

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Ex Parte Reexamination of:
U.S. Patent No. 7,010,508 to LOCKWOOD
Control No.: 90/012,671
Filed: September 15, 2012
For: **Automated Multimedia Data
Processing Network**

Confirmation No.: 1015
Art Unit: 3992
Examiner: REICHLE, Karin M.
Patent Owner's Atty. Docket: 3323.002REX5

Declaration of Lawrence B. Lockwood Under 37 C.F.R. § 1.131

Mail Stop "Ex Parte Reexam"
Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present declaration is being filed in the above-captioned reexamination proceeding.

I, Lawrence B. Lockwood, a citizen of the United States, and a resident of La Jolla, California, declare that:

1. I, Lawrence B. Lockwood, am the sole inventor, patentee, and patent owner of U.S. Patent No. 7,010,508 ("the '508 patent"), filed April 7, 1995. I understand that the '508 patent is currently under reexamination at the United States Patent and Trademark Office, as captioned above. I understand that claims 8-15 of the '508 patent currently under reexamination stand rejected under 35 U.S.C. §§ 102(b) and 103(a) using Johnson as a base reference, while all other claims of the '508 patent are confirmed.

2. I am authorized to sign this Declaration as the patent owner of the '508 patent. I am also signing this Declaration on behalf of myself, as the sole inventor of the '508 patent.

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3. As discussed below in further detail with reference to the relevant exhibits, (i) the effective filing date of the '508 patent is May 24, 1984, (ii) I conceived every feature recited in claims 8-15 of the '508 patent in the United States prior to September 1983 (the effective date of Johnson), and (iii) my conception of every feature recited in claims 8-15 of the '508 patent was coupled with due diligence from prior to September 1983 to May 24, 1984. Therefore, every feature recited in claims 8-15 of the '508 patent antedates Johnson.

4. Lockwood Exhibits 5-18 Bates-numbered stamped February 1993, were exhibits in depositions of the patent litigation *Lockwood vs. American Airlines, Inc.*, 28 U.S.P.Q.2d 1114 S.D. Cal. 1993), *Lockwood vs. American Airlines, Inc.*, 30 U.S.P.Q.2d 1292 (Fed. Cir. 1994), *Lockwood vs. American Airlines, Inc.*, 34 U.S.P.Q. 2d 1290 (S.D. Cal. 1994), *Lockwood vs. American Airlines, Inc.*, 37 U.S.P.Q.2d 1534 (S.D. Cal. 1995), *In re Lockwood*, 33 U.S.P.Q.2d 1406 (Fed. Cir. 1995), *Lockwood vs. American Airlines, Inc.*, 116 U.S. 29 (1995) and *Lockwood vs. American Airlines, Inc.*, 41 U.S.P.Q.2d 1961 (Fed. Cir. 1997). All the Bates-numbered Lockwood Exhibits 5-18 were produced during pre-trial discovery in 1992.

5. The Office previously implied acceptance of my Rule 131 Declaration (and Supplemental Declaration stating conception was in the United States) based on similar evidence as is discussed herein for U.S. Patent No. 5,576,951 in Control No. 90/006,625. Although not specifically stated, the Office withdrew a rejection attached by my Rule 131 Declaration and issued a new Office Action. (May 26, 2005 Office Action.) In that reexamination, the evidence was implicitly accepted to overcome a June 1983 publication date of Biehal reference. The '951 patent claimed similar forward and backward chaining features that performed analysis of user entries and remotely accessed stored data. ('951 patent, claims 1 and 10.)

Story of the Invention

6. Throughout the late 1970's and early 1980's I was a pioneer in innovating technology that would allow consumers to apply for financial services and other products in remote terminals and get almost instantaneous decisions or alternative options.

7. Starting in 1979 I worked with my patent attorney Henri J.A. Charmasson (see Charmasson Rule 131 Declaration, filed concurrently herewith). As is detailed in the Charmasson Rule 131 Declaration, I filed several U.S. and Canadian Utility and Design patent applications that continued to improve on my original conception of the invention. These applications detail my conception and constructive reduction to practice of the subject matter claimed in the '508 patent. The "Lockwood Family of Patents" include:

- 7,010,508, filed April 1995, Automated multimedia data processing network
- 6,289,319, filed Nov. 1994, Automatic business and financial transaction processing system
- 5,576,951, filed March 1994, Automated sales and services system
- 5,309,355, filed Sept. 1993, Automated sales system
- CA 1,236,216, filed May 1985, Automatic information, goods and services dispensing system
- RE32,115, filed Nov. 1984, Self-service terminal
- 4,567,359, filed May 1984, Automatic information, goods and services dispensing system
- CA 1,189,973, filed Oct. 1982, Self Service Terminal
- D286,956, filed Sept. 1982, Combined automatic information terminal and vending machine booth
- D276,626, filed Sept. 1981, Combined automatic information terminal and vending machine
- 4,359,631, filed July 1980, Self-service terminal

8. The patented technology includes innovations that have been consistently years ahead of their time, and include core teachings of e-commerce employing graphics, text, search and shopping cart functions essential to Internet retailing, electronic banking, online commerce, financial services, insurance and medical systems.

