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21861 U.S. PTO

PTO/SB/05 (04-05)  
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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	PROM CONT
	First Inventor	CYR, VINCENT
	Title	APPARATUS AND SYSTEM FOR MEASUR
	Express Mail Label No.	ET683435667US

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<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 600 concerning utility patent application contents.</i>	<b>ADDRESS TO:</b> Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
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<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> <b>Fee Transmittal Form</b> (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i></li> <li>2. <input checked="" type="checkbox"/> <b>Applicant claims small entity status.</b> See 37 CFR 1.27.</li> <li>3. <input checked="" type="checkbox"/> <b>Specification</b> [Total Pages <u>23</u>] Both the claims and abstract must start on a new page <i>(For information on the preferred arrangement, see MPEP 609.01(a))</i></li> <li>4. <input checked="" type="checkbox"/> <b>Drawing(s)</b> (35 U.S.C. 113) [Total Sheets <u>9</u>]</li> <li>5. <b>Oath or Declaration</b> [Total Sheets <u>4</u>]       <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> Newly executed (original or copy)</li> <li>b. <input checked="" type="checkbox"/> A copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> <ol style="list-style-type: none"> <li>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</li> </ol> </li> </ol> </li> <li>6. <input type="checkbox"/> <b>Application Data Sheet.</b> See 37 CFR 1.76</li> <li>7. <input type="checkbox"/> <b>CD-ROM or CD-R</b> in duplicate, large table or Computer Program (<i>Appendix</i>) <input type="checkbox"/> Landscape Table on CD</li> <li>8. <b>Nucleotide and/or Amino Acid Sequence Submission</b> <i>(if applicable, items a. - c. are required)</i> <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer Readable Form (CRF)</li> <li>b. <b>Specification Sequence Listing on:</b> <ol style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input type="checkbox"/> Paper</li> </ol> </li> <li>c. <input type="checkbox"/> Statements verifying identity of above copies</li> </ol> </li> </ol>	<b>ACCOMPANYING APPLICATION PARTS</b> <ol style="list-style-type: none"> <li>9. <input type="checkbox"/> <b>Assignment Papers</b> (cover sheet &amp; document(s)) Name of Assignee _____</li> <li>10. <input type="checkbox"/> <b>37 CFR 3.73(b) Statement</b> <input type="checkbox"/> <b>Power of Attorney</b> <i>(when there is an assignee)</i></li> <li>11. <input type="checkbox"/> <b>English Translation Document</b> <i>(if applicable)</i></li> <li>12. <input type="checkbox"/> <b>Information Disclosure Statement</b> (PTO/SB/08 or PTO-1449) <input type="checkbox"/> Copies of citations attached</li> <li>13. <input type="checkbox"/> <b>Preliminary Amendment</b></li> <li>14. <input checked="" type="checkbox"/> <b>Return Receipt Postcard</b> (MPEP 503) <i>(Should be specifically itemized)</i></li> <li>15. <input type="checkbox"/> <b>Certified Copy of Priority Document(s)</b> <i>(if foreign priority is claimed)</i></li> <li>16. <input type="checkbox"/> <b>Nonpublication Request</b> under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.</li> <li>17. <input checked="" type="checkbox"/> <b>Other:</b> <u>Credit Card Payment Form</u></li> </ol>
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18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No.: 09/737,494

Prior application information:    Examiner Todd Ingberg    Art Unit: 2124

**19. CORRESPONDENCE ADDRESS**

The address associated with Customer Number: \_\_\_\_\_ OR  Correspondence address below

Name	Joseph E. Chovanes				
Address	Suite 329 - 5 Great Valley Parkway				
City	Malvern	State	PA	Zip Code	19355
Country	USA	Telephone	610.648.3994	Email	jchovanes@chovanes.com

Signature		Date	4/5/2006
Name (Print/Type)	Joseph E. Chovanes	Registration No. (Attorney/Agent)	33,481

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	to be assigned
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 500.00		Filing Date	April 5, 2006
		First Named Inventor	CYR, VINCENT
		Examiner Name	to be assigned
		Art Unit	to be assigned
		Attorney Docket No.	PROM CONT

**METHOD OF PAYMENT** (check all that apply)

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	500
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

15 - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = 0

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

3 - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = 0

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**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets**      **Extra Sheets**      **Number of each additional 50 or fraction thereof**      **Fee (\$)**      **Fee Paid (\$)**

