirm.com

Correspondence will be sent via US Mail when the email attempt is unsuccessful.

Correspondent Name: PATRICK E. CALDWELL, ESQ.

Address Line 1: PO BOX 59655

Address Line 4: DALLAS, TEXAS 75229

NAME OF SUBMITTER:

PATRICK E. CALDWELL, ESQ.

Signature:

/Patrick E. Caldwell/

Date:

11/03/2013

This document serves as an Oath/Declaration (37 CFR 1.63).

Total Attachments: 9

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ASSIGNMENT OF PATENT RIGHTS

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, on this 5th day of September, 2013, Robert Paul Morris of Wake County, Raleigh, North Carolina, a person, (“**Assignor**”), hereby sells, assigns, and transfers to Sitting Man, LLC, a Delaware limited liability company (“**Assignee**”), the full extent of all right, title, and interest in and to any and all of the following (collectively, the “**Rights**”):

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4. All reissues, reexaminations, extensions, registrations, or any and all priority patent application(s) of the Patents or Potential Patents;
5. All non-United States patents, patent applications, and counterparts relating to any or all of the Inventions, the Patents, or Potential Patents, including, without limitation, certificates of invention, utility models, industrial design protection, design patent protection, and other governmental grants or issuances (“**Foreign Rights**”), and including the right to file foreign applications directly in the name of Assignee, its successors and assigns;
6. The right to claim priority rights deriving from the Patents;
7. All causes of action and remedies related to the Patents, the Inventions, Potential Patents, or Foreign Rights (including, without limitation, the right to sue for past, present, or future infringement, misappropriation or violation of rights related to any of the foregoing and the right to collect royalties and other payments under or on account of any of the foregoing); and
8. Any and all other rights and interests arising out of, in connection with, or in relation to, the Patents, the Inventions, Potential Patents, or Foreign Rights.

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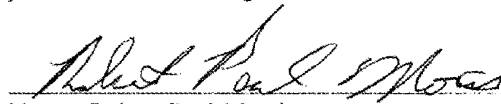
Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
8,447,819	07-09-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A REQUEST FOR A RESOURCE IN A COMMUNICATION Robert Paul Morris
13/867,040	04-20-2013	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A REQUEST FOR A RESOURCE IN A COMMUNICATION Robert Paul Morris
12/833,016	07-09-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR REFERENCING AN ATTACHMENT IN A COMMUNICATION Robert Paul Morris
12/830,389	07-05-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A CONTEXTUAL CHANNEL IDENTIFIER Robert Paul Morris
12/830,388	07-05-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR SELECTING A DATA SOURCE BASED ON A CHANNEL IDENTIFIER Robert Paul Morris
12/857,851	08-17-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR SELECTING A RESOURCE BASED ON A MEASURE OF A PROCESSING COST Robert Paul Morris
12/830,392	07-05-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR CONFIGURING A CONTEXTUAL CHANNEL IDENTIFIER Robert Paul Morris

Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
13/025,939	02-11-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROVIDING STEERING-CONTROL FEEDBACK TO AN OPERATOR OF AN AUTOMOTIVE VEHICLE Robert Paul Morris
13/025,944	02-11-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING ATTENTION OF A USER OF A PORTABLE ELECTRONIC DEVICE Robert Paul Morris
13/024,444	02-10-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING OPERATION OF A PORTABLE ELECTRONIC DEVICE Robert Paul Morris
13/023,932	02-09-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR ALTERING ATTENTION OF AN AUTOMOTIVE VEHICLE OPERATOR Robert Paul Morris
13/023,952	02-09-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING ATTENTION OF AN OPERATOR AN AUTOMOTIVE VEHICLE Robert Paul Morris
13/024,466	02-10-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING OPERATION OF AN AUTOMOTIVE VEHICLE Robert Paul Morris

Assignors will not sign any writing or do any act conflicting with this Assignment, and, without further compensation, will sign all documents and do such additional acts as Assignee, its successors, legal representatives, and assigns deem necessary or desirable to perfect enjoyment of the Rights, conduct proceedings regarding the Rights (including any litigation or interference proceedings), or perfect or defend title to the Rights. Assignors request the respective patent office

or governmental agency in each jurisdiction to issue any and all patents, certificates of invention, utility models, or other governmental grants or issuances that may be granted upon any of the Rights in the name of the Assignee, as the assignee to the entire interest therein.

The terms and conditions of this Assignment will inure to the benefit of Assignee, its successors, legal representatives, and assigns and will be binding upon Assignors, their successors, legal representatives and assigns.



Name: Robert Paul Morris
(Signature MUST be attested)

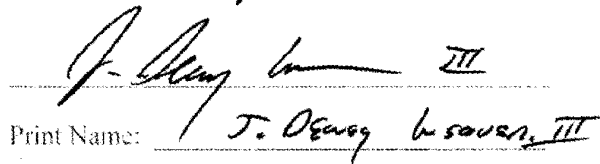
ATTESTATION OF SIGNATURE PURSUANT TO 28 U.S.C. § 1746

The undersigned witnessed the signature of Robert Paul Morris to the above Assignment of Patent Rights and makes the following statements:

1. I am over the age of 18 and competent to testify as to the facts in this Attestation block if called upon to do so.
2. Robert Paul Morris is personally known to me (or proved to me on the basis of satisfactory evidence) and appeared before me on _____, 2013 to execute the above Assignment of Patent Rights.
3. Robert Paul Morris subscribed to the above Assignment of Patent Rights.

I declare under penalty of perjury under the laws of the United States of America that the statements made in the three (3) numbered paragraphs immediately above are true and correct.

EXECUTED on Sept 27, 2013


Print Name: J. DeWay Lawson, III



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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/857,847	08/17/2010	Robert Paul Morris	0125-SP

CONFIRMATION NO. 4733

POA ACCEPTANCE LETTER



OC00000064586973

92924
Small Pond Associates, LLC
Robert Paul Morris
712 Latta Street
Raleigh, NC 27607

Date Mailed: 10/31/2013

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/23/2013.

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.

/afesschaye/

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

ASSIGNMENT OF PATENT RIGHTS

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, on this 5th day of September, 2013, Robert Paul Morris of Wake County, Raleigh, North Carolina, a person, (“**Assignor**”), hereby sells, assigns, and transfers to Sitting Man, LLC, a Delaware limited liability company (“**Assignee**”), the full extent of all right, title, and interest in and to any and all of the following (collectively, the “**Rights**”):

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12/819,215	06-20-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR IDENTIFYING A COMMUNICANT IN A COMMUNICATION Robert Paul Morris

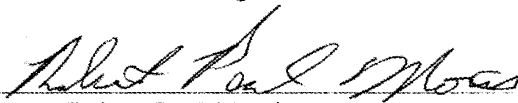
Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
8,447,819	07-09-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A REQUEST FOR A RESOURCE IN A COMMUNICATION Robert Paul Morris
13/867,040	04-20-2013	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A REQUEST FOR A RESOURCE IN A COMMUNICATION Robert Paul Morris
12/833,016	07-09-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR REFERENCING AN ATTACHMENT IN A COMMUNICATION Robert Paul Morris
12/830,389	07-05-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROCESSING A CONTEXTUAL CHANNEL IDENTIFIER Robert Paul Morris
12/830,388	07-05-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR SELECTING A DATA SOURCE BASED ON A CHANNEL IDENTIFIER Robert Paul Morris
12/857,851	08-17-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR SELECTING A RESOURCE BASED ON A MEASURE OF A PROCESSING COST Robert Paul Morris
12/830,392	07-05-2010	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR CONFIGURING A CONTEXTUAL CHANNEL IDENTIFIER Robert Paul Morris

Patent or Application No.	Filing Date	Title of Patent and First Named Inventor
13/025,939	02-11-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PROVIDING STEERING-CONTROL FEEDBACK TO AN OPERATOR OF AN AUTOMOTIVE VEHICLE Robert Paul Morris
13/025,944	02-11-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING ATTENTION OF A USER OF A PORTABLE ELECTRONIC DEVICE Robert Paul Morris
13/024,444	02-10-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING OPERATION OF A PORTABLE ELECTRONIC DEVICE Robert Paul Morris
13/023,932	02-09-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR ALTERING ATTENTION OF AN AUTOMOTIVE VEHICLE OPERATOR Robert Paul Morris
13/023,952	02-09-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING ATTENTION OF AN OPERATOR AN AUTOMOTIVE VEHICLE Robert Paul Morris
13/024,466	02-10-2011	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR MANAGING OPERATION OF AN AUTOMOTIVE VEHICLE Robert Paul Morris

Assignors will not sign any writing or do any act conflicting with this Assignment, and, without further compensation, will sign all documents and do such additional acts as Assignee, its successors, legal representatives, and assigns deem necessary or desirable to perfect enjoyment of the Rights, conduct proceedings regarding the Rights (including any litigation or interference proceedings), or perfect or defend title to the Rights. Assignors request the respective patent office

or governmental agency in each jurisdiction to issue any and all patents, certificates of invention, utility models, or other governmental grants or issuances that may be granted upon any of the Rights in the name of the Assignee, as the assignee to the entire interest therein.

The terms and conditions of this Assignment will inure to the benefit of Assignee, its successors, legal representatives, and assigns and will be binding upon Assignors, their successors, legal representatives and assigns.



Name: Robert Paul Morris
(Signature MUST be attested)

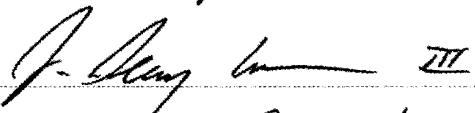
ATTESTATION OF SIGNATURE PURSUANT TO 28 U.S.C. § 1746

The undersigned witnessed the signature of Robert Paul Morris to the above Assignment of Patent Rights and makes the following statements:

1. I am over the age of 18 and competent to testify as to the facts in this Attestation block if called upon to do so.
2. Robert Paul Morris is personally known to me (or proved to me on the basis of satisfactory evidence) and appeared before me on _____, 2013 to execute the above Assignment of Patent Rights.
3. Robert Paul Morris subscribed to the above Assignment of Patent Rights.

I declare under penalty of perjury under the laws of the United States of America that the statements made in the three (3) numbered paragraphs immediately above are true and correct.

EXECUTED on Sept 27, 2013



Print Name: J. Deary, Esq., III

Electronic Acknowledgement Receipt	
EFS ID:	17236912
Application Number:	12857847
International Application Number:	
Confirmation Number:	4733
Title of Invention:	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE
First Named Inventor/Applicant Name:	Robert Paul Morris
Customer Number:	92924
Filer:	Patrick Edgar Caldwell
Filer Authorized By:	
Attorney Docket Number:	0125-SP
Receipt Date:	27-OCT-2013
Filing Date:	17-AUG-2010
Time Stamp:	20:41:55
Application Type:	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	Miscellaneous Incoming Letter	Morris-SittingMan_Assignment_vF_9-5-13.pdf	769618 5dd85c282cf6ef37223a412e0cec878eb779f594	no	9

Warnings:

Information:

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.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

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

I hereby appoint:



Practitioners associated with the Customer Number:

92045

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 assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

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



The address associated with Customer Number:

92045

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone			Email

Assignee Name and Address:

Sitting Man, LLC
712 Latta St
Raleigh, NC 27607

A copy of this form, together with a statement under 37 CFR 3.73(b) (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(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, 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	/Robert Paul Morris/	Date
Name	Robert Paul Morris	Telephone
Title	Managing Member	

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 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 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 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.

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.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Robert Paul MorrisApplication No./Patent No.: 12/857,847Filed/Issue Date: 08-17-2010Titled: **METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE**

Sitting Man, LLC

, a Limited Liability Company

(Name of Assignee)

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

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- 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 _____, Frame _____, or for which a copy therefore is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Robert Paul MorrisTo: Sitting Man, LLC

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.

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.

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

- ☒ As required by 37 CFR 3.73(b)(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.

/Robert Paul Morris/

10/17/2013

Signature

Date

Robert Paul Morris

Managing Member

Printed or Typed Name

Title

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.**

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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)).
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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	
EFS ID:	17202588
Application Number:	12857847
International Application Number:	
Confirmation Number:	4733
Title of Invention:	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE
First Named Inventor/Applicant Name:	Robert Paul Morris
Customer Number:	92924
Filer:	Patrick Edgar Caldwell
Filer Authorized By:	
Attorney Docket Number:	0125-SP
Receipt Date:	23-OCT-2013
Filing Date:	17-AUG-2010
Time Stamp:	11:10:17
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	Morris_POA_pre_2012.pdf	435724 16c4e6143c6e06d8305afa69a2cfd95096a8d40	no	2
Warnings:					
Information:					

2	Assignee showing of ownership per 37 CFR 3.73.	PMOR0125_373b.pdf	423135 0927a4d466e9f3840607372eeab3e3991c9d8e74	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			858859		
<p>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.</p> <p><u>New Applications Under 35 U.S.C. 111</u> 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><u>National Stage of an International Application under 35 U.S.C. 371</u> 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><u>New International Application Filed with the USPTO as a Receiving Office</u> 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>					

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

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

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.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)

Application Number	12857847	Filing Date	2010-08-17	Docket Number (if applicable)	0125	Art Unit	3628
First Named Inventor	Robert Paul Morris			Examiner Name	Fadey S. Jabr		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☒ Consider the arguments in the Appeal Brief or Reply Brief previously filed on 2012-09-10

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☐ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☐ Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

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

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.

Applicant Signature			
Applicant 1		Remove	
Signature	/Robert Paul Morris/	Date (YYYY-MM-DD)	2012-10-11
Name	Robert Paul Morris		
Click ADD for additional Applicant Signature			Add

This collection of information is required by 37 CFR 1.114. 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.

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

Privacy Act Statement

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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.
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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)).
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Application No. 12/857,847
Paper filed October 11, 2012
Reply to final Office Action mailed July 12, 2012

Docket No. 0125
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Mail Stop: RCE
Robert Paul Morris	T.C/Art Unit: 3628
Application No.: 12/857,847	Office: Jabr, Fadey, S.
Filed: August 17, 2010	Confirmation No.: 4733
For: Method, Systems, and Computer	
Program Products for Presenting an Indication	
of a Cost of Processing a Resource	

RESPONSE UNDER 37 C.F.R. §1.114

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the final Office Action mailed July 12, 2012, for which a shortened statutory period for reply is set to expire on October 12, 2012. Entry and favorable consideration of the following Amendments and Remarks is respectfully requested.

Amendments to the Specification: None.

Amendments to the Claims are reflected in the Listing of Claims that begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

Amendments to the Claims:

Note: Amendments to the claims are strikethrough or double-bracket deletions and underline insertions.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A method for presenting an indication of a cost of processing a resource, the method comprising:

receiving resource information identifying a particular resource for processing by a hardware component in performing an operation, wherein the particular resources includes at least one of image data, video data, an image file, a video stream, a database record, a network message, a document, text data, image data, audio data, tactile data, and a message formatted according to a communication protocol) ~~wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing;~~

determining, for the particular resource, a measure of the processing cost, based on the operation, to provide an indication of the cost for processing the particular resource; and

sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation identifying ~~of the particular~~ resource,

wherein at least one of the receiving, the determining, and the sending includes execution of an instruction by an instruction processing unit.

2. (Original) The method of claim 1 wherein the resource information is received in response to a detected user input at least one of identifying the resource and identifying an operation that includes processing the resource.

3. (Original) The method of claim 1 wherein the measure is determined according to a metric based on at least one of electrical power, electrical energy, stored energy, mechanical resistance,

electrical resistance, time, a count of a particular event, money, size, mass, distance, weight, heat, light, and movement.

4. (Original) The method of claim 1 wherein the measure includes at least one of a measure of electrical power, a measure of electrical energy, a measure of stored energy, a measure of mechanical resistance, a measure of electrical resistance, a measure of time, a count of a particular event, a measure of a monetary cost, a measure of heat, a measure of light, a measure of distance, a measure of mass, a measure of size, and a measure of weight.

5. (Previously Presented) The method of claim 4 wherein, when the measure includes the count, the count is based on at least one of instruction-processing unit cycles, disk spins, data read operations, data write operations, refreshes of at least a portion of a presentation space, display refreshes, data transmitted via a network, data received via a network, and a measure of human movement.

6. (Previously Presented) The method of claim 5 wherein, when the count is based on the measure, the measure of human movement is based on at least one of a measure of dispersion of key presses; a pattern and frequency of movement of a tracking device; and a count of at least one of key presses, squeezes, pushes, and pulls; changes between lower case and upper case, a count of numerical digits, and a count of different input devices providing information in response to user input.

7. (Original) The method of claim 1 wherein a metric for determining the measure is identified based on at least one of the resource, the operation, the hardware component included in performing the operation, a user, a group, a role, a task, a time, a location, a device for performing the operation, and device for providing the resource.

8. (Original) The method of claim 7 wherein the measure is determined based on a user input for identifying the metric.

9. (Original) The method of claim 1 wherein determining the measure is based on locating a predefined measure based on at least one of the resource and the operation.

10. (Original) The method of claim 1 wherein determining the measure includes sending a message via a network to a node for determining the measure; and receiving a response via the network identifying the measure.

11. (Original) The method of claim 1 wherein determining the measure further includes determining whether a specified energy condition is met based on the measure.

12. (Original) The method of claim 11 wherein the representation of the resource is user selectable when the energy condition is met and is not user selectable when the energy condition is not met.

13. (Original) The method of claim 11 further comprising:

receiving selection information identifying the resource in response to a detected user input corresponding to the representation of the resource; and

presenting a warning indication, in response to receiving the selection information, when the energy condition is not met.

14. (Original) The method of claim 1 wherein the indication is included in the representation of the resource.

15. (Original) The method of claim 1 further comprises presenting the representation of the resource in a plurality of representations of resources according to an order based on a metric the measure represents.

16. (Original) The method of claim 1 wherein sending the presentation information includes sending a message to a node operatively coupled to the output device.

17. (Original) The method of claim 1 wherein the indication is presented in response to a user input predefined for presenting the indication.

18. (Original) The method of claim 1 wherein the presentation information is sent in response to a change in at least one of a cost condition and a measure of a processing cost associated with another resource.

19. (Currently Amended) A system for presenting an indication of a cost of processing a resource, the system comprising:

a cost advisor component configured for receiving resource information identifying a resource for processing by a hardware component in performing an operation, wherein the processing includes at least one of transmitting the resource via a network, presenting the resource via an output device, receiving the resource via a network, encoding the resource, decoding the resource, filtering the resource, translating the resource, and accessing the resource at a location in storage ~~wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing;~~

a cost monitor component configured for determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource;

a cost presentation component configured for sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation identifying ~~of~~ the resource, and

an instruction processing unit, wherein at least one of the cost advisor component, the cost monitor component, and the presentation control component includes an instruction that is executed by the instruction processing unit during operation of the system.

20. (Currently Amended) A non-transitory computer-readable storage medium embodying a computer program, executable by a machine, for presenting an indication of a cost of processing a resource, the computer program comprising executable instructions for:

receiving resource information identifying a resource for processing by a hardware component in performing an operation, wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing;

determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource; and

sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation identifying of the resource.

REMARKS:

Status Summary

Claims 1-20 are pending in the present application, of which claims 1, 19, and 20 are presented in independent form. Claims 1-20 stand rejected. No new claims are added by this response. Claim 1, 19, and 20 are currently amended in this response. Claims 5-6 are previously presented having been amended previously.

Amendments to the Claims

With respect to claims 1 and 19; the claims as currently amended recite a “particular resource” in various elements of the respective claims. These amendments are supported by at least paragraphs 0005, 0023, 0059, 0061, 0064-0065, 0070, 0073, 0088, 0097-0098, and 0117 of the present application, which refer to particular, specified, and/or identified resources. For example, paragraph 0070 recites, “In Figs. 4a-d, cost monitor component **404** may be invoked to determine and/or otherwise identify a measure of a processing cost for processing a particular resource in performing an operation”.

Additionally with respect to claims 1, 19 and 20, the respective amendments which currently recite, “...~~identifying~~ of the ...resource...,” are supported by as described in the previous paragraph of the present response and also by at least paragraphs 0087, 0088 and FIG. 6, 0090, 0091, 0112, 0117, 0125, and 0126 of the present application. For example, paragraph 0091 recites, “A cost presentation component **406** may change a pointing device representation, such as a mouse pointer, when it approaches and/or is in a location of a presented resource, as a cost indication...”

Returning to claim 1, the claim is also currently amended to recite, “...wherein the particular resource includes at least one of image data, video data, an image file, a video stream, a database record, a network message, a document, text data, image data, audio data, tactile data, and a message formatted according to a communication protocol”. For this amendment, that the resource may include, image data, video data, an image file, and/or a video stream is

supported by at least paragraph 0056 of the present application. That the resource may additionally or alternatively include a database record and/or a network message is supported by at least paragraphs 0063-0066. That the resource may additionally or alternatively include a document is supported by at least paragraph 0080. That the resource may additionally or alternatively include text data, image data, audio data, tactile data, and a message formatted according to a communication protocol is supported by at least paragraphs 0099-0102.

Returning to claim 19, the claim is currently amended in its first element to recite, “wherein the processing includes at least one of transmitting the resource via a network, presenting the resource via an output device, receiving the resource via a network, encoding the resource, decoding the resource, filtering the resource, translating the resource, and accessing the resource at a location in storage”. This amendment is supported by at least paragraph 0080 of the present application.

.Claim Rejection(s) - 35 U.S.C. § 112

Claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. This ground of rejection is respectfully traversed.

The Office states that the specification of the present application fails to disclose support for the subject matter, “wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing” (referred to herein as the “Wherein Clause”) In the applicant’s response to the Preceding Action mailed on April 11, 2012 (referred herein as the “Preceding Action”), applicant cited at least paragraphs 0056, 0063-0066, 0077-0078, 0082, and 0099-102. The Office states that none of cited paragraphs “provide clear support for the newly disclosed subject matter”.

The applicant, respectfully disagrees. With respect to claims 1 and 19, as currently amended the Wherein Clause is no longer recited. Claim 20 as currently amended continues to recite the Wherein Clause.

Applicant includes a portion of a letter dated January 26, 2010 from David Kappos, Director of the USPTO, dealing specifically with rejection under 35 U.S.C. § 101 of transitory computer readable media that applicant believes is applicable. Mr. Kappos cites Gentry Gallery,

Inc. v. Berkline Corp., 134 F.3d 1473 (Fed. Cir. 1998), in addressing the issue of new subject matter:

... In an effort to assist the patent community in overcoming a rejection or potential rejection under 35 U.S.C. § 101..., the USPTO suggests the following approach. A claim ... that covers both ... embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim. *Cf. Animals -Patentability*, 1077 *Off. Gaz. Pat. Office* 24 (April 21, 1987) (suggesting that applicants add the limitation "non-human" to a claim covering a multi-cellular organism to avoid a rejection under 35 U.S.C. 5 101). Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning ... The limited situations in which such an amendment could raise issues of new matter occur, for example, when the specification does not support an ... embodiment such that the amended claim is impermissibly broadened beyond the supporting disclosure. See, e.g., *Gentry Gallery, Inc. v. Berkline Corp.*, 134 F.3d 1473 (Fed. Cir. 1998).

Indeed, in the Preceding Action the Office suggested amending original claim 20 to recite a "non-transitory" computer readable medium even though the specification did not explicitly recite a "non-transitory" computer readable medium, on the basis that since the specification supported both transitory and non-transitory computer readable media, non-transitory media narrows the claim within the scope of the subject matter described by the present application.

Applicant, respectfully submits, that the same law, rules, and reasoning are applicable with respect to the present application's reciting of the limitation of the Wherein Clause. The present application clearly supports embodiments that perform the teachings of the present application on such "resources".

No operation or actions recited in any of the originally recited claims of the present applications are altered by the Wherein Clause. Further, no new structure has been recited in the Wherein Clause. Only the scope of term "resources" is altered, narrowing the claim from its

original scope which inherently included resources identified by the Wherein Clause. Applicant submits that the rejected subject matter is *clearly supported*, and traverses previously cited paragraphs 0056, 0063-0066, 0077-0078, 0082, and 0099-102 of the present application to particularly point out which portions of the cited paragraphs correspond to the subject matter, “wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing.”

With respect to previously cited paragraph 0056 of the present application, the paragraph refers to resources represented in Fig. 6 of the present application by *resource* icons that “...may represent image and/or video data ...A selected image file and/or video stream that corresponds to a selected resource icon **608** may be processed...”. At the time of invention and even presently, countless videos and images are presented, wherein the videos and images perform no portion of the processing included in operating to present them and include no program instruction that are executed in performing the processing. At the time of the present application and even presently, image and video data plays a passive role in most if not all cases where resource information, is received, that identifies image and/or video data for processing by a hardware component in performing an operation. As used herein “passive” is defined by The Wherein Clause”.

With respect to previously cited paragraphs 0063-0068 of the present application, paragraph 0063 recites “...resource for selecting by a user as an input to a program component for performing an operation... Exemplary resources for processing by a hardware component include some or all of a data file, an executable file, a database record, a network message, input data, and output data...” (Emphasis added). Paragraph 0064 recites “... resource icon 608 in Fig. 6 may represent an image and/or a video...”. Paragraph 0065 recites “... resource information identifying an image and/or video...”. Paragraph 0066 recites “... resource information for presenting a background for a window...”. The scope of original claims 1, 19, and 20 all include resources that that meet the limitation of The Wherein Clause.

With respect to previously cited paragraphs 0077-0078 of the present application, paragraph 0077 recites “ resources may include resources provided by application **403a** to other applications, subsystems, and/or components operating in execution environment **401a** and/or in another execution environment included in and/or otherwise provided by one or more devices...” Paragraph 0078 recites “... data, to send to another node, represented by resource icons **608**....”. Resources, passed by applications, that are processed by a hardware component in performing

an operation are typically not included in the processing in performing operations of the applications. Applicant can identify no examples of data transmitted via a network where the data transmitted is included in processing to perform any part of the transmitting operation. Again, the scope of original claims 1, 19, and 20 all include resources that that meet the limitation of The Wherein Clause.

With respect to previously cited paragraph 0080 of the present application, paragraph 0080 recites "... processing the resources includes transmitting the resources via network... Transmitting resource data may include encoding, decoding, filtering, translating, and/or transforming some or all of the data in a resource in some manner.... a cost for transmitting a web document via a network including a modem, a cost for retrieving image data in the document from a hard drive, a cost for decoding data received via network **504**, and/or a cost for transmitting data over a secure network connection...". Most if not all resources that are encoded, decoded, etc. are not included in processing to perform any of the various respective encoding, decoding, etc. operations on the resources. Again clearly the described resources meet the limitation of The Wherein Clause and are clearly included in the scope of original claims 1, 19, and 20.

With respect to previously cited paragraph 0082 of the present application, paragraph 0080 recites "... Resources processed by first application **403c1** may include documents having various content types...". Clearly documents include, in fact most documents are, resources that meet the limitation of The Wherein Clause and are clearly included in the scope of original claims 1, 19, and 20.

With respect to previously cited paragraph 0099-0102 of the present application, paragraph 0099 recites "...detecting an access to a resource by detecting an access to text data, image data, audio data, tactile data, a message formatted according to a communication protocol...". Paragraph 100 recites "... When a resource includes image data, the image data may include, for example, some or all of a still image, a video, a background image, and/or an image for representing another resource. When a resource includes audio data, the audio data may include, for example, some or all of a song, a voice message, and a sound for indicating an event." Paragraph 0101 recites "... cost monitor component **404** may monitor an amount of energy provided to a display device for presenting an image resource. In another example, a cost monitor component **404** may determine a measure of a processing cost according to a metric based on a count of bytes in a file resource for transmitting a resource via a network." Paragraph

0102 recites "... Exemplary resources include some or all of a file, a database record, a document, a media stream, a digital image, a communication communicated between at least two communicants, and a log." Again more resources are recited in the present application that at least include resources that meet the limitations of The Wherein Clause and are clearly included in the scope of original claims 1, 19, and 20.

While resources that are included in their own processing or that include program instructions that are performed in their processing are described in the present application, they are mentioned far less frequently than resources that typically are not included in their own processing and that include no program instruction that is executed in the processing. Applicant has thoroughly reviewed the present application and is presently able to identify only paragraphs 0063, 0099, and 0102 as explicitly identifying resources that are included in performing processing by a hardware component in performing an operation and/or that include a program instruction executed in performing the processing.

Further and finally, the Office states that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art "that the inventor(s), at the time the application was filed, had possession of the claimed invention." The applicant/inventor respectfully disagrees. In addition to the evidence above that the applicant/inventor had possession of the subject matter, "wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing.", applicant respectfully requests that the Office give particular consideration to paragraph 0005 in the *Background* section of the present application (cited by the applicant in the applicant's response to the Preceding Action).

[0005] Current devices do not give consideration to the *effects that processing of particular resources such as files, images, and videos have on energy management*. In particular, current systems give no consideration to *relative differences in energy utilization of various alternative resources...*(Emphasis added)

Not only did the applicant/inventor have possession of the subject matter rejected under 35 U.S.C. §112, first paragraph, paragraph 0005 identifies the "lack of consideration of the effects

of particular files, images, and videos" as a *motivation* for applicant/inventor and a *problem to be addressed* by the present application.

For at least the above reasons, the applicant respectfully requests that the rejection of claim 20 under 35 U.S.C. §112, first paragraph be withdrawn. Given that claims 1 and 19, as currently amended no longer recite the wherein clause, the applicant respectfully requests that the rejection under 35 U.S.C § 112, first paragraph be withdrawn for claims 1-19.

