similar to FIG. 1D, with the addition that an Internet link is interposed between the desktop computer C and the wireless carrier. In FIG. 1E, the wireless carrier communicates with an Internet service provider via a suitable protocol such as TCP/IP protocol...")

wherein the system is enabled for real time synchronous transmission of the configured hospitality application information to the wireless handheld computing device, the web server and the web page and real time synchronous transmissions of inputs responding to the configured hospitality application information from the wireless handheld computing device, or the web server or the web page. **(Chase Col. 6 Ln 46 to Col 7, Ln 5, "...Typically, data transmitted via the Internet via the World Wide Web still resembles that of the wireless packets, as the typical Web message size is small. Thus, in addition to wireless carriers, the handheld computer of the present invention can communicate with the desktop computer C via land lines, via wireless lines, or other means, including the Internet and variants thereo, including "intranets", or intra-corporation networks. These communication media meld computing power with network and wireless access, offering users significant leaps in productivity and accessibility.")**

In addition it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Micros '97 with the teachings of Chase as Micros '97 teaches the use of handheld terminals (see e.g. 1-15) and Chase teaches "a real time solution that avoids data conflicts by shortening the time between synchronization events is needed. Therefore, it is desirable to have a small handheld computer system

capable of …being dynamically synchronized to alleviate the data coherency problem."

(Chase Col. 3, Ln 15-25.)

Regarding Claim 123, Micros '97 teaches:

between multiple hospitality software applications including at least [one] two of

restaurant ~~service, or~~ point of sale systems **(UWS1-3, See Chapter 1)**, or reservations ,

or waitlists **(e.g. order waiting line B-30)**, ~~or ordering, or customer affinity~~ or frequent

customer or ticketing programs **(Check Operations Chapter 4)**. **(1-2, "The System**

Configurator module is an integral part of the 8700 System, providing :the means

to create and edit the database files that define the parameters of the system--to

program the restaurant's operation into the system.")

Further Chase teaches: information comprising at least a part of the programmed

handheld menu configuration is synchronized in real time **(Chase Col. 11, Ln 63 to Col.**

12, Ln 37, "Turning now to FIG. 6B, the software running on the handheld

computer H for synchronizing data is shown in greater detail…the desktop C and

handheld computer H of the present invention mimic the SMP coherent behavior

by attacking the <u>synchronization problem in a real-time</u> versus batch-mode

manner.")

Regarding Claim 124, Chase teaches: enabled to automatically communicate selections

made from a menu on at least one web page or at least one wireless computing device

and transmitted over the internet to either the master database or at least one wireless

handheld computing device or at least one web page. **(Chase Col. 6 Ln 46 to Col 7, Ln**

5, "…Typically, data transmitted via the Internet via the World Wide Web still

resembles that of the wireless packets, as the typical Web message size is small.

Thus, in addition to wireless carriers, the handheld computer of the present

invention can communicate with the desktop computer C via land lines, via

wireless lines, or other means, including the Internet and variants thereo,

including "intranets", or intra-corporation networks. These communication media

meld computing power with network and wireless access, offering users

significant leaps in productivity and accessibility.")

Regarding Claim 125, Micros '97 teaches:enabled to automatically communicate

selections made from a menu on at least one wireless handheld computing device to

either the master database or the web server. **(1-15"Hand-Held Touchscreen**

Features "The HHT is a portable User Workstation. Like the UWS/3, it contains an

8700 Revenue Center database. Using the HHT, an operator can post orders,

close guest checks, and perform al most every other operation that is available

on a UWS. The HHT communicates by radio frequency with a Base Station, which

is cabled roan LCC or RCC in one of the PCs in an 8700 System. The HHT

transmits posting and transaction information to the Base Station (BST), and the

BST transmits guest check information and [menu] database modifications to the

HHT.")

