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NIXON & VANDERHYE, P.C.
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
COPPOLA, JACOB C	

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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.

Office Action in Ex Parte Reexamination	Control No. 90/020,162	Patent Under Reexamination 12403397	
	Examiner JACOB C COPPOLA	Art Unit 3992	AIA (First Inventor to File) Status Yes

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

a. ☑ Responsive to the communication(s) filed on 03 November 2025.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

b. ☐ This action is made FINAL.

c. ☑ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☑ Notice of References Cited by Examiner, PTO-892.
2. ☑ Information Disclosure Statement, PTO/SB/08.
3. ☐ Interview Summary, PTO-474.
4. ☐ _____.

Part II SUMMARY OF ACTION

1a. ☑ Claims 1-26 are subject to reexamination.
1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☐ Claims _____ are patentable and/or confirmed.
4. ☑ Claims 1-26 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ The drawings, filed on _____ are acceptable.
7. ☐ The proposed drawing correction, filed on _____ has been (7a) ☐ approved (7b) ☐ disapproved.
8. ☑ Acknowledgment is made of the priority claim under 35 U.S.C. 119(a)-(d) or (f).
   a) ☑ All b) ☐ Some* c) ☐ None of the certified copies have
   1 ☐ been received.
   2 ☐ not been received.
   3 ☑ been filed in Application No. 18/116,023.
   4 ☐ been filed in reexamination Control No. _____.
   5 ☐ been received by the International Bureau in PCT application No. _____.
   * See the attached detailed Office action for a list of the certified copies not received.
9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate 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.
10. ☐ Other: _____

cc: Requester (if third party requester)

NON-FINAL OFFICE ACTION

REEXAMINATION OF U.S. PATENT 12,403,397

TABLE OF CONTENTS

1. ACKNOWLEDGEMENTS

This non-final Office action addresses control no. 90/020,162 ("**Instant Proceeding**"), which is a Director Ordered Reexamination of U.S. Patent No. 12,403,397 ("**'397 Patent**") titled "STORAGE MEDIUM, INFORMATION PROCESSING SYSTEM, INFORMATION PROCESSING APPARATUS, AND GAME PROCESSING METHOD."

The '397 Patent issued on 02 September 2025 with claims 1–26 ("**Originally Patented Claims**"), from U.S. Application No. 18/116,023 ("**'023 Application**"), filed on 01 March 2023.

The Office mailed a Director Initiated Order for Ex Parte Reexamination on 03 November 2025 ("**Order**"), noting that Substantial New Questions of Patentability ("**SNQs**") had arisen as to claims 1, 13, 25, and 26. See Order at p. 1. Moreover, the Order set a response time for Patent Owner's Statement as two months from the mailing date of the Order.

Since two months have elapsed since the mailing date of the Order, and because Patent Owner has not filed a Patent Owner Statement, claims 1–26 are now subject to reexamination under 35 USC § 305.

2. STATUS OF CLAIMS

Claims 1–26 are currently reexamined ("**Reexamined Claims**").

Regarding the Reexamined Claims and as a result of this Office action:

a) Claims 1–26 are rejected under 35 USC § 103(a).

3. PRIORITY AND AIA STATUS

Domestic Priority. Based upon a review of the '397 Patent and the '023 Application, the Examiner finds that the '397 Patent does not include a claim for benefit of domestic priority under 35 USC §§ 120 or 119(e). Accordingly, the Examiner finds that the domestic effective filing date of the '397 Patent is 01 March 2023, which is the filing date of the '023 Application.

Foreign Priority. Based upon a review of the '397 Patent and the '023 Application, the Examiner finds that the '397 Patent contains a claim for benefit of foreign priority under 35 USC §§ 119(a)–(d) to Japanese Application No. 2022-129632 ("**Foreign Application**"). To the extent the disclosure of the Foreign Application supports the Reexamined Claims under 35 USC § 112(a), the supported claims receive benefit of a priority date of 16 August 2022, which is the filing date of the Foreign Application. Based upon a review of the '023 Application and its prosecution history, the Examiner finds that Patent Owner has not perfected their claim for foreign priority. See MPEP § 214.

AIA Status. Because the '397 Patent does not contain a claim having an effective date before March 16, 2013, the AIA provisions apply. In the event the determination of the status of the application as subject to AIA 35 USC §§ 102 and 103 is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

4. CLAIM INTERPRETATION

During examination, claims are given the broadest reasonable interpretation consistent with the specification and limitations in the specification are not read into the claims. See MPEP § 2111, MPEP § 2111.01 and *In re Yamamoto et al.*, 740 F.2d 1569 (Fed. Cir. 1984). Under a

broadest reasonable interpretation, words of the claim must be given their plain meaning, unless such meaning is inconsistent with the specification. See MPEP § 2111.01 I. Moreover, it is improper to import claim limitations from the specification, e.g., a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment. See MPEP §2111.01 II. Therefore, unless otherwise noted below, the Examiner will interpret the limitations of the Reexamined Claims using the broadest reasonable interpretation.

After careful review of the original specification, the Examiner finds he cannot locate any lexicographic definitions (either express lexicographic definitions or implied lexicographic definitions) with the required clarity, deliberateness, and precision. Because the Examiner cannot locate any lexicographic definitions with the required clarity, deliberateness, and precision, the Examiner concludes that the inventor(s) is not his own lexicographer. See MPEP § 2111.01 IV.

5. PRIOR ART RELIED UPON

This non-final Office action is based on the following prior art:

a) U.S. Publication No. 2020/0254335 A1 ("**Taura**");

b) U.S. Publication No. 2002/0119811 A1 ("**Yabe**");

c) U.S. Publication No. 2022/0062760 A1 ("**Motokura**"); and

d) U.S. Publication No. 2020/0086216 A1 ("**Shimomoto**").

The prior art made of record and considered pertinent to the '397 Patent, but not relied upon to reject the claims in this Office action, is listed on the attached document titled "Notice of

References Cited" (PTO-892). Unless expressly noted otherwise by the Examiner, all documents listed on the PTO-892 are cited in their entirety.

6. INFORMATION CONSIDERED

The information disclosure statement filed 29 December 2025 ("**Dec 2025 IDS**") has been considered. An initialed copy of the Dec 2025 IDS is enclosed. Numerous items listed on the Dec 2025 IDS do not comply with 37 C.F.R. § 1.98 and, accordingly, have not been considered (as indicated by strike-through on the enclosed initialed copy).

Patent Owner is respectfully reminded that items of information are evaluated in accordance with Office policy which states:

> Where patents, publications, and other such documents are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the document. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08 or its equivalent, without an indication to the contrary in the record, do not signify that the document has been considered by the examiner any further than to the extent noted above.
>
> - MPEP § 2256

Therefore, if Patent Owner did not explain the content and relevance of a document(s) cited on the information disclosure statement in the Instant Proceeding, then the Examiner (regardless of whether his initials are or are not present on any information disclosure statement) has not considered the document(s).

All other documents properly made of record in this reexamination proceeding have been fully considered.

7. CLAIM REJECTIONS – 35 USC § 103

The following is a quotation of 35 USC § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

7.1. Obvious over Taura, in view of Yabe

Claims 1, 2, 5–7, 10–14, 17–19, and 22–26 are rejected under 35 U.S.C. § 103 as being unpatentable over Taura, in view of Yabe.

7.1.1. Claim 1

Taura discloses the following claim limitations (in bold text):

A non-transitory computer-readable storage medium having stored therein a game program, the game program causing a processor of an information processing apparatus to execute:

Taura, e.g., at ¶ [0065], "processor 81 executes an information processing program (e. g., a game program) stored in a storage section (specifically, an internal storage medium such as a flash memory 84, an external storage medium attached to the slot 23, or the like), thereby performing the various types of information processing." See also ¶ [0132].

performing control of moving a player character on a field in a virtual space, based on a movement operation input;

Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32."

performing control of causing a sub character to appear on the field, based on a first operation input,

Taura at ¶ [0099], "Moreover, if the player depresses the ZL-button 39 in the first operation mode, the operation mode will be shifted to the second operation mode. In this embodiment, the second operation mode means a state where another character 210 that can be operated by the player (hereinafter, called 'sub-character') appears in the virtual space in addition to the player character 202 and the sub-character 210 is automatically controlled by the processor 81 when no operation by the player is applied to the sub-character 210. In this embodiment, and the sub-character 210 appears into the virtual space so as to jump out from the player character 202 at a time of shifting to the second operation mode from the first operation mode." (emphasis added)).

and when an enemy character is placed at a location where the sub character is caused to appear, controlling a battle between the sub character and the enemy character by a first mode in which the battle proceeds based on an operation input,

Taura at ¶ [0111], "if the player continues to depress the ZL-button 39 in the second operation mode (in this embodiment, long-depression of 3 seconds), the operation mode is

shifted to the third operation mode, and the third operation mode is maintained only during time the ZL-button 39 is kept depressed;"

Taura at ¶ [0114], "in the third operation mode […] the player makes only the sub-character 210 move and the player character 202 stay at that place;"

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 […] the connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210." See also ¶¶ [0116]–[0119]; and

Taura at ¶ [0175], "the processing in the third operation mode is performed in the step S49" and at ¶ [0176], "In the step S49, the processor 81 […] moves the sub-character 210 according to the operation of the analog stick 52."

and when the enemy character is not placed at the location where the sub character is caused to appear, starting automatic control of automatically moving the sub character that has appeared;

Taura at ¶ [0167], "Furthermore, in the step S35, the processor 81 controls […] if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

and performing control of moving the sub character in a predetermined direction on the field […], and, when the enemy character is placed at a location of a designation,

controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists in the movable range of the sub-character 210." (emphasis added). See also ¶¶ [0130] and [0167]).

In ¶ [0102] of Taura, a POSITA would understand that the processor 81 performs control of moving the sub-character in the direction of the enemy that is "most close," i.e., *a predetermined direction*, as claimed.

However, Taura does not expressly disclose that the control of moving the sub-character in the predetermined direction is **based on a second operation input**.

Yabe is directed to a video game machine, player character action control method, and video game program (title). Similar to Taura, Yabe teaches a video game with a player character A and a sub-character B, in which the player character is controlled by a player and the sub-character operates in an automatic mode (e.g., attacks an opponent character located at the closest position). Yabe at ¶¶ [0049]–[0053].

Moreover, in Yabe, as explained in more detail below, the player can choose to *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle*

between the sub character and the enemy character by a second mode in which the battle automatically proceeds, as claimed. This is generally shown in Yabe's figures as the progression from Figure 5 to Figure 7, both reproduced below, which shows sub-character B first engaged with enemy C2 (Fig. 5) and then being moved by the player to engage with enemy C3 (Fig. 7).

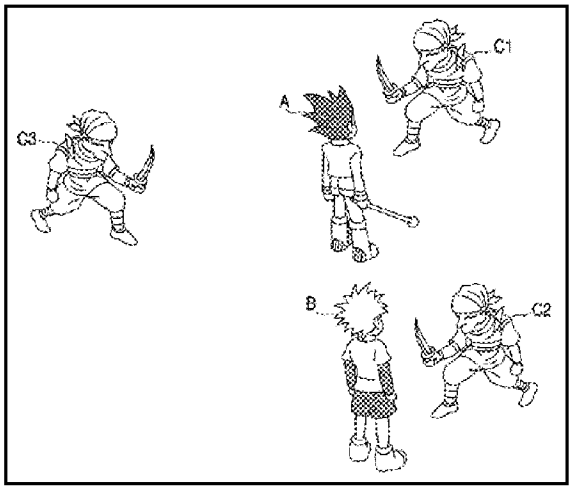

Fig. 5 of Yabe

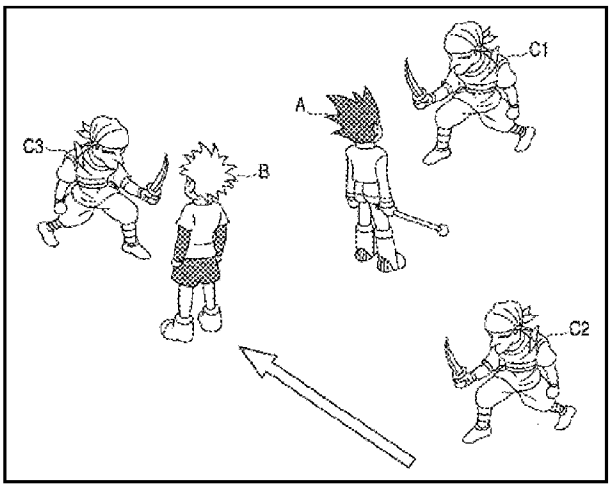

Fig. 7 of Yabe

In particular, Yabe teaches "[i]n the auto operation mode, the sub-character B attacks the closest opponent character," i.e., "an object to be attacked by the sub-character B is originally an opponent character C2." Yabe at ¶ [0057]. See also Fig. 5 (above). However, Yabe also teaches "depending on the situation, the player may desire to change a target." *Id.* For example, "[if] an opponent character C3 is approaching the main character A, who is already engaging in battle with the opponent character C1 […] there maybe case where the player desires to prioritize elimination of the opponent character C3." *Id.* In the scenario of Fig. 5 and Fig. 7, a POSITA would recognize that C3 is *placed at a location of a designation*, as claimed. Further, to prioritize elimination of C3, Yabe explains "shift can [be] made to a manual operation mode so that the player can guide the sub-character B to the opponent character C3." Yabe at ¶ [0058]. Specifically, to change the target of sub-character B from C2 to C3, and thereby move sub-

character B in a *predetermined direction* towards C3 (as shown in Fig. 7, above), Yabe teaches using a *second operation input*, i.e., "the player momentarily tilts the orientation lever 202 toward the opponent character C3." Yabe at ¶ [0063]. See also ¶ [0061]. As a result, "opponent character C3 located in the direction in which the orientation lever 202 has been tilted is set as a target [...] and [sub-character B] makes movement in the manner as shown in FIG. 7, thus attacking the opponent character C3." *Id.* In view of Yabe's teachings noted above, the Examiner finds that Yabe teaches *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds*, as claimed.

Taura, as noted above, also teaches multiple enemies on a field with the player character and the sub-character, and the sub-character battling one of the enemies (e.g., the closest enemy). See, e.g., Taura at ¶¶ [0090] and [0102]; and at Fig. 9. Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the movement of Taura's sub-character in a predetermined direction, upon which a battle proceeds automatically, to be based on a second operation input, as taught by Yabe. One would have been motivated to do so to satisfy a player's "desire to change a target" and/or "desire[] to prioritize elimination of [a particular] opponent [threating the player character]" (Yabe at ¶ [0057]).

7.1.2. Claim 2

Taura and Yabe further teach the following limitations of claim 2 (in bold text):

The storage medium according to claim 1, wherein the game program further causes the processor to start the automatic control after the battle by the second mode ends.