Claim Rejection(s) - 35 U.S.C. § 102

Claims 1-4, 7-9, 11, 13-14, and 16-20 stand rejected under 35 U.S.C. 102(e) as anticipated by Pub. No. US2010/0010857 A1, herein after referred to as Fadell. This ground of rejection is respectfully traversed.

In the present action, the Office in rejecting claims 1, 19, and 20 under 35 U.S.C. § 102, cites Fadell paragraph 0038 in noting that Fadell does disclose a copying process that involves reading and copying data from an electronic device hard drive to a peripheral device that can require more power than displaying a text document, as well as decoding media for audio and video playback can require more power than transferring data over a remote communications link (e.g., using an FTP protocol over an Internet connection. In order to formulated an argument the applicant assumes that the Office believes this teaches the type of resource recited in previously presented claims 1, 19, and 20 as limited by The Wherein Clause.

Further, the Office goes on to state that the system determines the power costs for backing up data or the costs to convert media files, and that Fadell teaches the user can monitor past and current power consumption costs using any suitable approach. The Office, further points out that according to Fadell, the electronic device can provide a display indicating past, current and expected future power consumption costs, and cites FIG. 7 as illustrating a schematic view of an illustrative display for providing a representation of power costs providing a visual depiction of the evolution of power consumption cost over time. Based on this the Office states that Fadell teaches sending presentation information to a user for each process. Applicant assumes, that the Office believes this teaches the feature of "sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource".

The applicant, respectfully disagrees.

With respect to claim 1, as currently amended claim 1 recites the features of receiving resource information identifying a particular resource for processing by a hardware component in performing an operation, at least one of wherein the particular resources includes at least one of 0056 image data, video data, an image file, a video stream, a database record, a network message, a document, text data, image data, audio data, tactile data, and a message formatted according to a communication protocol; determining, for the particular resource, a measure of the processing cost, based on the operation, to provide an indication of the cost for processing the particular resource; and sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation identifying of the particular resource.

Nowhere does Fadell describe, teach, or suggest at least the feature of determining, for a particular resource, a measure of the processing cost, based on an operation, to provide an indication of the cost for processing the particular resource in performing the operation, wherein the particular resource includes at least one of mage data, video data, an image file, a video stream, a database record, a network message, a document, text data, image data, audio data, tactile data, and a message formatted according to a communication protocol. Still further, applicant respectfully submits that nowhere does Fadell describe, teach, or suggest at least the feature sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation identifying the particular resource, includes one or more of the above listed items.

With respect to claim 19, as currently amended claim 19 recites a system with components that perform the features of receiving resource information identifying a resource for processing by a hardware component in performing an operation, wherein the processing includes at least one of transmitting the resource via a network, presenting the resource via an output device, receiving the resource via a network, encoding the resource, decoding the resource, filtering the resource, translating the resource, retrieving the resource from a memory location, and storing the resource to a memory location; determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource; a cost presentation component configured for sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource

Nowhere does Fadell describe, teach, or suggest at least the feature of determining, for a resource, a measure of the processing cost, based on an operation, to provide an indication of the cost for processing the resource in performing the operation, wherein the processing includes at least one of transmitting the resource via a network, presenting the resource via an output device, receiving the resource via a network, encoding the resource, decoding the resource, filtering the resource, translating the resource, retrieving the resource from a memory location, and storing the resource to a memory location. Still further, applicant respectfully submits that nowhere does Fadell describe, teach, or suggest at least the feature sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation identifying the resource processed as recited above.

With respect to claim 20, applicant respectfully submits Fadell fails to describe, teach, or suggest at least the recited claim, as limited by the Wherein Clause. Further, applicant respectfully submits that Fadell nowhere to describes, teaches, or suggests at least the recited feature in currently amended claim 20 of "sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation identifying the resource".

Applicant refers the Office to remarks and evidence cited in the response to the Preceding Action, with respect to the Office's rejection under 35 U.S.C. 102(e) of previously presented claims 1, 19, 20 (not repeated in the present response) that clearly demonstrate that Fadell's disclosure relates to determining costs for *operations, applications, devices, and processes*. As resources, embodiments of operations, applications, devices, and processes include one or both of a hardware component (devices) configured to perform an operation on a resource and/or executable instructions that are executed in performing the operation. The Office cites such resources as described in Fadell in rejecting claims 1, 19, and 20, but such resources are not within the scope of claim 1 as currently amended, claim 19 as currently amended, nor claim 20 as previously presented and as currently amended. Applicant respectfully submits that no description, teaching, or suggestion of determining a measure of processing costs for such resources as recited in claim 1, as recited in claim 19, and as recited in claim 20 exists in Fadell, and no description, teaching, or suggestion of presenting an indication of a processing cost corresponding to a representation identifying such a respective resource is present in Fadell.

Throughout Fadell, as described in applicant's response to the Preceding Action, Fadell only teaches presenting indications of costs for processing applications, devices, and/or processes, where the operation performed includes operating and/or otherwise executing an instruction in the respective applications, devices, and/or processes of Fadel. Fadell has no interest in any particular resource processed by any of the respective applications, devices, or processes, much less in determining and presenting an indication of a cost for processing the resource. Fadel is only interested in "resources" that are included in performing the processing and in the cost of that processing. Applicant respectfully submits that the applicant's remarks are supported by at least Fadell Figure 2 as described in paragraphs 0050-51, Figure 3 as described in paragraphs 0052-0054, Figure 4 as described in paragraphs 0055-0057, Figure 5 as described in paragraphs 0059-0061, Figure 6 as described in paragraphs 0062-0063, and Figure 7 as described in paragraphs 0064-0065.

Applicant particularly points out specific portions of the preceding references that demonstrate that none of the power indications of Fadell represent resources as respectively recited in currently amended claims 1, 19, and 20.

In Figure 2, described in paragraphs 0050-0051, Fadell describes in paragraph 0050 "...an electronic device can provide an interface for managing the power consumption of the associated electronic *device*... Display **200** can include bar **210** providing a graphical representation of the *cost of power as the electronic device operates*...". In paragraph 0051, Fadell describes, "...advanced power management settings...for controlling the particular power settings of each *process executed by the electronic device*.network devices option **222** for controlling the particular power settings associated with *each electronic device* connected to a particular electronic device or to a network of devices. ... users option **224** for setting power cost settings associated with each user of the *electronic device* or of different networked *electronic devices*. "

In Figure 3 described in paragraphs 0052-0054, Fadell describes in paragraph 0052 "...a schematic view of an illustrative display for managing the power consumption costs of individual *processes* ...". In paragraph 0053, Fadell describes " ...an individual bar **320** and slider **322**, which the user can individually select and move to set the relative importance of power cost and processing immediacy for each *process*. ...". In paragraph 0054, Fadell describes "...the user can define the power consumption restrictions additional *processes*.... ..the user can set the power

consumption of one or more particular *applications...* , much less presenting such indications for any particular identified such respective resource.

In Figure 4 described in paragraphs 0055-0057, Fadell describes in paragraph 0055 "...a schematic view of an illustrative display for managing the *power consumption costs of individual electronic devices* in a network... (e.g., *printers, computers, mobile devices*)..." In paragraph 0056 Fadell describes " ...an individual bar **420** and slider **422**, which the user can individually select and move to set the relative importance of power cost and *processing ...for each device ...*: In paragraph 0057 Fadell describes "...the user can define the power consumption restrictions additional *devices* ...The user can add or define *processes*".

In Figure 5 described in paragraphs 0059-0061, Fadell describes in paragraph 0059 "When a user starts a new *operation or process*, or connects an additional *device* to the network...display 500 illustrates defining *power consumption cost characteristics for a new process*, ...substantially similar options can be provided for setting the power consumption characteristics of a new *device*. ..a new *process*, when an *application is run* ...(e.g., *creating a process for the control circuitry or processor*), ...". In paragraph 0060 Fadell describes "... bar 510 providing a graphical representation of the cost of *power for the process* of listing 502....can represent a limit of power consumption management for the associated electronic *device*. ...*cost indication* 517 (e.g., providing an estimate of the power cost for the current power setting *for the process*...the user can manage the power costs of the process..." In paragraph 0061 Fadell describes "...The user can search for other *devices or processes* for which to set power consumption characteristics..."

In Figure 6 described in paragraphs 0062-0063, Fadell describes in paragraph 0062 "...Display 600 can include message 602 indicating to the user that executing a particular operation will cause the power consumption *cost of the operation (e.g., the process or device operation)* to exceed a set limit...". In paragraph 0063, Fadell describes "...device can prompt the user to redefine the power consumption *cost characteristics associated with the process or device* at issue...the electronic device can automatically adjust the power cost limits of other *processes or devices*..."

There is no mention or suggestion of determining an indication of a cost of processing for a resource as respectively recited in currently amended claims 1, 19, and 20 in any of the above Figures and paragraphs of Fadell teach only presenting indications of costs for processing

performed by applications, devices, and/or processes with no interest in any resources as respectively recited in currently amended claims 1, 19, and 20

As remarked in the response to the Preceding Action, in Figure 7, described in paragraphs 0064-0065, Fadell describes in paragraph 0064 "... the user can view the power cost of *particular processes* over time...". In paragraph 0065, Fadell describes " The user can direct graph 710 to display different curves... to display representations for the power cost of all, past, current and future *processes or devices* connected to the network..." A process or device, illustrated in Fadell Figure 7 and describes in Fadell paragraphs 0064-0065 is not a resource as respectively recited in any of currently amended claims 1, 19, and 20.

Further evidence that Fadell is not concerned with resources as respectively recited in currently amended claims 1, 19, and 20 can be seen in Fadell's actual descriptions that refer to categories of resources which may be processed. In paragraph 0005 Fadell describes "...process or operation can require the use of particular electronic device components, and different amounts of each component's resources (e.g., different durations of each component's activity). For example, a file transfer operation can require the use of a hard drive or solid state drive, input mechanism for providing the file transfer operation, and processor for transferring the file in memory or storage. The particular amount of resources required by each component can be the same or vary based on the type of operation (e.g., substantially similar input mechanism power requirements for file transfers, but different processor and storage requirements based on the size of the file transfer)".

Fadell specifically identifies "amounts of each components resources" where the components clearly operate in performing the file transfer operation. No particular file is of interest to Fadell. Paragraph 0006 in Fadell is similar "...predict, based on the components used and the amount of *resources each component requires*, the amount of power required to perform a particular operation."

The Office pays particular attention to paragraph 0038 of Fadell. Application respectfully submits that paragraph 0038 of Fadell describes no identified resource, no particular resource, and nowhere is an indication of a power cost for a resource as respectively recited in currently amended claims 1, 19, and 20 discussed in any way. For example, paragraph 0038 states in part

“...Different electronic device operations or processes, however, can invoke the use of different electronic device components or different amounts of electronic device component resources. Because different processes can require different components in different quantities, the different processes can be associated with different power consumptions or different power requirements..”

Fadell's resources are parts of components that are included in performing processing. Components *in such a role* are explicitly identified as outside the respective scopes of claims 1, 19, and 20 as previously presented. See also Fadell paragraph's 0039 and 0052

Paragraph 0005 of the present applications recites that “current devices do not give consideration to the effects that processing of particular resources, such a files, images, and videos, on energy management. In particular, current systems give no consideration to relative differences in energy utilization of various alternative resources...”. Fadell fits this description in paragraph 0005 of the present application. Fadell fails to address the processing costs of particular resources.

Fadell's teachings fail to provide the benefits of the present application. For example, by not presenting an indication of the processing cost for a resource as respectively recited in claims 1, 19, and 20, users are not allowed to select between or among such resources for processing in performing an operation. Since Fadell does not enable this benefit, Fadell cannot possibly teach all of the features of currently amended claims 1, 19, and 20.

Therefore, for at least the reasons described above, Fadell does not disclose, suggest, or teach independent claims 1, 19, or 20 as presently presented.

In view of the foregoing, it is respectfully submitted that Fadell does not disclose all of the features of claims 1, 19, and 20. Claims 2-4, 7-9, 11, 13-14, and 16-20 depend from claim 1 and are believed to be patentable for at least the reasons set forth for claim 1. As such, it is respectfully requested that the rejection of claims 1-4, 7-9, 11, 13-14, and 16-20 be reconsidered and withdrawn.

Claim Rejection(s) - 35 U.S.C. § 103

Claims 5, 6, 10, 12, and 15 stand rejected under 35 U.S.C. 103(a). This ground of rejection is respectfully traversed.

Claims 5, 6, 10, 12, and 15 depend from claim 1 and are believed to be patentable for at least the reasons set forth for claim 1 above. Applicant also refers to remarks provided in the response to the Preceding Action. Applicant maintains the claims are patentable for at least the reasons provided in the response to the Preceding Action.

Claims 6, stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Alam, and further in view of view of Pub. No. US2009/0150787 A1, hereinafter referred to as Maehira. This ground of rejection is respectfully traversed to which the Office has not yet responded.

The Office cites Maehira et al., Pub. No. US2009/0150787 A1 for teaching the key input count memory area 33f stores a count indicating the number of times the operator has performed a prescribed key operation (pressed a key, for example) on the keyboard 15. The count in the key input count memory area 33f is incremented by "1" each time the user performs a prescribed key operation on the keyboard 15, for example (see at least 0143).

With respect to claim 6, the Office citing Fadell in view of Maehira asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to include employee/human costs as taught by Maehira in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Applicant respectfully disagrees. Applicant can find no description, teaching, or suggestion that relates to "employee/human" costs in any of the cited references. Maehira relates to assisting visually impaired users by detecting that a device is configured for a visually impaired user and by acquiring alternate Web data that has greater potential for "being voiced" (see Maehira paragraphs 0003 and 0005. Maehira counts various user inputs to detect that a device is setup for a visually impaired user (see Maehira paragraphs 0175-0176). Nowhere does Maehira describe, teach, or suggest using input counts as a measure of processing cost. Inputs in Maehira are merely indicators of a device's configuration. Maehira suggests no interest in "costs". Applicant respectfully submits that Fadell's devices counted inputs (e.g. press and hold any key on a Windows computer from the time of Fadell for proof that key presses were being counted at the time of Fadell). The combination of Fadell and devices that counted inputs existed in Fadell's devices. Yet Fadell's device did not perform the method of claim 6 in the present application. A

mere combination, is clearly inadequate. Further Fadell had knowledge of his own teaching and used devices that counted inputs. Yet, Fadell failed to describe, teach, or suggest claim 6 of the present application, which should have been obvious as asserted by the Office. The Office fails to provide any factual evidence that measuring human costs of processing particular resources was obvious at the time of the present application.

Applicant believes claim 6 is patentable for at least the reasons set forth for above.

Accordingly, for the reasons set forth above, applicant respectfully requests the obviousness rejection for claims 5-6, 10, 12, and 15 be reconsidered and withdrawn.

CONCLUSION

In view of the above, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited. The Examiner is respectfully requested to telephone the undersigned inventor at the below-listed number if, after reviewing the above Remarks, the Examiner believes outstanding matters remain that may be resolved without the issuance of a subsequent Official Action.

Further, if outstanding matters remain, Applicant respectfully reminds the Examiner that under MPEP 707.07(j) that "When, during the examination of a pro se application it becomes apparent to the examiner that there is patentable subject matter disclosed in the application, the examiner should draft one or more claims for the applicant and indicate in his or her action that such claims would be allowed if incorporated in the application by amendment."

Application No. 12/857,847
Paper filed October 11, 2012
Reply to final Office Action mailed July 12, 2012

Docket No. 0125
Page 22 of 22

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with the filing of this paper to Deposit Account No. 50-5171

Respectfully submitted,

/Robert Paul Morris/

Robert Paul Morris

Inventor/Applicant

Date: October 11, 2012
Customer No: 92924
712 Latta St.
Raleigh, North Carolina 27607
919.828.1792
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Electronic Patent Application Fee Transmittal				
Application Number:		12857847		
Filing Date:		17-Aug-2010		
Title of Invention:		METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE		
First Named Inventor/Applicant Name:		Robert Paul Morris		
Filer:		Robert Paul Morris		
Attorney Docket Number:		0125		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	465	465
Total in USD (\$)				465

Electronic Acknowledgement Receipt	
EFS ID:	13957587
Application Number:	12857847
International Application Number:	
Confirmation Number:	4733
Title of Invention:	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE
First Named Inventor/Applicant Name:	Robert Paul Morris
Customer Number:	92924
Filer:	Robert Paul Morris
Filer Authorized By:	
Attorney Docket Number:	0125
Receipt Date:	11-OCT-2012
Filing Date:	17-AUG-2010
Time Stamp:	08:13:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$465
RAM confirmation Number	7611
Deposit Account	505171
Authorized User	MORRIS, ROBERT PAUL
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)</p>	

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	Fee Worksheet (SB06)	0125-FeeWrkSheet-sb0006.pdf	160949	no	2
			735c3831c271494ca958a4f85fada975548a9d5c		
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	0125-RCE-Request.pdf	697899	no	3
			83ecd8832520cdb15fde7e7e7f9792ffb59aa5a9		
Warnings:					
Information:					
3		0125-RCE-ResponseAfterFinal.pdf	246913	yes	22
			2150f3295640b31a96e91f552e12c78e9704fd99		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	22	
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	30183	no	2
			a307a777d55f950f466e17f7a990ca9b9ca333c		
Warnings:					
Information:					
Total Files Size (in bytes):			1135944		

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.

PATENT APPLICATION FEE DETERMINATION RECORD						Application or Docket Number 12/857,847			
Substitute for Form PTO-875									
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				
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A		N/A				
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X =		X =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X =		X =				
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).								
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			N/A		N/A				
			TOTAL		TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2.									
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))	* 20	Minus ** 20	= 0	X 30 = 0	X =	X =		
	Independent (37 CFR 1.16(h))	* 3	Minus *** 3	= 0	X 125 = 0	X =	X =		
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				N/A		N/A		
				TOTAL ADD'L FEE	0	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))	* 20	Minus ** 20	=	X = 0	X =	X =		
	Independent (37 CFR 1.16(h))	* 3	Minus *** 3	=	X = 0	X =	X =		
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				N/A		N/A		
				TOTAL ADD'L FEE	0	TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

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.

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,847	08/17/2010	Robert Paul Morris	0125	4733
92924	7590	09/17/2012		
OoOT Robert Paul Morris 712 Latta Street Raleigh, NC 27607			EXAMINER JABR, FADEY S	
			ART UNIT 3628	PAPER NUMBER
			NOTIFICATION DATE 09/17/2012	DELIVERY MODE 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):

paul.morris@nc.rr.com
rpmorris@yahoo.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/857,847	Applicant(s) MORRIS, ROBERT PAUL
	Examiner FADEY JABR	Art Unit 3628

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

THE REPLY FILED 10 September 2012 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.
NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires _____ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because

a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

b) ☐ They raise the issue of new matter (see NOTE below);

c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): (a) ☒ will not be entered, or (b) ☐ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____

13. ☒ Other: The applicant argues that paragraphs disclosed in applicant's arguments disclose support within the Specification. Applicant further argues Fadell fails to disclose the claimed invention. The examiner respectfully disagrees. The examiner points the applicant to the Final Office Action mailed on 7/12/2012 for further guidance.

STATUS OF CLAIMS

14. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-20.

	/Fadey S Jabr/ Primary Examiner, Art Unit 3628
--	---

Application No. 12/857,847
Paper filed September 10, 2012
Reply to final Office Action mailed July 12, 2012

Docket No. 0125
Page 1 of 17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Mail Stop: Amendment
Robert Paul Morris	T.C/Art Unit: 3628
Application No.: 12/857,847	Office: Jabr, Fadey, S.
Filed: August 17, 2010	Confirmation No.: 4733
For: Method, Systems, and Computer	
Program Products for Presenting an Indication	
of a Cost of Processing a Resource	

RESPONSE AFTER FINAL REJECTION UNDER 37 C.F.R. §1.116(b)

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action mailed July 12, 2012, and having a period for response to expire on October 12, 2012, applicant/inventor respectfully requests that the Office favorably consider the following remarks.

Amendments to the Specification: None.

Amendments to the Claims: None.

Remarks: begin on page 2 of this paper.

REMARKS:

Status Summary

Claims 1-20 are pending in the present application, of which claims 1, 19, and 20 are presented in independent form. Claims 1-20 stand rejected. No new claims are added by this response. No claims have been amended in this response. Claims 1, 5-6, and 19-20 are previously presented having been amended previously.

Claim Rejection(s) - 35 U.S.C. § 112

Claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. This ground of rejection is respectfully traversed.

The Office states that the specification of the present application fails to disclose support for the subject matter, "wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing." In the applicant's response to the Preceding Action mailed on April 11, 2012 (referred herein as the "Preceding Action"), applicant cited at least paragraphs 0056, 0063-0066, 0077-0078, 0082, and 0099-102. The Office states that none of cited paragraphs "provide clear support for the newly disclosed subject matter".

The applicant, respectfully disagrees. Applicant includes a portion of a letter dated January 26, 2010 from David Kappos, Director of the USPTO, dealing specifically with rejection under 35 U.S.C. § 101 of transitory computer readable media that applicant believes is applicable. Mr. Kappos cites *Gentry Gallery, Inc. v. Berkline Corp.*, 134 F.3d 1473 (Fed. Cir. 1998), in addressing the issue of new subject matter:

... In an effort to assist the patent community in overcoming a rejection or potential rejection under 35 U.S.C. § 101..., the USPTO suggests the following approach. A claim ... that covers both ... embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim. *Cf. Animals -Patentability*, 1077 *Off. Gaz. Pat. Office* 24 (April 21, 1987) (suggesting that applicants add the limitation "non-human" to a claim covering a multi-cellular organism to avoid a

rejection under 35 U.S.C. 5 101). Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning ... The limited situations in which such an amendment could raise issues of new matter occur, for example, when the specification does not support an ... embodiment such that the amended claim is impermissibly broadened beyond the supporting disclosure. See, e.g., *Gentry Gallery, Inc. v. Berkline Corp.*, 134 F.3d 1473 (Fed. Cir. 1998).

Indeed, in the Preceding Action the Office suggested amending original claim 20 to recite a “non-transitory” computer readable medium even though the specification did not explicitly recite a “non-transitory” computer readable medium, on the basis that since the specification supported both transitory and non-transitory computer readable media, non-transitory media narrows the claim within the scope of the subject matter described by the present application.

Applicant, respectfully submits, that the same law, rules, and reasoning are applicable with respect to the present application’s reciting of the limitation “wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing.” (referred to herein as “The Wherein Clause”) The present application clearly supports embodiments that perform the teachings of the present application on such “resources”.

No operation or actions recited in any of the originally recited claims of the present applications are altered by this limitation. Further, no new structure has been recited in The Wherein Clause. Only the scope of term “resources” is altered, narrowing the claim from its original scope which inherently included resources identified by The Wherein Clause. Applicant submits that rejected the subject matter is *clearly supported*, and traverses previously cited paragraphs 0056, 0063-0066, 0077-0078, 0082, and 0099-102 of the present application to particularly point out which portions of the cited paragraphs correspond to the subject matter, “wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing.”

With respect to previously cited paragraph 0056 of the present application, the paragraph refers to resources represented in Fig. 6 of the present application by *resource* icons that “...may represent image and/or video data ...A selected image file and/or video stream that corresponds

to a selected resource icon **608** may be processed...". At the time of invention and even presently, countless videos and images are presented, wherein the videos and images perform no portion of the processing included in operating to present them and include no program instruction that are executed in performing the processing. At the time of the present application and even presently, image and video data plays a passive role in most if not all cases where resource information, is received, that identifies image and/or video data for processing by a hardware component in performing an operation. As used herein "passive" is defined by The Wherein Clause".

With respect to previously cited paragraphs 0063-0068 of the present application, paragraph 0063 recites "...resource for selecting by a user as an input to a program component for performing an operation... Exemplary resources for processing by a hardware component include some or all of a data file, an executable file, a database record, a network message, input data, and output data..." (Emphasis added). Paragraph 0064 recites "... resource icon 608 in Fig. 6 may represent an image and/or a video...". Paragraph 0065 recites "... resource information identifying an image and/or video...". Paragraph 0066 recites "... resource information for presenting a background for a window...". The scope of original claims 1, 19, and 20 all include resources that that meet the limitation of The Wherein Clause.

With respect to previously cited paragraphs 0077-0078 of the present application, paragraph 0077 recites "resources may include resources provided by application **403a** to other applications, subsystems, and/or components operating in execution environment **401a** and/or in another execution environment included in and/or otherwise provided by one or more devices..." Paragraph 0078 recites "... data, to send to another node, represented by resource icons **608**....". Resources, passed by applications, that are processed by a hardware component in performing an operation are typically not included in the processing in performing operations of the applications. Applicant can identify no examples of data transmitted via a network where the data transmitted is included in processing to perform any part of the transmitting operation. Again, the scope of original claims 1, 19, and 20 all include resources that that meet the limitation of The Wherein Clause.

With respect to previously cited paragraph 0080 of the present application, paragraph 0080 recites "... processing the resources includes transmitting the resources via network... Transmitting resource data may include encoding, decoding, filtering, translating, and/or transforming some or all of the data in a resource in some manner.... a cost for transmitting a web

document via a network including a modem, a cost for retrieving image data in the document from a hard drive, a cost for decoding data received via network **504**, and/or a cost for transmitting data over a secure network connection...". Most if not all resources that are encoded, decoded, etc. are not included in processing to perform any of the various respective encoding, decoding, etc. operations on the resources. Again clearly the described resources meet the limitation of The Wherein Clause and are clearly included in the scope of original claims 1, 19, and 20.

With respect to previously cited paragraph 0082 of the present application, paragraph 0080 recites "... Resources processed by first application **403c1** may include documents having various content types...". Clearly documents include, in fact most document are, resources that meet the limitation of The Wherein Clause and are clearly included in the scope of original claims 1, 19, and 20.

With respect to previously cited paragraph 0099-0102 of the present application, paragraph 0099 recites "...detecting an access to a resource by detecting an access to text data, image data, audio data, tactile data, a message formatted according to a communication protocol...". Paragraph 100 recites "... When a resource includes image data, the image data may include, for example, some or all of a still image, a video, a background image, and/or an image for representing another resource. When a resource includes audio data, the audio data may include, for example, some or all of a song, a voice message, and a sound for indicating an event." Paragraph 0101 recites "... cost monitor component **404** may monitor an amount of energy provided to a display device for presenting an image resource. In another example, a cost monitor component **404** may determine a measure of a processing cost according to a metric based on a count of bytes in a file resource for transmitting a resource via a network." Paragraph 0102 recites "... Exemplary resources include some or all of a file, a database record, a document, a media stream, a digital image, a communication communicated between at least two communicants, and a log." Again more resources are recited in the present application that at least include resources that meet the limitations of The Wherein Clause and are clearly included in the scope of original claims 1, 19, and 20.

While resources that are included in their own processing or that include program instructions that are performed in their processing are described in the present application, they are mentioned far less frequently than resources that typically are not included in their own processing and that include no program instruction that is executed in the processing. Applicant

has thoroughly reviewed the present application and is presently able to identify only paragraphs 0063, 0099, and 0102 as explicitly identifying resources that are included in performing processing by a hardware component in performing an operation and/or that include a program instruction executed in performing the processing.

Further and finally, the Office states that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art "that the inventor(s), at the time the application was filed, had possession of the claimed invention." The applicant/inventor respectfully disagrees. In addition to the evidence above that the applicant/inventor had possession of the subject matter, "wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing.", applicant respectfully requests that the Office give particular consideration to paragraph 0005 in the *Background* section of the present application (cited by the applicant in the applicant's response to the Preceding Action).

[0005] Current devices do not give consideration to the *effects that processing of particular resources such as files, images, and videos* have on energy management. In particular, current systems give no consideration to *relative differences in energy utilization of various alternative resources...*(Emphasis added)

Not only did the applicant/inventor have possession of the subject matter rejected under 35 U.S.C. §112, first paragraph, paragraph 0005 identifies the "lack of consideration of the effects of particular files, images, and videos" as a *motivation* for applicant/inventor and a *problem to be addressed* by the present application.

For at least the above reasons, the applicant respectfully requests that the rejection of claims 1-20 under 35 U.S.C. §112, first paragraph be withdrawn.

Claim Rejection(s) - 35 U.S.C. § 102

Claims 1-4, 7-9, 11, 13-14, and 16-20 stand rejected under 35 U.S.C. 102(e) as anticipated by Pub. No. US2010/0010857 A1, herein after referred to as Fadell. This ground of rejection is respectfully traversed.

In the present action, the Office in rejecting claims 1, 19, and 20 under 35 U.S.C. § 102, cites Fadell paragraph 0038 in noting that Fadell does disclose a copying process that involves reading and copying data from an electronic device hard drive to a peripheral device that can require more power than displaying a text document, as well as decoding media for audio and video playback can require more power than transferring data over a remote communications link (e.g., using an FTP protocol over an Internet connection. In order to formulated an argument the applicant assumes that the Office believes this teaches the type of resource recited in previously presented claims 1, 19, and 20 as limited The Wherein Clause.

Further, the Office goes on to state that the system determines the power costs for backing up data or the costs to convert media files, and that Fadell teaches the user can monitor past and current power consumption costs using any suitable approach. The Office, further points out that according to Fadell, the electronic device can provide a display indicating past, current and expected future power consumption costs, and cites FIG. 7 as illustrating a schematic view of an illustrative display for providing a representation of power costs providing a visual depiction of the evolution of power consumption cost over time. Based on this the Office states that Fadell teaches sending presentation information to a user for each process. Applicant assumes, that the Office believes this teaches the feature of “sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource”.