32 - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount) **Fees Paid (\$)**

Other (e.g., late filing surcharge): \_\_\_\_\_

**SUBMITTED BY**

Signature	Registration No. (Attorney/Agent) 33,481	Telephone 610.648.3994
Name (Print/Type) Joseph E. Chovanes	Date 4/5/2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# **APPARATUS AND SYSTEMS FOR MEASURING, MONITORING, TRACKING AND SIMULATING ENTERPRISE COMMUNICATIONS AND PROCESSES**

This application is a CONTINUATION of U.S. Patent Application Serial No. 09/737,494 of Promenix, Inc. filed December 15, 2000.

The present invention relates to apparatus and systems for measuring, monitoring, tracking and simulating enterprise communications and processes. More particularly, the present invention relates to computer-based apparatus and systems for measuring, monitoring, tracking and simulating enterprise communications and processes in an asynchronous messaging environment.

## **BACKGROUND OF THE INVENTION**

The activities of a business or enterprise can be grouped into processes. Processes are business operations that are separated as desired and usually occur across business units. For example, the process of taking orders and turning those orders into revenue may be known as Order to Cash. The processes are comprised of sub-processes. For example, Order to Cash may be broken down into sub-processes such as Receive Order Inquiry, Provide Customer Quotation, Create Customer Outline Agreement, Create Sales Order, Schedule Production, Manufacture Product, Ship Product and Invoice Customer. Each sub-process may in turn be broken down into discrete activities such as providing customer number, entering that customer number, establishing pricing, determining a shipping date, etc.

The processes, sub-processes and activities operate, in part, by communicating information. For example, users may communicate through email. As another example,

applications may communicate amongst themselves through electronic data interchange (“EDI”) and other similar services. Communication occurs horizontally, that is, among a process, sub-process and activities, as well as vertically, that is, between processes, sub-processes and activities.

Whether communications occur horizontally or vertically, among applications or users, communications are increasingly asynchronous or message based. That is, enterprise communications were formerly primarily synchronous, or connection oriented, in which a connection is established with prior coordination between communication end points with data then being transmitted over the connection. Enterprise communications are now increasingly asynchronous, or connectionless, transmitting data without prior coordination between communication end points, such as through “event based” communications which use messages to move data instead of large files.

Asynchronous or message based communications permit loosely coupled connections among and between systems because the end points do not have to be prepared to receive the data when the message is transmitted. Loosely coupled connections permit more flexibility in assembling processes. Flexibility in assembling processes is desirable in order to permit quick reaction to changing business conditions: if a particular sub-process or activity becomes unusable, the process can be reassembled with a new sub-process or activity. For example, if a Manufacture Product sub-process in the Order to Cash process at Widget Co. enterprise has a specific factory identified to manufacture the product and that factory has a fire or other disaster, making it unusable, Widget Co. will need to substitute a new factory. The ripple effect of that substitution among all of Widget Co.’s processes will change any number of parameters. A loosely

coupled asynchronous connection among Widget Co.'s processes provides rapid substitution of the new factory for the old because the end points of communication to the new factory do not have to be predetermined before communications begin with the new factory. Thus, the flexibility of the asynchronous message based communication has permitted quick response to changing business conditions.

Despite this flexibility, asynchronous or message based communications are problematic because of their loosely coupled nature. At any given time, precise information on the progress of the processes is difficult to obtain -- messages may be in transit and not instantly locatable. For example, if a customer calls for the status of an order, an enterprise customer service representative may be able to determine nothing more than the fact that the order has been received and that the scheduled ship date is X. There is often no ability to drill down into the information levels and review the status in more granularity, such as the location of the good, the manufacturing status, etc., because the information required to review that status is in transit and unable to be reviewed.

Of course, if the enterprise lacks the ability to access status information, business partners of the enterprise will similarly lack that ability. Thus, asynchronous communications may well increase inefficiency among business partners as well.

The difficulty in reporting caused by message based architecture also makes it difficult for the enterprise to measure the efficiency of its processes and their sub-process. Asynchronous messaging, with its indeterminate transmission of information, means a company may not be able to easily measure the interval between each sub-process, e.g. the time between Scheduling Production and the Manufacturing of a Product, and so easily measure the efficiency of their operations.

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