See Taura at ¶ [0167], "However, if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

7.1.3. Claim 5

Taura and Yabe further teach the following limitations of claim 5 (in bold text):

The storage medium according to claim 1, wherein the game program further causes the processor to perform control of bringing the sub character into a state where the sub character has not appeared on the field, when a third operation input is performed in a state where the sub character has appeared.

See Taura at ¶ [0108], "In this embodiment, if the R-button 60 is depressed when the sub-character 210 appears in the virtual space, the sub-character 210 is erased from the virtual space. Then, the operation mode is shifted to the first operation mode from the second operation mode. That is, it is also possible to erase the sub-character 210 by the operation of the player."

7.1.4. Claim 6

Taura and Yabe further teach the following limitations of claim 6 (in bold text):

The storage medium according to claim 1, wherein the game program further causes the processor to, when the player character comes into contact with the enemy

character, control a battle between the sub character and the enemy character by the first mode regardless of whether or not the sub character has appeared on the field.

In Taura, for example, the player character can engage the enemy character with the ZR-button (i.e., comes into contact with the enemy character). See Taura at ¶ [0090], "player character 202 […] attacking the enemy character 204, defending attack of the enemy character 204;" and Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32, and attack the enemy character 204 by depressing (operating) the ZR-button 61. A plurality of types of techniques for the player character 202 to attack the enemy character 204 are prepared."

Moreover, in Taura, if the sub character has already appeared, the player can control the sub character to attack in the first mode (Taura at ¶ [0115]), or, if the sub character has not appeared, the player can press the ZL-button to make the sub character appear (Taura at ¶ [0099]), and then control the sub character to attack in the first mode (Taura at ¶ [0115]). Therefore, the player can control *a battle between the sub character and the enemy character by the first mode regardless of whether or not the sub character has appeared*, as claimed.

7.1.5. Claim 7

Taura and Yabe further teach the following limitations of claim 7 (in bold text):

The storage medium according to claim 1, wherein the game program causes the processor to perform control of moving the sub character toward a predetermined position set in front of the player character, when the second operation input is performed.

See Yabe, e.g., at Fig. 10, which shows moving the sub character B toward a predetermined position (behind the enemy) that is also set in front of the player character A.

7.1.6. Claim 10

Taura and Yabe further teach the following limitations of claim 10 (in bold text):

The storage medium according to claim 1, wherein, in a battle by the first mode, a plurality of commands including at least an attack by the sub character on the enemy character

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 [...] the connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210."

and capture of the enemy character

Taura at ¶ [0118], "If the enemy character 204 is surrounded by the connection object 212 as shown in FIG. 12, then, the player character 202 and the sub-character 210 perform automatically action that the enemy character 204 is bound by the connection object 212, and as shown in FIG. 13, the connection object 212 is deformed into a state of coiling around the enemy character 204."

are designated based on an operation input,

Taura at ¶ [0114], "in the third operation mode [...] the player makes only the sub-character 210 move and the player character 202 stay at that place."

and motions of the player character and/or the sub character corresponding to the designated commands are executed.

Taura at ¶¶ [0114], [0115], and [0118], *supra*, where at least motions of the sub character corresponding to designated commands are executed. See also Figs. 10–13.

7.1.7. Claim 11

Taura and Yabe further teach the following limitations of claim 11 (in bold text):

The storage medium according to claim 10, wherein a battle by the first mode is started after display control of moving a viewpoint such that the sub character and the enemy character that perform the battle are included at least in a field of view, without switching a scene on the field,

Taura at ¶ [0100], "the player character 202 and the sub-character 210 are controlled so as to be settled in a field angle of the virtual camera" and ¶ [0112], "in the third operation mode, the virtual camera cannot be operated with the analog stick 52, but automatically controlled. At this time, it is controlled so that the player character 202 and the sub-character 210 are both included in the field of view of the virtual camera." See also progression from Fig. 8 through Fig. 13, which shows 210/212 continuously in a field of view and a scene is not switched.

and movement of the player character is limited during the battle.

Taura at ¶ [0114], "the player makes only the sub-character 210 move and the player character 202 stay at that place."

7.1.8. Claim 12

Taura and Yabe further teach the following limitations of claim 12 (in bold text):

The storage medium according to claim 11, wherein a battle by the second mode is started without switching the scene on the field,

Taura at Fig. 8 to Fig. 9, which shows scene is not switched when going to the second operation mode, in which "the sub-character 210 attacks the enemy character 204 automatically" (Taura at ¶ [0102]).

and movement control of the player character based on the movement operation input is executed during the battle.

Taura at ¶ [0100], "in the second operation mode, the player character 202 […] can be operated by the player, as similar to the first operation mode." See also Taura at ¶¶ [0090] and [0094]).

7.1.9. Claim 13

Taura discloses the following claim limitations (in bold text):

An information processing system comprising at least one information processing apparatus including a processor, at least any one processor of said at least one information processing apparatus:

Taura, e.g., at ¶ [0065], "main body apparatus comprises a processor 81 […] processor 81 executes an information processing program (e. g., a game program) stored in a storage section (specifically, an internal storage medium such as a flash memory 84, an external storage medium

attached to the slot 23, or the like), thereby performing the various types of information processing." See also ¶ [0132].

moving a player character on a field in a virtual space, based on a movement operation input;

Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32."

causing a sub character to appear on the field, based on a first operation input,

Taura at ¶ [0099], "Moreover, if the player depresses the ZL-button 39 in the first operation mode, the operation mode will be shifted to the second operation mode. In this embodiment, the second operation mode means a state where another character 210 that can be operated by the player (hereinafter, called 'sub-character') appears in the virtual space in addition to the player character 202 and the sub-character 210 is automatically controlled by the processor 81 when no operation by the player is applied to the sub-character 210. In this embodiment, and the sub-character 210 appears into the virtual space so as to jump out from the player character 202 at a time of shifting to the second operation mode from the first operation mode." (emphasis added)).

and when an enemy character is placed at a location where the sub character is caused to appear, controlling a battle between the sub character and the enemy character by a first mode in which the battle proceeds based on an operation input,

Taura at ¶ [0111], "if the player continues to depress the ZL-button 39 in the second operation mode (in this embodiment, long-depression of 3 seconds), the operation mode is shifted to the third operation mode, and the third operation mode is maintained only during time the ZL-button 39 is kept depressed;"

Taura at ¶ [0114], "in the third operation mode [...] the player makes only the sub-character 210 move and the player character 202 stay at that place;"

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 [...] the connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210." See also ¶¶ [0116]–[0119]; and

Taura at ¶ [0175], "the processing in the third operation mode is performed in the step S49" and at ¶ [0176], "In the step S49, the processor 81 [...] moves the sub-character 210 according to the operation of the analog stick 52."

and when the enemy character is not placed at the location where the sub character is caused to appear, starting automatic control of automatically moving the sub character that has appeared;

Taura at ¶ [0167], "Furthermore, in the step S35, the processor 81 controls [...] if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-

character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

and moving the sub character in a predetermined direction on the field [...], and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists in the movable range of the sub-character 210." (emphasis added). See also ¶¶ [0130] and [0167]).

In ¶ [0102] of Taura, a POSITA would understand that the processor 81 performs control of moving the sub-character in the direction of the enemy that is "most close," i.e., *a predetermined direction*, as claimed.

However, Taura does not expressly disclose that the control of moving the sub-character in the predetermined direction is **based on a second operation input**.

Yabe is directed to a video game machine, player character action control method, and video game program (title). Similar to Taura, Yabe teaches a video game with a player character A and a sub-character B, in which the player character is controlled by a player and the sub-

character operates in an automatic mode (e.g., attacks an opponent character located at the closest position). Yabe at ¶¶ [0049]–[0053].

Moreover, in Yabe, as explained in more detail below, the player can choose to *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds*, as claimed. This is generally shown in Yabe's figures as the progression from Figure 5 to Figure 7, both reproduced above, which shows sub-character B first engaged with enemy C2 (Fig. 5) and then being moved by the player to engage with enemy C3 (Fig. 7).

In particular, Yabe teaches "[i]n the auto operation mode, the sub-character B attacks the closest opponent character," i.e., "an object to be attacked by the sub-character B is originally an opponent character C2." Yabe at ¶ [0057]. See also Fig. 5. However, Yabe also teaches "depending on the situation, the player may desire to change a target." *Id.* For example, "[if] an opponent character C3 is approaching the main character A, who is already engaging in battle with the opponent character C1 [...] there maybe case where the player desires to prioritize elimination of the opponent character C3." *Id.* In the scenario of Fig. 5 and Fig. 7, a POSITA would recognize that C3 is *placed at a location of a designation*, as claimed. Further, to prioritize elimination of C3, Yabe explains "shift can [be] made to a manual operation mode so that the player can guide the sub-character B to the opponent character C3." Yabe at ¶ [0058]. Specifically, to change the target of sub-character B from C2 to C3, and thereby move sub-character B in a *predetermined direction* towards C3 (as shown in Fig. 7), Yabe teaches using a *second operation input*, i.e., "the player momentarily tilts the orientation lever 202 toward the opponent character C3." Yabe at ¶ [0063]. See also ¶ [0061]. As a result, "opponent character C3

located in the direction in which the orientation lever 202 has been tilted is set as a target [...] and [sub-character B] makes movement in the manner as shown in FIG. 7, thus attacking the opponent character C3." *Id.* In view of Yabe's teachings noted above, the Examiner finds that Yabe teaches *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds*, as claimed.

Taura, as noted above, also teaches multiple enemies on a field with the player character and the sub-character, and the sub-character battling one of the enemies (e.g., the closest enemy). See, e.g., Taura at ¶¶ [0090] and [0102]; and at Fig. 9. Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the movement of Taura's sub-character in a predetermined direction, upon which a battle proceeds automatically, to be based on a second operation input, as taught by Yabe. One would have been motivated to do so to satisfy a player's "desire to change a target" and/or "desire[] to prioritize elimination of [a particular] opponent [threating the player character]" (Yabe at ¶ [0057]).

7.1.10. Claim 14

Taura and Yabe further teach the following limitations of claim 14 (in bold text):

The information processing system according to claim 13, wherein said at least any one processor starts the automatic control after the battle by the second mode ends.

See Taura at ¶ [0167], "However, if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

7.1.11. Claim 17

Taura and Yabe further teach the following limitations of claim 17 (in bold text):

The information processing system according to claim 13, wherein, when a third operation input is performed in a state where the sub character has appeared, said at least any one processor perform control of bringing the sub character into a state where the sub character has not appeared on the field.

See Taura at ¶ [0108], "In this embodiment, if the R-button 60 is depressed when the sub-character 210 appears in the virtual space, the sub-character 210 is erased from the virtual space. Then, the operation mode is shifted to the first operation mode from the second operation mode. That is, it is also possible to erase the sub-character 210 by the operation of the player."

7.1.12. Claim 18

Taura and Yabe further teach the following limitations of claim 18 (in bold text):

The information processing system according to claim 13, wherein when the player character comes into contact with the enemy character, said at least any one processor controls a battle between the sub character and the enemy character by the first mode regardless of whether or not the sub character has appeared on the field.

In Taura, for example, the player character can engage the enemy character with the ZR-button (i.e., comes into contact with the enemy character). See Taura at ¶ [0090], "player

character 202 [...] attacking the enemy character 204, defending attack of the enemy character 204;" and Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32, and attack the enemy character 204 by depressing (operating) the ZR-button 61. A plurality of types of techniques for the player character 202 to attack the enemy character 204 are prepared."

Moreover, in Taura, if the sub character has already appeared, the player can control the sub character to attack in the first mode (Taura at ¶ [0115]), or, if the sub character has not appeared, the player can press the ZL-button to make the sub character appear (Taura at ¶ [0099]), and then control the sub character to attack in the first mode (Taura at ¶ [0115]). Therefore, the player can control *a battle between the sub character and the enemy character by the first mode regardless of whether or not the sub character has appeared*, as claimed.

7.1.13. Claim 19

Taura and Yabe further teach the following limitations of claim 19 (in bold text):

The information processing system according to claim 13, wherein, when the second operation input is performed, said at least any one processor moves the sub character toward a predetermined position set in front of the player character.

See Yabe, e.g., at Fig. 10, which shows moving the sub character B toward a predetermined position (behind the enemy) that is also set in front of the player character A.

7.1.14. Claim 22

Taura and Yabe further teach the following limitations of claim 22 (in bold text):

The information processing system according to claim 13, wherein, in a battle by the first mode, a plurality of commands including at least an attack by the sub character on the enemy character

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 [...] the connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210."

and capture of the enemy character

Taura at ¶ [0118], "If the enemy character 204 is surrounded by the connection object 212 as shown in FIG. 12, then, the player character 202 and the sub-character 210 perform automatically action that the enemy character 204 is bound by the connection object 212, and as shown in FIG. 13, the connection object 212 is deformed into a state of coiling around the enemy character 204."

are designated based on an operation input,

Taura at ¶ [0114], "in the third operation mode [...] the player makes only the sub-character 210 move and the player character 202 stay at that place."

and motions of the player character and/or the sub character corresponding to the designated commands are executed.

Taura at ¶¶ [0114], [0115], and [0118], *supra*, where at least motions of the sub character corresponding to designated commands are executed. See also Figs. 10–13.

7.1.15. Claim 23

Taura and Yabe further teach the following limitations of claim 23 (in bold text):

The information processing system according to claim 22, wherein a battle by the first mode is started after display control of moving a viewpoint such that the sub character and the enemy character that perform the battle are included at least in a field of view, without switching a scene on the field,

Taura at ¶ [0100], "the player character 202 and the sub-character 210 are controlled so as to be settled in a field angle of the virtual camera" and ¶ [0112], "in the third operation mode, the virtual camera cannot be operated with the analog stick 52, but automatically controlled. At this time, it is controlled so that the player character 202 and the sub-character 210 are both included in the field of view of the virtual camera." See also progression from Fig. 8 through Fig. 13, which shows 210/212 continuously in a field of view and a scene is not switched.

and movement of the player character is limited during the battle.

Taura at ¶ [0114], "the player makes only the sub-character 210 move and the player character 202 stay at that place."

7.1.16. Claim 24

Taura and Yabe further teach the following limitations of claim 24 (in bold text):

The information processing system according to claim 23, wherein a battle by the second mode is started without switching the scene on the field,

Taura at Fig. 8 to Fig. 9, which shows scene is not switched when going to the second operation mode, in which "the sub-character 210 attacks the enemy character 204 automatically" (Taura at ¶ [0102]).

and movement control of the player character based on the movement operation input is executed during the battle.

Taura at ¶ [0100], "in the second operation mode, the player character 202 [...] can be operated by the player, as similar to the first operation mode." See also Taura at ¶¶ [0090] and [0094]).