The applicant, respectfully disagrees.

In examining a claim, elements of the claim must be examined in view of the entire claim. Applicant respectfully submits that the present action fails to do so and will further argue that each and every feature of previously presented claims 1, 19, and 20 are not taught by Fadell as asserted by the Office. In particular, applicant respectfully submits that the feature, as limited by The Wherein Clause, of previously presented claims 1, 19, and 20 of “sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource” is not described, taught, or suggested by Fadell.

With respect to the Office's remarks in light of Fadell Figure 7 and paragraph 0064, applicant respectfully notes while a process may be treated as resource, nowhere does Fadell describe, teach, or suggest receiving resource information identifying a process for processing by

a hardware component in performing an operation, wherein the process performs no portion of the processing and includes no program instruction executed in performing the processing; determining, for the process, a measure of the processing cost, based on the operation, to provide an indication of the cost for processing the resource; and sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the process.

In Fadell, in all cases, processes when processed by a hardware component in performing an operation, perform part of the processing and include program instructions executed in performing the processing. Fadell Figure 7 does not illustrate and Fadell paragraph 0064 does not describe or teach the feature of “sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource” as asserted by the Office in the present action. “Processes” by definition include executable instructions. In fact, paragraph 0028 of the present application states “...software components typically include instructions executed by IPU **104** in a computing context referred to as a “process”. A process may include one or more “threads”. A “thread” includes a sequence of instructions executed by IPU **104** in a computing sub-context of a process. The terms “thread” and “process” may be used interchangeably herein when a process includes only one thread.”

Standard dictionary definitions of computing processes similarly define processes as including instructions and/or otherwise being included in processing. There is nothing in Fadell that would suggest that a “process” for Fadell is not included in processing to perform an operation or that a process in Fadell does not include executable instructions included in processing to perform an operation performed by a hardware component. Applicant notes that; with respect to processes, devices, or applications; nowhere does Fadell describe, teach, or suggest the other recited feature of previously presented claims 1, 19, and 20 of receiving resource information identifying a resource (device, application, and/or process) for processing by a hardware component in performing an operation, wherein the resource (device, application, and/or process) performs no portion of the processing and includes no program instruction executed in performing the processing.

More generally, nowhere does Fadell describe, teach, or suggest at least the feature of “sending presentation information, based on the measure, for presenting, via an output device,

the indication corresponding to a user detectable representation of the resource” as argued in the applicants response to the Preceding Action and elaborated upon further below.

Applicant refers the Office to remarks and evidence cited in the response to the Preceding Action, with respect to presently presented claims 1, 19, and 20 (not repeated in the present response) that clearly demonstrate that Fadell’ s disclosure relates to determining costs for *operations, applications, devices, and processes*. As resources, embodiments of operations, applications, devices, and processes include one or both of a hardware component (devices) configured to perform an operation on a resource and/or executable instructions that are executed in performing the operation. The Office cites such resources as described in Fadell in rejecting claims 1, 19, and 20, but such resources are not within the scope of previously presented claim 1.

Further, previously presented claims 1, 19, and 20 each recite the feature of “receiving resource information *identifying a resource* for processing by a hardware component in performing an operation, wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing”. The resource is identified. In particular Fadell does not describe, teach, or suggest at least the feature recited on claim 1 of “sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource for an identified “passive” resource.

Throughout Fadell, as described in applicant’s response to the Preceding Action, Fadell only teaches presenting indications of resources (applications, devices, and/or processes), which include instructions executed in the processing included in performing respective operations. Such descriptions in Fadell are found in Figure 2 described in paragraphs 0050-51, Figure 3 described in paragraphs 0052-0054, Figure 4 described in paragraphs 0055-0057, Figure 5 described in paragraphs 0059-0061, Figure 6 described in paragraphs 0062-0063, and Figure 7 described in paragraphs 0064-0065.

Applicant particularly points out specific portions of the preceding references that demonstrate that none of the power indications of Fadell represent resources as recited in previously presented claims 1, 19, and 20.

In Figure 2, described in paragraphs 0050-0051, Fadell describes in paragraph 0050 “...an electronic device can provide an interface for managing the power consumption of the

associated electronic *device*... Display **200** can include bar **210** providing a graphical representation of the *cost of power as the electronic device operates...*. In paragraph 0051, Fadell describes, "...advanced power management settings...for controlling the particular power settings of each *process executed by the electronic device*.network devices option **222** for controlling the particular power settings associated with *each electronic device* connected to a particular electronic device or to a network of devices. ... users option **224** for setting power cost settings associated with each user of the *electronic device* or of different networked *electronic devices*. ". Nowhere is an electronic device or process, in Figure 2 or in paragraphs 0050-0051 described, taught, or suggested as resource processed in performing an operation as recited in The Wherein Clause of previously presented claims 1, 19, and 20, much less any description, teaching, or suggestion of presenting an indication of a power cost for a resource as recited in The Wherein Clause of previously presented claims 1, 19, and 20.

In Figure 3 described in paragraphs 0052-0054, Fadell describes in paragraph 0052 "...a schematic view of an illustrative display for managing the power consumption costs of individual *processes* ...". In paragraph 0053, Fadell describes " ...an individual bar **320** and slider **322**, which the user can individually select and move to set the relative importance of power cost and processing immediacy for each *process*. ...". In paragraph 0054, Fadell describes "...the user can define the power consumption restrictions additional *processes*.... ..the user can set the power consumption of one or more particular *applications*...". Nowhere is a process or application, in Figure 3 or in paragraphs 0052-0054 described, taught, or suggested as being in the a resource processed in performing an operation as recited in The Wherein Clause of previously presented claims 1, 19, and 20, much less any description, teaching, or suggestion of presenting an indication of a power cost for a resource as recited in The Wherein Clause of previously presented claims 1, 19, and 20.

In Figure 4 described in paragraphs 0055-0057, Fadell describes in paragraph 0055 "...a schematic view of an illustrative display for managing the *power consumption costs of individual electronic devices* in a network... (e.g., *printers, computers, mobile devices*)..." In paragraph 0056 Fadell describes " ...an individual bar **420** and slider **422**, which the user can individually select and move to set the relative importance of power cost and *processing ...for each device* ...: In paragraph 0057 Fadell describes "...the user can define the power consumption restrictions additional *devices* ...The user can add or define *processes*". Nowhere is a process or device,

in Figure 4 or in paragraphs 0055-0057 described, taught, or suggested as being a resource processed in performing an operation as recited in The Wherein Clause of previously presented claims 1, 19, and 20, much less any description, teaching, or suggestion of presenting an indication of a power cost for a resource as recited in The Wherein Clause of previously presented claims 1, 19, and 20.

In Figure 5 described in paragraphs 0059-0061, Fadell describes in paragraph 0059 “When a user starts a new *operation or process*, or connects an additional *device* to the network...display 500 illustrates defining power *consumption cost characteristics for a new process*, ...substantially similar options can be provided for setting the power consumption characteristics of a new *device*. ...a new *process*, when an *application is run* ...(e.g., *creating a process for the control circuitry or processor*), ...”. In paragraph 0060 Fadell describes “... bar 510 providing a graphical representation of the cost of *power for the process* of listing 502....can represent a limit of power consumption management for the associated electronic *device*. ...*cost indication* 517 (e.g., providing an estimate of the power cost for the current power setting *for the process*...the user can manage the power costs of the process...” In paragraph 0061 Fadell describes “...The user can search for other *devices or processes* for which to set power consumption characteristics...” Nowhere is a process or device, in Figure 5 or in paragraphs 0059-0061 described, taught, or suggested as being a resource processed in performing an operation as recited in The Wherein Clause of previously presented claims 1, 19, and 20, much less any description, teaching, or suggestion of presenting an indication of a power cost for a resource as recited in The Wherein Clause of previously presented claims 1, 19, and 20.

In Figure 6 described in paragraphs 0062-0063, Fadell describes in paragraph 0062 “...Display 600 can include message 602 indicating to the user that executing a particular operation will cause the power consumption *cost of the operation (e.g., the process or device operation)* to exceed a set limit...”. In paragraph 0063, Fadell describes “...device can prompt the user to redefine the power consumption *cost characteristics associated with the process or device* at issue...the electronic device can automatically adjust the power cost limits of other *processes or devices*...” Nowhere is a process or device, in Figure 6 or in paragraphs 0062-0063 described, taught, or suggested as being in the role of a passive resource processed in performing an operation as recited in previously presented claims 1, 19, and 20, much less any description, teaching, or suggestion of presenting an indication of a power cost for a resource as recited in

None of the resources of Fadell meet the limitations of The Wherein Clause of previously presented claims 1, 19, and 20.

As remarked in the response to the Preceding Action, in Figure 7, Fadell illustrates an indication of the power cost of an operation where Fadell identifies no particular resource. No indication for a resource processed in performing an operation as recited in None of the resources of Fadell meet the limitations of The Wherein Clause of previously presented independent claims 1, 19, and 20 is described, taught, or suggested. In Figure 7 described in paragraphs 0064-0065, Fadell describes in paragraph 0064 "... the user can view the power cost of *particular processes* over time...". In paragraph 0065, Fadell describes " The user can direct graph 710 to display different curves... to display representations for the power cost of all, past, current and future *processes or devices* connected to the network..." Finally, again, nowhere is a process or device, in Figure 7 or in paragraphs 0064-0065 described, taught, or suggested as being a resource processed in performing an operation as recited in None of the resources of Fadell meet the limitations of The Wherein Clause of previously presented claims 1, 19, and 20, much less any description, teaching, or suggestion of presenting an indication of a power cost for a resource as recited in previously None of the resources of Fadell meet the limitations of The Wherein Clause of presented claims 1, 19, and 20.

The present application clearly relates to processing costs for processing particular resources that play a passive role in performing an operation.. Fadell clearly relates to power costs of resources that are active and/or included in processing in performing an operation for which a power measure is determined. While Fadell describes an operation on an unidentified data, unidentified files, and the like;, nowhere does Fadell describe, teach, or suggest "sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource" for an identified resources as recited by The Wherein Clause.

Further evidence that Fadell is not concerned with passive resources as recited in presently presented claims 1, 19, and 20 can be seen in Fadell's actual descriptions that refer to categories of resources which may be processed. In paragraph 0005 Fadell describes "...process or operation can require the use of particular electronic device components, and different amounts of each component's resources (e.g., different durations of each component's activity). For example, a file transfer operation can require the use of a hard drive or solid state drive, input

mechanism for providing the file transfer operation, and processor for transferring the file in memory or storage. The particular amount of resources required by each component can be the same or vary based on the type of operation (e.g., substantially similar input mechanism power requirements for file transfers, but different processor and storage requirements based on the size of the file transfer)".

Fadell specifically identifies "amounts of each components resources" where the components clearly operate in performing the file transfer operation. No particular file is of interest to Fadell. Paragraph 0006 in Fadell is similar "...predict, based on the components used and the amount of *resources each component requires*, the amount of power required to perform a particular operation."

The Office pays particular attention to paragraph 0038 of Fadell. Application respectfully submits that paragraph 0038 of Fadell describes no identified resource, no particular resource, and nowhere is an indication for a resource as recited in The Wherein Clause previously presented claims 1, 19, and 20 discussed in any way. For example, paragraph 0038 states in part

"...Different electronic device operations or processes, however, can invoke the use of different electronic device components or different amounts of electronic device component resources. Because different processes can require different components in different quantities, the different processes can be associated with different power consumptions or different power requirements.."

Fadell's resources are parts of components that are included in performing processing. Components *in such a role* are explicitly identified as outside the scope of claims 1, 19, and 20 as previously presented. See also Fadell paragraph's 0039 and 0052

Paragraph 0005 of the present applications recites that "current devices do not give consideration to the effects that processing of particular resources, such a files, images, and videos, on energy management. In particular, current systems give no consideration to relative differences in energy utilization of various alternative resources...". Fadell fits this description in paragraph 0005 of the present application. Fadell fails to address the processing costs of particular resources.

Fadell's teachings fail to provide the benefits of the present application. For example, by not presenting an indication of the processing cost for a resource recited in of the wherein clause of the previously presented claims, users are not allowed to select between or among such resources that that may be processed in performing an operation. Since Fadell does not enable this benefit, Fadell cannot possibly teach all of the features of presently presented claims 1, 19, and 20.

Therefore, for at least the reasons described above, Fadell does not disclose, suggest, or teach independent claims 1, 19, or 20 as presently presented.

In view of the foregoing, it is respectfully submitted that Fadell does not disclose all of the features of claims 1, 19, and 20. Claims 2-4, 7-9, 11, 13-14, and 16-20 depend from claim 1 and are believed to be patentable for at least the reasons set forth for claim 1. As such, it is respectfully requested that the rejection of claims 1-4, 7-9, 11, 13-14, and 16-20 be reconsidered and withdrawn.

Additional Comments Claim Rejection(s) - 35 U.S.C. § 102

Applicant, respectfully, submits these additional remarks in response to the present action and requests the Office's consideration, in the event the Office maintains finality of the present action and/or otherwise maintains the current rejections made under 35 U.S.C § 102 in view of Fadell.

In the present action, the Office declined the applicant's request to make the present action non-final, in maintaining rejections under 35 U.S.C. § 102 made initially in the Preceding Action. Applicant, respectfully submits, that the Office overlooked or otherwise failed to respond to the applicant's request that the Office particularly point out which of the cited portions of Fadell correspond to the various elements of the various claims.

Applicant cited MPEP 706.07 in response to the Office citing Fadell paragraphs 0004-0012, 0039-0040, 0062-0064, 0068 and Figs. 1-9 in the Preceding Action and in the present action as the basis for rejecting each and every element for each and every claim rejected under 35 U.S.C. § 102. As such, without the Office particularly pointing out which of the cited portions of Fadell correspond to the various elements, particularly when the Office provided no remarks or

reasoning in addition to the cited portions of Fadel, the applicant is unable to fully respond much less judge the advisability of an appeal.

In light of 37 CFR 1.104(c)(2) and MPEP 707 and if the Office continues to maintain the current rejections claims 1-20 under 35 U.S.C. § 103, the applicant (a *pro se* inventor), in order to preserve any rights that might otherwise be lost, respectfully requests again that the Office particularly point out which of the cited portions of Fadell correspond to the various elements of the various claims or to at least provide an explanation where no explanation has been provided in either the Preceding Action or the present action.

The applicant includes a portion of 37 CFR 1.104(c)(2) for the Office's convenience regarding this issue:

In rejecting claims for want of novelty ... The *pertinence of each reference*, if not apparent, *must be clearly explained* and each rejected claim specified. (Emphasis added)

Claim Rejection(s) - 35 U.S.C. § 103

Claims 5, 6, 10, 12, and 15 stand rejected under 35 U.S.C. 103(a). This ground of rejection is respectfully traversed.

Claims 5, 6, 10, 12, and 15 depend from claim 1 and are believed to be patentable for at least the reasons set forth for claim 1 above. Applicant also refers to remarks provided in the response to the Preceding Action. Applicant maintains the claims are patentable for at least the reasons provided in the response to the Preceding Action.

Claims 6, stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Alam, and further in view of view of Pub. No. US2009/0150787 A1, hereinafter referred to as Maehira. This ground of rejection is respectfully traversed.

The Office cites Maehira et al., Pub. No. US2009/0150787 A1 for teaching the key input count memory area 33f stores a count indicating the number of times the operator has performed a prescribed key operation (pressed a key, for example) on the keyboard 15. The count in the key input count memory area 33f is incremented by "1" each time the user performs a prescribed key operation on the keyboard 15, for example (see at least 0143).

With respect to claim 6, the Office citing Fadell in view of Meahira asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to include employee/human costs as taught by Meahira in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Applicant respectfully disagrees. Applicant can find no description, teaching, or suggestion that relates to “employee/human” costs in any of the cited references. Meahira relates to assisting visually impaired users by detecting that a device is configured for a visually impaired user and by acquiring alternate Web data that has greater potential for “being voiced” (see Meahira paragraphs 0003 and 0005. Meahira counts various user inputs to detect that a device is setup for a visually impaired user (see Meahira paragraphs 0175-0176). Nowhere does Meahira describe, teach, or suggest using input counts as a measure of processing cost. Inputs in Meahira are merely indicators of a device’s configuration. Meahira suggests no interest in “costs”. Applicant respectfully submits that Fadell’s devices counted inputs (e.g. press and hold any key on a Windows computer from the time of Fadell for proof that key presses were being counted). The combination of Fadell and devices that counted inputs existed in Fadell’s devices. Yet Fadell’s device did not perform the method of claim 6 in the present application. A mere combination, is clearly inadequate. Further Fadell had knowledge of his own teaches and used devices that counted inputs. Yet, Fadell failed to describe, teach, or suggest claim 6 of the present application, which should have been obvious as asserted by the Office. The Office fails to provide any factual evidence that measuring human costs of processing particular resources was obvious at the time of the present application.

Applicant believes claim 6 is patentable for at least the reasons set forth for above.

Accordingly, for the reasons set forth above, applicant respectfully requests the obviousness rejection for claims 5-6, 10, 12, and 15 be reconsidered and withdrawn.

CONCLUSION

Applicant submits that this Response After Final Rejection at least places this application in better form for appeal. No amendments have been made to any claims in this response.

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Consequently, consideration of the remarks should not require any further search by the Office. This Response is necessary as it clarifies and/or narrows the issues for consideration by the Board and was not earlier presented because applicant believed that the prior response(s) placed this application in condition for allowance, for at least the reasons set forth in those response(s). Accordingly, entry of the present Response, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

In view of the above, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited. The Office is respectfully requested to telephone the undersigned inventor at the below-listed number if, after reviewing the above Remarks, the Office believes outstanding matters remain that may be resolved without the issuance of a subsequent Official Action.

Further, if outstanding matters remain, applicant respectfully reminds the Office that under MPEP 707.07(j) that "When, during the examination of a pro se application it becomes apparent to the Office that there is patentable subject matter disclosed in the application, the Office should draft one or more claims for the applicant and indicate in his or her action that such claims would be allowed if incorporated in the application by amendment."

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with the filing of this paper to Deposit Account No. 50-5171

Respectfully submitted,

/Robert Paul Morris/

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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					
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A		N/A					
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A					
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X	=	X	=				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X	=	X	=				
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).									
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			N/A		N/A					
			TOTAL		TOTAL					
* If the difference in column 1 is less than zero, enter "0" in column 2.										
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))	* 20	Minus ** 20	= 0	X 30 = 0	X	=			
	Independent (37 CFR 1.16(h))	* 3	Minus *** 3	= 0	X 125 = 0	X	=			
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		N/A		
			TOTAL ADD'L FEE	0			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 =	X	=			
	Independent (37 CFR 1.16(h))	*	Minus ***	=	X =	X	=			
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		N/A		
			TOTAL ADD'L FEE	0			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.										

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.

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

EFS ID:	13696403
Application Number:	12857847
International Application Number:	
Confirmation Number:	4733
Title of Invention:	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE
First Named Inventor/Applicant Name:	Robert Paul Morris
Customer Number:	92924
Filer:	Robert Paul Morris
Filer Authorized By:	
Attorney Docket Number:	0125
Receipt Date:	10-SEP-2012
Filing Date:	17-AUG-2010
Time Stamp:	12:54:28
Application Type:	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		0125-RespAfterFinalOA.pdf	237336 1f5272e9677b65c5bc4cd1294dffff6b7e0c3d83	yes	17

	Multipart Description/PDF files in .zip description								
	Document Description		Start	End					
	Amendment After Final		1	1					
	Applicant Arguments/Remarks Made in an Amendment		2	17					
Warnings:									
Information:									
2	Fee Worksheet (SB06)	0125-FeeWrkSheet-sb0006.pdf	158527	no	2				
			956f1f6ead54f3f3b8d655ef0a9c8f0558e8c8c6						
Warnings:									
Information:									
Total Files Size (in bytes):			395863						
<p>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.</p> <p><u>New Applications Under 35 U.S.C. 111</u> 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><u>National Stage of an International Application under 35 U.S.C. 371</u> 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><u>New International Application Filed with the USPTO as a Receiving Office</u> 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>									



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,847	08/17/2010	Robert Paul Morris	0125	4733
92924	7590	07/12/2012	EXAMINER	
OoOT			JABR, FADEY S	
Robert Paul Morris			ART UNIT	
712 Latta Street			PAPER NUMBER	
Raleigh, NC 27607			3628	
			NOTIFICATION DATE	DELIVERY MODE
			07/12/2012	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):

paul.morris@nc.rr.com
rpmorris@yahoo.com

Office Action Summary	Application No.	Applicant(s)	
	12/857,847	MORRIS, ROBERT PAUL	
	Examiner	Art Unit	
	FADEY JABR	3628	

-- 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 23 June 2012.
- 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.

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).
- 12) ☐ 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

- 13) ☐ 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Status of Claims

Claims **1, 4-6** and **19-20** are currently amended. Claims **1-20** remain pending and are again presented for examination.

Response to Arguments

1. Applicant's amendments filed 23 June 2012 with respect to the 35 U.S.C. 112, second paragraph, have been fully considered and are therefore withdrawn.
2. Applicant's amendments filed 23 June 2012 with respect to the 35 U.S.C. 101, have been fully considered and are therefore withdrawn.
3. Examiner Note: the examiner thanks the applicant for pointing out the citing a non-existent paragraph. The correct paragraph should have been 0068, not 0068.
4. Applicant's amendments filed 23 June 2012 with respect to the 35 U.S.C. 102, have been fully considered but they are not persuasive.
5. Applicant argues that Fadell fails to disclose or suggest, determining, for a resource, a measure of processing cost, based on an operation that includes processing the resource, where the resource performs no portion of the processing and includes no program instruction executed in the processing...sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource. However, the examiner respectfully disagrees. The examiner notes that Fadell does disclose For example, a copying process that involves reading and copying data from an electronic device hard drive to a peripheral device can require more power than displaying a text document. As

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another example, decoding media for audio and video playback can require more power than transferring data over a remote communications link (e.g., using an FTP protocol over an Internet connection) (see at least 0038). Thus, the system determines the power costs for backing up data or the costs to convert media files. Further, Fadell teaches The user can monitor past and current power consumption costs using any suitable approach. In some embodiments, the electronic device can provide a display indicating past, current and expected future power consumption costs. FIG. 7 is a schematic view of an illustrative display for providing a representation of power costs in accordance with one embodiment of the invention. Display 700 can include graph 710 providing a visual depiction of the evolution of power consumption cost over time. Graph 710 can include time and cost axes, over which cost curve 712 can be plotted to represent the power cost of operating the electronic device over time. In some embodiments, the user can view the power cost of particular processes over time, indicated for example by curves 714 and 715. Display 700 can include legend 720 indicating the meaning of each of curves 712, 714 and 715, which can be differentiated using any suitable approach (e.g., different colors, line thickness, or line type). Graph 710 can include limit 718 indicating a graphical limit to the power consumption cost allocated to the device. In the example of FIG. 7, line 718 reflects a constant limit, though it will be understood that any other suitable type of limit can be used (see at least 0064). Thus, Fadell teaches sending presentation information to a user for each process.

6. Applicant argues (with respect to claim 6) the Official Notice taken. Therefore, the examiner cites Maehira et al., Pub. No. US2009/0150787 A1 for teaching the key input count memory area 33f stores a count indicating the number of times the operator has performed a prescribed key operation (pressed a key, for example) on the keyboard 15. The count in the key

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input count memory area 33f is incremented by "1" each time the user performs a prescribed key operation on the keyboard 15, for example (see at least 0143).

7. Examiner Note: the applicant has asked for another non-final action to give the applicant a full opportunity to respect to the 35 U.S.C. 102 rejection. The examiner notes that the applicant was given a full opportunity to respond to the rejection after the non-final rejection was mailed. Thus, this current action is a Final Office Action.

Claim Rejections - 35 USC § 112

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

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims **1-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant application, the specification fails to disclose support for the newly claimed subject matter, wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing. The applicant cited various paragraphs from the specification; however none provide clear support for the newly disclosed subject matter.

Claim Rejections - 35 USC § 102

9. 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.

10. Claims **1-4, 7-9, 11, 13-14, 16-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Fadell, Pub. No. US2010/0010857 A1, hereinafter referred to as Fadell.

As per **Claims 1, 19 and 20**, Fadell discloses a method and system comprising:

- receiving resource information identifying a resource for processing by a hardware component in performing an operation, wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9);
- determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9); and
- sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9),
- wherein at least one of the receiving, the determining, and the sending includes execution of an instruction by an instruction processing unit (see at least 0004-0012, 0039-0040,

0062-0064, 0068 also see Figures 1-9).

As per **Claim 2**, Fadell discloses wherein the resource information is received in response to a detected user input at least one of identifying the resource and identifying an operation that includes processing the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 3**, Fadell discloses wherein the measure is determined according to a metric based on at least one of electrical power, electrical energy, stored energy, mechanical resistance, electrical resistance, time, a count of a particular event, money, size, mass, distance, weight, heat, light, and movement (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 4**, Fadell discloses wherein the measure includes at least one of a measure of electrical power, a measure of electrical energy, a measure of stored energy, a measure of mechanical resistance, a measure of electrical resistance, a measure of time, a count of a particular event, a measure of a monetary cost, a measure of heat, a measure of light, a measure of distance, a measure of mass, a measure of size, and a measure of weight (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 7**, Fadell discloses wherein a metric for determining the measure is identified based on at least one of the resource, the operation, the hardware component included in

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performing the operation, a user, a group, a role, a task, a time, a location, a device for performing the operation, and device for providing the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 8**, Fadell discloses wherein the measure is determined based on a user input for identifying the metric (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 9**, Fadell discloses wherein determining the measure is based on locating a predefined measure based on at least one of the resource and the operation (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 11**, Fadell discloses wherein determining the measure further includes determining whether a specified energy condition is met based on the measure (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 13**, Fadell discloses receiving selection information identifying the resource in response to a detected user input corresponding to the representation of the resource; and presenting a warning indication, in response to receiving the selection information, when the energy condition is not met (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 14**, Fadell discloses wherein the indication is included in the representation of the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 16**, Fadell discloses wherein sending the presentation information includes sending a message to a node operatively coupled to the output device (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 17**, Fadell discloses wherein the indication is presented in response to a user input predefined for presenting the indication (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

As per **Claim 18**, Fadell discloses wherein the presentation information is sent in response to a change in at least one of a cost condition and a measure of a processing cost associated with another resource (see at least 0004-0012, 0039-0040, 0062-0064, 0068 also see Figures 1-9).

Claim Rejections - 35 USC § 103

11. 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.

12. Claim **5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Alam, et al., Pub. No. US20080319926 A1, hereinafter referred to as Alam.

As per **Claim 5**, Fadell fails to disclose wherein when the measure includes the count, the count is based on at least one of instruction-processing unit cycles, disk spins, data read operations, data write operations, refreshes of at least a portion of a presentation space, display refreshes, data transmitted via a network, data received via a network, and a measure of human movement. However, Alam teaches CPU resources, as used herein, are defined as CPU capacity (size), quantity (number of CPU's), and CPU clock cycle. Memory resources, as used herein, are defined as total capacity and access time of Random Access Memory (RAM) and total capacity and access time of Read-only Memory (ROM), where total capacity may consist of the sum of the products of the individual capacities and the quantities of each memory device (such as a RAM chip, for example). Applications utilizing memory resources may vary their usage by the length of memory resource access time. Hard disk resources, as used herein, are defined as hard disk capacity (size), quantity (number of hard disks), disk input/output (amount of data transferred), and access time of system hard disks. Network resources, as used herein, are defined as network devices (such as network cards, routers, switches, and the like), network input/output, bandwidth, and packet size and quantity (see at least 0011). It would have been obvious to one of ordinary skill in the art at the time of the invention to include measuring CPU resources and data transmitted as taught by Alam in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

13. Claim **6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Alam as applied to claim 1 above, and further in view of Maehira et al., Pub. No. US2009/0150787 A1, hereinafter referred to as Maehira.

As per **Claim 6**, Fadell fails to disclose wherein the measure of human movement is based on at least one of a measure of dispersion of key presses; a pattern and frequency of movement of a tracking device; and a count of at least one of key presses, squeezes, pushes, and pulls; changes between lower case and upper case, a count of numerical digits, and a count of different input devices providing information in response to user input. However, teaching the key input count memory area 33f stores a count indicating the number of times the operator has performed a prescribed key operation (pressed a key, for example) on the keyboard 15. The count in the key input count memory area 33f is incremented by "1" each time the user performs a prescribed key operation on the keyboard 15, for example (see at least 0143). It would have been obvious to one of ordinary skill in the art at the time of the invention to include employee/human costs as taught by Meahira in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

14. Claims **10, 12** and **15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Official Notice.

As per **Claim 10**, Fadell fails to disclose wherein determining the measure includes sending a message via a network to a node for determining the measure; and receiving a response via the network identifying the measure. Fadell does disclose providing a user with an alert such as a pop-up to a user. Further, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include providing notifications over the Internet. It would have been obvious to one of ordinary skill in the art at the time of the invention to include sending messages over the Internet as taught by Official Notice in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 12**, Fadell fails to disclose wherein the representation of the resource is user selectable when the energy condition is met and is not user selectable when the energy condition is not met. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include selectable and grayed-out non-selectable option icons on a computer display. Further, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include providing notifications over the Internet. It would have been obvious to one of ordinary skill in the art at the time of the invention to include selectable and grayed-out non-selectable option icons as taught by Official Notice in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed

the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 15**, Fadell fails to disclose presenting the representation of the resource in a plurality of representations of resources according to an order based on a metric the measure represents. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include sorting resources or processes by various metrics such as cost, CPU usage, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to include sorting according to various metrics as taught by Official Notice in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3628

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FADEY JABR whose telephone number is (571)272-1516. The examiner can normally be reached on Mon. - Fri. 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. 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.