9. Over 100 companies have licensed the Lockwood Family of Patents across multiple industries.

10. Over 1,000 subsequent patents have cited the Lockwood Family of Patents.

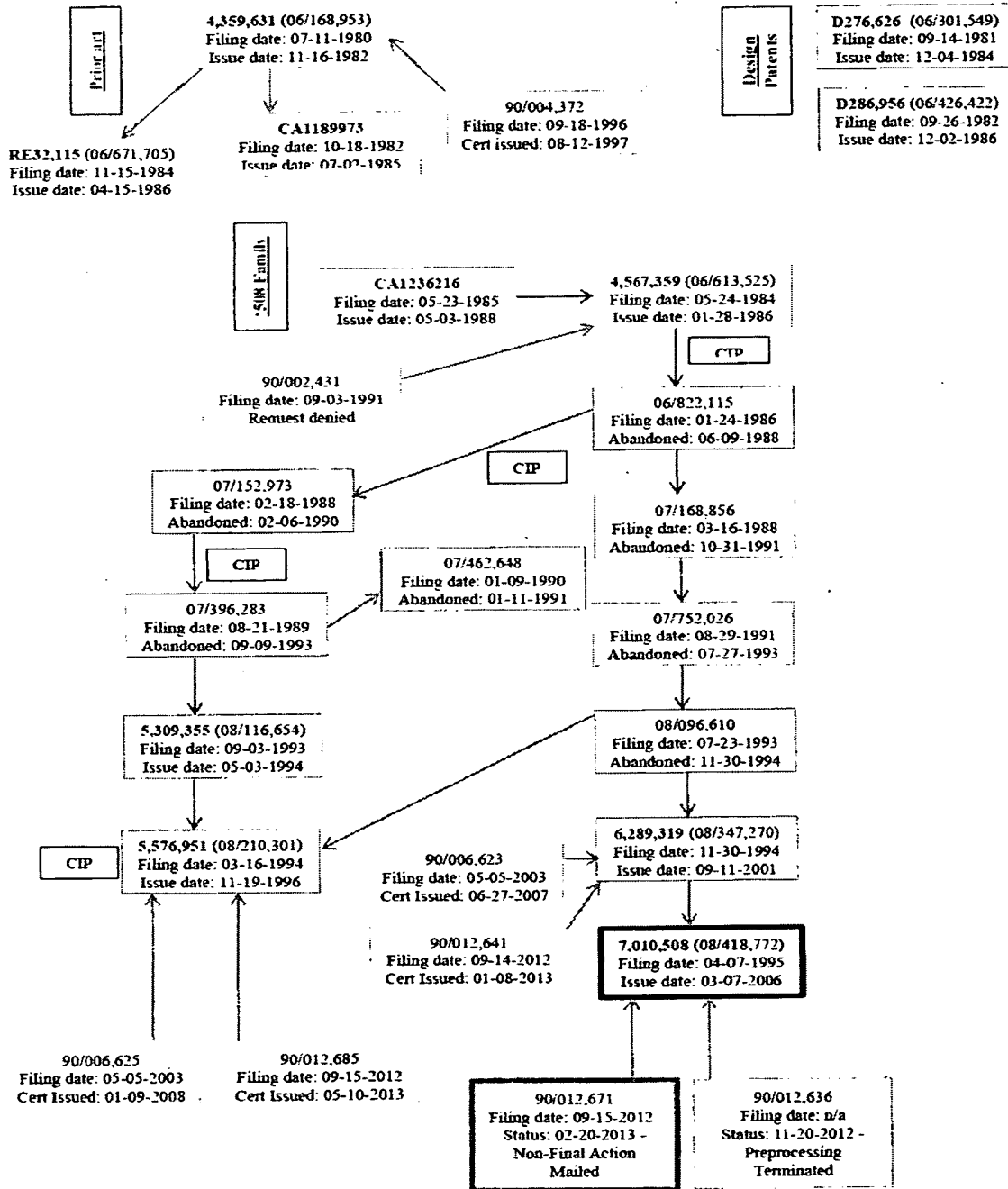
11. In the 1970's I conceived the invention of a multi-media interactive video terminal which issued November 1982 as U.S. Patent No. 4,359,631, now B1 Re. 32,115.

12. I continued to improve on this technology and work with my patent attorney to provide him with enough information to support enablement and written description for at least forward chaining that analyzed and combined user entry with stored data accessed from a remote location. Thus, based on the teachings of the claimed invention of the '631 patent, I conceived a more sophisticated multi-media terminal, system, and method to provide information, goods, and services.

13. From Summer of 1982 to Winter of 1984, I was fully engaged in developing my invention that led to the '525 application with no other employment. Throughout this time I regularly met with Mr. Charmasson to discuss the progress of my invention and to receive guidance on what more was needed to support his drafting and filing of a new patent application on my invention.

14. With regards to the subject matter in at least claim 8 of the '508 patent, I conceived my invention as early as at least Spring of 1983, and applied due diligence throughout 1983 and 1984, toward reduction to practice of my invention and the filing of the patent application Serial No. 06/613,525 for Automatic Information, Goods and Services Dispensing System on May 24th, 1984, which is the grandparent of the instant patent.

Lockwood Portfolio



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