7.1.17. Claim 25

Taura discloses the following claim limitations (in bold text):

An information processing apparatus including a processor, the processor:

Taura, e.g., at ¶ [0065], "main body apparatus comprises a processor 81 [...] processor 81 executes an information processing program (e. g., a game program) stored in a storage section (specifically, an internal storage medium such as a flash memory 84, an external storage medium attached to the slot 23, or the like), thereby performing the various types of information processing." See also ¶ [0132].

moving a player character on a field in a virtual space, based on a movement operation input;

Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32."

causing a sub character to appear on the field, based on a first operation input,

Taura at ¶ [0099], "Moreover, if the player depresses the ZL-button 39 in the first operation mode, the operation mode will be shifted to the second operation mode. In this embodiment, the second operation mode means a state where another character 210 that can be operated by the player (hereinafter, called 'sub-character') appears in the virtual space in addition to the player character 202 and the sub-character 210 is automatically controlled by the processor 81 when no operation by the player is applied to the sub-character 210. In this embodiment, and the sub-character 210 appears into the virtual space so as to jump out from the player character 202 at a time of shifting to the second operation mode from the first operation mode." (emphasis added)).

and when an enemy character is placed at a location where the sub character is caused to appear, controlling a battle between the sub character and the enemy character by a first mode in which the battle proceeds based on an operation input,

Taura at ¶ [0111], "if the player continues to depress the ZL-button 39 in the second operation mode (in this embodiment, long-depression of 3 seconds), the operation mode is shifted to the third operation mode, and the third operation mode is maintained only during time the ZL-button 39 is kept depressed;"

Taura at ¶ [0114], "in the third operation mode [...] the player makes only the sub-character 210 move and the player character 202 stay at that place;"

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 [...] the

connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210." See also ¶¶ [0116]–[0119]; and

Taura at ¶ [0175], "the processing in the third operation mode is performed in the step S49" and at ¶ [0176], "In the step S49, the processor 81 […] moves the sub-character 210 according to the operation of the analog stick 52."

and when the enemy character is not placed at the location where the sub character is caused to appear, starting automatic control of automatically moving the sub character that has appeared;

Taura at ¶ [0167], "Furthermore, in the step S35, the processor 81 controls […] if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

and moving the sub character in a predetermined direction on the field […], and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy

character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists in the movable range of the sub-character 210." (emphasis added). See also ¶¶ [0130] and [0167]).

In ¶ [0102] of Taura, a POSITA would understand that the processor 81 performs control of moving the sub-character in the direction of the enemy that is "most close," i.e., *a predetermined direction*, as claimed.

However, Taura does not expressly disclose that the control of moving the sub-character in the predetermined direction is **based on a second operation input**.

Yabe is directed to a video game machine, player character action control method, and video game program (title). Similar to Taura, Yabe teaches a video game with a player character A and a sub-character B, in which the player character is controlled by a player and the sub-character operates in an automatic mode (e.g., attacks an opponent character located at the closest position). Yabe at ¶¶ [0049]–[0053].

Moreover, in Yabe, as explained in more detail below, the player can choose to *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds*, as claimed. This is generally shown in Yabe's figures as the progression from Figure 5 to Figure 7, both reproduced above, which shows sub-character B first engaged with enemy C2 (Fig. 5) and then being moved by the player to engage with enemy C3 (Fig. 7).

In particular, Yabe teaches "[i]n the auto operation mode, the sub-character B attacks the closest opponent character," i.e., "an object to be attacked by the sub-character B is originally an opponent character C2." Yabe at ¶ [0057]. See also Fig. 5. However, Yabe also teaches

"depending on the situation, the player may desire to change a target." *Id.* For example, "[if] an opponent character C3 is approaching the main character A, who is already engaging in battle with the opponent character C1 […] there maybe case where the player desires to prioritize elimination of the opponent character C3." *Id.* In the scenario of Fig. 5 and Fig. 7, a POSITA would recognize that C3 is *placed at a location of a designation*, as claimed. Further, to prioritize elimination of C3, Yabe explains "shift can [be] made to a manual operation mode so that the player can guide the sub-character B to the opponent character C3." Yabe at ¶ [0058]. Specifically, to change the target of sub-character B from C2 to C3, and thereby move sub-character B in a *predetermined direction* towards C3 (as shown in Fig. 7), Yabe teaches using a *second operation input*, i.e., "the player momentarily tilts the orientation lever 202 toward the opponent character C3." Yabe at ¶ [0063]. See also ¶ [0061]. As a result, "opponent character C3 located in the direction in which the orientation lever 202 has been tilted is set as a target […] and [sub-character B] makes movement in the manner as shown in FIG. 7, thus attacking the opponent character C3." *Id.* In view of Yabe's teachings noted above, the Examiner finds that Yabe teaches *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds*, as claimed.

Taura, as noted above, also teaches multiple enemies on a field with the player character and the sub-character, and the sub-character battling one of the enemies (e.g., the closest enemy). See, e.g., Taura at ¶¶ [0090] and [0102]; and at Fig. 9. Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the movement of Taura's sub-character

in a predetermined direction, upon which a battle proceeds automatically, to be based on a second operation input, as taught by Yabe. One would have been motivated to do so to satisfy a player's "desire to change a target" and/or "desire[] to prioritize elimination of [a particular] opponent [threating the player character]" (Yabe at ¶ [0057]).

7.1.18. Claim 26

Taura discloses the following claim limitations (in bold text):

A game processing method executed by an information processing system, the information processing system:

Taura, e.g., at ¶ [0065], "main body apparatus comprises a processor 81 [...] processor 81 executes an information processing program (e. g., a game program) stored in a storage section (specifically, an internal storage medium such as a flash memory 84, an external storage medium attached to the slot 23, or the like), thereby performing the various types of information processing." See also ¶ [0132].

moving a player character on a field in a virtual space, based on a movement operation input;

Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32."

causing a sub character to appear on the field, based on a first operation input,

Taura at ¶ [0099], "Moreover, if the player depresses the ZL-button 39 in the first operation mode, the operation mode will be shifted to the second operation mode. In this

embodiment, the second operation mode means a state where another character 210 that can be operated by the player (hereinafter, called 'sub-character') appears in the virtual space in addition to the player character 202 and the sub-character 210 is automatically controlled by the processor 81 when no operation by the player is applied to the sub-character 210. In this embodiment, and the sub-character 210 appears into the virtual space so as to jump out from the player character 202 at a time of shifting to the second operation mode from the first operation mode." (emphasis added)).

and when an enemy character is placed at a location where the sub character is caused to appear, controlling a battle between the sub character and the enemy character by a first mode in which the battle proceeds based on an operation input,

Taura at ¶ [0111], "if the player continues to depress the ZL-button 39 in the second operation mode (in this embodiment, long-depression of 3 seconds), the operation mode is shifted to the third operation mode, and the third operation mode is maintained only during time the ZL-button 39 is kept depressed;"

Taura at ¶ [0114], "in the third operation mode […] the player makes only the sub-character 210 move and the player character 202 stay at that place;"

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 […] the connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210." See also ¶¶ [0116]–[0119]; and

Taura at ¶ [0175], "the processing in the third operation mode is performed in the step S49" and at ¶ [0176], "In the step S49, the processor 81 […] moves the sub-character 210 according to the operation of the analog stick 52."

and when the enemy character is not placed at the location where the sub character is caused to appear, starting automatic control of automatically moving the sub character that has appeared;

Taura at ¶ [0167], "Furthermore, in the step S35, the processor 81 controls […] if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

and moving the sub character in a predetermined direction on the field […], and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists

in the movable range of the sub-character 210." (emphasis added). See also ¶¶ [0130] and [0167]).

In ¶ [0102] of Taura, a POSITA would understand that the processor 81 performs control of moving the sub-character in the direction of the enemy that is "most close," i.e., *a predetermined direction*, as claimed.

However, Taura does not expressly disclose that the control of moving the sub-character in the predetermined direction is **based on a second operation input**.

Yabe is directed to a video game machine, player character action control method, and video game program (title). Similar to Taura, Yabe teaches a video game with a player character A and a sub-character B, in which the player character is controlled by a player and the sub-character operates in an automatic mode (e.g., attacks an opponent character located at the closest position). Yabe at ¶¶ [0049]–[0053].

Moreover, in Yabe, as explained in more detail below, the player can choose to *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds*, as claimed. This is generally shown in Yabe's figures as the progression from Figure 5 to Figure 7, both reproduced above, which shows sub-character B first engaged with enemy C2 (Fig. 5) and then being moved by the player to engage with enemy C3 (Fig. 7).

In particular, Yabe teaches "[i]n the auto operation mode, the sub-character B attacks the closest opponent character," i.e., "an object to be attacked by the sub-character B is originally an opponent character C2." Yabe at ¶ [0057]. See also Fig. 5. However, Yabe also teaches "depending on the situation, the player may desire to change a target." *Id.* For example, "[if] an

opponent character C3 is approaching the main character A, who is already engaging in battle with the opponent character C1 [...] there maybe case where the player desires to prioritize elimination of the opponent character C3." *Id.* In the scenario of Fig. 5 and Fig. 7, a POSITA would recognize that C3 is *placed at a location of a designation*, as claimed. Further, to prioritize elimination of C3, Yabe explains "shift can [be] made to a manual operation mode so that the player can guide the sub-character B to the opponent character C3." Yabe at ¶ [0058]. Specifically, to change the target of sub-character B from C2 to C3, and thereby move sub-character B in a *predetermined direction* towards C3 (as shown in Fig. 7), Yabe teaches using a *second operation input*, i.e., "the player momentarily tilts the orientation lever 202 toward the opponent character C3." Yabe at ¶ [0063]. See also ¶ [0061]. As a result, "opponent character C3 located in the direction in which the orientation lever 202 has been tilted is set as a target [...] and [sub-character B] makes movement in the manner as shown in FIG. 7, thus attacking the opponent character C3." *Id.* In view of Yabe's teachings noted above, the Examiner finds that Yabe teaches *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds*, as claimed.

Taura, as noted above, also teaches multiple enemies on a field with the player character and the sub-character, and the sub-character battling one of the enemies (e.g., the closest enemy). See, e.g., Taura at ¶¶ [0090] and [0102]; and at Fig. 9. Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the movement of Taura's sub-character in a predetermined direction, upon which a battle proceeds automatically, to be based on a

second operation input, as taught by Yabe. One would have been motivated to do so to satisfy a player's "desire to change a target" and/or "desire[] to prioritize elimination of [a particular] opponent [threating the player character]" (Yabe at ¶ [0057]).

7.2. Obvious over Taura and Yabe, in further view of Shimomoto

Claims 3, 4, 8, 9, 15, 16, 20, and 21 are rejected under 35 U.S.C. § 103 as being unpatentable over Taura and Yabe, in further view of Shimomoto.

7.2.1. Claim 3

Taura and Yabe further teach the following limitations of claim 3 (in bold text):

The storage medium according to claim 2, wherein the game program further causes the processor to, if another enemy character is placed in a predetermined range including a position of the sub character [...], start a battle between the sub character and the other enemy character by the second mode.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists in the movable range of the sub-character 210." (emphasis added). See also Taura at ¶ [0167].

However, the combination of Taura and Yabe do not *expressly* teach that the battle with the another enemy character is started **when the battle between the sub character and the enemy character by the second mode ends.**

In a system such as Taura, where a sub-character automatically attacks a first one of multiple enemies on a field (e.g., ¶ [0102]), a POSITA would find it obvious that the sub-character would start a battle with another enemy character, if the battle with first enemy ends (e.g., the enemy is defeated or flees). Otherwise, the sub-character would appear to the player as being aloof, to say the least, since another enemy is in range of the sub-character yet unengaged by the sub-character. This behavior of the sub-character would detract from the player's enjoyment of the game.

Nonetheless, to the extent that Taura does not at least fairly suggest starting a battle with another enemy character when the battle between the enemy and the sub-character ends, as claimed, the Examiner provides the following alternative.

Similar to both Taura and Yabe, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. After the sub character is made to appear, it will battle an enemy in a mode in which the battle automatically proceeds (i.e., a *second mode*, as claimed). See, e.g., Shimomoto at ¶ [0312] ("the sub character 6005 having appeared is automatically controlled to attack the closest enemy character 6006 among the enemy characters 6006 in the striking range."); see also ¶ [0305]. Moreover, if the sub character defeats the enemy, it will start a battle with another enemy. See, e.g., Shimomoto at ¶¶ [0819]–[0821] ("the sub character 8005a having appeared is automatically controlled to search and attack the enemy character 8006 in the enemy-search range 8026. In the example illustrated in FIG. 54(2), there exists two characters, that is, the enemy character 8006a and the enemy character 8006b, and which of them to be attacked is determined as appropriate [...] the sub character 8005a attacks the enemy character 8006a [...]. When the enemy character 8006a is defeated [...] the sub character 8005a is automatically controlled to take a general enemy-search attack action[, i.e., to

repeat the search and attack in the enemy-search range 8026, *supra*]") and ¶ [0326] ("'enemy-search attack' in which to make an enemy-search action and attack against the found enemy character 6006"). Therefore, Shimomoto teaches a sub character that starts a battle with another enemy **when the battle between the sub character and the enemy character by the second mode ends**, as claimed.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify Taura's sub-character such that it will start a battle with the another enemy character (of the "two or more enemy characters 204," *supra*) when the battle between the sub character and the enemy character by the second mode ends, as taught by Shimomoto. One would have been motivated to do so in order for the automatic control, of the sub character to battle a closest enemy, to not end until there are no other enemy characters on the field and/or within range.

7.2.2. Claim 4

Taura, Yabe, and Shimomoto further teach the following limitations of claim 4 (in bold text):

The storage medium according to claim 3, wherein the automatic control includes movement control of causing the sub character to follow the player character.

Taura at ¶ [0167], "However, if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

7.2.3. Claim 8

Taura and Yabe further teach the following limitations of claim 8 (in bold text):

The storage medium according to claim 7, wherein the game program causes the processor to perform control of causing the sub character to appear on the field and moving the sub character toward the predetermined position, when the second operation input is performed [...].

See rejection of claim 1, *supra*. However, Taura and Yabe do not expressly teach that the second operation input is performed **in a state where the sub character has not appeared on the field**.

Similar to both Taura and Yabe, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. Like Taura, the sub character of Shimomoto is made to appear through *a first operation input*, as claimed. For example, Shimomoto teaches "[w]hen the player 6002 performs an action operation, the player character 6004 throws the selected preset storage object 6008" (¶ [0307]) and "throwing [the] preset storage object 6008 by the player character 6004 [...] caus[es] the stored sub character 6005 to appear" (¶ [0305]).