Fadey S Jabr
Primary Examiner
Art Unit 3628

/Fadey S Jabr/
Primary Examiner, Art Unit 3628

Notice of References Cited	Application/Control No. 12/857,847	Applicant(s)/Patent Under Reexamination MORRIS, ROBERT PAUL	
	Examiner FADEY JABR	Art Unit 3628	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2009/0150787 A1	06-2009	MAEHIRA et al.	715/733
	B	US-			
	C	US-			
	D	US-			
	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

*		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.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L3	801	measur\$3 with (human) with ((key near (press\$2 or squeez\$2 or push or pull) or input))	US-PGPUB; USPAT	OR	ON	2012/07/06 18:12
L4	772	3 and (@ad<"20100817" or @pd<"20100817" or @rlad<"2010817" or @prad<"20100817")	US-PGPUB; USPAT	OR	ON	2012/07/06 18:13
L5	90	measur\$3 near3 (human) near5 ((key near (press\$2 or squeez\$2 or push or pull) or input))	US-PGPUB; USPAT	OR	ON	2012/07/06 18:13
L6	85	5 and (@ad<"20100817" or @pd<"20100817" or @rlad<"2010817" or @prad<"20100817")	US-PGPUB; USPAT	OR	ON	2012/07/06 18:13
L7	4	6 and "705".clas.	US-PGPUB; USPAT	OR	ON	2012/07/06 18:13
L8	42	4 and "705".clas.	US-PGPUB; USPAT	OR	ON	2012/07/06 18:14
L9	176	count\$3 with (human) with ((key near (press\$2 or squeez\$2 or push or pull) or input))	US-PGPUB; USPAT	OR	ON	2012/07/06 18:20
L10	3	count\$3 with (human) with (key near (press\$2 or squeez\$2 or push or pull))	US-PGPUB; USPAT	OR	ON	2012/07/06 18:20
L11	3	measur\$3 with (human) with (key near (press\$2 or squeez\$2 or push or pull))	US-PGPUB; USPAT	OR	ON	2012/07/06 18:21
L12	34	measur\$3 with (operator) with (key near (press\$2 or squeez\$2 or push or pull))	US-PGPUB; USPAT	OR	ON	2012/07/06 18:22
L13	32	12 and (@ad<"20100817" or @pd<"20100817" or @rlad<"2010817" or @prad<"20100817")	US-PGPUB; USPAT	OR	ON	2012/07/06 18:22
L14	36	count\$3 with (operator) with (key near (press\$2 or squeez\$2 or push or pull))	US-PGPUB; USPAT	OR	ON	2012/07/06 18:23
L15	33	14 and (@ad<"20100817" or @pd<"20100817" or @rlad<"2010817" or @prad<"20100817")	US-PGPUB; USPAT	OR	ON	2012/07/06 18:23
S1	3	((("7242920") or ("20100157821") or ("20080263375")).PN.	US-PGPUB; USPAT	OR	OFF	2012/04/03 15:03
S2	95	("20120047092" "6983455" "20030196193" "20110257911" "20040010592" "20110238515" "4864507" "8103656" "20090281987" "20110219120" "20120047384" "20120047512" "7027051" "20030006988" "20100253911"	US-PGPUB; USPAT	OR	ON	2012/04/03 15:13


		"20110207494" "20110282981" "5128871" "5274643" "5337258" "6236977" "7286484" "7412492" "7444610" "7620922" "7644249" "7707575" "7835930" "7881961" "7984151" "7881961" "8108332" "8122420" "8146042" "20040136321" "20060155543" "20060190367" "20060253268" "20070061183" "20070101015" "20070220586" "20080015891" "20080126547" "20080216084" "20090265297" "20100070348" "20110270464" "20110276514" "20110288902" "20120026940" "7698251" "7729307" "20020140959" "20040205120" "20050171700" "20050256735" "20080117833" "20080263130" "20100036693" "20100118996" "20100195527" "20100220608" "20110029672" "7380213" "6785676" "7406466" "7822849" "8117505" "20020105532" "20060161524" "20080016233" "20080201468" "20110078140" "20110078140" "20110125738" "20060100940" "5393926" "6101479" "6243612" "6430659" "6539340" "6597907" "6603396" "6658564" "7149227" "7259876" "7324543" "7373151" "7441243" "7512382" "7702937" "7706574" "7809833" "7933557" "8001063" "8011785" "7933557" "8001063" "8011785" "20020007394").pn.				
S3	4	"857847".ap.	US- PGPUB; USPAT	OR	ON	2012/04/03 15:13
S4	7	"836968".ap.	US- PGPUB; USPAT	OR	ON	2012/04/03 15:13
S5	3	((("20020166117") or ("20040174823") or ("20060020573"))).PN.	US- PGPUB; USPAT	OR	OFF	2012/04/03 16:22
S6	34	"659976"	US- PGPUB; USPAT	OR	ON	2012/04/03 16:22
S7	7	"659976".ap.	US- PGPUB; USPAT	OR	ON	2012/04/03 16:22
S8	8	"767574".ap.	US- PGPUB; USPAT	OR	ON	2012/04/03 16:22
S9	6	(US-20120016721-\$ or US-20080319926-\$ or US-20050060163-\$ or US-20020166117-\$ or US-20060020573-\$ or US-20040174823-\$).did.	US- PGPUB	OR	ON	2012/04/03 16:25
S10	3	S9 and (cycle or human or metric)	US- PGPUB; USPAT	OR	ON	2012/04/03 16:27
S11	0	S9 and (determin\$5 with metric)	US- PGPUB; USPAT	OR	ON	2012/04/03 16:32
S12	0	S9 and (determin\$5 with measur\$5)	US- PGPUB;	OR	ON	2012/04/03 16:32

			USPAT			
S13	159	((determin\$5 with metric with (resource)) and ((distributed near2 computing) or (cloud near2 computing)))	US-PGPUB; USPAT	OR	ON	2012/04/03 16:33
S14	96	((determin\$5 near3 metric with (resource)) and ((distributed near2 computing) or (cloud near2 computing)))	US-PGPUB; USPAT	OR	ON	2012/04/03 16:39
S15	84	S14 and (@ad<"20100817" or @pd<"20100817" or @rlad<"2010817" or @prad<"20100817")	US-PGPUB; USPAT	OR	ON	2012/04/03 16:40
S16	0	S15 and Kilowatts per hour	US-PGPUB; USPAT	NEAR	ON	2012/04/03 16:54
S17	0	S15 and (Kilowatts near3 hour)	US-PGPUB; USPAT	NEAR	ON	2012/04/03 16:54
S18	1	S13 and (Kilowatts near3 hour)	US-PGPUB; USPAT	NEAR	ON	2012/04/03 16:54
S19	10	(US-20120016721-\$ or US-20080319926-\$ or US-20050060163-\$ or US-20020166117-\$ or US-20060020573-\$ or US-20040174823-\$ or US-20100332262-\$ or US-20100293163-\$ or US-20070074174-\$ or US-20110072293-\$).did.	US-PGPUB	OR	ON	2012/04/03 17:21
S20	5	S19 and (energy or power or battery)	US-PGPUB; USPAT	OR	ON	2012/04/03 17:21
S21	2899	((condition or threshold or limit) with (energy or power or battery)) and ((distributed near2 computing) or (cloud near2 computing))	US-PGPUB; USPAT	OR	ON	2012/04/03 17:33
S22	27	((condition or threshold or limit) with (energy or power or battery) with (icon or representation or button) with (select\$4 or unselect\$4 or click\$4)) and ((distributed near2 computing) or (cloud near2 computing))	US-PGPUB; USPAT	OR	ON	2012/04/03 17:35
S23	0	((condition or threshold or limit) with (energy or power or battery) with (icon or representation or button) with (resource)) and ((distributed near2 computing) or (cloud near2 computing))	US-PGPUB; USPAT	OR	ON	2012/04/03 17:40
S24	0	((resource) with (energy or power or battery) with (icon or representation or button) with (select\$4 or unselect\$4 or click\$4)) and ((distributed near2 computing) or (cloud near2 computing))	US-PGPUB; USPAT	OR	ON	2012/04/03 17:40
S25	126	((condition or threshold or limit) with (energy or power or battery) with resource) and ((distributed near2 computing) or (cloud near2 computing))	US-PGPUB; USPAT	OR	ON	2012/04/03 17:41
S26	56	S25 and (resource with (select\$4 or unselect\$4 or click\$4))	US-PGPUB; USPAT	OR	ON	2012/04/03 17:41
S27	15607	(present\$3 or indicat\$3 or display\$3) with (indication or indicator or representation or icon) with (cost of energy or power or battery) with (processing or send\$3 or	US-PGPUB; USPAT	OR	ON	2012/04/04 11:21

		transmit\$5 or execut\$3)				
S28	4439	(present\$3 or indicat\$3 or display\$3) with (indication or indicator or representation or icon) with (cost of energy or power or battery) with (processing or send\$3 or transmit\$5 or execut\$3) with (computer or laptop or mobile or device)	US-PGPUB; USPAT	OR	ON	2012/04/04 11:22
S29	28	(present\$3 or indicat\$3 or display\$3) with (indication or indicator or representation or icon) with (cost) with (energy or power or battery) with (processing or send\$3 or transmit\$5 or execut\$3) with (computer or laptop or mobile or device)	US-PGPUB; USPAT	OR	ON	2012/04/04 11:23
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<i>Index of Claims</i> 	Application/Control No. 12857847	Applicant(s)/Patent Under Reexamination MORRIS, ROBERT PAUL
	Examiner FADEY JABR	Art Unit 3628

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
CLAIM		DATE							
Final	Original	04/04/2012	07/07/2012						
	1	✓	✓						
	2	✓	✓						
	3	✓	✓						
	4	✓	✓						
	5	✓	✓						
	6	✓	✓						
	7	✓	✓						
	8	✓	✓						
	9	✓	✓						
	10	✓	✓						
	11	✓	✓						
	12	✓	✓						
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	16	✓	✓						
	17	✓	✓						
	18	✓	✓						
	19	✓	✓						
	20	✓	✓						

Search Notes 	Application/Control No. 12857847	Applicant(s)/Patent Under Reexamination MORRIS, ROBERT PAUL
	Examiner FADEY JABR	Art Unit 3628

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Search, see attached	4/4/12	FSJ
EIC Plus Search, see attached		
EAST Search, see attached	7/6/12	FSJ

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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Application No. 12/857,847
Paper filed June 23, 2012
Reply to Office Action mailed April 11, 2012

Docket No. 0125
Page 1 of 16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Mail Stop: Amendment
Robert Paul Morris	T.C/Art Unit: 3628
Application No.: 12/857,847	Examiner: Fadey S. Jabr
Filed: 08/17/2010	Confirmation No.: 4733
For: Method, Systems, and Computer	
Program Products for Presenting an Indication	
of a Cost of Processing a Resource	

RESPONSE UNDER 37 C.F.R. §1.111

Mail Stop: Amendment Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Office Action mailed 04/11/2012, for which a shortened statutory period for reply is set to expire on 07/11/2012. Applicant thanks the examiner for a number of helpful suggestions. Entry and favorable consideration of the following Amendments and Remarks is respectfully requested.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the Listing of Claims that begins on page 4 of this paper.

Remarks begin on page 8 of this paper.

Amendments to the Specification:

Note: Amendments to the spec are strikethrough deletions and underline insertions. Only a marked up copy is required.

Please replace paragraph [0001]-[0003] with the following:

[0001] This application is related to the following commonly owned U.S. Patent Applications, the entire disclosure of each being incorporated by reference herein: Application No. ~~____~~, ~~____~~ 12/857,857 (Docket No 0137) filed on 2010/08/17, entitled "Methods, Systems, and Program Products for Selecting a Resource in Response to a Change in Available Energy";
[0002] Application No. ~~____~~, ~~____~~ 12/857,851 (Docket No 0162) filed on 2010/08/17, entitled "Methods, Systems, and Program Products for Selecting a Resource Based on a Measure of a Processing Cost"; and
[0003] Application No. ~~____~~, ~~____~~ 12/857,836 (Docket No 0123) filed on 2010/08/17, entitled "Methods, Systems, and Program Products for Maintaining a Resource Based on a Cost of Energy".

Please replace paragraph 0077 with the following:

[0077] In Fig. 4a, cost monitor component **404a** is illustrated operating in application **403a**. Cost monitor component **404a** may determine a measure of a processing cost for resources processed by application **403a**. The resources may includes resources provided by application **403a** to other applications, subsystems, and/or components operating in execution environment **401a** and/or in another execution environment included in and/or otherwise provided by one or more devices.

Please replace paragraph 0131 with the following:

[0131] Moreover, the methods described herein may be embodied in executable instructions stored in a computer readable storage medium for use by or in connection with an instruction execution machine, system, apparatus, or device, such as a computer-based or processor-containing machine, system, apparatus, or device. As used here, a "computer readable storage medium" may include one or more of any suitable media for storing the executable instructions of a computer program in one or more of an electronic, magnetic, optical, and electromagnetic, ~~and infrared~~ form, such that the instruction execution machine, system, apparatus, or device may read (or fetch) the instructions from the computer readable storage medium and execute the instructions for carrying out the described methods. A non-exhaustive list of conventional exemplary computer readable storage media includes a portable computer diskette; a random access memory (RAM); a read only memory (ROM); an erasable programmable read only memory (EPROM or Flash memory); optical storage devices, including a portable compact disc (CD), a portable digital video disc (DVD), a high definition DVD (HD-DVD.TM.), and a Blu-ray.TM. disc; and the like

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method for presenting an indication of a cost of processing a resource, the method comprising:

receiving resource information identifying a resource for processing by a hardware component in performing an operation, wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing;

determining, for the resource, a measure of the processing cost, based on the operation, to provide an indication of the cost for processing the resource; and

sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource,

wherein at least one of the receiving, the determining, and the sending includes execution of an instruction by an instruction processing unit.

2. (Original) The method of claim 1 wherein the resource information is received in response to a detected user input at least one of identifying the resource and identifying an operation that includes processing the resource.

3. (Original) The method of claim 1 wherein the measure is determined according to a metric based on at least one of electrical power, electrical energy, stored energy, mechanical resistance, electrical resistance, time, a count of a particular event, money, size, mass, distance, weight, heat, light, and movement.

4. (Original) The method of claim 1 wherein the measure includes at least one of a measure of electrical power, a measure of electrical energy, a measure of stored energy, a measure of mechanical resistance, a measure of electrical resistance, a measure of time, a count of a particular event, a measure of a monetary cost, a measure of heat, a measure of light, a measure of distance, a measure of mass, a measure of size, and a measure of weight.

5. (Currently Amended) The method of claim 4 wherein, when the measure includes the count, the count is based on at least one of instruction-processing unit cycles, disk spins, data read operations, data write operations, refreshes of at least a portion of a presentation space, display refreshes, data transmitted via a network, data received via a network, and a measure of human movement.
6. (Currently Amended) The method of claim 5 wherein, when the count is based on the measure, the measure of human movement is based on at least one of a measure of dispersion of key presses; a pattern and frequency of movement of a tracking device; and a count of at least one of key presses, squeezes, pushes, and pulls; changes between lower case and upper case, a count of numerical digits, and a count of different input devices providing information in response to user input.
7. (Original) The method of claim 1 wherein a metric for determining the measure is identified based on at least one of the resource, the operation, the hardware component included in performing the operation, a user, a group, a role, a task, a time, a location, a device for performing the operation, and device for providing the resource.
8. (Original) The method of claim 7 wherein the measure is determined based on a user input for identifying the metric.
9. (Original) The method of claim 1 wherein determining the measure is based on locating a predefined measure based on at least one of the resource and the operation.
10. (Original) The method of claim 1 wherein determining the measure includes sending a message via a network to a node for determining the measure; and receiving a response via the network identifying the measure.
11. (Original) The method of claim 1 wherein determining the measure further includes determining whether a specified energy condition is met based on the measure.

12. (Original) The method of claim 11 wherein the representation of the resource is user selectable when the energy condition is met and is not user selectable when the energy condition is not met.

13. (Original) The method of claim 11 further comprising:

receiving selection information identifying the resource in response to a detected user input corresponding to the representation of the resource; and

presenting a warning indication, in response to receiving the selection information, when the energy condition is not met.

14. (Original) The method of claim 1 wherein the indication is included in the representation of the resource.

15. (Original) The method of claim 1 further comprises presenting the representation of the resource in a plurality of representations of resources according to an order based on a metric the measure represents.

16. (Original) The method of claim 1 wherein sending the presentation information includes sending a message to a node operatively coupled to the output device.

17. (Original) The method of claim 1 wherein the indication is presented in response to a user input predefined for presenting the indication.

18. (Original) The method of claim 1 wherein the presentation information is sent in response to a change in at least one of a cost condition and a measure of a processing cost associated with another resource.

19. (Currently Amended) A system for presenting an indication of a cost of processing a resource, the system comprising:

~~a cost advisor component, a cost monitor component, and a cost presentation component adapted for operation in an execution environment;~~

~~a~~the cost advisor component configured for receiving resource information identifying a resource for processing by a hardware component in performing an operation, wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing;

~~a~~the cost monitor component configured for determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource; ~~and~~

~~a~~the cost presentation component configured for sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource, and

an instruction processing unit, wherein at least one of the cost advisor component, the cost monitor component, and the presentation control component includes an instruction that is executed by the instruction processing unit during operation of the system.

20. (Currently Amended) A non-transitory computer-readable storage medium embodying a computer program, executable by a machine, for presenting an indication of a cost of processing a resource, the computer program comprising executable instructions for:

receiving resource information identifying a resource for processing by a hardware component in performing an operation, wherein the resource performs no portion of the processing and includes no program instruction executed in performing the processing;

determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource; and

sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource.

REMARKS:

Status Summary

Claims 1-20 are pending in the present application, of which claims 1, 19, and 20 are presented in independent form. Claims 1-20 stand rejected. No new claims are added by this response. Claims 1, 5-6, 11-13, 19, and 20 are currently amended.

The amendments to claims 1 and 19 are supported by at least paragraphs 0056, 0063-0066, 0077-0078, 0082, 0099-102, 0041, 0044-0046, 0060, 00068, 0083, and Figures 3, 4a-d of the present disclosure.

The amendments to claim 20 are supported by at least paragraphs 0056, 0063-0066, 0077-0078, 0082, 0099-102, and 0131 as well as Figures 1, 3, and 4a-d of the present disclosure.

The amendment to claim 5 is supported by at least claim 4 and the amendment to claim 6 is supported by at least claim 5.

The amendments to claims 11-13 are supported by at least paragraphs 0110 and 119 of the present disclosure.

Claim Rejection(s) - 35 U.S.C. § 112

The Examiner has rejected claims 5-6 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. The Examiner states that the recitations, "wherein the count ... " and "wherein the human movement.. .", are vague and indefinite. It is unclear to the Office how the claims are further defining the claim from which it depends if a "count of a particular event" or "human movement" are not selected. In other words, if a measure of electrical power was selected from claim 4, the count and human movement would not be considered.

The applicant, respectfully, disagrees. Claim 4 of the present disclosure from which claims 5 depends clearly recites "the measure includes at least one of". Claim 5, therefore, further defines claim 4 when a "count of a particular event" is included the measure. Claim 5, clearly recites the condition under which it further defines claim 4. The applicant respectfully submits that claim 5 is not intended to further define claim 4 when a "count of a particular event" is not included in the measure. Claim 6, in a similar manner, further depends from claim 5 which includes an "at least one clause further defining the "count" and recites that the count may be "based on ... a

measure of human movement. Claim 6 further defines claim 5 when a the count is based on a measure of human movement. Claim 6, clearly recites the condition under which it further defines claim 5.

The applicant respectfully submits that claim 5 is not intended to further define claim 4 when a “count of a particular event” is not included in the measure and claim 6 is not intended to further define claim 5 when the count is not based on a measure of human movement. Both claims 5 and 6 are clear in this regard. The applicant respectfully submits that claims that depend from a claim that include a number of elements in an “at least one” clause may properly further define an element in the “at least one clause”. The applicant fails to see anything vague or indefinite or otherwise improper about claim 5 or claim 6 and respectfully requests that the examiner clarify the rejections, if the applicant has misinterpreted or misunderstood the Examiner’s explanations.

Nevertheless, applicant has amended claim 5 to recite “when the measure includes the count” to make absolutely explicit the condition under which claim 5 further defines claim 4. Support for the amendment to claim 5 is found in at least claim 4. With respect to claim 6, applicant has amended claim 6 to recite “when the count is based the measure of human movement” to make absolutely explicit the condition under which claim 6 further defines claim 5. Support for the amendment to claim 6 is found in at least claim 5.

For at least the above reasons, the applicant requests that the rejection of claims 5 and 6 under 35 U.S.C. §112 paragraph 2 be withdrawn.

Claim Rejection(s) - 35 U.S.C. § 101

Claims 1-18 stand rejected under 35 U.S.C. § 101, because, as stated by the Examiner, based upon consideration of all of the relevant factors with respect to the claim as a whole, claim(s) 1-18 held to claim an abstract idea, and is/are therefore rejected as ineligible subject matter under 35 U.S.C. 101. The Examiner’s rationale for this finding is that there is insufficient recitation of a machine or transformation. Involvement of machine, or transformation, with the steps is merely nominally, insignificantly, or tangentially related to the performance of the steps, e.g., data gathering, or merely recites a field in which the method is intended to be applied.

The Examiner suggests an amendment in accordance with 35 U.S.C. § 112 1st paragraph, the Examiner recommends (by way of example only) Applicant amend claim 1 to

state" receiving, by a processor, ... determining, by the processor, ... sending, by the processor, ...". Applicant thanks the Examiner for the suggestion. Applicant has amended claim 1 to recite wherein at least one of the receiving, the determining, and the sending includes execution of an instruction by an instruction processing unit. The amendment to claim 1 is supported by at least paragraphs 0041, 0044-0046, 0060, 00068, and 0083, as well as Figures 3, 4a-d of the present disclosure.

For at least the above reasons, the applicant requests that the rejection of claim 1 and the rejections of claims 2-18 which depend upon claim 35 U.S.C. §101 be withdrawn

Claim 19 stands rejected by the Examiner as being directed to a computer program under the broadest reasonable interpretation. Claim 19 has been amended to recite an instruction processing unit, wherein at least one of the cost advisor component, the cost monitor component, and the presentation control component includes an instruction that is executed by the instruction processing unit during operation of the system. The amendment to claim 19 is supported by at least paragraphs 0041, 0044-0046, 0060, 00068, and 0083, as well as Figures 3, 4a-d of the present disclosure

For at least the above reasons, the applicant requests that the rejection of independent claim 19 under 35 U.S.C. §101 be withdrawn

Claim 20 stands rejected by the Examiner for being directed to non-statutory subject matter. Claim 20 has been amended to recite "non-transitory computer readable storage medium" to make clear that the scope of claim 20 does not refer to a signal propagation medium. These amendments are supported by at least paragraph [0131] in the specification, which includes the inventor's own definition of "computer readable medium" which specifically recites that a "computer readable medium" is for *storing* executable instructions. Paragraph [0131] in the specification has been amended to remove "infrared" as a form for representing an executable instruction in a "computer readable storage medium".

For at least the above reasons, the applicant requests that the rejection of independent claim 20 under 35 U.S.C. §101 be withdrawn.

Claim Rejection(s) - 35 U.S.C. § 102

Claims 1-4, 7-9, 11, 13-14, and 16-20 stand rejected under 35 U.S.C. 102(e) as being anticipated by US 2010/0010857 A1, hereinafter referred to as "Fadell". This ground of rejection is respectfully traversed.

Fadell, as stated in Fadell paragraph 0004, describes methods for controlling the performance of electronic device operations based on the power cost associated with the operations. Throughout Fadel's specification and figures, the descriptions and illustrations speak of monitoring and controlling power costs of operations (see, for example, Fadel paragraphs 0004-0012, 0039-0040, and 0062-0064 and Figures 1-9 cited by the Examiner in rejecting claims 1-4, 7-9, 11, 13-14, and 16-20 under 35 U.S.C. 102(e)). In paragraph 0007, Fadell describes determining "the power cost associated with different electronic devices operations". In paragraph 0008, Fadell describes controlling "power costs of different device operations". In paragraph 0009 Fadell describes actions that an electronic device can take of "the power cost of a particular process or operation" does not meet some condition. Paragraph 0010 of Fadell relates to managing the power costs of one or more devices by controlling "the execution of processes or operations". Each of Figures 1-9 relates to operations or processes. Indeed, Fadell consistently focuses on powers costs of operations or processes throughout the written description and figures.

As previously indicated, the Examiner cites Fadell paragraphs 0004-0012, 0039-0040, 0062-0064, 0088 and Figs. 1-9 as disclosing a method and system comprising: receiving resource information identifying a resource for processing by a hardware component in performing an operation; determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource; and sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource. Applicant respectfully points out that Fadell does not include a paragraph 0088. Thus, applicant is unable to respond to the paragraph in Fadell that the Examiner intended to reference rather than the non-existent paragraph 0088.

Independent claims 1, 19, and 20 as currently amended recite the features of receiving resource information identifying a resource for processing by a hardware component in performing an operation, wherein the resource performs no portion of the processing and includes no program instruction executed in the processing. The amendment is supported in the present

disclosure by at least paragraphs 0056, 0063-0066, 0077-0078, 0082, 0099-102. Claims 1, 19, and 20 as currently amended further recite determining, for the resource, a measure of the processing cost, based on the operation, to provide an indication of the cost for processing the resource; and sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource.

The present disclosure clearly relates to processing costs for processing particular resources. Fadell clearly relates to power costs of operations. The resource in claims 1, 19, and 20 as currently amended is not the operation (although the resource may be operable for performing some or all of an operation other than the operation referenced in currently amended claims 1, 19, and 20). Nowhere does Fadell disclose, suggest, or teach determining, for a resource, a measure of processing cost, based on an operation that includes processing the resource, where the resource performs no portion of the processing and includes no program instruction executed in the processing. Fadell is focused only on power costs of operations. While Fadell (see Fadell paragraphs 0005-0006) does take into account resources utilized by a process or operation in managing the power cost of the process or operation, Fadell nowhere discloses, suggests, or teaches determining a power cost for a particular resource based on an operation that includes processing the resource. Fadell uses the terms process and operation interchangeably (see at least Fadell paragraph 0005).

Further, Fadell, does not disclose, suggest, or teach sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource. In Figure 7, Fadell illustrates an indication of the power cost of an operation, not a resource as defined in currently amended independent claims 1, 19, and 20.

Paragraph 0005 of the present disclosures recites that "current devices do not give consideration to the effects that processing of particular resources, such a files, images, and videos, on energy management. In particular, current systems give no consideration to relative differences in energy utilization of various alternative resources...". Fadell fits this description of current devices described in paragraph 0005 of the present disclosure. Fadell fails address the processing costs of resources. Fadell's teaching fails to provides the benefits of the present disclosure. For example, by not providing an indication of the processing cost for a resource

based on an operation, users are not allowed to select between or among resources that the operation may process.

Therefore, for at least the reasons described above, Fadell does not disclose, suggest, or teach independent claims 1, 19, or 20.

In view of the foregoing, it is respectfully submitted that Fadell does not disclose all of the features of claims 1, 19, and 20. Claims 2-4, 7-9, 11, 13-14, and 16-20 depend from claim 1 and are believed to be patentable for at least the reasons set forth for claim 1. As such, it is respectfully requested that the rejection of claims 1-4, 7-9, 11, 13-14, and 16-20 be reconsidered and withdrawn.

Applicant further notes to the Examiner that paragraphs 0004-0012, 0039-0040, 0062-0064, 0088 (non-existent) and Figs. 1-9 are cited in the present office action as the basis for rejecting each and every element for each and every claim rejected under 35 U.S.C. § 102. If the claims rejected under 35 U.S.C. § 102 are not allowed, the Applicant respectfully requests that the Examiner particularly point out which of the cited portions of Fadell correspond to the various elements of the various claims and the applicant requests that the Examiner identify the paragraph in Fadell intended by the Examiner's reference to Fadell paragraph 0088, so the applicant has the opportunity to respond. The Application calls the Examiner's attention to 37 CFR 1.104(c)(2) and MPEP 707 in making these requests. The applicant is a pro se inventor.

In light of the above, should the Examiner determine that the claims as currently amended are not allowable, the Applicant respectfully requests that the next action be made non-final giving the applicant an full opportunity to respond to the Examiner's 35 U.S.C § 102 rejection in the present action.

Claim Rejection(s) - 35 U.S.C. § 103

Claims 5, 6, 10, 12, and 15 stand rejected under 35 U.S.C. 103(a). This ground of rejection is respectfully traversed.

Claims 5, 6, 10, 12, and 15 depend from claim 1 and are believed to be patentable for at least the reasons set forth for claim 1 above.

More particularly, claim 5 stands rejected as being unpatentable over Fadell in view of US 2008/0319926 A1, hereinafter referred to as "Alam". This ground of rejection is respectfully traversed.

Alam relates to billing for resource utilization. Nowhere does Alam address the cost of processing a resource based on an operation. Alam paragraph 0003 states that resource is from a set of computer resources. Alam paragraph 0010 defines computer system resources as "Central Processing Unit (CPU) resources, memory resources, hard disk resources, Storage Area Network (SAN) resources, middleware resources, and network resources". Applicant respectfully submits that Fadell relates to power costs of operations and Alam relates to resource utilization where a resource in Alam is defined in a manner that is inconsistent with the term resource as used in the currently amended claims of the present disclosure. Neither describes, suggests, or teaches determining a measure of processing cost for a resource processed in performing an operation. Thus, the combination of Fadell and Alam cannot describe, suggest, or teach claim 5 of the present disclosure.

