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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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Please find below and/or attached an Office communication concerning this application or
proceeding.

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PTO-90C (Rev.11/00)

1- File Copy

Office Action Summary	Application No. 09/400,413	Applicant(s) McNally et al.
	Examiner Cao "Kevin" Nguyen	Art Unit 2173

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _Mar 1, 2001_

2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-19, 31-39, 44-54, 56, and 57_ is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☒ Claim(s) _20-30 and 20 – 43 and 55_ is/are allowed.

6) ☒ Claim(s) _1-19, 31-39, 44-54, 56, and 57_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention
> thereof by the applicant for patent.

2.   Claims 1-19, 31-39 and 50-54 are rejected under 35 U.S.C. 102(e) as being anticipated by

Cupps et al. (5,991,739).

        Regarding claim 1, Cupps discloses an information management and synchronous

communications system for generating menus comprising: a central processing unit, a data

storage device connected to said central processing unit, an operating system including a graphical

user interface (see figure 2), a first menu stored on said data storage device, application software

for generating a second menu from said first menu, wherein the application software facilitates the

generation of the second menu by allowing selection of items from the first menu, addition of

items to the second menu and assignment of parameters to items in the second menu using the

graphical user interface of said operating system (see col. 9, lines 42-67).

        Regarding claim 2, Cupps discloses an information management and synchronous

communications system, wherein the second menu is a restaurant menu (see col. 5, lines 27-67).

Regarding claim 3, Cupps discloses an information management and synchronous communications system, wherein the second menu is capable of being displayed on the display screen of a wireless computing device (see col. 4, lines 1-55).

Regarding claims 4 and 5, Cupps discloses an information management and synchronous communications system, wherein selections from the second menu are capable of being transmitted to a receiving computer by wireless link (see figures 1-2).

Regarding claims 6 and 7, Cupps discloses an information management and synchronous communications system in, wherein the computer network is the internet; and selections from the second menu are capable of being transmitted to a receiving computer via the internet (see col. 9, lines 16-65 and figure 8-10).

Regarding claims 8-11, Cupps discloses an information management and synchronous communications system, wherein the second menu is created in conformity with hypertext markup language or extensible markup language (see col. 10, lines 8-56 and figures 7-10).

As claims 12-19, 31-39 and 50-54 are analyzed as previously discussed with respect to claims 1-11 above.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to

the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a later invention was

made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35

U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 44-49 and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cupps in view of Behr et al. (US Patent No. 6,107,944).

Regarding claim 44, Cupps fails to explicitly teach at least one wireless handheld

computing device on which hospitality application.

Behr teaches wireless handheld computing device on which hospitality application (see

col. 14, lines 1-57). It would have been obvious to one of an ordinary skill in the art at the time

the invention was made to provide wireless handheld computing device on which hospitality

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