Moreover, similar to Yabe, Shimomoto teaches a *second operation input* used to select an enemy character and *mov[e] the sub character in a predetermined direction on the field* towards the enemy character. In particular, the player can control the player character to aim the direction of throw at a particular enemy, so that when the sub character appears on the field, it moves towards that particular enemy. See, e.g., Shimomoto at ¶ [0309] ("A throwing direction marker 6012 (a broken-line circle on the center of the screen in the example of FIG. 4) is displayed on the game screen W6004 (see FIG. 4).The player can adjust the position and posture of the player

character 6004 such that the marker is oriented to the direction to be thrown (throwing direction)."); and ¶ [0312] ("Accordingly, as illustrated in FIG. 6, a predicted trajectory 6030 to be followed by the preset storage object 6008 to be thrown and a predicted flying destination 6032 are represented by prediction display objects in the game screen and are notified to the player. In the first embodiment, the sub character 6005 having appeared is automatically controlled to attack the closest enemy character 6006 among the enemy characters 6006 in the striking range. Accordingly, when the sub character 6005 stored in the preset storage object 6008 to be flown is controlled to appear, the predicted flying destination 6032 also substantially serves as the prediction display of the enemy character 6006 which is the target of attack.").

Notably, Shimomoto's second operation input is performed before the sub character is made to appear using the first operation input. *Id.* See also Shimomoto at ¶¶ [0305]–[0307]. Therefore, Shimomoto teaches a *second operation input*, as defined in claim 1, *is performed in a state where the sub character has not appeared on the field*, as claimed.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the processor of Taura/Yabe to allow the player to perform a second operation input in a state where the sub character has not appeared on the field, as taught by Shimomoto. One would have been motivated to do so in order for the player to prioritize a particular enemy threatening the player character (as in Taura/Yabe, *supra*), but prior to making the sub character appear, which would provide the player an ability to prioritize an enemy character for the sub character to attack even when disadvantageously not having their sub character already on the field. Moreover, the second operation input of Shimomoto (e.g., aiming throw) adds complexity to the game that "leads to improvement in the attraction of the game" (Shimomoto, e.g., at ¶ [0172]).

7.2.4. Claim 9

Taura and Yabe further teach the following limitations of claim 9 (in bold text):

The storage medium according to claim 1

See rejection of claim 1, *supra*.

However, Taura and Yabe do not expressly teach **wherein the game program further causes the processor to: select one of enemy characters on the field, based on a fourth operation input; [and] when the first operation input is performed in a state where the enemy character is selected, perform control of causing the sub character to appear at a location where the selected enemy character is placed [...].**

However, similar to both Taura and Yabe, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. Like Taura, the sub character of Shimomoto is made to appear through *a first operation input*, as claimed. For example, Shimomoto teaches "[w]hen the player 6002 performs an action operation, the player character 6004 throws the selected preset storage object 6008" (¶ [0307]) and "throwing [the] preset storage object 6008 by the player character 6004 [...] caus[es] the stored sub character 6005 to appear" (¶ [0305]).

Moreover, prior to making the sub character appear, Shimomoto teaches that the player can select an enemy, based on a particular operation input, out of a plurality of enemy characters. See, e.g., Shimomoto at ¶ [0338] ("a lock-on operation (an operation of specifying the flying target) is performed at the time of a throwing operation to change the type of the flying route and follow the locked-on enemy character 6006. There is no particular limitation on the method for lock-on operation. For example, the player may select one of the enemy characters 6006 existing

in a predetermined peripheral range of a throwing direction marker 6012 of the player character 6004." (emphasis added)). See also ¶ [0312], "enemy character 6006 among the enemy characters 6006." Therefore, Shimomoto teaches a *processor to: select one of enemy characters on the field, based on a fourth operation input*, as claimed.

Furthermore, as noted above, Taura teaches that the place on the field where the sub character appears has multiple enemies available to attack (Taura, e.g., at ¶ [0102]). Yabe teaches a similar scenario (see, e.g., Yabe at Fig. 5).

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify Taura's processor to use the first operation input, taught by Shimomoto, and to allow the player to select a particular one of the enemies prior to making the sub character appear via the first operation input, as taught by Shimomoto. First, one would have been motivated to use the first operation input of Shimomoto because it "leads to improvement in the attraction of the game" (Shimomoto at ¶ [0172]). Second, when incorporating Shimomoto's first operation input, one would also have been motivated to allow the player to select a particular enemy (using the lock-on feature), prior to making the sub character appear, as taught by Shimomoto, in order to for the player to select one of a plurality of enemies for an ensuing battle via the first mode.

Furthermore, after selection of the enemy character and while the enemy character is selected, Shimomoto further teaches the first operation input is performed causing the sub character to appear at a location where the selected enemy character is placed. See, e.g., Shimomoto at ¶ [0338] (selection is done prior to throwing) and ¶ [0305] (throwing causes sub character to appear). Therefore, Shimomoto also teaches a *processor to: [...] when the first operation input is performed in a state where the enemy character is selected, perform control of*

causing the sub character to appear at a location where the selected enemy character is placed, as claimed.

Therefore, it would also have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify Taura's processor to cause the sub character to appear at the selected enemy's location, when the first operation input is performed, as taught by Shimomoto. One would have been motivated to do so in order to allow the player to send the sub character directly to the location of a desired enemy, thereby providing the player with the ability to prepare the location of the sub character necessary to enact the battle in the first mode with the desired enemy.

The combination of Taura, Yabe, and Shimomoto, as discussed above, further teaches,

and control a battle between the sub character and the selected enemy character by the first mode (Taura, *supra*, e.g., ¶¶ [0114]–[0115]; Figs. 10–13)**; and**

when the second operation input is performed […], perform control of moving the sub character toward the selected enemy character on the field, and control a battle between the sub character and the selected enemy character by the second mode (Taura, as modified by Yabe, in the rejection of claim 1, *supra*).

Nevertheless, while Shimomoto teaches selecting an enemy character (using a fourth operation input, *supra*), the combination of Taura and Yabe does not expressly teach performing the second operation input (e.g., Yabe's "the player momentarily tilts the orientation lever 202 toward the opponent character C3" at ¶ [0063]) **in a state where the enemy character is selected**, as claimed. However, similar to why a POSITA would find it obvious to use Shimomoto's teaching prior to making the sub character appear, *supra*, a POSITA would also find it obvious to use Shimomoto's teaching after making the sub character appear and in

conjunction with the *second operation input* of Taura/Yabe. In particular, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the processor of Taura/Yabe to select one of a plurality of enemies through fourth operation input, as taught by Shimomoto, prior to employing the second operation input of Yabe, which sends the sub character towards an enemy in defense of the player character. One would have been motivated to do so in order for the player to be able to pick one of a plurality of enemies that are close together (and in the same direction, e.g., a scenario where two enemies in Yabe's Fig. 5 are at the position of C3 (see below Yabe's modified Fig. 5)), and thereby be able to prioritize the enemy that is the most dangerous, e.g., one that could impose the most damage to the player character.

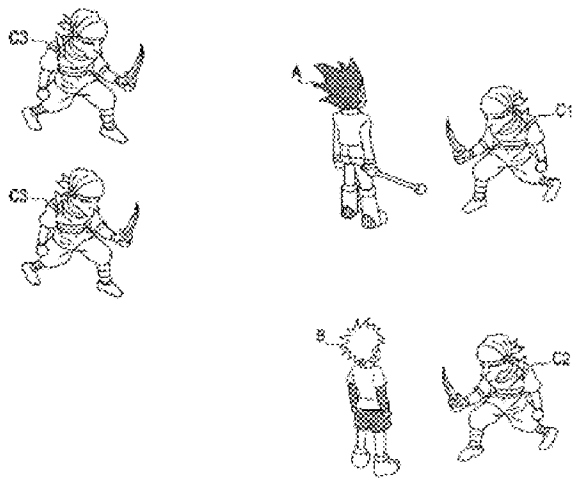

Fig. 5 of Yabe (modified by the Examiner)

As a POSITA would appreciate, in the above scenario, where there are two enemies C3 threatening the player character A, Shimomoto's teaching of selecting one of a plurality of enemy characters to attack would allow the player to select (or lock-on to) one of the enemy C3 (see above), to prioritize the most dangerous, and then perform the second operation input (of

Yabe) to move sub character B in a predetermined direction towards the selected C3 and automatically attack the selected C3. A POSITA would recognize this modification as an improvement to the Taura/Yabe combination and would find the results of the combination predictable.

7.2.5. Claim 15

Taura and Yabe further teach the following limitations of claim 15 (in bold text):

The information processing system according to claim 14, wherein, if another enemy character is placed in a predetermined range including a position of the sub character […], said at least any one processor starts a battle between the sub character and the other enemy character by the second mode.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists in the movable range of the sub-character 210." (emphasis added). See also Taura at ¶ [0167].

However, the combination of Taura and Yabe do not *expressly* teach that the battle with the another enemy character is started **when the battle between the sub character and the enemy character by the second mode ends.**

In a system such as Taura, where a sub-character automatically attacks a first one of multiple enemies on a field (e.g., ¶ [0102]), a POSITA would find it obvious that the sub-

character would start a battle with another enemy character, if the battle with first enemy ends (e.g., the enemy is defeated or flees). Otherwise, the sub-character would appear to the player as being aloof, to say the least, since another enemy is in range of the sub-character yet unengaged by the sub-character. This behavior of the sub-character would detract from the player's enjoyment of the game.

Nonetheless, to the extent that Taura does not at least fairly suggest starting a battle with another enemy character when the battle between the enemy and the sub-character ends, as claimed, the Examiner provides the following alternative.

Similar to both Taura and Yabe, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. After the sub character is made to appear, it will battle an enemy in a mode in which the battle automatically proceeds (i.e., a *second mode*, as claimed). See, e.g., Shimomoto at ¶ [0312] ("the sub character 6005 having appeared is automatically controlled to attack the closest enemy character 6006 among the enemy characters 6006 in the striking range."); see also ¶ [0305]. Moreover, if the sub character defeats the enemy, it will start a battle with another enemy. See, e.g., Shimomoto at ¶¶ [0819]–[0821] ("the sub character 8005a having appeared is automatically controlled to search and attack the enemy character 8006 in the enemy-search range 8026. In the example illustrated in FIG. 54(2), there exists two characters, that is, the enemy character 8006a and the enemy character 8006b, and which of them to be attacked is determined as appropriate [...] the sub character 8005a attacks the enemy character 8006a [...]. When the enemy character 8006a is defeated [...] the sub character 8005a is automatically controlled to take a general enemy-search attack action[, i.e., to repeat the search and attack in the enemy-search range 8026, *supra*]") and ¶ [0326] ("'enemy-search attack' in which to make an enemy-search action and attack against the found enemy

character 6006"). Therefore, Shimomoto teaches a sub character that starts a battle with another enemy **when the battle between the sub character and the enemy character by the second mode ends**, as claimed.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify Taura's sub-character such that it will start a battle with the another enemy character (of the "two or more enemy characters 204," *supra*) when the battle between the sub character and the enemy character by the second mode ends, as taught by Shimomoto. One would have been motivated to do so in order for the automatic control, of the sub character to battle a closest enemy, to not end until there are no other enemy characters on the field and/or within range.

7.2.6. Claim 16

Taura, Yabe, and Shimomoto further teach the following limitations of claim 16 (in bold text):

The information processing system according to claim 15, wherein the automatic control includes movement control of causing the sub character to follow the player character.

Taura at ¶ [0167], "However, if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

7.2.7. Claim 20

Taura and Yabe further teach the following limitations of claim 20 (in bold text):

The information processing system according to claim 19, wherein, when the second operation input is performed […], said at least any one processor causes the sub character to appear on the field and moves the sub character toward the predetermined position.

See rejection of claim 1, *supra*. However, Taura and Yabe do not expressly teach that the second operation input is performed **in a state where the sub character has not appeared on the field**.

Similar to both Taura and Yabe, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. Like Taura, the sub character of Shimomoto is made to appear through *a first operation input*, as claimed. For example, Shimomoto teaches "[w]hen the player 6002 performs an action operation, the player character 6004 throws the selected preset storage object 6008" (¶ [0307]) and "throwing [the] preset storage object 6008 by the player character 6004 […] caus[es] the stored sub character 6005 to appear" (¶ [0305]).

Moreover, similar to Yabe, Shimomoto teaches a *second operation input* used to select an enemy character and *mov[e] the sub character in a predetermined direction on the field* towards the enemy character. In particular, the player can control the player character to aim the direction of throw at a particular enemy, so that when the sub character appears on the field, it moves towards that particular enemy. See, e.g., Shimomoto at ¶ [0309] ("A throwing direction marker 6012 (a broken-line circle on the center of the screen in the example of FIG. 4) is displayed on the game screen W6004 (see FIG. 4).The player can adjust the position and posture of the player character 6004 such that the marker is oriented to the direction to be thrown (throwing

direction)."); and ¶ [0312] ("Accordingly, as illustrated in FIG. 6, a predicted trajectory 6030 to be followed by the preset storage object 6008 to be thrown and a predicted flying destination 6032 are represented by prediction display objects in the game screen and are notified to the player. In the first embodiment, the sub character 6005 having appeared is automatically controlled to attack the closest enemy character 6006 among the enemy characters 6006 in the striking range. Accordingly, when the sub character 6005 stored in the preset storage object 6008 to be flown is controlled to appear, the predicted flying destination 6032 also substantially serves as the prediction display of the enemy character 6006 which is the target of attack.").

Notably, Shimomoto's second operation input is performed before the sub character is made to appear using the first operation input. *Id.* See also Shimomoto at ¶¶ [0305]–[0307]. Therefore, Shimomoto teaches a *second operation input*, as defined in claim 1, *is performed in a state where the sub character has not appeared on the field*, as claimed.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the processor of Taura/Yabe to allow the player to perform a second operation input in a state where the sub character has not appeared on the field, as taught by Shimomoto. One would have been motivated to do so in order for the player to prioritize a particular enemy threatening the player character (as in Taura/Yabe, *supra*), but prior to making the sub character appear, which would provide the player an ability to prioritize an enemy character for the sub character to attack even when disadvantageously not having their sub character already on the field. Moreover, the second operation input of Shimomoto (e.g., aiming throw) adds complexity to the game that "leads to improvement in the attraction of the game" (Shimomoto, e.g., at ¶ [0172]).

7.2.8. Claim 21

Taura and Yabe further teach the following limitations of claim 21 (in bold text):

The information processing system according to claim 13,

See rejection of claim 13, *supra*.

However, Taura and Yabe do not expressly teach **wherein said at least any one processor: selects one of enemy characters on the field, based on a fourth operation input; [and] when the first operation input is performed in a state where the enemy character is selected, causes the sub character to appear at a location where the selected enemy character is placed […].**

However, similar to both Taura and Yabe, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. Like Taura, the sub character of Shimomoto is made to appear through *a first operation input*, as claimed. For example, Shimomoto teaches "[w]hen the player 6002 performs an action operation, the player character 6004 throws the selected preset storage object 6008" (¶ [0307]) and "throwing [the] preset storage object 6008 by the player character 6004 […] caus[es] the stored sub character 6005 to appear" (¶ [0305]).