Applicant believes claim 5 is patentable for at least the reasons set forth for above.

Claims 6, stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Alam and in view of the Examiner's Official Notice. This ground of rejection is respectfully traversed.

With respect to claim 6, the Examiner makes Official Notice that "old and well-known art" at the time of the present invention discloses the measure of human movement is based on at least one of a measure of dispersion of key presses; a pattern and frequency of movement of a tracking device; and a count of at least one of key presses, squeezes, pushes, and pulls; changes between lower case and upper case, a count of numerical digits, and a count of different input devices providing information in response to user input. The Examiner in taking Official Notice states that claim 6 is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Applicant respectfully disagrees. Applicant is unaware of any cost of processing a resource by a hardware component that is based on a measure of dispersion of key presses; a pattern and frequency of movement of a tracking device; and a count of at least one of key presses, squeezes, pushes, and pulls; changes between lower case and upper case, a count of

numerical digits, and/or a count of different input devices providing information in response to user input. The applicant respectfully requests that the Examiner identify at least one such measure known to the Examiner given the Examiner's Official Notice that such a measure is "old and well-known art". If the Examiner is unable to identify one such measure of processing cost, Applicant respectfully submits that a prima facie case of obvious has not been made.

Applicant believes claim 6 is patentable for at least the reasons set forth for above.

Further, claims 5-6, 10, 12, and 15 depend upon claim 1 and are believed to be patentable for at least the reasons set forth for claim 1

Accordingly, for the reasons set forth above, applicant respectfully requests the obviousness rejection for claims 5-6, 10, 12, and 15 be reconsidered and withdrawn.

CONCLUSION

In view of the above, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

The Examiner is respectfully requested to telephone the undersigned inventor at the below-listed number if, after reviewing the above Remarks, the Examiner believes outstanding matters remain that may be resolved without the issuance of a subsequent Official Action.

Further, if outstanding matters remain, the Examiner is reminded that Applicant is a pro se inventor. Applicant respectfully reminds the Examiner that under MPEP 707.07(j) that "When, during the examination of a pro se application it becomes apparent to the examiner that there is patentable subject matter disclosed in the application, the examiner should draft one or more claims for the applicant and indicate in his or her action that such claims would be allowed if incorporated in the application by amendment."

Application No. 12/857,847
Paper filed June 23, 2012
Reply to Office Action mailed April 11, 2012

Docket No. 0125
Page 16 of 16

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with the filing of this paper to Deposit Account No. 50-5171

Respectfully submitted,

/Robert Paul Morris/

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Electronic Acknowledgement Receipt	
EFS ID:	13089638
Application Number:	12857847
International Application Number:	
Confirmation Number:	4733
Title of Invention:	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE
First Named Inventor/Applicant Name:	Robert Paul Morris
Customer Number:	92924
Filer:	Robert Paul Morris
Filer Authorized By:	
Attorney Docket Number:	0125
Receipt Date:	23-JUN-2012
Filing Date:	17-AUG-2010
Time Stamp:	14:33:51
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Fee Worksheet (SB06)	0125-FeeWrkSheet-sb0006.pdf	158508 f9f41128197ef3c747bd8a665e181fac2789b1d8	no	2
Warnings:					
Information:					

2		0125-NF-OA-Resp-1.pdf	212932	yes	16
	36c764d9eb3e94024c5977f6d06fb5d9e4a88c31				
	Multipart Description/PDF files in .zip description				
	Document Description	Start	End		
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1		
	Specification	2	3		
	Claims	4	7		
	Applicant Arguments/Remarks Made in an Amendment	8	16		
Warnings:					
Information:					
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PATENT APPLICATION FEE DETERMINATION RECORD						Application or Docket Number 0125			
Substitute for Form PTO-875									
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				
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A		N/A				
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X =		X =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X =		X =				
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).								
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			N/A		N/A				
			TOTAL		TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2.									
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))	* 20	Minus ** 20	= 0	X 30 = 0	X =	X =		
	Independent (37 CFR 1.16(h))	* 3	Minus *** 3	= 0	X 125 = 0	X =	X =		
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				N/A		N/A		
				TOTAL ADD'L FEE	0	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 =	X =	X =		
	Independent (37 CFR 1.16(h))	*	Minus ***	=	X =	X =	X =		
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				N/A		N/A		
				TOTAL ADD'L FEE	0	TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

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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The information provided by you in this form will be subject to the following routine uses:

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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.
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.

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 12/857,847		Filing Date 08/17/2010		<input type="checkbox"/> To be Mailed		
APPLICATION AS FILED – PART I										
(Column 1)		(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (j), or (m))	N/A	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			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =		OR	X \$ =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =			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 \$250 (\$125 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			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	06/23/2012	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X \$30 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$125 =	0	OR	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))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
AMENDMENT		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 \$ =	
	<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))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/SHARAIN MORELAND/

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.
12/857,847	08/17/2010	Robert Paul Morris	0125	4733
92924	7590	04/11/2012		
OoOT Robert Paul Morris 712 Latta Street Raleigh, NC 27607			EXAMINER JABR, FADEY S	
			ART UNIT 3628	PAPER NUMBER
			NOTIFICATION DATE 04/11/2012	DELIVERY MODE 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):

paul.morris@nc.rr.com
rpmorris@yahoo.com

Office Action Summary	Application No.	Applicant(s)	
	12/857,847	MORRIS, ROBERT PAUL	
	Examiner	Art Unit	
	FADEY JABR	3628	

-- 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 17 August 2010.
- 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.

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).
- 12) ☐ 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

- 13) ☐ 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/17/10</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. 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.

2. Claims **5-6** 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.

As per **Claims 5-6**, the recitations, “wherein the count...” and “wherein the human movement...”, are vague and indefinite. It is unclear to the Office how the claims are further defining the claim from which it depends if a "count of a particular event" or "human movement" are not selected. In other words, if a measure of electrical power was selected from claim 4, the count and human movement would not be considered. Appropriate correction is required in the indicated claims and any subsequent claims.

Claim Rejections - 35 USC § 101

3. 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.

4. Claims **1-18** are rejected under 35 U.S.C. 101 because based upon consideration of all of the relevant factors with respect to the claim as a whole, claim(s) 1-18 held to claim an abstract idea, and is/are therefore rejected as ineligible subject matter under 35 U.S.C. 101. The rationale for this finding is explained below: insufficient recitation of a machine or transformation.

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Involvement of machine, or transformation, with the steps is merely nominally, insignificantly, or tangentially related to the performance of the steps, e.g., data gathering, or merely recites a field in which the method is intended to be applied.

5. To overcome this particular 35 U.S.C. § 101 rejection and assuming the original specification supports such an amendment in accordance with 35 U.S.C. § 112 1st paragraph, Examiner recommends (by way of example only) Applicant amend claim 1 to state " receiving, by a processor, ...determining, by the processor, ...sending, by the processor, ...".

6. Regarding claim **19**, under the broadest reasonable interpretation these claims are directed to a computer program only.

- "Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical 'things.' They are neither computer components nor statutory processes, as they are not 'acts' being performed." MPEP §2106.01 I. Because the claims recite only abstractions that are neither "things" nor "acts," the claims are not within one of the four statutory classes of invention. Because the claims are not within one of the four statutory classes of invention, the claims are rejected under 35 U.S.C. §101.
- "Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and USPTO personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material." MPEP §2106.01 I.

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- "A general purpose computer, or microprocessor, programmed to carry out an algorithm creates 'a new machine, because a general purpose computer in effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software.'" *WMS Gaming, Inc. v. International Game Tech.*, 184 F.3d 1339, 1348, 51 USPQ2d 1385, 1391 (Fed. Cir. 1999) citing *In re Alappat*, 33 F.3d 1526, 1545, 31 USPQ2d 1545, 1558 (Fed. Cir. 1994) (en banc).
- In this case, claim **19** is a system claim directed to a cost advisor component, cost monitor component and a cost presentation component. Because Applicant's specification does not lexicographically define said terms to be hardware, Examiner uses the broadest reasonable interpretation to interpret a determining unit and an accounting requesting unit as software. Thus, Examiner interprets claim 19 as directed to software alone.

7. Claim **20** requires a computer readable store medium, which stores a program. The specification does not set forth what constitutes a computer readable medium, and therefore , in view of the ordinary and customary meaning of computer readable media and in accordance with the broadest reasonable interpretation of the claim, said medium could be directed towards a transitory propagating signal per se and considered to be non-statutory subject matter. See *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) and *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. 101*, Aug 24, 2009, p. 2. Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not

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appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in §101. Please refer to MPEP 2111.01 and the USPTO's "Subject Matter Eligibility of Computer Readable Media" memorandum dated January 26, 2010, http://www.uspto.gov/patents/law/notices/101_crm_20100127.pdf.

Claim Rejections - 35 USC § 102

8. 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.

9. Claims **1-4, 7-9, 11, 13-14, 16-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Fadell, Pub. No. US2010/0010857 A1, hereinafter referred to as Fadell.

As per **Claims 1, 19 and 20**, Fadell discloses a method and system comprising:

- receiving resource information identifying a resource for processing by a hardware component in performing an operation (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9);
- determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9); and

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- sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 2**, Fadell discloses wherein the resource information is received in response to a detected user input at least one of identifying the resource and identifying an operation that includes processing the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 3**, Fadell discloses wherein the measure is determined according to a metric based on at least one of electrical power, electrical energy, stored energy, mechanical resistance, electrical resistance, time, a count of a particular event, money, size, mass, distance, weight, heat, light, and movement (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 4**, Fadell discloses wherein the measure includes at least one of a measure of electrical power, a measure of electrical energy, a measure of stored energy, a measure of mechanical resistance, a measure of electrical resistance, a measure of time, a count of a particular event, a measure of a monetary cost, a measure of heat, a measure of light, a measure of distance, a measure of mass, a measure of size, and a measure of weight (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 7**, Fadell discloses wherein a metric for determining the measure is identified based on at least one of the resource, the operation, the hardware component included in performing the operation, a user, a group, a role, a task, a time, a location, a device for performing the operation, and device for providing the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 8**, Fadell discloses wherein the measure is determined based on a user input for identifying the metric (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 9**, Fadell discloses wherein determining the measure is based on locating a predefined measure based on at least one of the resource and the operation (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 11**, Fadell discloses wherein determining the measure further includes determining whether a specified energy condition is met based on the measure (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 13**, Fadell discloses receiving selection information identifying the resource in response to a detected user input corresponding to the representation of the resource; and presenting a warning indication, in response to receiving the selection information, when the

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energy condition is not met (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 14**, Fadell discloses wherein the indication is included in the representation of the resource (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 16**, Fadell discloses wherein sending the presentation information includes sending a message to a node operatively coupled to the output device (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 17**, Fadell discloses wherein the indication is presented in response to a user input predefined for presenting the indication (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

As per **Claim 18**, Fadell discloses wherein the presentation information is sent in response to a change in at least one of a cost condition and a measure of a processing cost associated with another resource (see at least 0004-0012, 0039-0040, 0062-0064, 0088 also see Figures 1-9).

Claim Rejections - 35 USC § 103

10. 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

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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.

11. Claim **5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Alam, et al., Pub. No. US20080319926 A1, hereinafter referred to as Alam.

As per **Claim 5**, Fadell fails to disclose wherein the count is based on at least one of instruction-processing unit cycles, disk spins, data read operations, data write operations, refreshes of at least a portion of a presentation space, display refreshes, data transmitted via a network, data received via a network, and a measure of human movement. However, Alam teaches CPU resources, as used herein, are defined as CPU capacity (size), quantity (number of CPU's), and CPU clock cycle. Memory resources, as used herein, are defined as total capacity and access time of Random Access Memory (RAM) and total capacity and access time of Read-only Memory (ROM), where total capacity may consist of the sum of the products of the individual capacities and the quantities of each memory device (such as a RAM chip, for example). Applications utilizing memory resources may vary their usage by the length of memory resource access time. Hard disk resources, as used herein, are defined as hard disk capacity (size), quantity (number of hard disks), disk input/output (amount of data transferred), and access time of system hard disks. Network resources, as used herein, are defined as network devices (such as network cards, routers, switches, and the like), network input/output, bandwidth, and packet size and quantity (see at least 0011). It would have been obvious to one of ordinary skill in the art at the time of the invention to include measuring CPU resources and data transmitted as taught by Alam in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed

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the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

12. Claim **6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Alam as applied to claim 1 above, and further in view of Official Notice.

As per **Claim 6**, Fadell fails to disclose wherein the measure of human movement is based on at least one of a measure of dispersion of key presses; a pattern and frequency of movement of a tracking device; and a count of at least one of key presses, squeezes, pushes, and pulls; changes between lower case and upper case, a count of numerical digits, and a count of different input devices providing information in response to user input. However, Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include taking into account employee or human costs when determining a cost of providing a service/resource. It would have been obvious to one of ordinary skill in the art at the time of the invention to include employee/human costs as taught by Official Notice in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

13. Claims **10, 12** and **15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Official Notice.

As per **Claim 10**, Fadell fails to disclose wherein determining the measure includes sending a message via a network to a node for determining the measure; and receiving a response via the network identifying the measure. Fadell does disclose providing a user with an alert such as a pop-up to a user. Further, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include providing notifications over the Internet. It would have been obvious to one of ordinary skill in the art at the time of the invention to include sending messages over the Internet as taught by Official Notice in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 12**, Fadell fails to disclose wherein the representation of the resource is user selectable when the energy condition is met and is not user selectable when the energy condition is not met. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include selectable and grayed-out non-selectable option icons on a computer display. Further, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include providing notifications over the Internet. It would have been obvious to one of ordinary skill in the art at the time of the invention to include selectable and grayed-out non-selectable option icons as taught by Official Notice in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed

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the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 15**, Fadell fails to disclose presenting the representation of the resource in a plurality of representations of resources according to an order based on a metric the measure represents. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the applicant's invention to include sorting resources or processes by various metrics such as cost, CPU usage, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to include sorting according to various metrics as taught by Official Notice in the system of Fadell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FADEY JABR whose telephone number is (571)272-1516. The examiner can normally be reached on Mon. - Fri. 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. 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.

Fadey S Jabr
Primary Examiner
Art Unit 3628

/Fadey S Jabr/
Primary Examiner, Art Unit 3628

Notice of References Cited	Application/Control No. 12/857,847	Applicant(s)/Patent Under Reexamination MORRIS, ROBERT PAUL	
	Examiner FADEY JABR	Art Unit 3628	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2002/0166117 A1	11-2002	Abrams et al.	717/177
*	B	US-2004/0174823 A1	09-2004	Steele et al.	370/252
*	C	US-2005/0060163 A1	03-2005	Barsness et al.	705/001
*	D	US-2006/0020573 A1	01-2006	Galindo-Legaria et al.	707/001
*	E	US-2007/0074174 A1	03-2007	Thornton, Barry W.	717/127
*	F	US-2008/0319926 A1	12-2008	Alam et al.	705/400
*	G	US-2010/0010857 A1	01-2010	Fadell, Anthony	705/8
*	H	US-2010/0293163 A1	11-2010	McLachlan et al.	707/736
*	I	US-2010/0332262 A1	12-2010	Horvitz et al.	705/4
*	J	US-2011/0015802 A1	01-2011	Imes, Kevin R.	700/300
*	K	US-2011/0072293 A1	03-2011	Mazzaferri et al.	713/340
*	L	US-2012/0016721 A1	01-2012	Weinman, Joseph	705/7.35
	M	US-			


FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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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.

Search Notes 	Application/Control No. 12857847	Applicant(s)/Patent Under Reexamination MORRIS, ROBERT PAUL
	Examiner FADEY JABR	Art Unit 3628

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Search, see attached	4/4/12	FSJ
EIC Plus Search, see attached		

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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Receipt date: 08/17/2010

12857847 - GALL:3628

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		2010-08-17
	First Named Inventor	Robert Paul Morris	
	Art Unit		
	Examiner Name		
	Attorney Docket Number		0125

U.S.PATENTS							Remove	
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1	7242920	B2	2007-07-10	Morris			
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	1	20100157821	A1	2010-06-24	Morris			
	2	20080263375	A1	2008-10-23	Sundstrom			
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Receipt date: 08/17/2010		Application Number	12857847 - GAU: 3628	
			Filing Date	2010-08-17	
			First Named Inventor	Robert Paul Morris	
			Art Unit		
			Examiner Name		
			Attorney Docket Number	0125	

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 ⁵
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EXAMINER SIGNATURE

Examiner Signature	/Fadey Jabr/ (04/03/2012)	Date Considered	
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*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.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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S14	96	((determin\$5 near3 metric with (resource)) and ((distributed near2 computing) or (cloud near2 computing))	US-PGPUB; USPAT	OR	ON	2012/04/03 16:39
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		and ((distributed near2 computing) or (cloud near2 computing))				
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CONFIRMATION NO. 4733

SERIAL NUMBER 12/857,847	FILING or 371(c) DATE 08/17/2010 RULE	CLASS 705	GROUP ART UNIT 3628	ATTORNEY DOCKET NO. 0125		
APPLICANTS Robert Paul Morris, Raleigh, NC; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 08/27/2010						
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 Verified and /FADEY S JABR/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY NC	SHEETS DRAWINGS 9	TOTAL CLAIMS 20	INDEPENDENT CLAIMS 3
ADDRESS OoOT Robert Paul Morris 712 Latta Street Raleigh, NC 27607 UNITED STATES						
TITLE METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE						
FILING FEE RECEIVED 462	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			

<i>Index of Claims</i> 	Application/Control No. 12857847	Applicant(s)/Patent Under Reexamination MORRIS, ROBERT PAUL
	Examiner FADEY JABR	Art Unit 3628

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant											<input type="checkbox"/> CPA											<input type="checkbox"/> T.D.											<input type="checkbox"/> R.1.47										
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PLUS Search Results for S/N 12857847, Searched Mon Apr 02 15:21:53 EDT 2012
 The Patent Linguistics Utility System (PLUS) is a USPTO automated search system for U.S. Patents from 1971 to the present PLUS is a query-by-example search system which produces a list of patents that are most closely related linguistically to the application searched. This search was prepared by the staff of the Scientific and Technical Information Center, SIRA.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/857,847	08/17/2010	Robert Paul Morris	0125

CONFIRMATION NO. 4733

PUBLICATION NOTICE

92924
Robert Paul Morris
712 Latta Street
Raleigh, NC 27607



OC000000052738158

Title:METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE

Publication No.US-2012-0047092-A1

Publication Date:02/23/2012

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/857,847	08/17/2010	2447	462	0125	20	3

CONFIRMATION NO. 4733

92924

Robert Paul Morris
712 Latta Street
Raleigh, NC 27607

FILING RECEIPT



0000000043250012

Date Mailed: 08/30/2010

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**

Applicant(s)

Robert Paul Morris, Raleigh, NC;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/27/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/857,847**

Projected Publication Date: 02/23/2012

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE

Preliminary Class

709

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		2010-08-17
	First Named Inventor	Robert Paul Morris	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	0125	

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	First Named Inventor	Robert Paul Morris	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	0125	

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 ⁵
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	Filing Date		2010-08-17
	First Named Inventor	Robert Paul Morris	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	0125	

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☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

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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	/Robert Paul Morris/	Date (YYYY-MM-DD)	2010-08-17
Name/Print	Robert Paul Morris	Registration Number	

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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.
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				
Application Number:				
Filing Date:				
Title of Invention:		METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE		
First Named Inventor/Applicant Name:		Robert Paul Morris		
Filer:		Robert Paul Morris		
Attorney Docket Number:		0125		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				462

Electronic Acknowledgement Receipt	
EFS ID:	8233657
Application Number:	12857847
International Application Number:	
Confirmation Number:	4733
Title of Invention:	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE
First Named Inventor/Applicant Name:	Robert Paul Morris
Customer Number:	92924
Filer:	Robert Paul Morris
Filer Authorized By:	
Attorney Docket Number:	0125
Receipt Date:	17-AUG-2010
Filing Date:	
Time Stamp:	14:23:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$462
RAM confirmation Number	702
Deposit Account	505171
Authorized User	MORRIS,ROBERT PAUL
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)</p>	

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File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Abstract	0125-Abstract.pdf	30068	no	1
			5c07d7b37761745f5d2b457ae27de1dc9ab2e08b		
Warnings:					
Information:					
2	Application Data Sheet	0125-ADS.pdf	1364642	no	4
			7eb718c200b16c378cd6dde4d412cd7e7b10b679		
Warnings:					
Information:					
3	Claims	0125-Claims.pdf	50859	no	5
			be430c4e2cc8ef1e3c6792d15c3e292ad5d050cd		
Warnings:					
Information:					
4	Drawings-only black and white line drawings	0125-Drawings.pdf	76856	no	9
			133432468775339eab7fab6ae97775389f3a1fb2a		
Warnings:					
Information:					
5	Oath or Declaration filed	0125-Oath.pdf	545172	no	2
			c8ff690a67feedf54999bd80d983ea9893678ac0		
Warnings:					
Information:					
6	Specification	0125-Specification.pdf	153566	no	52
			082a6dfefb255a0cfb613bed7d3968323f2253f18		
Warnings:					
Information:					
7	Information Disclosure Statement (IDS) Filed (SB/08)	0125-US_IDS_Form__SB_08a.pdf	611671	no	4
			4cbd9e238f3fbbd71fbb0b62815fc1c4ea508357		
Warnings:					
Information:					
8	Fee Worksheet (PTO-875)	fee-info.pdf	32997	no	2
			19b187db9042463c68fbd4d378d55c00e2a0b85b1		
Warnings:					

Information:	
Total Files Size (in bytes):	2865831
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ABSTRACT

Methods and systems are described for presenting an indication of a cost of processing a resource. Resource information is received that identifies a resource for processing by a hardware component in performing an operation. A measure of a processing cost is determined for the resource based on the operation, to provide an indication of a cost for processing the resource. Presentation information, based on the measure, is sent to present, via an output device, the indication corresponding to a user detectable representation of the resource.

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	0125
		Application Number	
Title of Invention	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE		
<p>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.</p>			

Secrecy Order 37 CFR 5.2

☐ 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.)

Applicant Information:

Applicant 1					Remove
Applicant Authority		<input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117	
				<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Robert	Paul	Morris		
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	Raleigh	State/Province	NC	Country of Residence i	US
Citizenship under 37 CFR 1.41(b) i		US			
Mailing Address of Applicant:					
Address 1	712 Latta Street				
Address 2					
City	Raleigh	State/Province	NC		
Postal Code	27607	Country i	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					
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<input type="checkbox"/> An Address is being provided for the correspondence Information of this application.			
Customer Number	92924		
Email Address	paul.morris@nc.rr.com	Add Email	Remove Email

Application Information:

Title of the Invention	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE		
Attorney Docket Number	0125	Small Entity Status Claimed	<input checked="" 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)	9	Suggested Figure for Publication (if any)	

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	0125
		Application Number	
Title of Invention	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE		

Publication Information:

<input type="checkbox"/>	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
<input type="checkbox"/>	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). Enter either 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	92924		

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(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			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).			
			Remove
Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			<input checked="" type="radio"/> Yes <input type="radio"/> No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			Add

Assignee Information:

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Assignee 1	Remove

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	0125
		Application Number	
Title of Invention	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE		

If the Assignee is an Organization check here. <input type="checkbox"/>				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information:				
Address 1				
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Email Address				
Additional Assignee Data may be generated within this form by selecting the Add button.				<input type="button" value="Add"/>

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.				
Signature	/Robert Paul Morris/		Date (YYYY-MM-DD)	2010-08-17
First Name	Robert	Last Name	Morris	Registration Number

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.**

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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.
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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.

I CLAIM:

1. A method for presenting an indication of a cost of processing a resource, the method comprising:

receiving resource information identifying a resource for processing by a hardware component in performing an operation;

determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource; and

sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource.

2. The method of claim 1 wherein the resource information is received in response to a detected user input at least one of identifying the resource and identifying an operation that includes processing the resource.

3. The method of claim 1 wherein the measure is determined according to a metric based on at least one of electrical power, electrical energy, stored energy, mechanical resistance, electrical resistance, time, a count of a particular event, money, size, mass, distance, weight, heat, light, and movement.

4. The method of claim 1 wherein the measure includes at least one of a measure of electrical power, a measure of electrical energy, a measure of stored energy, a measure of mechanical resistance, a measure of electrical resistance, a measure of time, a count of a particular event, a measure of a monetary cost, a

measure of heat, a measure of light, a measure of distance, a measure of mass, a measure of size, and a measure of weight.

5. The method of claim 4 wherein the count is based on at least one of instruction-processing unit cycles, disk spins, data read operations, data write operations, refreshes of at least a portion of a presentation space, display refreshes, data transmitted via a network, data received via a network, and a measure of human movement.

6. The method of claim 5 wherein the measure of human movement is based on at least one of a measure of dispersion of key presses; a pattern and frequency of movement of a tracking device; and a count of at least one of key presses, squeezes, pushes, and pulls; changes between lower case and upper case, a count of numerical digits, and a count of different input devices providing information in response to user input.

7. The method of claim 1 wherein a metric for determining the measure is identified based on at least one of the resource, the operation, the hardware component included in performing the operation, a user, a group, a role, a task, a time, a location, a device for performing the operation, and device for providing the resource.

8. The method of claim 7 wherein the measure is determined based on a user input for identifying the metric.

9. The method of claim 1 wherein determining the measure is based on locating a predefined measure based on at least one of the resource and the operation.

10. The method of claim 1 wherein determining the measure includes sending a message via a network to a node for determining the measure; and receiving a response via the network identifying the measure.

11. The method of claim 1 wherein determining the measure further includes determining whether a specified energy condition is met based on the measure.

12. The method of claim 11 wherein the representation of the resource is user selectable when the energy condition is met and is not user selectable when the energy condition is not met.

13. The method of claim 11 further comprising:
receiving selection information identifying the resource in response to a detected user input corresponding to the representation of the resource; and
presenting a warning indication, in response to receiving the selection information, when the energy condition is not met.

14. The method of claim 1 wherein the indication is included in the representation of the resource.

15. The method of claim 1 further comprises presenting the representation of the resource in a plurality of representations of resources according to an order based on a metric the measure represents.

16. The method of claim 1 wherein sending the presentation information includes sending a message to a node operatively coupled to the output device.

17. The method of claim 1 wherein the indication is presented in response to a user input predefined for presenting the indication.

18. The method of claim 1 wherein the presentation information is sent in response to a change in at least one of a cost condition and a measure of a processing cost associated with another resource.

19. A system for presenting an indication of a cost of processing a resource, the system comprising:

a cost advisor component, a cost monitor component, and a cost presentation component adapted for operation in an execution environment;

the cost advisor component configured for receiving resource information identifying a resource for processing by a hardware component in performing an operation;

the cost monitor component configured for determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource; and

the cost presentation component configured for sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource.

20. A computer-readable medium embodying a computer program, executable by a machine, for presenting an indication of a cost of processing a resource, the computer program comprising executable instructions for:

receiving resource information identifying a resource for processing by a hardware component in performing an operation;

determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource; and

sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource.

