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EXAMINER

COPPOLA, JACOB C

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PAPER

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

The time period for reply, if any, is set in the attached communication.

Director Initiated Order for Ex Parte Reexamination	Control no.	90/020,162	Patent under reexamination	US 12,403,397
	Examiner	Jacob Coppola	Art unit	3992

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

REEXAMINATION ORDER

Pursuant to 37 CFR 1.520, reexamination is ordered. An identification of the claims, the references relied on, and the rationale of the decision to order reexamination is attached.

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

RESPONSE TIME FOR PATENT OWNER'S STATEMENT UNDER 37 CFR 1.530:

TWO MONTHS from the mailing date of this communication (37 CFR 1.530(b)).

EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).

Notes:

If the patent owner does not file a timely statement under 37 CFR 1.550(b), then reexamination will proceed in accordance with 37 CFR 1.550(a).

Patent owner may submit a written waiver of its right to file a statement, in order to expedite reexamination.

Introduction

Pursuant to 35 U.S.C. § 304 and 37 C.F.R. § 1.520, I have determined that substantial new questions of patentability have arisen as to claims 1, 13, 25, and 26 of U.S. Patent No. 12,403,397 B2 (the “’397 patent”), based on the following publications:

- U.S. Pre-Grant Publication 2002/0119811 to Yabe *et al.* (“Yabe”)
- U.S. Pre-Grant Publication 2020/0254335 to Taura *et al.* (“Taura”)

The ’397 Patent

The ’397 patent issued with claims drawn to controlling the movement of a player character in a field of a virtual space, causing a sub character to appear in the field, controlling a battle in a manual mode when an enemy character is present in the location the sub character has appeared, and when an enemy character is not present in the location the sub character has appeared, automatically moving the sub character, and controlling a battle in an automatic mode when an enemy character is placed at a designated location.

Claims 1, 13, 25, and 26 are the independent claims. Claim 1 is representative of the scope of the claimed invention:

1. 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:

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

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

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,

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;

and performing control of moving 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.

The Prior Art

Yabe

Yabe provides new, non-cumulative teachings to video games that include a player character and a sub character. The player may control a main (or player) character in the virtual environment using a controller. A sub character may attack in either an automatic or a manual mode and prefers to attack the closest enemy unless manually overridden. The sub character approaches the main character when the sub character is not located within a predetermined distance to the main character. Yabe further teaches player control and commands associated with the sub character. These teachings affect claims 1, 13, 25, and 26 of the '397 patent.

Yabe was not previously made of record in the file of the '397 patent.

Taura

Taura provides new, non-cumulative teachings to video games that include a player character and a sub character. The player may summon a sub character that may battle in either an automatic or a manual mode. When there is no enemy character in the sub character's location, the sub character automatically follows the main character and attacks enemies that appear. These teachings affect claims 1, 13, 25, and 26 of the '397 patent.

Taura was not previously made of record in the file of the '397 patent.

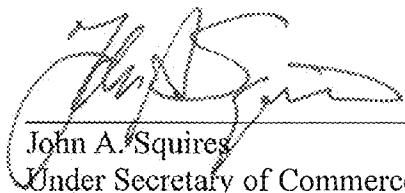
Substantial New Questions of Patentability

The Examiner’s Reasons for Allowance, mailed July 8, 2025, cites the failure of the prior art of record to teach that “a player can be allowed to perform two types of battles, that is, a battle by the first mode in which the player performs an operation input and a battle by the simpler second mode,” in support of the issuance of the ’397 patent.

As explained above, each of Yabe and Taura teaches a player being allowed to perform a battle in a manual mode and in a simpler, automatic mode. Thus, a reasonable examiner would consider each of Yabe and Taura to be important in deciding whether the claims are patentable, and Yabe and Taura each raises a substantial new question of patentability.

Conclusion

In view of Yabe and Taura, substantial new questions of patentability have arisen as to claims 1, 13, 25, and 26 of the ’397 patent. I hereby order reexamination of the ’397 patent under 35 U.S.C. § 304 and 37 C.F.R. § 1.520.



John A. Squires
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office