Moreover, prior to making the sub character appear, Shimomoto teaches that the player can select an enemy, based on a particular operation input, out of a plurality of enemy characters. See, e.g., Shimomoto at ¶ [0338] ("a lock-on operation (an operation of specifying the flying target) is performed at the time of a throwing operation to change the type of the flying route and follow the locked-on enemy character 6006. There is no particular limitation on the method for lock-on operation. For example, the player may select one of the enemy characters 6006 existing in a predetermined peripheral range of a throwing direction marker 6012 of the player character

6004." (emphasis added)). See also ¶ [0312], "enemy character 6006 among the enemy characters 6006." Therefore, Shimomoto teaches a *wherein said at least any one processor: selects one of enemy characters on the field, based on a fourth operation input*, as claimed.

Furthermore, as noted above, Taura teaches that the place on the field where the sub character appears has multiple enemies available to attack (Taura, e.g., at ¶ [0102]). Yabe teaches a similar scenario (see, e.g., Yabe at Fig. 5).

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify Taura's processor to use the first operation input, taught by Shimomoto, and to allow the player to select a particular one of the enemies prior to making the sub character appear via the first operation input, as taught by Shimomoto. First, one would have been motivated to use the first operation input of Shimomoto because it "leads to improvement in the attraction of the game" (Shimomoto at ¶ [0172]). Second, when incorporating Shimomoto's first operation input, one would also have been motivated to allow the player to select a particular enemy (using the lock-on feature), prior to making the sub character appear, as taught by Shimomoto, in order to for the player to select one of a plurality of enemies for an ensuing battle via the first mode.

Furthermore, after selection of the enemy character and while the enemy character is selected, Shimomoto further teaches the first operation input is performed causing the sub character to appear at a location where the selected enemy character is placed. See, e.g., Shimomoto at ¶ [0338] (selection is done prior to throwing) and ¶ [0305] (throwing causes sub character to appear). Therefore, Shimomoto also teaches a *wherein said at least any one processor: [...] when the first operation input is performed in a state where the enemy character*

is selected, causes the sub character to appear at a location where the selected enemy character is placed, as claimed.

Therefore, it would also have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify Taura's processor to cause the sub character to appear at the selected enemy's location, when the first operation input is performed, as taught by Shimomoto. One would have been motivated to do so in order to allow the player to send the sub character directly to the location of a desired enemy, thereby providing the player with the ability to prepare the location of the sub character necessary to enact the battle in the first mode with the desired enemy.

The combination of Taura, Yabe, and Shimomoto, as discussed above, further teaches,

and controls a battle between the sub character and the selected enemy character by the first mode (Taura, *supra*, e.g., ¶¶ [0114]–[0115]; Figs. 10–13)**; and**

when the second operation input is performed […], moves the sub character toward the selected enemy character on the field, and controls a battle between the sub character and the selected enemy character by the second mode (Taura, as modified by Yabe, in the rejection of claim 1, *supra*).

Nevertheless, while Shimomoto teaches selecting an enemy character (using a fourth operation input, *supra*), the combination of Taura and Yabe does not expressly teach performing the second operation input (e.g., Yabe's "the player momentarily tilts the orientation lever 202 toward the opponent character C3" at ¶ [0063]) **in a state where the enemy character is selected**, as claimed. However, similar to why a POSITA would find it obvious to use Shimomoto's teaching prior to making the sub character appear, *supra*, a POSITA would also find it obvious to use Shimomoto's teaching after making the sub character appear and in

conjunction with the *second operation input* of Taura/Yabe. In particular, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the processor of Taura/Yabe to select one of a plurality of enemies through fourth operation input, as taught by Shimomoto, prior to employing the second operation input of Yabe, which sends the sub character towards an enemy in defense of the player character. One would have been motivated to do so in order for the player to be able to pick one of a plurality of enemies that are close together (and in the same direction, e.g., a scenario where two enemies in Yabe's Fig. 5 are at the position of C3 (see below Yabe's modified Fig. 5)), and thereby be able to prioritize the enemy that is the most dangerous, e.g., one that could impose the most damage to the player character.

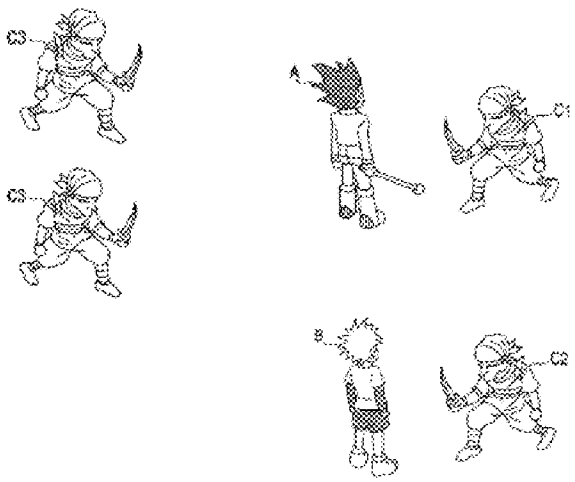

Fig. 5 of Yabe (modified by the Examiner)

As a POSITA would appreciate, in the above scenario, where there are two enemies C3 threatening the player character A, Shimomoto's teaching of selecting one of a plurality of enemy characters to attack would allow the player to select (or lock-on to) one of the enemy C3 (see above), to prioritize the most dangerous, and then perform the second operation input (of

Yabe) to move sub character B in a predetermined direction towards the selected C3 and automatically attack the selected C3. A POSITA would recognize this modification as an improvement to the Taura/Yabe combination and would find the results of the combination predictable.

7.3. Obvious over Taura, in view of Motokura

Claims 1, 2, 5–7, 10–14, 17–19, and 22–26 are also rejected under 35 U.S.C. § 103 as being unpatentable over Taura, in view of Motokura.

7.3.1. Claim 1

Taura discloses the following claim limitations (in bold text):

A non-transitory computer-readable storage medium having stored therein a game program, the game program causing a processor of an information processing apparatus to execute:

Taura, e.g., at ¶ [0065], "processor 81 executes an information processing program (e. g., a game program) stored in a storage section (specifically, an internal storage medium such as a flash memory 84, an external storage medium attached to the slot 23, or the like), thereby performing the various types of information processing." See also ¶ [0132].

performing control of moving a player character on a field in a virtual space, based on a movement operation input;

Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32."

performing control of causing a sub character to appear on the field, based on a first operation input,

Taura at ¶ [0099], "Moreover, if the player depresses the ZL-button 39 in the first operation mode, the operation mode will be shifted to the second operation mode. In this embodiment, the second operation mode means a state where another character 210 that can be operated by the player (hereinafter, called 'sub-character') appears in the virtual space in addition to the player character 202 and the sub-character 210 is automatically controlled by the processor 81 when no operation by the player is applied to the sub-character 210. In this embodiment, and the sub-character 210 appears into the virtual space so as to jump out from the player character 202 at a time of shifting to the second operation mode from the first operation mode." (emphasis added)).

and when an enemy character is placed at a location where the sub character is caused to appear, controlling a battle between the sub character and the enemy character by a first mode in which the battle proceeds based on an operation input,

Taura at ¶ [0111], "if the player continues to depress the ZL-button 39 in the second operation mode (in this embodiment, long-depression of 3 seconds), the operation mode is shifted to the third operation mode, and the third operation mode is maintained only during time the ZL-button 39 is kept depressed;"

Taura at ¶ [0114], "in the third operation mode [...] the player makes only the sub-character 210 move and the player character 202 stay at that place;"

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 [...] the

connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210." See also ¶¶ [0116]–[0119]; and

Taura at ¶ [0175], "the processing in the third operation mode is performed in the step S49" and at ¶ [0176], "In the step S49, the processor 81 [...] moves the sub-character 210 according to the operation of the analog stick 52."

and when the enemy character is not placed at the location where the sub character is caused to appear, starting automatic control of automatically moving the sub character that has appeared;

Taura at ¶ [0167], "Furthermore, in the step S35, the processor 81 controls [...] if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

and performing control of moving the sub character in a predetermined direction on the field [...], and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy

character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists in the movable range of the sub-character 210." (emphasis added). See also ¶¶ [0130] and [0167]).

In ¶ [0102] of Taura, a POSITA would understand that the processor 81 performs control of moving the sub-character in the direction of the enemy that is "most close," i.e., *a predetermined direction*, as claimed.

However, Taura does not expressly disclose that the control of moving the sub-character in the predetermined direction is **based on a second operation input**.

Motokura is directed to a game program stored on a medium [and a] game system (title). Similar to Taura, Motokura teaches a video game with a player character ("first character object 71") and a sub-character ("second character object 72"), in which the player character is controlled by a player and the sub-character operates in an automatic mode. Motokura at ¶¶ [0099]–[0100] and [0103].

Moreover, in Motokura, as explained in more detail below, the player can choose to *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds*, as claimed. This is generally shown in Motokura's figures as the progression from Figure 10 to Figure 12, each reproduced below (cropped by the Examiner), which show sub-character 72 being moved by the player to engage with enemy 76.

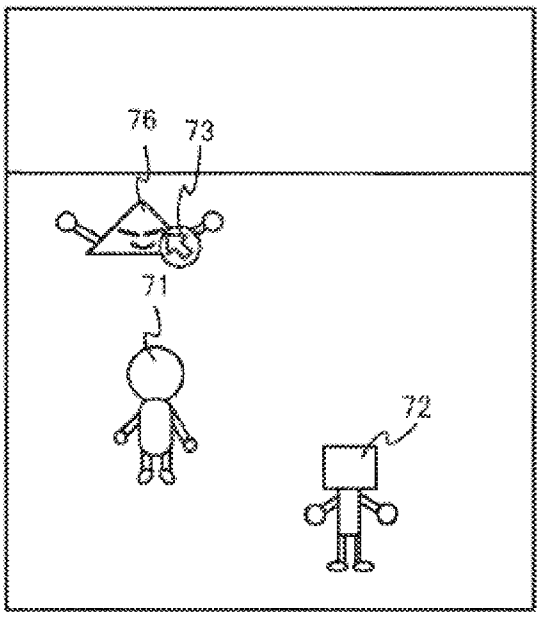

Fig. 10 of Motokura (cropped)

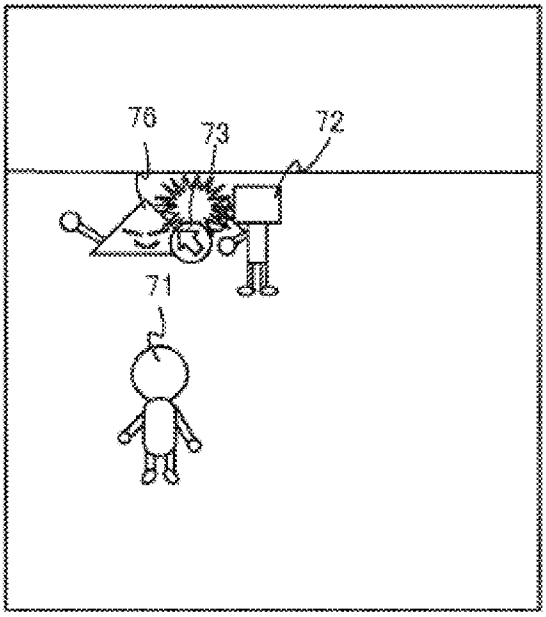

Fig. 12 of Motokura (cropped)

In particular, Motokura teaches,

"As shown in FIG. 10, the pointer object 73 is present at the position of an enemy character 76." See ¶ [0115];

"If a predetermined instruction is given (e.g., the first R-button 60 is pressed) by the first player in the state shown in FIG. 10, the second character object 72 moves to a position in the virtual space indicated by the pointer object 73 and performs a predetermined action on the position." See ¶ [0116] (emphasis added); and

"Then, if an enemy character 76 is present at the position in the virtual space indicated by the pointer object 73, as shown in FIG. 12, the second character object 72 attacks the enemy character 76." See ¶ [0118].

Furthermore, Taura, as noted above, teaches multiple enemies on a field with the player character and the sub-character, and the sub-character battling one of the enemies (e.g., the closest enemy) in an automatic mode. See, e.g., Taura at ¶¶ [0090] and [0102]; and at Fig. 9.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the movement of Taura's sub-character in a predetermined direction, upon which a battle proceeds automatically, to be based on a second operation input (i.e., pressing R-button 60, or another suitably designated button) when the player has selected an enemy character (i.e., when pointer object 73 is present at the position of an enemy character), as taught by Motokura. One would have been motivated to do so in order to allow the player to select a preferred one of the enemies for the sub character to attack, instead of merely the closest enemy to the sub character, thereby improving the player's satisfaction with control of the sub character.

7.3.2. Claim 2

Taura and Motokura further teach the following limitations of claim 2 (in bold text):

The storage medium according to claim 1, wherein the game program further causes the processor to start the automatic control after the battle by the second mode ends.

See Taura at ¶ [0167], "However, if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

7.3.3. Claim 5

Taura and Motokura further teach the following limitations of claim 5 (in bold text):

The storage medium according to claim 1, wherein the game program further causes the processor to perform control of bringing the sub character into a state where the

sub character has not appeared on the field, when a third operation input is performed in a state where the sub character has appeared.

See Taura at ¶ [0108], "In this embodiment, if the R-button 60 is depressed when the sub-character 210 appears in the virtual space, the sub-character 210 is erased from the virtual space. Then, the operation mode is shifted to the first operation mode from the second operation mode. That is, it is also possible to erase the sub-character 210 by the operation of the player."

7.3.4. Claim 6

Taura and Motokura further teach the following limitations of claim 6 (in bold text):

The storage medium according to claim 1, wherein the game program further causes the processor to, when the player character comes into contact with the enemy character, control a battle between the sub character and the enemy character by the first mode regardless of whether or not the sub character has appeared on the field.

In Taura, for example, the player character can engage the enemy character with the ZR-button (i.e., comes into contact with the enemy character). See Taura at ¶ [0090], "player character 202 [...] attacking the enemy character 204, defending attack of the enemy character 204;" and Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32, and attack the enemy character 204 by depressing (operating) the ZR-button 61. A plurality of types of techniques for the player character 202 to attack the enemy character 204 are prepared."

Moreover, in Taura, if the sub character has already appeared, the player can control the sub character to attack in the first mode (Taura at ¶ [0115]), or, if the sub character has not appeared, the player can press the ZL-button to make the sub character appear (Taura at ¶

[0099]), and then control the sub character to attack in the first mode (Taura at ¶ [0115]). Therefore, the player can control *a battle between the sub character and the enemy character by the first mode regardless of whether or not the sub character has appeared*, as claimed.

7.3.5. Claim 7

Taura and Motokura further teach the following limitations of claim 7 (in bold text):

The storage medium according to claim 1, wherein the game program causes the processor to perform control of moving the sub character toward a predetermined position set in front of the player character, when the second operation input is performed.