+

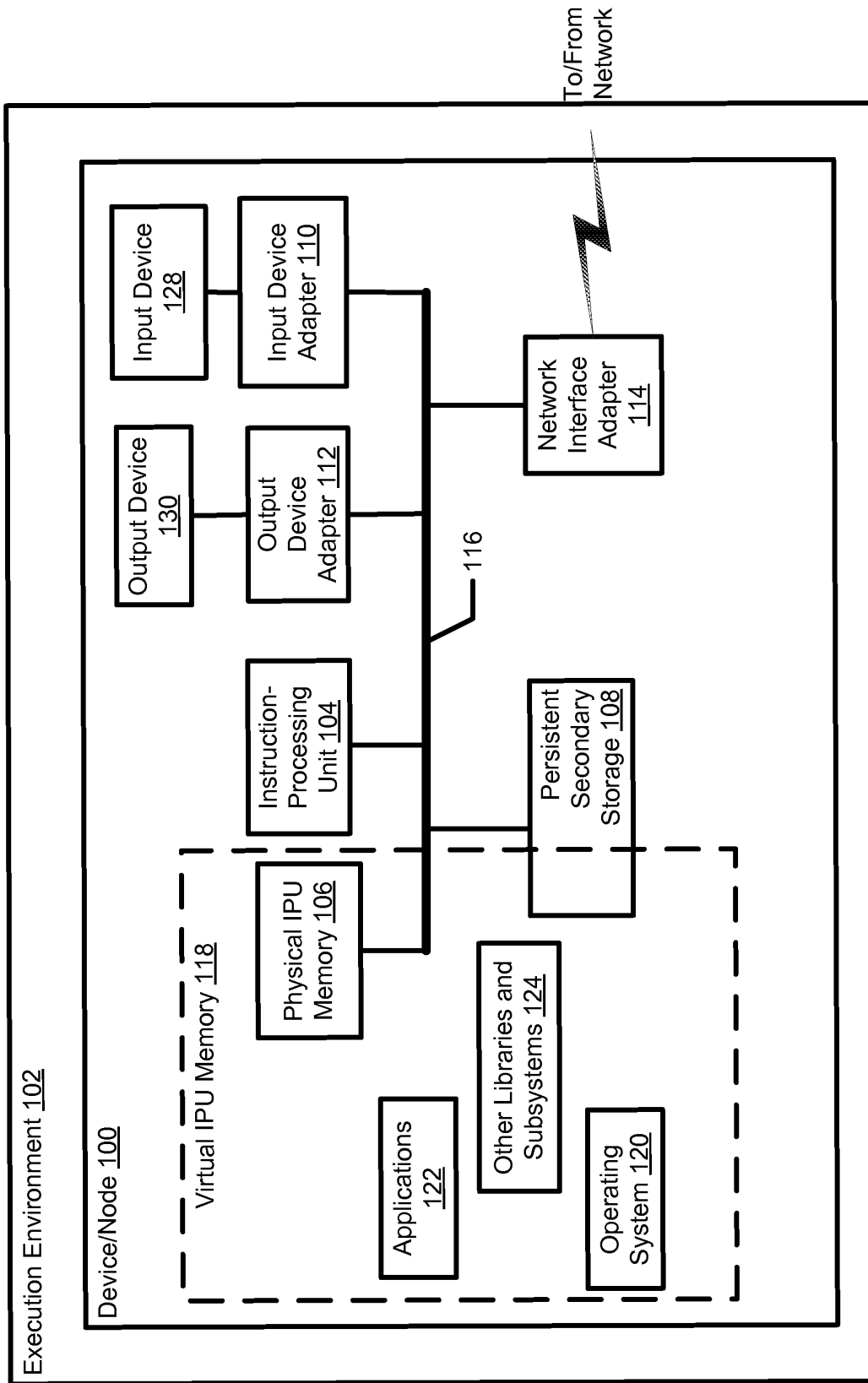


Fig. 1

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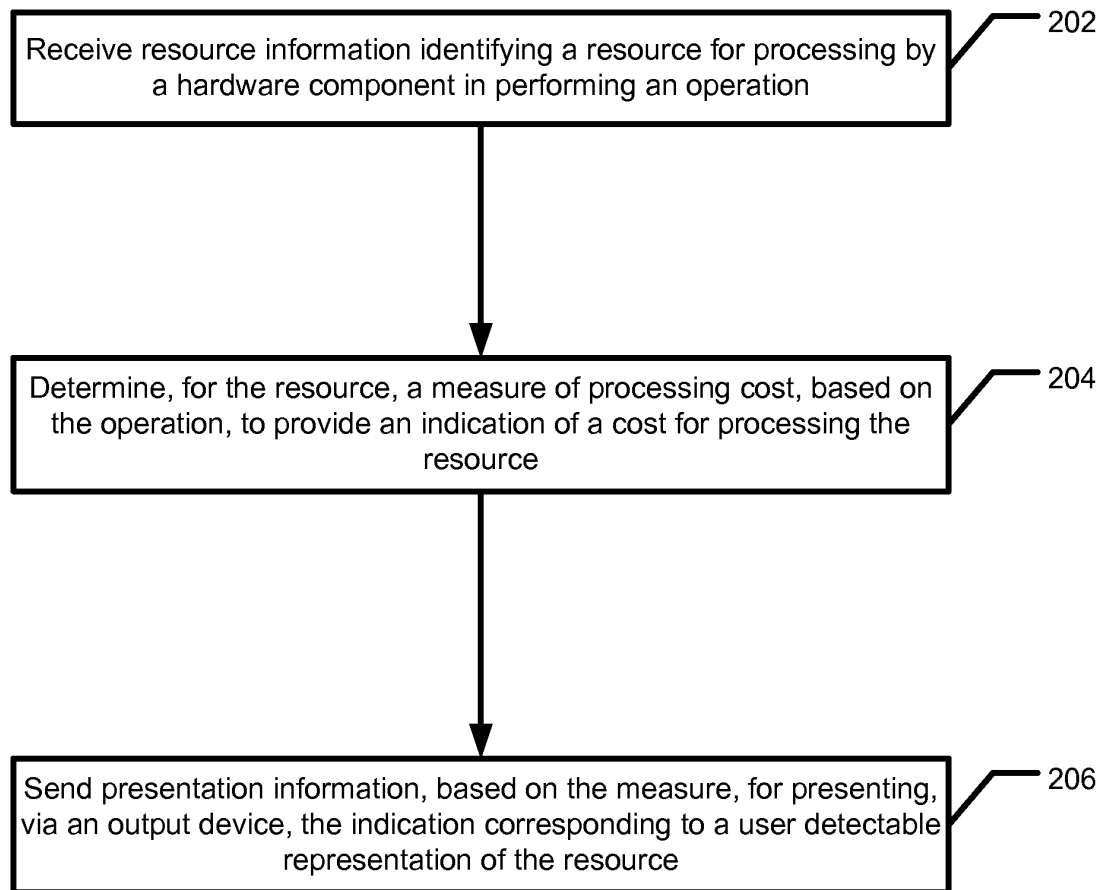


Fig. 2

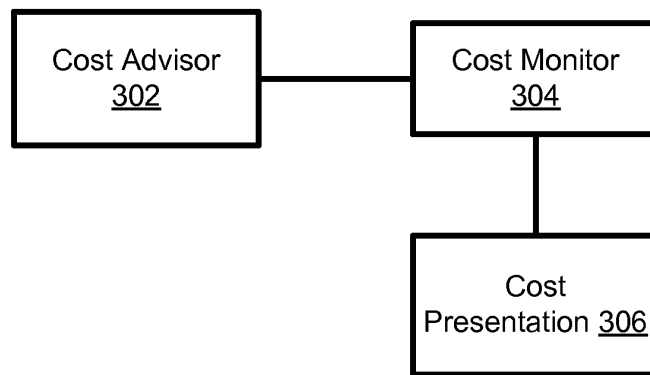


Fig. 3

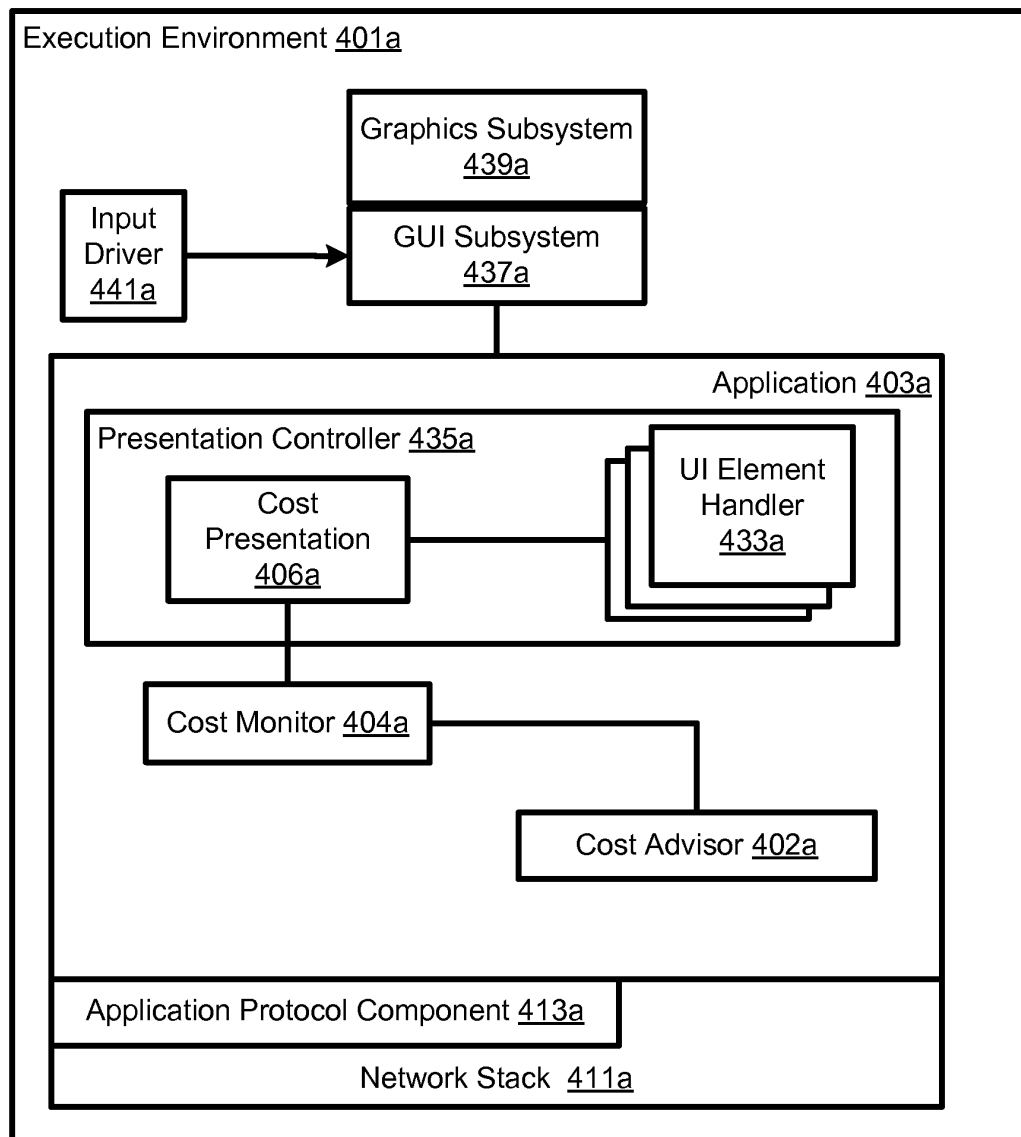


Fig. 4a

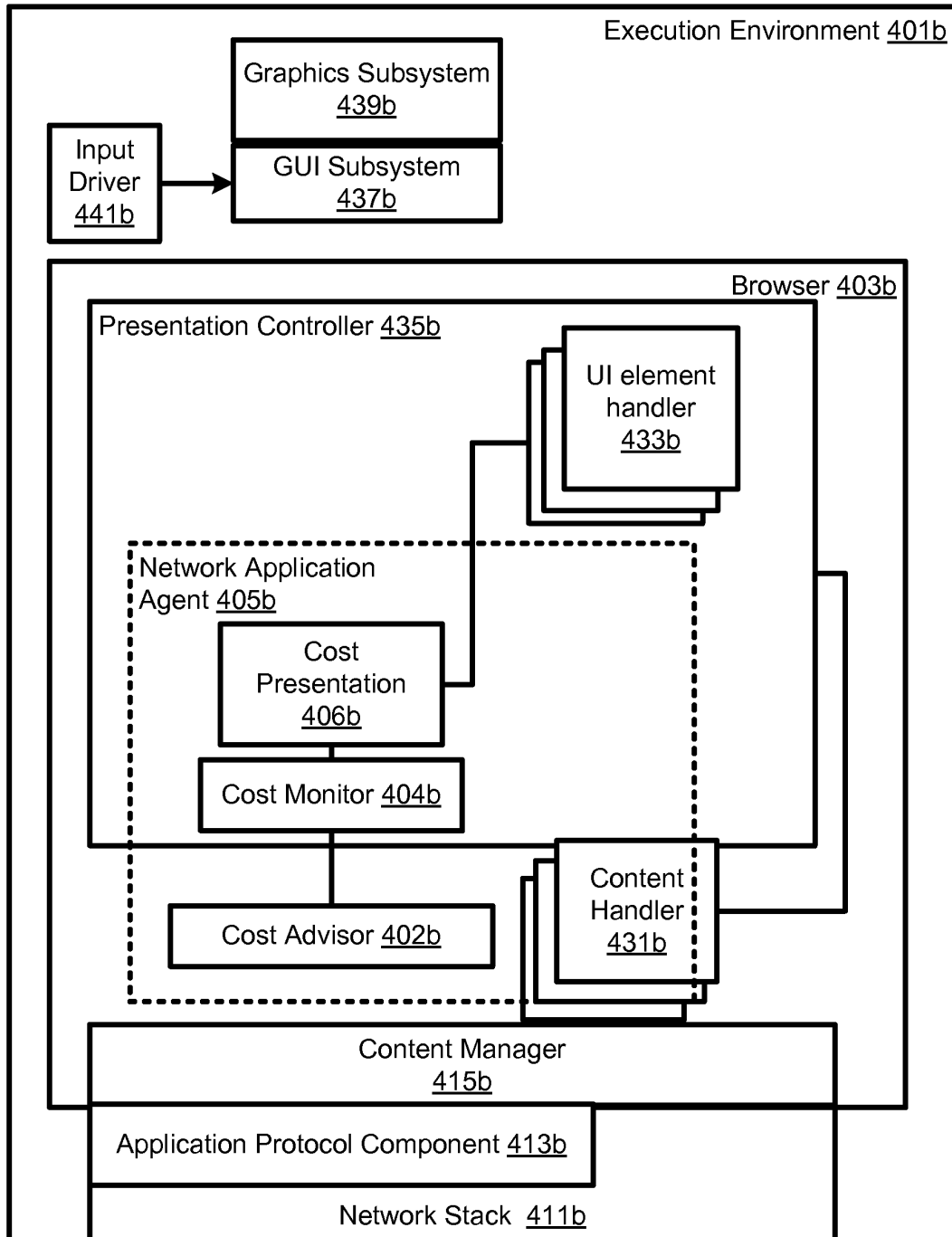


Fig. 4b

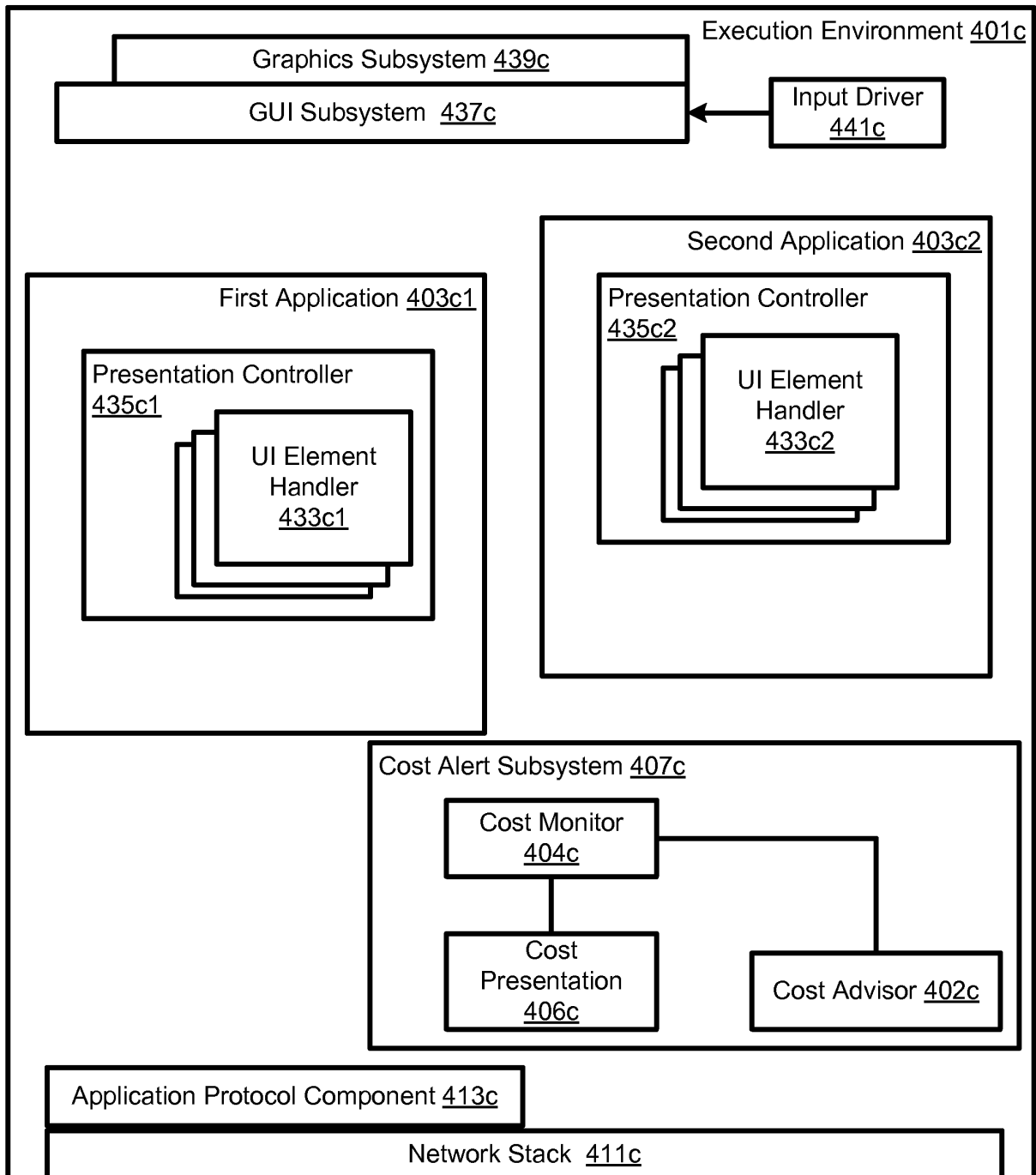


Fig. 4c

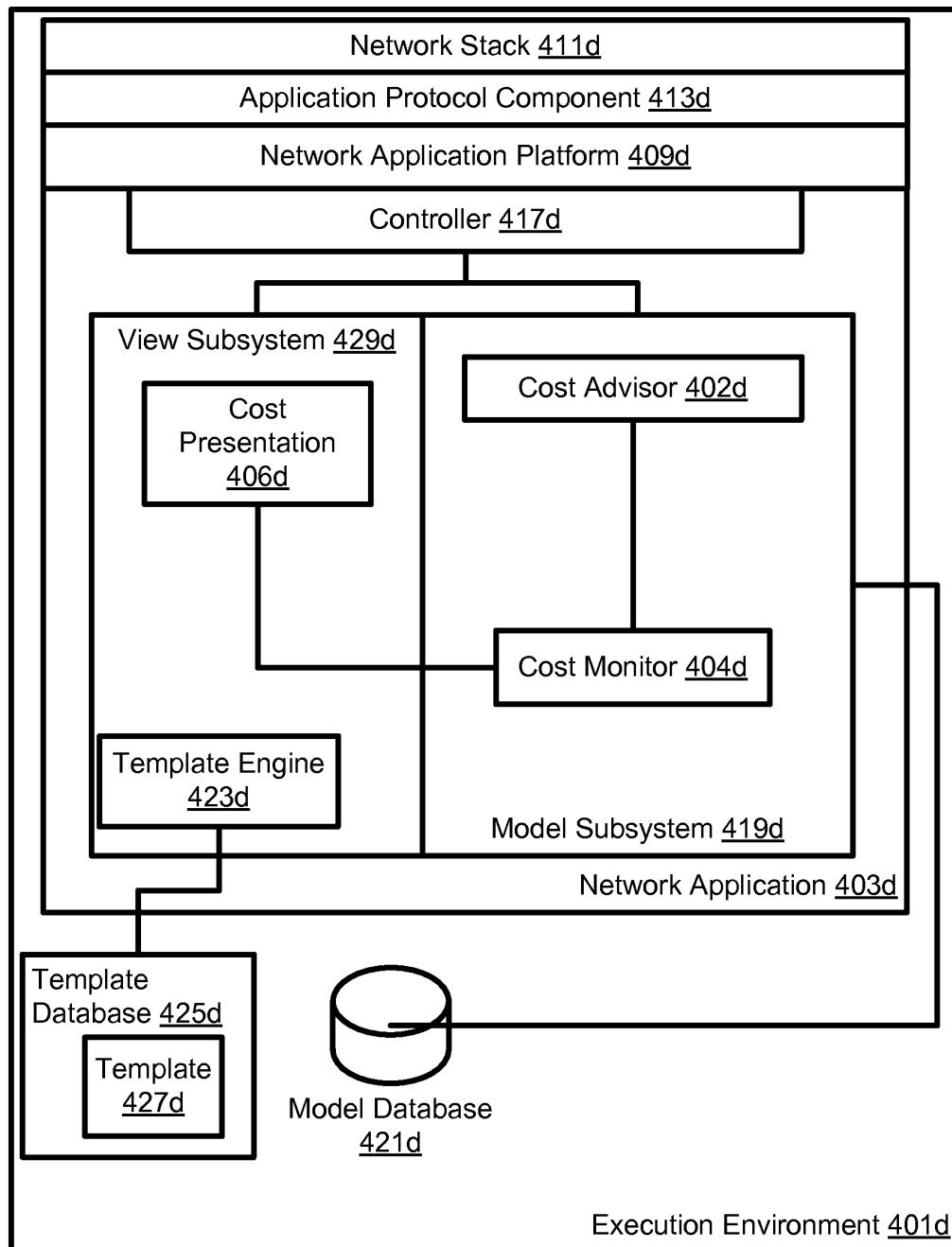


Fig. 4d

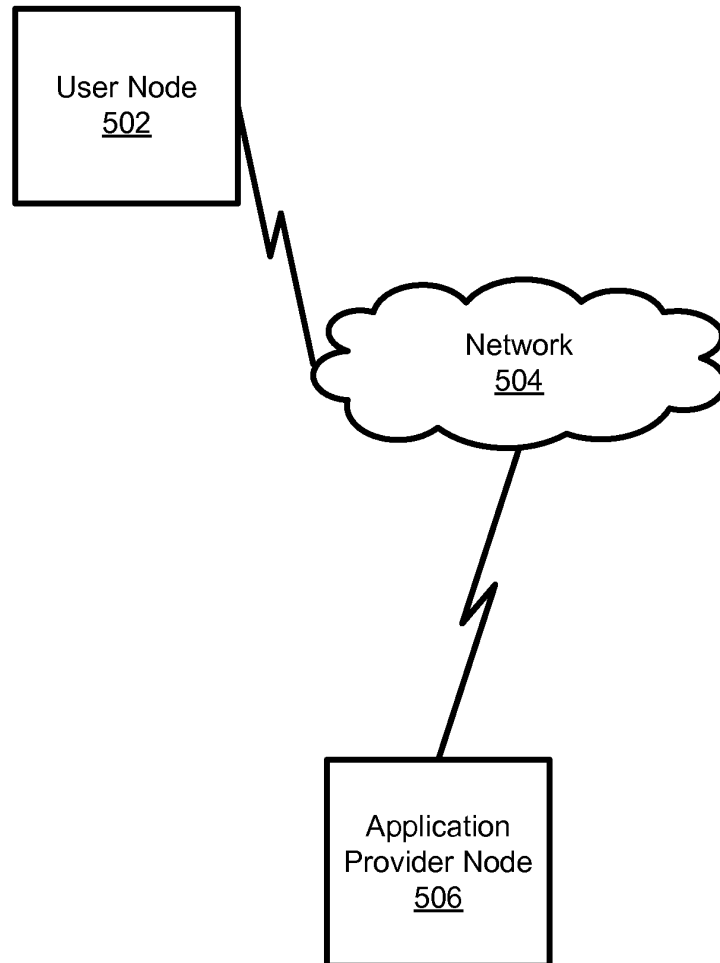


Fig. 5

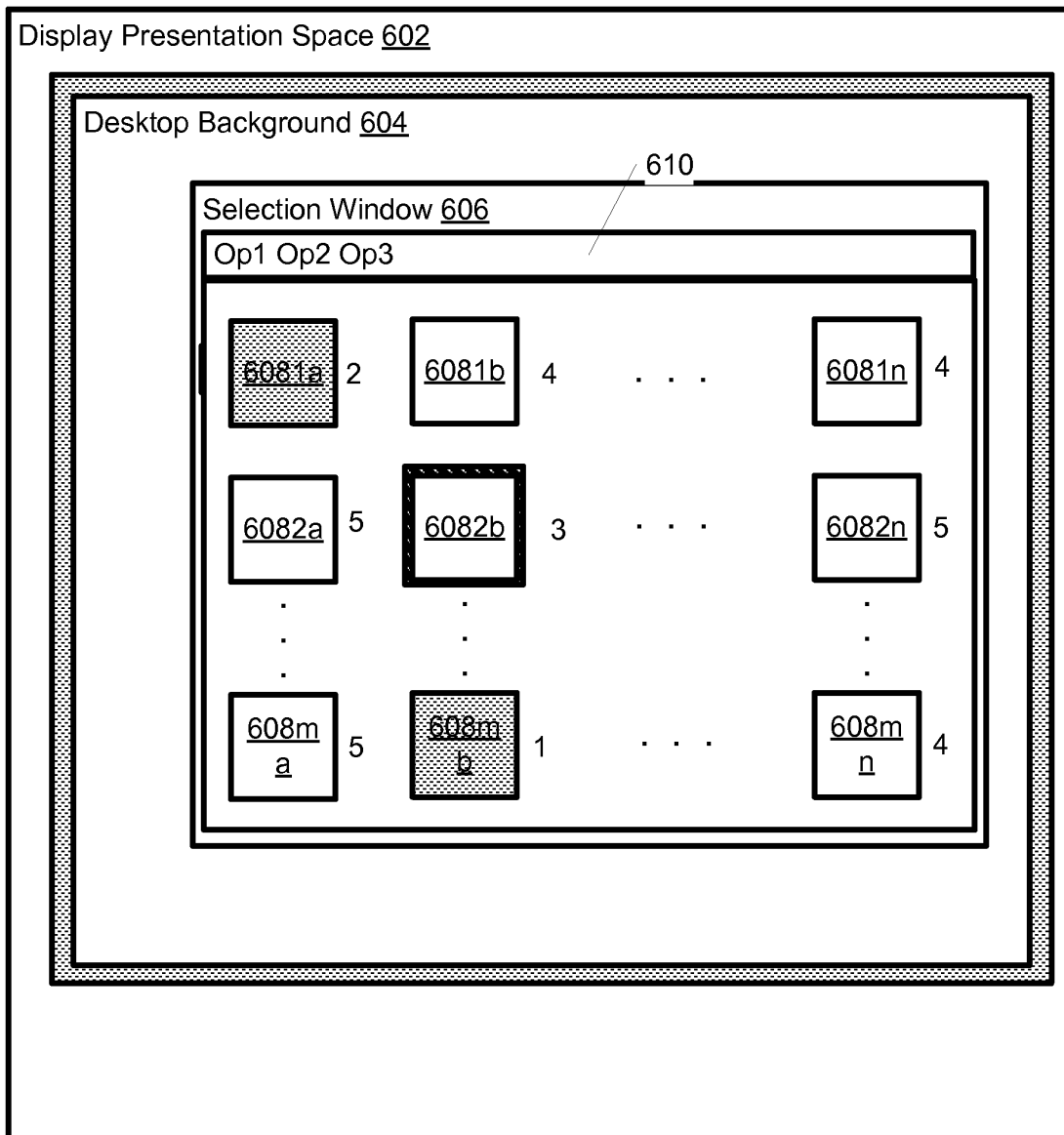


Fig. 6

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

Title of Invention	METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE
<p>As the below named inventor(s), I/we declare that:</p> <p>This declaration is directed to:</p> <p><input checked="" type="checkbox"/> The attached application, or</p> <p><input type="checkbox"/> Application No. _____ filed on _____</p> <p><input type="checkbox"/> As amended on _____ (if applicable);</p> <p>I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;</p> <p>I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;</p> <p>I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.</p> <p style="text-align: center;">WARNING:</p> <p>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.</p> <p>All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.</p>	
FULL NAME OF INVENTOR(S)	
Inventor one: <u>Robert Paul Morris</u> Date: <u>2010/08/17</u>	
Signature: <u>/Robert Paul Morris/</u> Citizen of: <u>US</u>	
Inventor two: _____ Date: _____	
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METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR PRESENTING AN INDICATION OF A COST OF PROCESSING A RESOURCE

RELATED APPLICATIONS

[0001] This application is related to the following commonly owned U.S. Patent Applications, the entire disclosure of each being incorporated by reference herein: Application No. ___/___,___ (Docket No 0137) filed on 2010/08/17, entitled “Methods, Systems, and Program Products for Selecting a Resource in Response to a Change in Available Energy”;

[0002] Application No. ___/___,___ (Docket No 0162) filed on 2010/08/17, entitled “Methods, Systems, and Program Products for Selecting a Resource Based on a Measure of a Processing Cost”; and

[0003] Application No. ___/___,___ (Docket No 0123) filed on 2010/08/17, entitled “Methods, Systems, and Program Products for Maintaining a Resource Based on a Cost of Energy”.

BACKGROUND

[0004] Many current computing devices are capable of adjusting to changes in levels of power received from and/or energy available in batteries. A number of devices are capable of adjusting to a switch between receiving energy from a battery and receiving energy from a power outlet. These changes are restricted to adjusting parameters for

particular components, such as the brightness level of a display, or simply turning a feature on or off.

[0005] Current devices do not give consideration to the effects that processing of particular resources such as files, images, and videos have on energy management. In particular, current systems give no consideration to relative differences in energy utilization of various alternative resources including services provided by software and/or hardware components in energy management. Current devices and systems provide the alternative of operating a feature or not.

[0006] Accordingly, there exists a need for methods, systems, and computer program products for presenting an indication of a cost of processing a resource.

SUMMARY

[0007] The following presents a simplified summary of the disclosure in order to provide a basic understanding to the reader. This summary is not an extensive overview of the disclosure, and it does not identify key/critical elements of the invention or delineate the scope of the invention. Its sole purpose is to present some concepts disclosed herein in a simplified form as a prelude to the more detailed description that is presented later.

[0008] Methods and systems are described for presenting an indication of a cost of processing a resource. In one aspect, the method includes receiving resource information identifying a resource for processing by a hardware component in performing an operation. The method further includes determining, for the resource, a

measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource. The method still further includes sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource.

[0009] Further, a system for presenting an indication of a cost of processing a resource is described. The system includes a cost advisor component, a cost monitor component, and a cost presentation component adapted for operation in an execution environment. The system includes the cost advisor component configured for receiving resource information identifying a resource for processing by a hardware component in performing an operation. The system further includes the cost monitor component configured for determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource. The system still further includes the cost presentation component configured for sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource.