See Motokura, e.g., at Figs. 10 and 12, *supra*, which shows moving the sub character 72 toward a predetermined position (at the enemy) that is also set in front of the player character 71.

7.3.6. Claim 10

Taura and Motokura further teach the following limitations of claim 10 (in bold text):

The storage medium according to claim 1, wherein, in a battle by the first mode, a plurality of commands including at least an attack by the sub character on the enemy character

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 [...] the connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210."

and capture of the enemy character

Taura at ¶ [0118], "If the enemy character 204 is surrounded by the connection object 212 as shown in FIG. 12, then, the player character 202 and the sub-character 210 perform automatically action that the enemy character 204 is bound by the connection object 212, and as shown in FIG. 13, the connection object 212 is deformed into a state of coiling around the enemy character 204."

are designated based on an operation input,

Taura at ¶ [0114], "in the third operation mode [...] the player makes only the sub-character 210 move and the player character 202 stay at that place."

and motions of the player character and/or the sub character corresponding to the designated commands are executed.

Taura at ¶¶ [0114], [0115], and [0118], *supra*, where at least motions of the sub character corresponding to designated commands are executed. See also Figs. 10–13.

7.3.7. Claim 11

Taura and Motokura further teach the following limitations of claim 11 (in bold text):

The storage medium according to claim 10, wherein a battle by the first mode is started after display control of moving a viewpoint such that the sub character and the enemy character that perform the battle are included at least in a field of view, without switching a scene on the field,

Taura at ¶ [0100], "the player character 202 and the sub-character 210 are controlled so as to be settled in a field angle of the virtual camera" and ¶ [0112], "in the third operation mode, the virtual camera cannot be operated with the analog stick 52, but automatically controlled. At this time, it is controlled so that the player character 202 and the sub-character 210 are both included in the field of view of the virtual camera." See also progression from Fig. 8 through Fig. 13, which shows 210/212 continuously in a field of view and a scene is not switched.

and movement of the player character is limited during the battle.

Taura at ¶ [0114], "the player makes only the sub-character 210 move and the player character 202 stay at that place."

7.3.8. Claim 12

Taura and Motokura further teach the following limitations of claim 12 (in bold text):

The storage medium according to claim 11, wherein a battle by the second mode is started without switching the scene on the field,

Taura at Fig. 8 to Fig. 9, which shows scene is not switched when going to the second operation mode, in which "the sub-character 210 attacks the enemy character 204 automatically" (Taura at ¶ [0102]).

and movement control of the player character based on the movement operation input is executed during the battle.

Taura at ¶ [0100], "in the second operation mode, the player character 202 [...] can be operated by the player, as similar to the first operation mode." See also Taura at ¶¶ [0090] and [0094]).

7.3.9. Claim 13

Taura discloses the following claim limitations (in bold text):

An information processing system comprising at least one information processing apparatus including a processor, at least any one processor of said at least one information processing apparatus:

Taura, e.g., at ¶ [0065], "main body apparatus comprises a processor 81 [...] processor 81 executes an information processing program (e. g., a game program) stored in a storage section (specifically, an internal storage medium such as a flash memory 84, an external storage medium attached to the slot 23, or the like), thereby performing the various types of information processing." See also ¶ [0132].

moving a player character on a field in a virtual space, based on a movement operation input;

Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32."

causing a sub character to appear on the field, based on a first operation input,

Taura at ¶ [0099], "Moreover, if the player depresses the ZL-button 39 in the first operation mode, the operation mode will be shifted to the second operation mode. In this

embodiment, the second operation mode means a state where another character 210 that can be operated by the player (hereinafter, called 'sub-character') appears in the virtual space in addition to the player character 202 and the sub-character 210 is automatically controlled by the processor 81 when no operation by the player is applied to the sub-character 210. In this embodiment, and the sub-character 210 appears into the virtual space so as to jump out from the player character 202 at a time of shifting to the second operation mode from the first operation mode." (emphasis added)).

and when an enemy character is placed at a location where the sub character is caused to appear, controlling a battle between the sub character and the enemy character by a first mode in which the battle proceeds based on an operation input,

Taura at ¶ [0111], "if the player continues to depress the ZL-button 39 in the second operation mode (in this embodiment, long-depression of 3 seconds), the operation mode is shifted to the third operation mode, and the third operation mode is maintained only during time the ZL-button 39 is kept depressed;"

Taura at ¶ [0114], "in the third operation mode [...] the player makes only the sub-character 210 move and the player character 202 stay at that place;"

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 [...] the connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210." See also ¶¶ [0116]–[0119]; and

Taura at ¶ [0175], "the processing in the third operation mode is performed in the step S49" and at ¶ [0176], "In the step S49, the processor 81 […] moves the sub-character 210 according to the operation of the analog stick 52."

and when the enemy character is not placed at the location where the sub character is caused to appear, starting automatic control of automatically moving the sub character that has appeared;

Taura at ¶ [0167], "Furthermore, in the step S35, the processor 81 controls […] if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

and moving the sub character in a predetermined direction on the field […], and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists

in the movable range of the sub-character 210." (emphasis added). See also ¶¶ [0130] and [0167]).

In ¶ [0102] of Taura, a POSITA would understand that the processor 81 performs control of moving the sub-character in the direction of the enemy that is "most close," i.e., *a predetermined direction*, as claimed.

However, Taura does not expressly disclose that the control of moving the sub-character in the predetermined direction is **based on a second operation input**.

Motokura is directed to a game program stored on a medium [and a] game system (title). Similar to Taura, Motokura teaches a video game with a player character ("first character object 71") and a sub-character ("second character object 72"), in which the player character is controlled by a player and the sub-character operates in an automatic mode. Motokura at ¶¶ [0099]–[0100] and [0103].

Moreover, in Motokura, as explained in more detail below, the player can choose to *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds*, as claimed. This is generally shown in Motokura's figures as the progression from Figure 10 to Figure 12, each reproduced *supra* (cropped by the Examiner), which show sub-character 72 being moved by the player to engage with enemy 76.

In particular, Motokura teaches,

"As shown in FIG. 10, the pointer object 73 is present at the position of an enemy character 76." See ¶ [0115];

"If a predetermined instruction is given (e.g., the first R-button 60 is pressed) by the first player in the state shown in FIG. 10, the second character object 72 moves to a position in the virtual space indicated by the pointer object 73 and performs a predetermined action on the position." See ¶ [0116] (emphasis added); and

"Then, if an enemy character 76 is present at the position in the virtual space indicated by the pointer object 73, as shown in FIG. 12, the second character object 72 attacks the enemy character 76." See ¶ [0118].

Furthermore, Taura, as noted above, teaches multiple enemies on a field with the player character and the sub-character, and the sub-character battling one of the enemies (e.g., the closest enemy) in an automatic mode. See, e.g., Taura at ¶¶ [0090] and [0102]; and at Fig. 9.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the movement of Taura's sub-character in a predetermined direction, upon which a battle proceeds automatically, to be based on a second operation input (i.e., pressing R-button 60, or another suitably designated button) when the player has selected an enemy character (i.e., when pointer object 73 is present at the position of an enemy character), as taught by Motokura. One would have been motivated to do so in order to allow the player to select a preferred one of the enemies for the sub character to attack, instead of merely the closest enemy to the sub character, thereby improving the player's satisfaction with control of the sub character.

7.3.10. Claim 14

Taura and Motokura further teach the following limitations of claim 14 (in bold text):

The information processing system according to claim 13, wherein said at least any one processor starts the automatic control after the battle by the second mode ends.

See Taura at ¶ [0167], "However, if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

7.3.11. Claim 17

Taura and Motokura further teach the following limitations of claim 17 (in bold text):

The information processing system according to claim 13, wherein, when a third operation input is performed in a state where the sub character has appeared, said at least any one processor perform control of bringing the sub character into a state where the sub character has not appeared on the field.

See Taura at ¶ [0108], "In this embodiment, if the R-button 60 is depressed when the sub-character 210 appears in the virtual space, the sub-character 210 is erased from the virtual space. Then, the operation mode is shifted to the first operation mode from the second operation mode. That is, it is also possible to erase the sub-character 210 by the operation of the player."

7.3.12. Claim 18

Taura and Motokura further teach the following limitations of claim 18 (in bold text):

The information processing system according to claim 13, wherein when the player character comes into contact with the enemy character, said at least any one processor controls a battle between the sub character and the enemy character by the first mode regardless of whether or not the sub character has appeared on the field.

In Taura, for example, the player character can engage the enemy character with the ZR-button (i.e., comes into contact with the enemy character). See Taura at ¶ [0090], "player character 202 […] attacking the enemy character 204, defending attack of the enemy character 204;" and Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32, and attack the enemy character 204 by depressing (operating) the ZR-button 61. A plurality of types of techniques for the player character 202 to attack the enemy character 204 are prepared."

Moreover, in Taura, if the sub character has already appeared, the player can control the sub character to attack in the first mode (Taura at ¶ [0115]), or, if the sub character has not appeared, the player can press the ZL-button to make the sub character appear (Taura at ¶ [0099]), and then control the sub character to attack in the first mode (Taura at ¶ [0115]). Therefore, the player can control *a battle between the sub character and the enemy character by the first mode regardless of whether or not the sub character has appeared*, as claimed.

7.3.13. Claim 19

Taura and Motokura further teach the following limitations of claim 19 (in bold text):

The information processing system according to claim 13, wherein, when the second operation input is performed, said at least any one processor moves the sub character toward a predetermined position set in front of the player character.

See Motokura, e.g., at Figs. 10 and 12, *supra*, which shows moving the sub character 72 toward a predetermined position (at the enemy) that is also set in front of the player character 71.

7.3.14. Claim 22

Taura and Motokura further teach the following limitations of claim 22 (in bold text):

The information processing system according to claim 13, wherein, in a battle by the first mode, a plurality of commands including at least an attack by the sub character on the enemy character

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 [...] the connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210."

and capture of the enemy character

Taura at ¶ [0118], "If the enemy character 204 is surrounded by the connection object 212 as shown in FIG. 12, then, the player character 202 and the sub-character 210 perform automatically action that the enemy character 204 is bound by the connection object 212, and as shown in FIG. 13, the connection object 212 is deformed into a state of coiling around the enemy character 204."

are designated based on an operation input,

Taura at ¶ [0114], "in the third operation mode [...] the player makes only the sub-character 210 move and the player character 202 stay at that place."

and motions of the player character and/or the sub character corresponding to the designated commands are executed.

Taura at ¶¶ [0114], [0115], and [0118], *supra*, where at least motions of the sub character corresponding to designated commands are executed. See also Figs. 10–13.

7.3.15. Claim 23

Taura and Motokura further teach the following limitations of claim 23 (in bold text):

The information processing system according to claim 22, wherein a battle by the first mode is started after display control of moving a viewpoint such that the sub character and the enemy character that perform the battle are included at least in a field of view, without switching a scene on the field,

Taura at ¶ [0100], "the player character 202 and the sub-character 210 are controlled so as to be settled in a field angle of the virtual camera" and ¶ [0112], "in the third operation mode, the virtual camera cannot be operated with the analog stick 52, but automatically controlled. At this time, it is controlled so that the player character 202 and the sub-character 210 are both included in the field of view of the virtual camera." See also progression from Fig. 8 through Fig. 13, which shows 210/212 continuously in a field of view and a scene is not switched.

and movement of the player character is limited during the battle.

Taura at ¶ [0114], "the player makes only the sub-character 210 move and the player character 202 stay at that place."

7.3.16. Claim 24

Taura and Motokura further teach the following limitations of claim 24 (in bold text):

The information processing system according to claim 23, wherein a battle by the second mode is started without switching the scene on the field,

Taura at Fig. 8 to Fig. 9, which shows scene is not switched when going to the second operation mode, in which "the sub-character 210 attacks the enemy character 204 automatically" (Taura at ¶ [0102]).

and movement control of the player character based on the movement operation input is executed during the battle.

Taura at ¶ [0100], "in the second operation mode, the player character 202 [...] can be operated by the player, as similar to the first operation mode." See also Taura at ¶¶ [0090] and [0094]).

7.3.17. Claim 25

Taura discloses the following claim limitations (in bold text):

An information processing apparatus including a processor, the processor:

Taura, e.g., at ¶ [0065], "main body apparatus comprises a processor 81 [...] processor 81 executes an information processing program (e. g., a game program) stored in a storage section (specifically, an internal storage medium such as a flash memory 84, an external storage medium attached to the slot 23, or the like), thereby performing the various types of information processing." See also ¶ [0132].

moving a player character on a field in a virtual space, based on a movement operation input;

Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32."

causing a sub character to appear on the field, based on a first operation input,

Taura at ¶ [0099], "Moreover, if the player depresses the ZL-button 39 in the first operation mode, the operation mode will be shifted to the second operation mode. In this embodiment, the second operation mode means a state where another character 210 that can be operated by the player (hereinafter, called 'sub-character') appears in the virtual space in addition to the player character 202 and the sub-character 210 is automatically controlled by the processor 81 when no operation by the player is applied to the sub-character 210. In this embodiment, and the sub-character 210 appears into the virtual space so as to jump out from the player character 202 at a time of shifting to the second operation mode from the first operation mode." (emphasis added)).

and when an enemy character is placed at a location where the sub character is caused to appear, controlling a battle between the sub character and the enemy character by a first mode in which the battle proceeds based on an operation input,

Taura at ¶ [0111], "if the player continues to depress the ZL-button 39 in the second operation mode (in this embodiment, long-depression of 3 seconds), the operation mode is shifted to the third operation mode, and the third operation mode is maintained only during time the ZL-button 39 is kept depressed;"

Taura at ¶ [0114], "in the third operation mode […] the player makes only the sub-character 210 move and the player character 202 stay at that place;"

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 […] the connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210." See also ¶¶ [0116]–[0119]; and

Taura at ¶ [0175], "the processing in the third operation mode is performed in the step S49" and at ¶ [0176], "In the step S49, the processor 81 […] moves the sub-character 210 according to the operation of the analog stick 52."

and when the enemy character is not placed at the location where the sub character is caused to appear, starting automatic control of automatically moving the sub character that has appeared;

Taura at ¶ [0167], "Furthermore, in the step S35, the processor 81 controls […] if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

and moving the sub character in a predetermined direction on the field […], and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists in the movable range of the sub-character 210." (emphasis added). See also ¶¶ [0130] and [0167]).

In ¶ [0102] of Taura, a POSITA would understand that the processor 81 performs control of moving the sub-character in the direction of the enemy that is "most close," i.e., *a predetermined direction*, as claimed.

However, Taura does not expressly disclose that the control of moving the sub-character in the predetermined direction is **based on a second operation input**.