BRIEF DESCRIPTION OF THE DRAWINGS

[0010] Objects and advantages of the present invention will become apparent to those skilled in the art upon reading this description in conjunction with the accompanying drawings, in which like reference numerals have been used to designate like or analogous elements, and in which:

[0011] Fig. 1 is a block diagram illustrating an exemplary hardware device included in and/or otherwise providing an execution environment in which the subject matter may be implemented;

[0012] Fig. 2 is a flow diagram illustrating a method for presenting an indication of a cost of processing a resource according to an aspect of the subject matter described herein;

[0013] Fig. 3 is a block diagram illustrating an arrangement of components for presenting an indication of a cost of processing a resource according to another aspect of the subject matter described herein;

[0014] Fig. 4a is a block diagram illustrating an arrangement of components for presenting an indication of a cost of processing a resource according to another aspect of the subject matter described herein;

[0015] Fig. 4b is a block diagram illustrating an arrangement of components for presenting an indication of a cost of processing a resource according to another aspect of the subject matter described herein;

[0016] Fig. 4c is a block diagram illustrating an arrangement of components for presenting an indication of a cost of processing a resource according to another aspect of the subject matter described herein;

[0017] Fig. 4d is a block diagram illustrating an arrangement of components for presenting an indication of a cost of processing a resource according to another aspect of the subject matter described herein;

[0018] Fig. 5 is a network diagram illustrating an exemplary system for presenting an indication of a cost of processing a resource according to another aspect of the subject matter described herein; and

[0019] Fig. 6 is a diagram illustrating a user interface presented via a display according to another aspect of the subject matter described herein.

DETAILED DESCRIPTION

[0020] One or more aspects of the disclosure are described with reference to the drawings, wherein like reference numerals are generally utilized to refer to like elements throughout, and wherein the various structures are not necessarily drawn to scale. In the following description, for purposes of explanation, numerous specific details are set forth in order to provide a thorough understanding of one or more aspects of the disclosure. It may be evident, however, to one skilled in the art, that one or more aspects of the disclosure may be practiced with a lesser degree of these specific details. In other instances, well-known structures and devices are shown in block diagram form in order to facilitate describing one or more aspects of the disclosure.

[0021] An exemplary device included in an execution environment that may be configured according to the subject matter is illustrated in Fig. 1. An execution environment includes an arrangement of hardware and, optionally, software that may be further configured to include an arrangement of components for performing a method of the subject matter described herein. An execution environment includes and/or is otherwise provided by one or more devices. An execution environment may include a

virtual execution environment including software components operating in a host execution environment. Exemplary devices included in or otherwise providing suitable execution environments for configuring according to the subject matter include personal computers, notebook computers, tablet computers, servers, handheld and other mobile devices, multiprocessor devices, distributed devices, consumer electronic devices, routers, communication servers, and/or other network-enabled devices. Those skilled in the art will understand that the components illustrated in Fig. 1 are exemplary and may vary by particular execution environment.

[0022] Fig. 1 illustrates hardware device **100** included in execution environment **102**. Fig. 1 illustrates that execution environment **102** includes instruction-processing unit (IPU) **104**, such as one or more microprocessors; physical IPU memory **106** including storage locations identified by addresses in a physical memory address space of IPU **104**; persistent secondary storage **108**, such as one or more hard drives and/or flash storage media; input device adapter **110**, such as a key or keypad hardware, a keyboard adapter, and/or a mouse adapter; output device adapter **112**, such as a display and/or an audio adapter for presenting information to a user; a network interface component, illustrated by network interface adapter **114**, for communicating via a network such as a LAN and/or WAN; and a communication mechanism that couples elements **104-114**, illustrated as bus **116**. Elements **104-114** may be operatively coupled by various means. Bus **116** may comprise any type of bus architecture, including a memory bus, a peripheral bus, a local bus, and/or a switching fabric.

[0023] IPU **104** is an instruction execution machine, apparatus, or device. Exemplary IPU's include one or more microprocessors, digital signal processors (DSPs), graphics processing units, application-specific integrated circuits (ASICs), and/or field programmable gate arrays (FPGAs). In the description of the subject matter herein, the terms "IPU" and "processor" are used interchangeably. IPU **104** may access machine code instructions and data via one or more memory address spaces in addition to the physical memory address space. A memory address space includes addresses identifying locations in a processor memory. The addresses in a memory address space are included in defining a processor memory. IPU **104** may have more than one processor memory. Thus, IPU **104** may have more than one memory address space. IPU **104** may access a location in a processor memory by processing an address identifying the location. The processed address may be in an operand of a machine code instruction and/or may be identified in a register or other portion of IPU **104**.

[0024] Fig. 1 illustrates virtual IPU memory **118** spanning at least part of physical IPU memory **106** and at least part of persistent secondary storage **108**. Virtual memory addresses in a memory address space may be mapped to physical memory addresses identifying locations in physical IPU memory **106**. An address space for identifying locations in a virtual processor memory is referred to as a virtual memory address space; its addresses are referred to as virtual memory addresses; and its IPU memory is referred to as a virtual IPU memory or virtual memory. The terms "IPU memory" and "processor memory" are used interchangeably herein. Processor memory may refer to physical processor memory, such as IPU memory **106**, and/or may refer to virtual

processor memory, such as virtual IPU memory **118**, depending on the context in which the term is used.

[0025] Physical IPU memory **106** may include various types of memory technologies. Exemplary memory technologies include static random access memory (SRAM) and/or dynamic RAM (DRAM) including variants such as dual data rate synchronous DRAM (DDR SDRAM), error correcting code synchronous DRAM (ECC SDRAM), and/or RAMBUS DRAM (RDRAM). Physical IPU memory **106** may include volatile memory as illustrated in the previous sentence and/or may include nonvolatile memory such as nonvolatile flash RAM (NVRAM) and/or ROM.

[0026] Persistent secondary storage **108** may include one or more flash memory storage devices, one or more hard disk drives, one or more magnetic disk drives, and/or one or more optical disk drives. Persistent secondary storage may include removable media. The drives and their associated computer readable storage media provide volatile and/or nonvolatile storage for computer readable instructions, data structures, program components, and other data for execution environment **102**.

[0027] Execution environment **102** may include software components stored in persistent secondary storage **108**, in remote storage accessible via a network, and/or in a processor memory. Fig. 1 illustrates execution environment **102** including operating system **120**, one or more applications **122**, and other program code and/or data components illustrated by other libraries and subsystems **124**. In an aspect, some or all software components may be stored in locations accessible to IPU **104** in a shared memory address space shared by the software components. The software components

accessed via the shared memory address space are stored in a shared processor memory defined by the shared memory address space. In another aspect, a first software component may be stored in one or more locations accessed by IPU **104** in a first address space and a second software component may be stored in one or more locations accessed by IPU **104** in a second address space. The first software component is stored in a first processor memory defined by the first address space and the second software component is stored in a second processor memory defined by the second address space.

[0028] Software components typically include instructions executed by IPU **104** in a computing context referred to as a “process”. A process may include one or more “threads”. A “thread” includes a sequence of instructions executed by IPU **104** in a computing sub-context of a process. The terms “thread” and “process” may be used interchangeably herein when a process includes only one thread.

[0029] Execution environment **102** may receive user-provided information via one or more input devices illustrated by input device **128**. Input device **128** provides input information to other components in execution environment **102** via input device adapter **110**. Execution environment **102** may include an input device adapter for a keyboard, a touch screen, a microphone, a joystick, a television receiver, a video camera, a still camera, a document scanner, a fax, a phone, a modem, a network interface adapter, and/or a pointing device, to name a few exemplary input devices.

[0030] Input device **128** included in execution environment **102** may be included in device **100** as Fig. 1 illustrates or may be external (not shown) to device **100**. Execution

environment **102** may include one or more internal and/or external input devices. External input devices may be connected to device **100** via corresponding communication interfaces such as a serial port, a parallel port, and/or a universal serial bus (USB) port. Input device adapter **110** receives input and provides a representation to bus **116** to be received by IPU **104**, physical IPU memory **106**, and/or other components included in execution environment **102**.

[0031] Output device **130** in Fig. 1 exemplifies one or more output devices that may be included in and/or may be external to and operatively coupled to device **100**. For example, output device **130** is illustrated connected to bus **116** via output device adapter **112**. Output device **130** may be a display device. Exemplary display devices include liquid crystal displays (LCDs), light emitting diode (LED) displays, and projectors. Output device **130** presents output of execution environment **102** to one or more users. In some embodiments, an input device may also include an output device. Examples include a phone, a joystick, and/or a touch screen. In addition to various types of display devices, exemplary output devices include printers, speakers, tactile output devices such as motion producing devices, and other output devices producing sensory information detectable by a user.

[0032] A device included in or otherwise providing an execution environment may operate in a networked environment communicating with one or more devices via one or more network interface components. The terms “communication interface component” and “network interface component” are used interchangeably. Fig. 1 illustrates network interface adapter (NIA) **114** as a network interface component

included in execution environment **102** to operatively couple device **100** to a network. A network interface component includes a network interface hardware (NIH) component and optionally a software component.

[0033] Exemplary network interface components include network interface controller components, network interface cards, network interface adapters, and line cards. A node may include one or more network interface components to interoperate with a wired network and/or a wireless network. Exemplary wireless networks include a BLUETOOTH network, a wireless 802.11 network, and/or a wireless telephony network (e.g., a cellular, PCS, CDMA, and/or GSM network). Exemplary network interface components for wired networks include Ethernet adapters, Token-ring adapters, FDDI adapters, asynchronous transfer mode (ATM) adapters, and modems of various types. Exemplary wired and/or wireless networks include various types of LANs, WANs, and/or personal area networks (PANs). Exemplary networks also include intranets and internets such as the Internet.

[0034] The terms “network node” and “node” in this document both refer to a device having a network interface component for operatively coupling the device to a network. Further, the terms “device” and “node” used herein refer to one or more devices and nodes, respectively, providing and/or otherwise included in an execution environment unless clearly indicated otherwise.

[0035] The components of a user interface are generically referred to herein as “user interface elements”. More specifically, visual components of a user interface are referred to herein as “visual interface elements”. A visual interface element may be a

visual component of a graphical user interface (GUI). Exemplary visual interface elements include windows, textboxes, sliders, list boxes, drop-down lists, spinners, various types of menus, toolbars, ribbons, combo boxes, tree views, grid views, navigation tabs, scrollbars, labels, tooltips, text in various fonts, balloons, dialog boxes, and various types of button controls including check boxes and radio buttons. An application interface may include one or more of the elements listed. Those skilled in the art will understand that this list is not exhaustive. The terms “visual representation”, “visual component”, and “visual interface element” are used interchangeably in this document. Other types of user interface elements include audio output components referred to as “audio interface elements”, tactile output components referred to as “tactile interface elements”, and the like.

[0036] A “user interface (UI) element handler” component, as the term is used in this document, includes a component configured to send information representing a program entity for presenting a user detectable representation of the program entity by an output device, such as a display. A “program entity” is an object included in and/or otherwise processed by an application or executable. The user detectable representation is presented based on the sent information. The sent information is referred to herein as “presentation information”. Presentation information may include data in one or more formats. Exemplary formats include image formats such as JPEG, video formats such as MP4, markup language data such as HTML and other XML-based markup, and/or instructions such as those defined by various script languages, byte code, and/or machine code. For example, a web page received by a browser from

a remote application provider may include HTML ECMAScript, and/or byte code for presenting one or more user interface elements included in a user interface of the remote application. Components configured to send information representing one or more program entities for presenting particular types of output by particular types of output devices include visual interface elements, audio interface element handler components, tactile interface element handler components, and the like.

[0037] A representation of a program entity may be stored and/or otherwise maintained in a presentation space. As used in this document, the term “presentation space” refers to a storage region allocated and/or otherwise provided for storing presentation information, which may include audio, visual, tactile, and/or other sensory data for presentation by and/or on an output device. For example, a buffer for storing an image and/or text string may be a presentation space. A presentation space may be physically and/or logically contiguous or non-contiguous. A presentation space may have a virtual as well as a physical representation. A presentation space may include a storage location in processor memory, secondary storage, a memory of an output adapter device, and/or a storage medium of an output device. A screen of a display, for example, is a presentation space.

[0038] As used herein, the term “program” or “executable” refers to any data representation that may be translated into a set of machine code instructions and optionally associated program data. Thus, a program or executable may include an application, a shared or non-shared library, and a system command. Program representations other than machine code include object code, byte code, and source

code. Object code includes a set of instructions and/or data elements that either are prepared for linking prior to loading or are loaded into an execution environment. When in an execution environment, object code may include references resolved by a linker and/or may include one or more unresolved references. The context in which this term is used will make clear that state of the object code when it is relevant. This definition can include machine code and virtual machine code, such as Java™ byte code.

[0039] As used herein, an “addressable entity” is a portion of a program, specifiable in programming language in source code. An addressable entity is addressable in a program component translated for a compatible execution environment from the source code. Examples of addressable entities include variables, constants, functions, subroutines, procedures, modules, methods, classes, objects, code blocks, and labeled instructions. A code block includes one or more instructions in a given scope specified in a programming language. An addressable entity may include a value. In some places in this document “addressable entity” refers to a value of an addressable entity. In these cases, the context will clearly indicate that the value is being referenced.

[0040] Addressable entities may be written in and/or translated to a number of different programming languages and/or representation languages, respectively. An addressable entity may be specified in and/or translated into source code, object code, machine code, byte code, and/or any intermediate languages for processing by an interpreter, compiler, linker, loader, or analogous tool.

[0041] The block diagram in Fig. 3 illustrates an exemplary system for presenting an indication of a cost of processing a resource according to the method illustrated in Fig.

2. Fig. 3 illustrates a system, adapted for operation in an execution environment, such as execution environment **102** in Fig. 1, for performing the method illustrated in Fig. 2. The system illustrated includes a cost advisor component **302**, a cost monitor component **304**, and a cost presentation component **306**. The execution environment includes an instruction-processing unit, such as IPU **104**, for processing an instruction in at least one of the cost advisor component **302**, the cost monitor component **304**, and the cost presentation component **306**. Some or all of the exemplary components illustrated in Fig. 3 may be adapted for performing the method illustrated in Fig. 2 in a number of execution environments. Figs. 4a-d include block diagrams illustrating the components of Fig. 3 and/or analogs of the components of Fig. 3 adapted for operation in various execution environments **401** including or otherwise provided by one or more nodes.

[0042] Fig. 1 illustrates components of an exemplary device that may at least partially provide and/or otherwise be included in an execution environment. The components illustrated in Figs. 4a-d may be included in or otherwise combined with the components of Fig. 1 to create a variety of arrangements of components according to the subject matter described herein.

[0043] Fig. 5 illustrates user node **502** as an exemplary device that in various aspects may be included in and/or otherwise adapted for providing any of execution environments **401** illustrated in Figs. 4a-c each illustrating a different adaptation of the arrangement of components in Fig. 3. As illustrated in Fig. 5, user node **502** is operatively coupled to network **504** via a network interface component, such as network

interface adapter **114**. Alternatively or additionally, an adaptation of an execution environment **401** may include and/or may otherwise be provided by a device that is not operatively coupled to a network. A server device is illustrated by application provider node **506**. Application provider node **506** may be included in and/or otherwise adapted for providing execution environment **401d** illustrated in Fig. 4d. As illustrated in Fig. 5, application provider node **506** is operatively coupled to network **504** via a network interface component included in execution environment **401d**.

[0044] Fig. 4a illustrates execution environment **401a** hosting application **403a** including an adaptation of the arrangement of components in Fig. 3. Fig. 4b illustrates execution environment **401b** hosting browser **403b** including an adaptation of the arrangement of components in Fig. 3 that may operate at least partially in a network application agent **405b** received from a remote application provider, such as network application **403d** in Fig. 4d. Browser **403b** and execution environment **401b** may provide at least part of an execution environment for network application agent **405b** that may be received via a network from a network application operating in a remote execution environment. Fig. 4c illustrates an arrangement of the components in Fig. 3 adapted to operate in a cost alert subsystem **407c** of execution environment **401c**.

[0045] Fig. 4d illustrates execution environment **401d** configured to host one or more network applications, such as a web service, illustrated by network application **403d**. Fig. 4d also illustrates network application platform **409d** that may provide services to one or more network applications. Network application **403d** includes yet another adaptation of the arrangement of components in Fig. 3.

[0046] The various adaptations of the arrangement in Fig. 3 that are described herein are not exhaustive. For example, those skilled in the art will see based on the description herein that arrangements of components for performing the method illustrated in Fig. 2 may be at least partially included in an application and at least partially external to the application. Further, arrangements for performing the method illustrated in Fig. 2 may be distributed across more than one node and/or execution environment. For example, such an arrangement may operate at least partially in browser **403b** in Fig. 4b and at least partially in execution environment **401d** in and/or external to network application **403d**.

[0047] Figs. 4a-d illustrate adaptations of network stacks **411** configured for sending and receiving messages over a network, such as network **504**, via a network interface component. Network application platform **409d** in Fig. 4d provides services to one or more network applications. In various aspects, network application platform **409d** may include and/or interoperate with a web server. Fig. 4d also illustrates network application platform **409d** configured for interoperating with network stack **411d**.

[0048] Network stacks **411** may support the same protocol suite, such as TCP/IP, or may communicate via a network gateway or other protocol translation device and/or service. For example, browser **403b** in Fig. 4b and network application platform **409d** in Fig. 4d may interoperate via their respective network stacks: network stack **411b** and network stack **411d**.

[0049] Figs. 4a-d illustrate applications **403**, respectively, which may communicate via one or more application layer protocols. Figs. 4a-d respectively illustrate application

protocol components **413** for communicating via one or more application layer protocols. Exemplary application protocols include hypertext transfer protocol (HTTP) and instant messaging and presence (XMPP-IM) protocol. Matching protocols enabling applications **403** to communicate via network **504** in Fig. 5 are not required, if communication is via a protocol gateway or other translator.

[0050] In Fig. 4b, browser **403b** may receive some or all of network application agent **405b** in one or more messages sent from a network application, such as network application **403d** via network application platform **409d**, a network stack **411**, a network interface component, and optionally an application protocol component **413**. In Fig. 4b, browser **403b** includes content manager component **415b**. Content manager component **415b** may interoperate with one or more of application protocol components **413b** and/or network stack **411b** to receive the message or messages including some or all of network application agent **405b**.

[0051] Network application agent **405b** may include a web page for presenting a user interface for network application **403d**. The web page may include and/or reference data represented in one or more formats including hypertext markup language (HTML) and/or other markup language, ECMAScript and/or other scripting language, byte code, image data, audio data, and/or machine code.

[0052] In an example, in response to a request received from browser **403b**, controller component **417d**, in Fig. 4d, may invoke model subsystem **419d** to perform request-specific processing. Model subsystem **419d** may include any number of request handlers (not shown) for dynamically generating data and/or retrieving data from model

database **421d** based on the request. Controller component **417d** may further invoke template engine **423d** to identify one or more templates and/or static data elements for generating a user interface for representing a response to the received request. Fig. 4d illustrates template database **425d** including exemplary template **427d**. Fig. 4d illustrates template engine **423d** as a component in view subsystem **429d** configured to return responses to processed requests in a presentation format suitable for a client, such as browser **403b**. View subsystem **429d** may provide the presentation data to controller component **417d** to send to browser **403b** in response to the request received from browser **403b**. Some or all of network application agent **405b** may be sent to browser **403b** via network application platform **409d** as described above.

[0053] While the example describes sending some or all of network application agent **405b** in response to a request, network application **403d** additionally or alternatively may send some or all of a network application agent to browser **403b** via one or more asynchronous messages. In an aspect, an asynchronous message may be sent in response to a change detected by network application **403d**. Publish-subscribe protocols, such as the presence protocol specified by XMPP-IM, are exemplary protocols for sending messages asynchronously.

[0054] The one or more messages including information representing some or all of network application agent **405b** in Fig. 4b may be received by content manager component **415b** via one or more of application protocol component(s) **413b** and network stack **411b** as described above. In Fig. 4b, browser **403b** includes one or more content handler components **431b** to process received data according to its data type,

typically identified by a MIME-type identifier. Exemplary content handler components **431b** include a text/html content handler component for processing HTML documents; an application/xmpp-xml content handler component for processing XMPP streams including presence tuples, instant messages, and publish-subscribe data as defined by various XMPP specifications; one or more video content handler components for processing video streams of various types; and still image data content handler components for processing various images types. Content handler components **431b** process received data and may provide a representation of the processed data to one or more user interface (UI) element handler components **433b**.

[0055] UI element handler components **433** are respectively illustrated in presentation controller components **435** in Fig. 4a, Fig. 4b, and Fig. 4c. A presentation controller component **435** may manage visual, audio, and/or other types of output of its including application **403** as well as receive and route detected user and other inputs to components and extensions of its including application **403**. With respect to Fig. 4b, a UI element handler component **433b** in various aspects may be adapted to operate at least partially in a content handler component **431b** such as a text/html content handler component and/or a script content handler component. Additionally or alternatively, a UI element handler component **433** in an execution environment **401** may operate in and/or as an extension of its including application **403**. For example, a plug-in may provide a virtual machine, for a UI element handler component received as a script and/or byte code, that may operate as an extension in application **403** and/or external to and interoperating with application **403**.

[0056] Fig. 6 illustrates display presentation space **602** of a display in and/or operatively coupled to user node **502**. Fig. 6 illustrates desktop background **604** that may be a still image and/or a video background. Selection window **606** is illustrated including selectable resource icons **608**. In an aspect, a resource icon may represent image and/or video data. Resource icon **6082b** is illustrated as selected. A selected image file and/or video stream that corresponds to a selected resource icon **608** may be processed in response to user input corresponding to operations illustrated in operation bar **610**. Selection window **606** may be a user interface presented by any of applications **403** illustrated in Figs. 4a-d and/or by network application agent **405b**. For example, selection window **606** may be presented via interoperation of browser **403b**, network application agent **405b**, and/or network application **403d**. A browser window may include a user interface of a network application provided by a remote node, such as a network application **403d** in Fig. 4d.

[0057] Various UI elements of applications **403** described above may be presented by one or more UI element handler components **433** in Figs. 4a-c and/or by one or more template engines **423d** in Fig. 4d. In an aspect, illustrated in Figs. 4a-4c, UI element handler component(s) **433** of one or more applications **403** is/are configured to send representation information representing a visual interface element, such as operation bar **610** in Fig. 6, to a GUI subsystem **437**. A GUI subsystem **437** may instruct a graphics subsystem **439** to draw the visual interface element in a region of display presentation space **602**, based on representation information received from a corresponding UI element handler component **433**.

[0058] Input may be received corresponding to a UI element via an input driver **441** illustrated in Figs. 4a-c in various adaptations. For example, a user may move a mouse to move a pointer presented in a display presentation space **602** over an operation user interface element presented in an operation bar **610**. A user may provide an input detected by the mouse. The detected input may be received by a GUI subsystem **437** via an input driver **441** as an operation or command indicator based on the association of the shared location of the pointer and the operation user interface element in display presentation space **602**.

[0059] With reference to Fig. 2, block **202** illustrates that the method includes receiving resource information identifying a resource for processing by a hardware component in performing an operation. Accordingly, a system for presenting an indication of a cost of processing a resource includes means for receiving resource information identifying a resource for processing by a hardware component in performing an operation. For example, as illustrated in Fig. 3, cost advisor component **302** is configured for receiving resource information identifying a resource for processing by a hardware component in performing an operation. Figs. 4a-d illustrate cost advisor components **402** as adaptations and/or analogs of cost advisor component **302** in Fig. 3. One or more cost advisor components **402** operate in execution environments **401**.

[0060] In Fig. 4a, cost advisor component **402a** is illustrated as a component of application **403a**. In Fig. 4b, cost advisor component **402b** is illustrated as component of network application agent **405b** and/or browser **403b**. In Fig. 4c, cost advisor component **402c** is illustrated operating external to one or more applications **403c**.

Execution environment **401c** includes cost advisor component **402c** in cost alert subsystem **407c**. In Fig. 4d, cost advisor component **402d** is illustrated operating in network application **403d** remote from a display device for presenting received information for updating a visual component. For example, cost advisor component **402d** may operate in remote application provider node **506** while the received information is sent to a display device of user node **502** via network **504**.

[0061] Receiving resource information identifying a resource may include receiving an indication to present a representation of the resource to a user via an output device, receiving an indication identifying the resource as an input to a component in an execution environment for performing an operation that includes processing the resource, detecting an access to the resource for processing by a program component, detecting an input corresponding to a user interface element including a representation of the resource, sending presentation information to present a representation of the resource to a user via an output device, and/or intercepting a communication for accessing the resource. In response to one or more of these and/or analogous events, a cost advisor component **402** in Fig. 4a-d may receive resource information identifying a resource.

[0062] Resource information may be received via a function, subroutine, and/or method invocation. Resource information may also be received via an interprocess communication (IPC) mechanism, via a message transmitted via a network, and/or via a shared region of a data store.

[0063] Figs. 4a-c illustrate that a cost advisor **402** may interoperate with a user interface component, such as a user interface element handler component **433**. The user interface component may present a representation of a resource for selecting by a user as an input to a program component for performing an operation. For example, a selectable representation of a resource may be presented in an explorer or navigation window, a list box, a spinner, a text input box, a file selection dialog, and/or any other user interface component for selecting an item by a user. The presentation may be via audio output with selection via a voice input device and/or other input device(s). Resource icons **608** in Fig. 6 may illustrate selectable representations of one or more resources. Exemplary resources for processing by a hardware component include some or all of a data file, an executable file, a database record, a network message, input data, and output data.

[0064] In an aspect, a resource icon **608** in Fig. 6 may represent an image and/or a video to be processed by a program component, such as application **403a** in Fig. 4a, for presenting as a background of a display region, such as a desktop or an application background. Cost advisor component **402a** may present a file navigation user interface to receive resource information identifying one or more images and/or videos for processing by an IPU and/or other hardware components included in execution environment **401a** as an input to application **403a** for performing the operation of presenting a desktop background.

[0065] In Fig. 4c, GUI subsystem **437c** may receive resource information identifying an image and/or video to present in display presentation space **602** as desktop background

604. GUI subsystem **437c** may interoperate with cost advisor component **402c** to communicate resource information identifying the image and/or video resource.

[0066] Network application agent **405b** in Fig. 4b and/or network application **403d** in Fig. 4d may receive resource information for presenting a background for a window or tab presented via browser **403b**. Cost advisor component **402b** may, for example, be provided with resource information, and/or cost advisor component **402d** may be provided with resource information. In an aspect, cost advisor component **402b** and cost advisor component **402d** may interoperate. In another aspect, cost advisor component **402b** and cost advisor component **402d** may operate independently. In still another aspect, one or the other of cost advisor component **402b** and cost advisor component **402d** may not be included in an adaption of one or the other of execution environment **401b** and execution environment **401d**.

[0067] In various aspects and adaptations of cost advisor **302** in Fig. 3, such as cost advisors **402** in Figs. 4a-d, a cost advisor may be included in accessing and/or otherwise managing a resource. The cost advisor may receive resource information in response to an access to the resource. Resource information may be received through an invocation of a cost advisor **402** as a function, method, subroutine, and the like. The resource information may be received via a notification associated with a subscription to events associated with the resource and/or a program component for processing the resource. The resource information may be received via an interprocess communication mechanism (IPC) such as a message queue, a pipe, a software interrupt, and/or a

hardware interrupt. The resource information may be received via a message received via a network.

[0068] Returning to Fig. 2, block **204** illustrates that the method further includes determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource. Accordingly, a system for presenting an indication of a cost of processing a resource includes means for determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource. For example, as illustrated in Fig. 3, cost monitor component **304** is configured for determining, for the resource, a measure of a processing cost, based on the operation, to provide an indication of the cost for processing the resource. Figs. 4a-d illustrate cost monitor component **404** as adaptations and/or analogs of cost monitor component **304** in Fig. 3. One or more cost monitor components **404** operate in execution environments **401**.

[0069] A metric defines a unit of measure. For example, an “inch” is a unit of measure for measuring length. A “kilowatt-hour” (kWh) is a unit of measurement in a metric for measuring an amount of energy. Instead of or in addition to measuring an amount a metric may measure a rate. “Kilowatts per hour” (kWh/h) is power metric for measuring a rate of energy used. A “measure” is a result of a particular measuring or measurement process. For example, 3 inches is a measure according to the length metric for inches, and 1000 kWh is a measure of an energy metric identifying an amount of energy. As used herein, a “measure of a processing cost” refers to a result of a measuring process

for determining a processing cost according to a specified metric. Measuring may include estimating a measurement.

[0070] A processing cost may be determined and/or expressed by any metric directly and/or indirectly providing an indication of a processing cost. A metric for determining a processing cost in terms of electrical power may be determined by monitoring and measuring a rate of energy utilized by a hardware component that is included in processing a resource. The metric may represent the cost, for example, kilowatts per hour and/or in a monetary rate. In Figs. 4a-d, cost monitor component **404** may be invoked to determine and/or otherwise identify a measure of a processing cost for processing a particular resource in performing an operation.

[0071] A metric may be specified for measuring and/or expressing a processing cost in a less direct manner. For example, with respect to energy cost, an energy cost may be measured by counting occurrences of an energy consuming activity, such as a disk read. From another perspective a metric based on disk reads may be a direct measure of a utilization cost resulting from processing one or more resources stored in a hard-drive.

[0072] Exemplary metrics for measuring processing cost include metrics for power, energy, monetary metrics, time metrics, kinetic or stored energy metrics, heat metrics, resistance metrics including mechanical and/or electrical resistance, metrics for measuring various energy and/or power consuming activities, metrics for measuring an environmental cost, health metrics, safety metrics, light metrics, metrics for measuring

movement, metrics for measuring mass and/or weight, and/or metrics for measuring various opportunity costs.

[0073] A particular metric for determining a measure of a processing cost for a resource may be selected and/or otherwise identified based on various attributes of the resource, an operation that includes processing the resource, a program component for performing some or all of the operation, a hardware component included in processing the resource, a user, an organization, and/or a task; to name a few examples. For example, a metric such as a count of machine code instructions executed by an IPU may be specified and/or determined in performing a specified operation. An IPU based metric may be selected for measuring a cost of processing a resource where no output device is included in processing the resource. For an application or process that presents a user interface via a display component, a metric for measuring an amount and/or rate of heat and/or light generated by the display device may be specified.

[0074] A cost monitor component **404**, in an aspect, may determine a measure of a processing cost based on metadata provided in and/or with one or more of a resource, a program component for performing an operation that includes processing the resource, and a hardware component included in performing an operation that includes processing the resource. A measure of a processing cost may be predetermined and located by cost monitor component **404** in and/or associated with a resource, a program component, and/or a hardware component. Cost monitor component **404** may access a table and/or other structure including predefined values for measures of the processing

cost for a particular metric such as a change in temperature of a hardware component in Celsius and/or a time based cost represented in US dollars.

[0075] Cost monitor component **404** may look up and/or may otherwise identify a predefined value based on a type of a resource, a size of a resource, a source of energy, a hardware component, and/or a program component for processing a resource. The predefined value may be a measure of a processing cost and/or may be an input for determining a measure of a processing cost expressed according to an identified metric. For example, a predefined value may be multiplied by a measure of time that a resource may be processed by a program component to produce a time based metric such as kilowatt per hour or disk reads per minute.

[0076] In another aspect, cost monitor component **404** may determine a measure of a processing cost by calculating the measure according to the specified metric, and/or may interoperate with a sensor, such as thermometer, in measuring a cost of processing. Cost monitor component **404** may include and/or otherwise access one or more measurement components for determining a measure according to one or more metrics.

[0077] In Fig. 4a, cost monitor component **404a** is illustrated operating in application **403a**. Cost monitor component **404a** may determine a measure of a processing cost for resources processed by application **403a**. The resources may includes resources provided by application **403a** to other applications, subsystems, and/or components operating in execution environment **401a** and/or in another execution environment included in and/or otherwise provided by one or more devices.

[0078] For example, application **403a** may present selection window **606** in Fig. 6. The resources processed by application **403a** may include data, to send to another node, represented by resource icons **608**. Cost monitor component **404a** may determine a measure of a processing cost for transmitting the data to the other node via a network adapter in execution environment **401a** via physical network media physically coupled to the network adapter and/or included in execution environment **401a**. For example, cost monitor component **404a** may be configured with and/or otherwise may determine a measure based on a count of bytes in the resources and in an encoded translation of the resources for transmitting.

[0079] In Fig. 4b, cost monitor component **404b** is illustrated operating at least partially in network application agent **405b**. Some or all of network application agent **405b** may be received by browser **403b**, operating in user node **502** in Fig. 5, from network application **403d** in Fig. 4d operating in application provider node **506** in Fig. 5 as described above. Fig. 4d illustrates cost monitor component **404d** operating in network application **403d**. Cost monitor component **404b** and/or cost monitor component **404d** may determine a measure of a processing cost for resources processed by network application **403d** and/or network application agent **405b**. Cost monitor component **404b** and/or cost monitor component **404d** may be components in a cost monitor system distributed between network application agent **405b** and network application **403d**. Cost monitor component **404b** and/or cost monitor component **404d** may operate independently. Operating independently may include one of the cost monitor components operating in the absence of the other cost monitor component. Resources

may include resources provided by network application agent **405b** to browser **403b** and/or extensions of browser **403b**. The resources may further include resources provided to other nodes in network **504** by network application agent **405b** and/or network application **403d**. Network application agent **405b** may interoperate with browser **403b** to present selection window **606** in Fig. 6 in a browser window or tab (not shown). The resources processed may be represented by resource icons **608**.

[0080] Cost monitor component **404b** and/or cost monitor component **404d** may determine a measure of a processing cost for processing one or more resources where processing the resources includes transmitting the resources via network **504** in Fig. 5. Transmitting resource data may include encoding, decoding, filtering, translating, and/or transforming some or all of the data in a resource in some manner. For example, a resource may be compressed prior to transmitting via network **504**. Cost monitor component **404b** may determine a metric based on a type of physical layer network included in network **504**, may determine a metric based on an encoding, decoding, and/or other transformation, may determine a metric based on a manufacturer and/or type of network interface component, and/or may determine a metric based on network throughput data and/or other network attributes and/or metadata. The measure may be a cost for transmitting a web document via a network including a modem, a cost for retrieving image data in the document from a hard drive, a cost for decoding data received via network **504**, and/or a cost for transmitting data over a secure network connection. Cost monitor component **404b** and/or cost monitor component **404d** may be configured with and/or otherwise to identify a predefined measure of a processing

cost according to a metric selected by a developer of browser **403b** and/or based on version information for browser **403b**.

[0081] In Fig. 4c, cost monitor component **404c** is illustrated operating in cost alert subsystem **407c**. Cost alert subsystem **407c** may be a subsystem of execution environment **401c** that provides services to a number of program components operating in execution environment **401c** and/or in another execution environment communicatively coupled via network **504** in Fig. 5. Cost monitor component **404c** may determine measures of a processing cost(s) for various resources processed by various applications **403c** operating in execution environment **401c**. The resources may include resources provided to and/or otherwise accessible to applications **403c** via various subsystems of execution environment **401c**, such as a file system (not shown) and/or network stack **411c**.

[0082] For example, selection window **606** in Fig. 6 may be presented as a document navigation window presented by execution environment **401c**. “Op1” presented in operation bar **610** may invoke first application **403c1** for processing a currently selected resource, illustrated as resource icon **6082b**. “Op2” in operation bar **610** may be a user interface control for invoking second application **403c2** for one or more selected resources represented by resource icons **608**. Resources processed by first application **403c1** may include documents having various content types. Cost monitor component **404c** may determine a measure of a processing cost for the documents expressed by a metric based on the format of the respective documents identified by a content type and based on an operation for processing the documents. The operation may be performed

by application **403c1** and/or may be performed by one or more other components. For example, for a particular device a file system operation may be configured to be an operation for determining a measure of a processing cost for a resource processed by first application **403c1**. In Fig. 4c, cost alert subsystem **407c** may determine processing costs for resources freeing applications **403c** from determining processing costs. Note that in an aspect; at least some of cost alert subsystem **407c** may operate in a node other than the node included in and/or providing execution environment **401c**. For example, some or all of the arrangement of components may be adapted to operate in execution environment **401d**, which includes and/or is otherwise provided by application provider node **506**.

[0083] Returning to Fig. 2, block **206** illustrates that the method yet further includes sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource. Accordingly, a system for presenting an indication of a cost of processing a resource includes means for sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource. For example, as illustrated in Fig. 3, cost presentation component **306** is configured for sending presentation information, based on the measure, for presenting, via an output device, the indication corresponding to a user detectable representation of the resource. Figs. 4a-d illustrate cost presentation component **406** as adaptations and/or analogs of cost presentation component **306** in

Fig. 3. One or more cost presentation components **406** operate in execution environments **401**.

[0084] Presentation information for presenting a cost indication based on a measure of a processing cost may be sent via any suitable mechanism including an invocation mechanism, such as a function and/or method call utilizing a stack frame; an interprocess communication mechanism, such as a pipe, a semaphore, a shared data area, and/or a message queue; a register of a hardware component, such as an IPU register; and/or a network communication, such as an HTTP request and/or an asynchronous message.

[0085] In Fig. 4a, cost presentation component **406a** may include a UI element handler component **433a** for presenting a cost indication based on a measure of a processing cost. A UI element handler component **433a** in cost presentation component **406a** may send presentation information for presenting the cost indication by invoking GUI subsystem **437a** to present the cost indication along with a representation of the resource presented via an output device. Alternatively or additionally, cost presentation component **406a** may interoperate with a user interface handler component **433a** that presents some or all of the representation of the resource in order to present the cost indication. The cost indication may be represented by an attribute of a UI element. For example, cost presentation component **406a** may send color information to present a representation of the resource in black and white rather than color. The color may be a cost indication for the resource. Black and white may indicate that the resource is less costly, according to a measure determined according to a particular metric, than

resources presented in one or more other colors specified as cost indications based on the metric.

[0086] Presentation information representing a cost indication based on a measure of a processing cost may include information for changing a border thickness in a border in a resource representation. The border thickness may be a cost indication. The presentation information may be sent, for example by GUI subsystem **437a** in Fig. 4a, to present an indication of the measure of the processing cost for the resource. The measure is determined based on a specified operation and is determined according to a specified metric. Sending the presentation information may include translating a first measure of a processing cost based on a first metric to a second measure based on a second metric. For example, a measured change in temperature of an IPU may be translated to a second measure based on a metric such as border thickness or border color. That is, a change in temperature may be represented and/or otherwise indicated by a border thickness of a user interface element.

[0087] Fig. 6 illustrates desktop background **604** presented with a patterned border in a region of display presentation space **602**. In an aspect, a measure of a processing cost based on an energy metric may be presented as a matching indication indicating whether an amount of energy used in processing a resource matches a specified energy condition of a hosting device and/or component. Fig. 6 illustrates two energy measure indications. A patterned indication may be presented in and/or with desktop background **604**, desktop resource icon **6081a**, and desktop resource icon **608mb**. The patterned indication may be specified to indicate that a measure of energy for

processing an associated resource does not match a specified energy condition. Another color and/or pattern may be configured as an indication that indicates a match. In Fig. 6, resources presented normally may indicate that a determined measure of energy for the normally presented resources matches the energy condition. In an aspect, an energy condition may be based on a source of energy for a device such as a battery versus a connection to an electrical socket. In another aspect, an energy condition may be based on a determined a rate energy consumption by a device and/or a component of a device.

[0088] Fig. 6 also illustrates presenting a cost indication based on a metric for measuring a particular cost of processing as a numeric indication based on measures determined for the respective resources illustrated by resource icons **608**. For example, the illustrated indications in Fig. 6 are based on a five-point scale providing relative indications of a processing cost for the respective resources. An indication of “5” may be defined as a cost indication for a most expensive resource or resources for processing according the metric. A “1” indication may indicate resources that require the least cost according to the metric as presented according to the five-point scale.

[0089] A containing window or pane of a presented resource representation may be provided by a library routine of GUI subsystem **437c**. Cost presentation component **406c** may change a user detectable attribute of the containing UI element. For example, cost presentation component **406c** may send presentation information for a cost indication based on a metric for measuring a monetary cost of time.

[0090] A region of display presentation space **602** may be designated for presenting a resource having a cost that matches a specified condition. A position on a screen may be a cost indication. For example, higher-cost resources may be placed relatively closer to the bottom of a screen than relatively lower-cost resources. In another aspect, an orientation of a UI element representing and/or associated with a resource may be defined as a cost indication based on a specified measure according to particular metric. Variations in other user detectable attributes may be configured as indications for various metrics in other aspects.

[0091] A cost presentation component **406** may change a pointing device representation, such as a mouse pointer, when it approaches and/or is in a location of a presented resource, as a cost indication based on a measure according to a particular metric for processing a resource represented by a UI element in the location. For example, different colors of the pointer may be defined as different indications associated with different measures of a processing cost. In one aspect, a resource may be automatically selected when a cost condition based on a measure of a processing cost is met. Thus automatic selection may be a cost indication.

[0092] To present a cost indication, cost presentation component **406c** may interoperate with a different output device than the output device presenting a representation of the resource. For example, a pointing device may also be a tactile output device. Cost presentation component **406c** may instruct the pointing device to vibrate at a various frequencies to provide different indications based on different measures determined according to a metric for measuring a processing cost.

[0093] In Fig. 4d, cost presentation component **406d** in network application **403d** may send information via a response to a request and/or via an asynchronous message to a client, such as browser **403b** and/or network application agent **405b**, to present a user detectable indication of a measure of a processing cost for a resource.

[0094] In various aspects a user detectable indication of a measure of a processing cost may include a change in an attribute of a UI element representing a resource, such as z-order, a level of transparency, a location in a presentation space, a size, a shape, and/or input focus state; and/or may include a new UI element, such as a pop-up message and/or a fly-over UI element. A location for presenting the indication may be based on a location of the representation of the resource and/or may be a location determined prior to and/or independent of the location of the representation of the resource.

[0095] A user detectable indication of a measure of a processing cost for a resource may be presented on a same output device as the representation of the resource and/or on a different output device. The measure may be presented via a visual output device, an audio output device, a tactile output device, and/or another type of output device.

[0096] A user detectable indication of a measure of a processing cost for a resource may be presented as directed by cost presentation component **406** for a specified duration of time and/or until a specified event is detected, and/or may include a pattern of changes presented to a user. For example, an indication of a measure of a processing cost may be presented until a user input is detected that corresponds to the indication, forcing a user to acknowledge the indication to make it disappear.

[0097] The method illustrated in Fig. 2 may include additional aspects supported by various adaptations and/or analogs of the arrangement of components in Fig. 3. In various aspects, receiving resource information may include receiving resource information in response to a detected user input for presenting a resource, performing an operation that includes processing a resource, and/or selecting a resource as described above. Receiving the resource information may include receiving an identifier of the resource and/or receiving operation information identifying an operation that includes processing the resource.

[0098] Receiving resource information identifying a resource may include intercepting a communication for performing an operation, detecting an access for retrieving the resource, reading a message recording at least one of an access to the resource and a request for performing an operation, identifying a mapping identifying the type of the resource and an operation, and/or detecting a change in a program component for performing an operation, a change in the resource, and a change in a hardware component included in processing the resource. To receive resource information, cost advisor component **402** may be configured to interoperate with various components, including a file system, a data store, a data storage device, GUI subsystem **437**, an input driver **441**, network stack **411**, and/or application protocol component **413**, to name a few examples.

[0099] Access to a resource may be detected based on detecting an access to a semaphore, a lock, a data storage location, a component of a input subsystem, a component of a presentation subsystem, a storage subsystem, a component of

networking subsystem, a component of a graphics subsystem, a component of an audio subsystem, a display adapter, a display device, an audio adapter, an audio output device, a tactile presentation subsystem, a tactile output device, an access control component, a serialization component, a synchronization component, a thread, an input device driver, an input device, another application, a code library, a database, a service operating in a remote node via a network, text data, image data, audio data, tactile data, a message formatted according to a communication protocol, a service, a presence entity, a subscription, a software component, a hardware component, a transaction, a media stream, a location, a measuring device, data, an instruction, a persistently stored resource, a resource stored in volatile storage, a network resource, a preexisting resource, a dynamically generated resource which already exists, a service for generating the resource, a font, an encoding, a format, a mechanical resource, and/or an optical resource, to name some examples. Image data may include and/or may be included, for example, in a still image, a video, a background image, and/or an image for representing another resource. Audio data may include, for example, some or all of a song, a voice message, and/or a sound for indicating an event.

[0100] A resource may be accessed from a data storage location in, for example, a processor memory, a secondary storage, a memory of a hardware adapter, a removable data storage medium, and/or a remote data store. When a resource includes image data, the image data may include, for example, some or all of a still image, a video, a background image, and/or an image for representing another resource. When a

resource includes audio data, the audio data may include, for example, some or all of a song, a voice message, and a sound for indicating an event.

[0101] A metric for determining a measure of a processing cost for a resource may be selected and/or otherwise identified based on a type of the resource and/or an operation to perform that includes processing the resource. A metric for measuring a processing cost for a resource may be based on at least one of the resource, an operation included in processing the resource, a hardware component included in performing an operation that includes processing the resource, a user, a group, a role, a task, a time, and a location. For example, a cost monitor component **404** may monitor an amount of energy provided to a display device for presenting an image resource. In another example, a cost monitor component **404** may determine a measure of a processing cost according to a metric based on a count of bytes in a file resource for transmitting a resource via a network.

[0102] Exemplary resources include some or all of a file, a database record, a document, a media stream, a digital image, a communication communicated between at least two communicants, and a log. A resource may include an executable instruction. Exemplary hardware components that may be included in processing a resource include an IPU, an output device, a storage device, an input device, a networking component, a bus, a physical processor memory, and/or a switching fabric.

[0103] Various aspects and adaptations of cost monitor component **304** in Fig. 3 may determine a measure of a processing cost for a metric based on a rate of electrical

energy, stored energy, mechanical resistance, electrical resistance, time, a count of a particular energy related event, money, an environmental impact, a health impact, a change in size, a change in mass and/or weight, a safety impact, heat, light, and/or movement. Correspondingly, various aspects and adaptations of cost monitor component **304** may determine a measure of electrical energy, a measure of stored energy, a measure of mechanical resistance, a measure of electrical resistance, a measure of time, a count of a particular event, a measure of monetary cost, a measure of heat, a measure of light, a measure of distance, a measure of mass, a measure of size, and/or a measure of weight.

[0104] A cost monitor component **304** may count and/or otherwise receive count information identifying a count of IPU cycles, disk spins, data read operations, data write operations, refreshes of at least a portion of a presentation space, display refreshes, data transmitted via a network, data received via a network, and/or a measure of human movement.

[0105] A measure of human movement may be based on at least one of a measure of dispersion of key presses; a pattern and frequency of movement of a tracking device; a count of at least one of key presses, squeezes, pushes, and pulls; changes between lower case and upper case, a count of particular numerical digits entered, and a count of different input devices providing information in response to user input.

[0106] A metric for determining a measure of a processing cost for a resource may be based on a maximum, a minimum, a mean, a median, a mode, a measure of variance,

a measure of dispersion, a rate of change, a threshold, a continuous function, a discrete value from a series of discrete values, a relative measure, and/or an absolute measure. Cost monitor component **304** may calculate any of the above in various aspects and adaptations and/or may interoperate with another component for determining any of the listed information.

[0107] Determining a measure of a processing cost for a resource may be based on a previous determination of a measure of a processing cost for the resource and/or for another resource. An adaption of cost monitor component **304** in Fig. 3 may determine a measure of a processing cost based on a history of previously determined measures.

[0108] A metric for determining a measure of a processing cost may be based on user input and/or on configuration information received from a user. Determining a measure of a processing cost may include sending a message via a network to a node for determining the measure, and receiving a response via the network identifying the measure.

[0109] A cost indication for a resource may be presented in a representation of the resource presented via an output device. A cost presentation component **406** in Fig. 4a-d may present resource icon **6081a** in Fig. 6 including a cost indication illustrated as a visible pattern.

[0110] In an aspect, a representation of a resource may be user selectable when a cost condition, such as an energy condition, based on a measure of a processing cost,

is met and not user selectable when the cost condition is not met. For example, in Fig. 6 normally presented resource icons **608** may be presented as selectable as directed by cost presentation component **406**. Pattern icons such as resource icon **608mb** may be presented as non-selectable by cost presentation component **406**, so that user input corresponding to resource icon **608mb** is not processed as a selection of the resource, as analogous input for normally presented icons is processed as a selection.

[0111] In an aspect, a user input for selecting a resource may be detected. A warning indication may be presented, in response to receiving the selection, when a cost condition, for example based on an amount of energy utilized in at least a portion of processing the resource, is not met. A cost presentation component **406** may direct a UI element handler component **433** to present a warning when cost monitor component **404** determines that an energy condition is not met for the selected resource, based on a determined measure of a processing cost for the resource. The measure of the processing cost may be based on an energy metric that may include a power metric.

[0112] An indication of a measure of a processing cost for a resource may include presenting a representation of a resource in a plurality of representations of resources according to an order of respective measures of processing costs determined for the resources in the plurality.

[0113] Presentation information for presenting a cost indication may be sent in a message via network to a node operatively coupled to an output device. Cost presentation component **406d** in Fig. 4d operating in application provider node **506** in

Fig. 5 may send presentation information in response to a request from network application agent **405b** in Fig. 4b operating in user node **502**.

[0114] As described above and illustrated in Fig. 6, a cost indication for a resource may be presented via a user detectable attribute in the representation of the resource. A cost indication may be presented in a user interface element including the representation of the resource and/or a user interface element separate from a user interface element including the representation of the resource.

[0115] Presentation information for presenting a cost indication for a resource may be sent in response to detecting an access to the resource and/or detecting an indicator for performing an operation that includes processing the resource. Detecting an access may include receiving a specified user input for accessing at least one of the resource and a program component included in processing the resource. For example, a UI element handler component **433** corresponding to a resource icon **608** in Fig. 6 may detect a particular mouse gesture configured to instruct the UI element handler component **433** to present a cost indication determined by cost monitor component **404** for the resource represented by the resource icon **608**. The cost indication may be presented by the UI element handler **433** in response to received information based on the mouse gesture detected by a GUI subsystem **437** via input driver **441**. The cost indication may be predetermined in one aspect. In another aspect, a cost monitor component **404** may determine a measure of a processing cost for generating the cost indication in response to the detected mouse gesture.

[0116] Presentation information for presenting a cost indication for a resource may be sent in response to a change in a measure of a processing cost associated with another resource. For example, cost alert subsystem **407c** in Fig. 4c may monitor a level of energy in a battery, as another resource, providing energy for a handheld device. Cost alert subsystem **407c** may invoke cost monitor component **404c** in response to detecting a battery energy level falling below a specified threshold. Cost monitor component **404c** may recalculate and/or otherwise determine a measure of a processing cost for one or more resources in response to the change in battery state. Cost monitor component **404c** may provide changed measures of the processing cost to cost presentation component **406c**. Cost presentation component **406c** may generate and send presentation information to present cost indications in response to the change in battery state.

[0117] Sending presentation information for presenting a representation of a measure of a processing cost may include receiving selection information identifying the resource in response to a detected user input corresponding to a presentation of the resource. In response, the resource may be identified to a program component for performing a specified operation.

[0118] In an aspect, an energy condition may be specified. A measure of a processing cost determined for a resource may be determined for evaluating an energy condition to determine whether the energy condition is met. An energy condition may be identified for evaluating and/or may be evaluated based on a source of energy, an amount of

energy available, an amount of energy available in a battery and/or other energy store, a rate of energy used and/or currently being used for processing another resource, a location of the device, and a time required for restoring an energy store to a specified state, to name a few examples. A location of a device may be a location with respect to another location for charging or changing energy sources.

[0119] In response to determining whether an energy condition is met for a resource, a representation of the resource presented by an output device may be presented as user selectable or not user selectable. For example, in Fig. 4c when an amount of energy available from a battery in a mobile device falls below a specified threshold, files over a specified size may not be presented or may be presented but not selectable for attaching to an email by an email application represented by second application **403c2**. In Fig. 4b and in Fig. 4d, one or both of cost monitor component **404b** and cost monitor component **404d** may receive information identifying a monetary cost of transmitting data via a current network access provider. Based on the cost, certain resources may be presented as selectable for certain operations including transmitting data in the resources and may be presented as not selectable for other network operations based on one or more cost conditions associated with the operations and/or the resources.

[0120] As described above, in another aspect, selection information may be received from a user to select a resource. Instead of preventing a resource from being selected for an operation, a warning indication may be presented to the user based on whether an energy condition evaluated based on the resource is met or not met. This allows the

user to determine whether processing the resource in performing the operation is worth the cost as determined and/or represented by a metric.

[0121] A cost indication based on a measure of a processing cost for a resource may be represented via an output presentation device in a presentation of a resource. Resource icon **6081a** illustrates a patterned icon representing a resource where the pattern is a cost indication. A cost indication may be included in an order of resources in a plurality of resources where the order is based on measures of a processing cost for the respective resources.

[0122] A representation of a measure of a processing cost for a resource may be presented in and/or may include a window, a textbox, a button, a check box, a radio button, a slider, a spin box, a list box, a drop-down list, a menu, a menu item, a toolbar, a ribbon, a combo box, a tree view, a grid view, a navigation tab, a scrollbar, a label, a tooltip, a balloon, and/or a dialog box.

[0123] As described above with respect to Fig. 4d and also with respect to Fig. 4c, presentation information for presenting a cost indication may be sent via a network to a node for presentation via an output device of the remote node.

[0124] The presentation information may include color information, font information, size information, location information, and/or transparency information for representing the measure. The representation of the measure may be represented by a user detectable attribute in the presentation of the resource.

[0125] As described above, a representation of a measure of a processing cost for a resource may be in a user interface element including the presentation of the resource and/or may be in a user interface element separate from a user interface element including the presentation of the resource. The scale from one to five in Fig. 6 illustrates cost indications presented apart from resource icons **608** representing resources.

[0126] A cost indication may be presented by sending presentation information, in response to detecting an access to the resource and/or detecting an indicator for performing the operation. In another aspect, an input may be predefined for indicating that a cost indication for a resource is to be presented. For example, a keyboard may include a “hotkey” defined by an execution environment to indicate that a measure of a processing cost is to be presented for a selected resource and/or for one or more resources in a UI element that has input focus, for example.

[0127] Presentation information for a cost indication for a resource may be sent in response to a change in a measure of a processing cost associated with another resource and/or a change in an energy condition that is based on the measure of a processing cost. For example, the presentation information may be sent in response to a change in a source of energy, an energy provider, a change in location, and/or a change in users, to name a few examples.

[0128] To the accomplishment of the foregoing and related ends, the descriptions and annexed drawings set forth certain illustrative aspects and implementations of the disclosure. These are indicative of but a few of the various ways in which one or more

aspects of the disclosure may be employed. The other aspects, advantages, and novel features of the disclosure will become apparent from the detailed description included herein when considered in conjunction with the annexed drawings.

[0129] It should be understood that the various components illustrated in the various block diagrams represent logical components that are configured to perform the functionality described herein and may be implemented in software, hardware, or a combination of the two. Moreover, some or all of these logical components may be combined, some may be omitted altogether, and additional components may be added while still achieving the functionality described herein. Thus, the subject matter described herein may be embodied in many different variations, and all such variations are contemplated to be within the scope of what is claimed.

[0130] To facilitate an understanding of the subject matter described above, many aspects are described in terms of sequences of actions that may be performed by elements of a computer system. For example, it will be recognized that the various actions may be performed by specialized circuits or circuitry (e.g., discrete logic gates interconnected to perform a specialized function), by program instructions being executed by one or more instruction-processing units, or by a combination of both. The description herein of any sequence of actions is not intended to imply that the specific order described for performing that sequence must be followed.

[0131] Moreover, the methods described herein may be embodied in executable instructions stored in a computer readable medium for use by or in connection with an

instruction execution machine, system, apparatus, or device, such as a computer-based or processor-containing machine, system, apparatus, or device. As used here, a "computer readable medium" may include one or more of any suitable media for storing the executable instructions of a computer program in one or more of an electronic, magnetic, optical, electromagnetic, and infrared form, such that the instruction execution machine, system, apparatus, or device may read (or fetch) the instructions from the computer readable medium and execute the instructions for carrying out the described methods. A non-exhaustive list of conventional exemplary computer readable media includes a portable computer diskette; a random access memory (RAM); a read only memory (ROM); an erasable programmable read only memory (EPROM or Flash memory); optical storage devices, including a portable compact disc (CD), a portable digital video disc (DVD), a high definition DVD (HD-DVD.TM.), and a Blu-ray.TM. disc; and the like.

[0132] Thus, the subject matter described herein may be embodied in many different forms, and all such forms are contemplated to be within the scope of what is claimed. It will be understood that various details may be changed without departing from the scope of the claimed subject matter. Furthermore, the foregoing description is for the purpose of illustration only, and not for the purpose of limitation, as the scope of protection sought is defined by the claims as set forth hereinafter together with any equivalents.

[0133] All methods described herein may be performed in any order unless otherwise indicated herein explicitly or by context. The use of the terms "a" and "an" and "the" and similar referents in the context of the foregoing description and in the context of the following claims are to be construed to include the singular and the plural, unless otherwise indicated herein explicitly or clearly contradicted by context. The foregoing description is not to be interpreted as indicating that any non-claimed element is essential to the practice of the subject matter as claimed.

Date: 08/17/10

Approved for use through 7/31/2006. OMB 0651-0032

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PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number	
Substitute for Form PTO-875				12/857,847	
APPLICATION AS FILED – PART I					
(Column 1)		(Column 2)			
FOR	NUMBER FILED	NUMBER EXTRA			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A			
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A			
TOTAL CLAIMS (37 CFR 1.16(i))	20	minus 20 =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3	minus 3 =			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR				
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					
* If the difference in column 1 is less than zero, enter "0" in column 2.					
APPLICATION AS AMENDED – PART II					
(Column 1)		(Column 2)		(Column 3)	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		
	Total (37 CFR 1.16(i))	*	Minus	**	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=
	Application Size Fee (37 CFR 1.16(s))				
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				
* 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.					

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)
N/A	82		N/A	
N/A	270		N/A	
N/A	110		N/A	
x\$26		OR	x\$52	
x\$110			x\$220	
195			390	
TOTAL	462		TOTAL	

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
X =		OR	X =	
X =		OR	X =	
N/A		OR	N/A	
TOTAL ADD'T FEE		OR	TOTAL ADD'T FEE	

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
X =		OR	X =	
X =		OR	X =	
N/A		OR	N/A	
TOTAL ADD'T FEE		OR	TOTAL ADD'T FEE	

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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