Motokura is directed to a game program stored on a medium [and a] game system (title). Similar to Taura, Motokura teaches a video game with a player character ("first character object 71") and a sub-character ("second character object 72"), in which the player character is controlled by a player and the sub-character operates in an automatic mode. Motokura at ¶¶ [0099]–[0100] and [0103].

Moreover, in Motokura, as explained in more detail below, the player can choose to *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds*, as claimed. This is generally shown in Motokura's figures as the

progression from Figure 10 to Figure 12, each reproduced *supra* (cropped by the Examiner), which show sub-character 72 being moved by the player to engage with enemy 76.

In particular, Motokura teaches,

"As shown in FIG. 10, the pointer object 73 is present at the position of an enemy character 76." See ¶ [0115];

"If a predetermined instruction is given (e.g., the first R-button 60 is pressed) by the first player in the state shown in FIG. 10, the second character object 72 moves to a position in the virtual space indicated by the pointer object 73 and performs a predetermined action on the position." See ¶ [0116] (emphasis added); and

"Then, if an enemy character 76 is present at the position in the virtual space indicated by the pointer object 73, as shown in FIG. 12, the second character object 72 attacks the enemy character 76." See ¶ [0118].

Furthermore, Taura, as noted above, teaches multiple enemies on a field with the player character and the sub-character, and the sub-character battling one of the enemies (e.g., the closest enemy) in an automatic mode. See, e.g., Taura at ¶¶ [0090] and [0102]; and at Fig. 9.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the movement of Taura's sub-character in a predetermined direction, upon which a battle proceeds automatically, to be based on a second operation input (i.e., pressing R-button 60, or another suitably designated button) when the player has selected an enemy character (i.e., when pointer object 73 is present at the position of an enemy character), as taught by Motokura. One would have been motivated to do so in order to allow the player to select a preferred one of the

enemies for the sub character to attack, instead of merely the closest enemy to the sub character, thereby improving the player's satisfaction with control of the sub character.

7.3.18. Claim 26

Taura discloses the following claim limitations (in bold text):

A game processing method executed by an information processing system, the information processing system:

Taura, e.g., at ¶ [0065], "main body apparatus comprises a processor 81 […] processor 81 executes an information processing program (e. g., a game program) stored in a storage section (specifically, an internal storage medium such as a flash memory 84, an external storage medium attached to the slot 23, or the like), thereby performing the various types of information processing." See also ¶ [0132].

moving a player character on a field in a virtual space, based on a movement operation input;

Taura at ¶ [0094], "the player makes the player character 202 move in the virtual space by operating the analog stick 32."

causing a sub character to appear on the field, based on a first operation input,

Taura at ¶ [0099], "Moreover, if the player depresses the ZL-button 39 in the first operation mode, the operation mode will be shifted to the second operation mode. In this embodiment, the second operation mode means a state where another character 210 that can be operated by the player (hereinafter, called 'sub-character') appears in the virtual space in

addition to the player character 202 and the sub-character 210 is automatically controlled by the processor 81 when no operation by the player is applied to the sub-character 210. In this embodiment, and the sub-character 210 appears into the virtual space so as to jump out from the player character 202 at a time of shifting to the second operation mode from the first operation mode." (emphasis added)).

and when an enemy character is placed at a location where the sub character is caused to appear, controlling a battle between the sub character and the enemy character by a first mode in which the battle proceeds based on an operation input,

Taura at ¶ [0111], "if the player continues to depress the ZL-button 39 in the second operation mode (in this embodiment, long-depression of 3 seconds), the operation mode is shifted to the third operation mode, and the third operation mode is maintained only during time the ZL-button 39 is kept depressed;"

Taura at ¶ [0114], "in the third operation mode [...] the player makes only the sub-character 210 move and the player character 202 stay at that place;"

Taura at ¶ [0115], "the sub-character 210 is moved in a right direction from a left side of the game screen 200, thereby to come around behind the enemy character 204 [...] the connection object 212 starts to be moved or/and deformed so as to wind around the enemy character 204 according to movement of the sub-character 210." See also ¶¶ [0116]–[0119]; and

Taura at ¶ [0175], "the processing in the third operation mode is performed in the step S49" and at ¶ [0176], "In the step S49, the processor 81 [...] moves the sub-character 210 according to the operation of the analog stick 52."

and when the enemy character is not placed at the location where the sub character is caused to appear, starting automatic control of automatically moving the sub character that has appeared;

Taura at ¶ [0167], "Furthermore, in the step S35, the processor 81 controls [...] if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

and moving the sub character in a predetermined direction on the field [...], and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists in the movable range of the sub-character 210." (emphasis added). See also ¶¶ [0130] and [0167]).

In ¶ [0102] of Taura, a POSITA would understand that the processor 81 performs control of moving the sub-character in the direction of the enemy that is "most close," i.e., *a predetermined direction*, as claimed.

However, Taura does not expressly disclose that the control of moving the sub-character in the predetermined direction is **based on a second operation input**.

Motokura is directed to a game program stored on a medium [and a] game system (title). Similar to Taura, Motokura teaches a video game with a player character ("first character object 71") and a sub-character ("second character object 72"), in which the player character is controlled by a player and the sub-character operates in an automatic mode. Motokura at ¶¶ [0099]–[0100] and [0103].

Moreover, in Motokura, as explained in more detail below, the player can choose to *mov[e] the sub character in a predetermined direction on the field, based on a second operation input, and, when the enemy character is placed at a location of a designation, controlling a battle between the sub character and the enemy character by a second mode in which the battle automatically proceeds*, as claimed. This is generally shown in Motokura's figures as the progression from Figure 10 to Figure 12, each reproduced *supra* (cropped by the Examiner), which show sub-character 72 being moved by the player to engage with enemy 76.

In particular, Motokura teaches,

"As shown in FIG. 10, the pointer object 73 is present at the position of an enemy character 76." See ¶ [0115];

"If a predetermined instruction is given (e.g., the first R-button 60 is pressed) by the first player in the state shown in FIG. 10, the second character object 72 moves to a position in the virtual space indicated by the pointer object 73 and performs a predetermined action on the position." See ¶ [0116] (emphasis added); and

"Then, if an enemy character 76 is present at the position in the virtual space indicated by the pointer object 73, as shown in FIG. 12, the second character object 72 attacks the enemy character 76." See ¶ [0118].

Furthermore, Taura, as noted above, teaches multiple enemies on a field with the player character and the sub-character, and the sub-character battling one of the enemies (e.g., the closest enemy) in an automatic mode. See, e.g., Taura at ¶¶ [0090] and [0102]; and at Fig. 9.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the movement of Taura's sub-character in a predetermined direction, upon which a battle proceeds automatically, to be based on a second operation input (i.e., pressing R-button 60, or another suitably designated button) when the player has selected an enemy character (i.e., when pointer object 73 is present at the position of an enemy character), as taught by Motokura. One would have been motivated to do so in order to allow the player to select a preferred one of the enemies for the sub character to attack, instead of merely the closest enemy to the sub character, thereby improving the player's satisfaction with control of the sub character.

7.4. Obvious over Taura and Motokura, in further view of Shimomoto

Claims 3, 4, 8, 9, 15, 16, 20, and 21 are also rejected under 35 U.S.C. § 103 as being unpatentable over Taura and Motokura, in further view of Shimomoto.

7.4.1. Claim 3

Taura and Motokura further teach the following limitations of claim 3 (in bold text):

The storage medium according to claim 2, wherein the game program further causes the processor to, if another enemy character is placed in a predetermined range

including a position of the sub character […], start a battle between the sub character and the other enemy character by the second mode.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists in the movable range of the sub-character 210." (emphasis added). See also Taura at ¶ [0167].

However, the combination of Taura and Motokura do not *expressly* teach that the battle with the another enemy character is started **when the battle between the sub character and the enemy character by the second mode ends.**

In a system such as Taura, where a sub-character automatically attacks a first one of multiple enemies on a field (e.g., ¶ [0102]), a POSITA would find it obvious that the sub-character would start a battle with another enemy character, if the battle with first enemy ends (e.g., the enemy is defeated or flees). Otherwise, the sub-character would appear to the player as being aloof, to say the least, since another enemy is in range of the sub-character yet unengaged by the sub-character. This behavior of the sub-character would detract from the player's enjoyment of the game.

Nonetheless, to the extent that Taura does not at least fairly suggest starting a battle with another enemy character when the battle between the enemy and the sub-character ends, as claimed, the Examiner provides the following alternative.

Similar to both Taura and Motokura, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. After the sub character is made to appear, it will battle an enemy in a mode in which the battle automatically proceeds (i.e., a *second mode*, as claimed). See, e.g., Shimomoto at ¶ [0312] ("the sub character 6005 having appeared is automatically controlled to attack the closest enemy character 6006 among the enemy characters 6006 in the striking range."); see also ¶ [0305]. Moreover, if the sub character defeats the enemy, it will start a battle with another enemy. See, e.g., Shimomoto at ¶¶ [0819]–[0821] ("the sub character 8005a having appeared is automatically controlled to search and attack the enemy character 8006 in the enemy-search range 8026. In the example illustrated in FIG. 54(2), there exists two characters, that is, the enemy character 8006a and the enemy character 8006b, and which of them to be attacked is determined as appropriate [...] the sub character 8005a attacks the enemy character 8006a [...]. When the enemy character 8006a is defeated [...] the sub character 8005a is automatically controlled to take a general enemy-search attack action[, i.e., to repeat the search and attack in the enemy-search range 8026, *supra*]") and ¶ [0326] ("'enemy-search attack' in which to make an enemy-search action and attack against the found enemy character 6006"). Therefore, Shimomoto teaches a sub character that starts a battle with another enemy **when the battle between the sub character and the enemy character by the second mode ends**, as claimed.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify Taura's sub-character such that it will start a battle with the another enemy character (of the "two or more enemy characters 204," *supra*) when the battle between the sub character and the enemy character by the second mode ends, as taught by Shimomoto. One would have been

motivated to do so in order for the automatic control, of the sub character to battle a closest enemy, to not end until there are no other enemy characters on the field and/or within range.

7.4.2. Claim 4

Taura, Motokura, and Shimomoto further teach the following limitations of claim 4 (in bold text):

The storage medium according to claim 3, wherein the automatic control includes movement control of causing the sub character to follow the player character.

Taura at ¶ [0167], "However, if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

7.4.3. Claim 8

Taura and Motokura further teach the following limitations of claim 8 (in bold text):

The storage medium according to claim 7, wherein the game program causes the processor to perform control of causing the sub character to appear on the field and moving the sub character toward the predetermined position, when the second operation input is performed […].

See rejection of claim 1, *supra*. However, Taura and Motokura do not expressly teach that the second operation input is performed **in a state where the sub character has not appeared on the field**.

Similar to both Taura and Motokura, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. Like Taura, the sub character of

Shimomoto is made to appear through *a first operation input*, as claimed. For example, Shimomoto teaches "[w]hen the player 6002 performs an action operation, the player character 6004 throws the selected preset storage object 6008" (¶ [0307]) and "throwing [the] preset storage object 6008 by the player character 6004 [...] caus[es] the stored sub character 6005 to appear" (¶ [0305]).

Moreover, similar to Motokura, Shimomoto teaches a *second operation input* used to select an enemy character and *mov[e] the sub character in a predetermined direction on the field* towards the enemy character. In particular, the player can control the player character to aim the direction of throw at a particular enemy, so that when the sub character appears on the field, it moves towards that particular enemy. See, e.g., Shimomoto at ¶ [0309] ("A throwing direction marker 6012 (a broken-line circle on the center of the screen in the example of FIG. 4) is displayed on the game screen W6004 (see FIG. 4).The player can adjust the position and posture of the player character 6004 such that the marker is oriented to the direction to be thrown (throwing direction)."); and ¶ [0312] ("Accordingly, as illustrated in FIG. 6, a predicted trajectory 6030 to be followed by the preset storage object 6008 to be thrown and a predicted flying destination 6032 are represented by prediction display objects in the game screen and are notified to the player. In the first embodiment, the sub character 6005 having appeared is automatically controlled to attack the closest enemy character 6006 among the enemy characters 6006 in the striking range. Accordingly, when the sub character 6005 stored in the preset storage object 6008 to be flown is controlled to appear, the predicted flying destination 6032 also substantially serves as the prediction display of the enemy character 6006 which is the target of attack.").

Notably, Shimomoto's second operation input is performed before the sub character is made to appear using the first operation input. *Id.* See also Shimomoto at ¶¶ [0305]–[0307]. Therefore, Shimomoto teaches a *second operation input*, as defined in claim 1, *is performed in a state where the sub character has not appeared on the field*, as claimed.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the processor of Taura/Motokura to allow the player to perform a second operation input in a state where the sub character has not appeared on the field, as taught by Shimomoto. One would have been motivated to do so in order for the player to prioritize a particular enemy character, but prior to making the sub character appear, which would provide the player an ability to prioritize an enemy character for the sub character to attack even when disadvantageously not having their sub character already on the field. Moreover, the second operation input of Shimomoto (e.g., aiming throw) adds complexity to the game that "leads to improvement in the attraction of the game" (Shimomoto, e.g., at ¶ [0172]).

7.4.4. Claim 9

Taura and Motokura further teach the following limitations of claim 9 (in bold text):

The storage medium according to claim 1, wherein the game program further causes the processor to: select one of enemy characters on the field, based on a fourth operation input;

Taura/Motokura, as combined above in the rejection of claim 1, teaches that the player can select an enemy character by placing a pointer object at the position of the enemy character.

See Motokura at ¶ [0115], "As shown in FIG. 10, the pointer object 73 is present at the position of an enemy character 76."

[…] and when the second operation input is performed in a state where the enemy character is selected, perform control of moving the sub character toward the selected enemy character on the field, and control a battle between the sub character and the selected enemy character by the second mode.

See Motokura at ¶ [0116], "If a predetermined instruction is given (e.g., the first R-button 60 is pressed) by the first player in the state shown in FIG. 10, the second character object 72 moves to a position in the virtual space indicated by the pointer object 73 and performs a predetermined action on the position." (emphasis added); and

Motokura at ¶ [0118], "Then, if an enemy character 76 is present at the position in the virtual space indicated by the pointer object 73, as shown in FIG. 12, the second character object 72 attacks the enemy character 76."

The combination of Taura and Motokura does not expressly teach,

when the first operation input is performed in a state where the enemy character is selected, perform control of causing the sub character to appear at a location where the selected enemy character is placed.

However, similar to both Taura and Motokura, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. Like Taura, the sub character of Shimomoto is made to appear through *a first operation input*, as claimed. For example, Shimomoto teaches "[w]hen the player 6002 performs an action operation, the player character 6004 throws the selected preset storage object 6008" (¶ [0307]) and "throwing [the]

preset storage object 6008 by the player character 6004 [...] caus[es] the stored sub character 6005 to appear" (¶ [0305]).

Moreover, prior to making the sub character appear, and similar to Motokura's enemy selection, Shimomoto teaches that the player can select an enemy, based on a particular operation input, out of a plurality of enemy characters. See, e.g., Shimomoto at ¶ [0338] ("a lock-on operation (an operation of specifying the flying target) is performed at the time of a throwing operation to change the type of the flying route and follow the locked-on enemy character 6006. There is no particular limitation on the method for lock-on operation. For example, the player may select one of the enemy characters 6006 existing in a predetermined peripheral range of a throwing direction marker 6012 of the player character 6004." (emphasis added)). See also ¶ [0312], "enemy character 6006 among the enemy characters 6006." Therefore, Shimomoto teaches a *processor to: select one of enemy characters on the field, based on a fourth operation input*, as claimed.

Furthermore, as noted above, Taura teaches that the place on the field where the sub character appears has multiple enemies available to attack (Taura, e.g., at ¶ [0102]).

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify Taura's processor to use the first operation input, taught by Shimomoto, and to allow the player to select a particular one of the enemies prior to making the sub character appear via the first operation input, as taught by Shimomoto. First, one would have been motivated to use the first operation input of Shimomoto because it "leads to improvement in the attraction of the game" (Shimomoto at ¶ [0172]). Second, when incorporating Shimomoto's first operation input, one would also have been motivated to allow the player to select a particular enemy (using the

lock-on feature), prior to making the sub character appear, as taught by Shimomoto, in order to for the player to select one of a plurality of enemies for an ensuing battle via the first mode.

Furthermore, after selection of the enemy character and while the enemy character is selected, Shimomoto further teaches the first operation input is performed causing the sub character to appear at a location where the selected enemy character is placed. See, e.g., Shimomoto at ¶ [0338] (selection is done prior to throwing) and ¶ [0305] (throwing causes sub character to appear). Therefore, Shimomoto also teaches a *processor to: [...] when the first operation input is performed in a state where the enemy character is selected, perform control of causing the sub character to appear at a location where the selected enemy character is placed*, as claimed.

Therefore, it would also have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify Taura's processor to cause the sub character to appear at the selected enemy's location, when the first operation input is performed, as taught by Shimomoto. One would have been motivated to do so in order to allow the player to send the sub character directly to the location of a desired enemy, thereby providing the player with the ability to prepare the location of the sub character necessary to enact the battle in the first mode with the desired enemy.

The combination of Taura, Motokura, and Shimomoto, as discussed above, further teaches,

and control a battle between the sub character and the selected enemy character by the first mode (Taura, *supra*, e.g., ¶¶ [0114]–[0115]; Figs. 10–13).

7.4.5. Claim 15

Taura and Motokura further teach the following limitations of claim 15 (in bold text):

The information processing system according to claim 14, wherein, if another enemy character is placed in a predetermined range including a position of the sub character […], said at least any one processor starts a battle between the sub character and the other enemy character by the second mode.

Taura at ¶ [0102], "When the enemy character 204 appears in the virtual space, the sub-character 210 attacks the enemy character 204 automatically. In this case, the action of the sub-character 210 is controlled by the computer (processor 81). However, when two or more enemy characters 204 appear, the action of the sub-character 210 is controlled so as to attack any one of the enemy characters 204, for example, the enemy character 204 existing most close. The enemy character 204 that can be attacked by the sub-character 210 is an enemy character 204 that exists in the movable range of the sub-character 210." (emphasis added). See also Taura at ¶ [0167].

However, the combination of Taura and Motokura do not *expressly* teach that the battle with the another enemy character is started **when the battle between the sub character and the enemy character by the second mode ends.**

In a system such as Taura, where a sub-character automatically attacks a first one of multiple enemies on a field (e.g., ¶ [0102]), a POSITA would find it obvious that the sub-character would start a battle with another enemy character, if the battle with first enemy ends (e.g., the enemy is defeated or flees). Otherwise, the sub-character would appear to the player as being aloof, to say the least, since another enemy is in range of the sub-character yet unengaged by the sub-character. This behavior of the sub-character would detract from the player's enjoyment of the game.

Nonetheless, to the extent that Taura does not at least fairly suggest starting a battle with another enemy character when the battle between the enemy and the sub-character ends, as claimed, the Examiner provides the following alternative.

Similar to both Taura and Motokura, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. After the sub character is made to appear, it will battle an enemy in a mode in which the battle automatically proceeds (i.e., a *second mode*, as claimed). See, e.g., Shimomoto at ¶ [0312] ("the sub character 6005 having appeared is automatically controlled to attack the closest enemy character 6006 among the enemy characters 6006 in the striking range."); see also ¶ [0305]. Moreover, if the sub character defeats the enemy, it will start a battle with another enemy. See, e.g., Shimomoto at ¶¶ [0819]–[0821] ("the sub character 8005a having appeared is automatically controlled to search and attack the enemy character 8006 in the enemy-search range 8026. In the example illustrated in FIG. 54(2), there exists two characters, that is, the enemy character 8006a and the enemy character 8006b, and which of them to be attacked is determined as appropriate [...] the sub character 8005a attacks the enemy character 8006a [...]. When the enemy character 8006a is defeated [...] the sub character 8005a is automatically controlled to take a general enemy-search attack action[, i.e., to repeat the search and attack in the enemy-search range 8026, *supra*]") and ¶ [0326] ("'enemy-search attack' in which to make an enemy-search action and attack against the found enemy character 6006"). Therefore, Shimomoto teaches a sub character that starts a battle with another enemy **when the battle between the sub character and the enemy character by the second mode ends**, as claimed.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to

modify Taura's sub-character such that it will start a battle with the another enemy character (of the "two or more enemy characters 204," *supra*) when the battle between the sub character and the enemy character by the second mode ends, as taught by Shimomoto. One would have been motivated to do so in order for the automatic control, of the sub character to battle a closest enemy, to not end until there are no other enemy characters on the field and/or within range.

7.4.6. Claim 16

Taura, Motokura, and Shimomoto further teach the following limitations of claim 16 (in bold text):

The information processing system according to claim 15, wherein the automatic control includes movement control of causing the sub character to follow the player character.

Taura at ¶ [0167], "However, if the enemy character 204 does not exist in the virtual space or in the moving range of the sub-character 210, the sub-character 210 is moved so as to follow the movement of the player character 202."

7.4.7. Claim 20

Taura and Motokura further teach the following limitations of claim 20 (in bold text):

The information processing system according to claim 19, wherein, when the second operation input is performed […], said at least any one processor causes the sub character to appear on the field and moves the sub character toward the predetermined position.

See rejection of claim 1, *supra*. However, Taura and Motokura do not expressly teach that the second operation input is performed **in a state where the sub character has not appeared on the field**.

Similar to both Taura and Motokura, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. Like Taura, the sub character of Shimomoto is made to appear through *a first operation input*, as claimed. For example, Shimomoto teaches "[w]hen the player 6002 performs an action operation, the player character 6004 throws the selected preset storage object 6008" (¶ [0307]) and "throwing [the] preset storage object 6008 by the player character 6004 [...] caus[es] the stored sub character 6005 to appear" (¶ [0305]).

Moreover, similar to Motokura, Shimomoto teaches a *second operation input* used to select an enemy character and *mov[e] the sub character in a predetermined direction on the field* towards the enemy character. In particular, the player can control the player character to aim the direction of throw at a particular enemy, so that when the sub character appears on the field, it moves towards that particular enemy. See, e.g., Shimomoto at ¶ [0309] ("A throwing direction marker 6012 (a broken-line circle on the center of the screen in the example of FIG. 4) is displayed on the game screen W6004 (see FIG. 4).The player can adjust the position and posture of the player character 6004 such that the marker is oriented to the direction to be thrown (throwing direction)."); and ¶ [0312] ("Accordingly, as illustrated in FIG. 6, a predicted trajectory 6030 to be followed by the preset storage object 6008 to be thrown and a predicted flying destination 6032 are represented by prediction display objects in the game screen and are notified to the player. In the first embodiment, the sub character 6005 having appeared is automatically controlled to attack the closest enemy character 6006 among the enemy characters

6006 in the striking range. Accordingly, when the sub character 6005 stored in the preset storage object 6008 to be flown is controlled to appear, the predicted flying destination 6032 also substantially serves as the prediction display of the enemy character 6006 which is the target of attack.").

Notably, Shimomoto's second operation input is performed before the sub character is made to appear using the first operation input. *Id.* See also Shimomoto at ¶¶ [0305]–[0307]. Therefore, Shimomoto teaches a *second operation input*, as defined in claim 1, *is performed in a state where the sub character has not appeared on the field*, as claimed.

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify the processor of Taura/Motokura to allow the player to perform a second operation input in a state where the sub character has not appeared on the field, as taught by Shimomoto. One would have been motivated to do so in order for the player to prioritize a particular enemy character, but prior to making the sub character appear, which would provide the player an ability to prioritize an enemy character for the sub character to attack even when disadvantageously not having their sub character already on the field. Moreover, the second operation input of Shimomoto (e.g., aiming throw) adds complexity to the game that "leads to improvement in the attraction of the game" (Shimomoto, e.g., at ¶ [0172]).

7.4.8. Claim 21

Taura and Motokura further teach the following limitations of claim 21 (in bold text):

The information processing system according to claim 13, wherein said at least any one processor: selects one of enemy characters on the field, based on a fourth operation input;

Taura/Motokura, as combined above in the rejection of claim 1, teaches that the player can select an enemy character by placing a pointer object at the position of the enemy character. See Motokura at ¶ [0115], "As shown in FIG. 10, the pointer object 73 is present at the position of an enemy character 76."

[…] and when the second operation input is performed in a state where the enemy character is selected, moves the sub character toward the selected enemy character on the field, and controls a battle between the sub character and the selected enemy character by the second mode.

See Motokura at ¶ [0116], "If a predetermined instruction is given (e.g., the first R-button 60 is pressed) by the first player in the state shown in FIG. 10, the second character object 72 moves to a position in the virtual space indicated by the pointer object 73 and performs a predetermined action on the position." (emphasis added); and

Motokura at ¶ [0118], "Then, if an enemy character 76 is present at the position in the virtual space indicated by the pointer object 73, as shown in FIG. 12, the second character object 72 attacks the enemy character 76."

The combination of Taura and Motokura does not expressly teach,

when the first operation input is performed in a state where the enemy character is selected, causes the sub character to appear at a location where the selected enemy character is placed.

However, similar to both Taura and Motokura, Shimomoto teaches a game involving a player character and a sub character. See, e.g., Shimomoto at ¶ [0292]. Like Taura, the sub character of Shimomoto is made to appear through *a first operation input*, as claimed. For example, Shimomoto teaches "[w]hen the player 6002 performs an action operation, the player character 6004 throws the selected preset storage object 6008" (¶ [0307]) and "throwing [the] preset storage object 6008 by the player character 6004 […] caus[es] the stored sub character 6005 to appear" (¶ [0305]).

Moreover, prior to making the sub character appear, and similar to Motokura's enemy selection, Shimomoto teaches that the player can select an enemy, based on a particular operation input, out of a plurality of enemy characters. See, e.g., Shimomoto at ¶ [0338] ("a lock-on operation (an operation of specifying the flying target) is performed at the time of a throwing operation to change the type of the flying route and follow the locked-on enemy character 6006. There is no particular limitation on the method for lock-on operation. For example, the player may select one of the enemy characters 6006 existing in a predetermined peripheral range of a throwing direction marker 6012 of the player character 6004." (emphasis added)). See also ¶ [0312], "enemy character 6006 among the enemy characters 6006." Therefore, Shimomoto teaches a *wherein said at least any one processor: selects one of enemy characters on the field, based on a fourth operation input*, as claimed.

Furthermore, as noted above, Taura teaches that the place on the field where the sub character appears has multiple enemies available to attack (Taura, e.g., at ¶ [0102]).

Therefore, it would have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify Taura's processor to use the first operation input, taught by Shimomoto, and to allow the

player to select a particular one of the enemies prior to making the sub character appear via the first operation input, as taught by Shimomoto. First, one would have been motivated to use the first operation input of Shimomoto because it "leads to improvement in the attraction of the game" (Shimomoto at ¶ [0172]). Second, when incorporating Shimomoto's first operation input, one would also have been motivated to allow the player to select a particular enemy (using the lock-on feature), prior to making the sub character appear, as taught by Shimomoto, in order to for the player to select one of a plurality of enemies for an ensuing battle via the first mode.

Furthermore, after selection of the enemy character and while the enemy character is selected, Shimomoto further teaches the first operation input is performed causing the sub character to appear at a location where the selected enemy character is placed. See, e.g., Shimomoto at ¶ [0338] (selection is done prior to throwing) and ¶ [0305] (throwing causes sub character to appear). Therefore, Shimomoto also teaches a *wherein said at least any one processor: [...] when the first operation input is performed in a state where the enemy character is selected, causes the sub character to appear at a location where the selected enemy character is placed*, as claimed.

Therefore, it would also have been obvious to a person having ordinary skill in the art to which the claimed invention pertains, before the effective filing date of the claimed invention, to modify Taura's processor to cause the sub character to appear at the selected enemy's location, when the first operation input is performed, as taught by Shimomoto. One would have been motivated to do so in order to allow the player to send the sub character directly to the location of a desired enemy, thereby providing the player with the ability to prepare the location of the sub character necessary to enact the battle in the first mode with the desired enemy.

The combination of Taura, Motokura, and Shimomoto, as discussed above, further teaches,

and controls a battle between the sub character and the selected enemy character by the first mode (Taura, *supra*, e.g., ¶¶ [0114]–[0115]; Figs. 10–13).

8. CONCLUSION

In order to ensure full consideration of any affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR § 1.116, after final rejection and 37 CFR § 41.33 after appeal, which will be strictly enforced.

Extensions of time under 37 CFR § 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR § 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 USC § 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR § 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR § 1.550(c). See MPEP § 2265.

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

Electronically:	Registered users may submit via Patent Center at https://patentcenter.uspto.gov/.
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For Patent Center transmissions, 37 CFR § 1.8(a)(1)(i)(C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR § 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

Any inquiry concerning this communication should be directed to Jacob C. Coppola at (571) 270-3922. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew J. Fischer can be reached at (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-9900.

Information regarding the status of this proceeding may be obtained from the USPTO's Patent Center. To file and manage patent submissions in Patent Center, visit: https://patentcenter.uspto.gov. Visit https://www.uspto.gov/patents/apply/patent-center for more information about Patent Center and https://www.uspto.gov/patents/docx for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call (800) 786-9199 (in USA or Canada) or (571) 272-1000.

General inquiries may also be directed to the Central Reexamination Unit customer service line at (571) 272-7705.

/JACOB C. COPPOLA/
Primary Examiner, Art Unit 3992

Conferees:

/KENNETH WHITTINGTON/
Primary Examiner, Art Unit 3992

/ANDREW J. FISCHER/
Supervisory Patent Reexamination Specialist, Art Unit 3992