Regarding Claim 126, Micros '97 teaches: wherein the hospitality application

information relates to payment processing. **(8-9, "Print Guest Checks [Service Total]**

initiates guest check printing for By-round operators. For On- demand operators

no printing takes place. [Print Check] (which is a service total key programmed to

print) initiates guest check printing for On-demand operators and reprints checks

for By-round operators. Example On-demand: Pressing [Service Total] as an On-

demand operator will not cause a guest check to print. However, if you dose the

check with a payment key or press [Print Check], a guest check will print. By-

round: Pressing [Service Total] as a By-r ound operator will print the guest check,

If your UWS is programmed to print guest checks at the slip printer, you must

place the guest check in the printer." *Note the HHT icon on this page, indicating*

the check printing can be processed from the HHT, see also set up on 11-38)

[here, the wireless HHT facilitates payment processing by printing the check to tender to

the customer]

Regarding Claim 127, Kavensky teaches: wherein the configured wireless handheld computing device is a smart phone. **(Kavensky Col. 2, Ln. 20-44, "Advantageously, any type of display device and associated screen can be provided by a user: e.g., webphone or palmtop. Also, any size window may be displayed on such screen...")**

Response to Arguments

6.   Applicant's arguments with respect to claims 103-110,115-127 have been considered but are moot in view of the new ground(s) of rejection. Insomuch as the remarks address the Micros '97 reference, they are moot (because either Micros '97 is not relied on for the argued element in the rejection above or applicant's amendments have rendered the argument moot). All arguments that are still pertinent to Micros '97's use in the rejection above are addressed below.

7.   On Pages 19-21, applicant argues that Micros '97 "teaches away" from the present invention. Examiner respectfully disagrees. "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). While Micros '97 may not teach all the elements of the

present invention, it does not disparage any of the concepts at issue, and thus cannot be considered to be teaching away from the present invention.

8. Applicant's arguments on pages 19-35 regarding the Micros '97 reference are otherwise moot as they address: the "menu generation software [not separate programming]", "real time synchorization" and other elements either no longer present in the claim or taught by the other references new grounds of rejection.

9. Applicant's Arguments regarding the Cupps Patent are also moot or unpersuasive. Cupps taught the display of restaurant menus in a web page. Applicant's arguments against Cupps synchorization of the web page are moot in view of the Kavensky & Chase references in the new grounds of rejection.

10. Applicant's Arguments regarding Olewicz's availability as prior art are moot in view of the new grounds or rejection necessitated by applicant's amendment which does not include that reference.

11. Applicant's Arguments with regards to the dependent claims on pages 50-56 are also moot in view of the new grounds of rejection.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MATTHEW J. BROPHY whose telephone number is

571-270-1642. The examiner can normally be reached on Monday-Thursday 8:00AM-

5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Zhen can be reached on (571) 272-3708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJB

1/8/2010

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191

Index of Claims

Application/Control No.	**Applicant(s)/Patent Under Reexamination**
11112990	MCNALLY ET AL.
Examiner	**Art Unit**
MATTHEW J BROPHY	2191

✓	**Rejected**	-	**Cancelled**	**N**	**Non-Elected**	**A**	**Appeal**
=	**Allowed**	÷	**Restricted**	**I**	**Interference**	**O**	**Objected**

☐ Claims renumbered in the same order as presented by applicant   ☐ CPA   ☐ T.D.   ☐ R.1.47

CLAIM		DATE								
Final	Original	03/07/2008	08/15/2008	12/08/2008	04/11/2009	01/08/2010				
	103	✓	✓	✓	✓	✓				
	104	✓	✓	✓	✓	✓				
	105	✓	✓	✓	✓	✓				
	106	✓	✓	✓	✓	✓				
	107	✓	✓	✓	✓	✓				
	108	✓	✓	✓	✓	✓				
	109	✓	✓	✓	✓	✓				
	110	✓	✓	✓	✓	✓				
	111	✓	✓	✓	-	-				
	112	✓	✓	✓	-	-				
	113	✓	✓	✓	-	-				
	114	✓	✓	✓	-	-				
	115	✓	✓	✓	✓	✓				
	116	✓	✓	✓	✓	✓				
	117	✓	✓	✓	✓	✓				
	118	✓	✓	✓	✓	✓				
	119	✓	✓	✓	✓	✓				
	120	✓	✓	✓	✓	✓				
	121	✓	✓	✓	✓	✓				
	122	✓	✓	✓	✓	✓				
	123	✓	✓	✓	✓	✓				
	124	✓	✓	✓	✓	✓				
	125	✓	✓	✓	✓	✓				
	126	✓	✓	✓	✓	✓				
	127	✓	✓	✓	✓	✓				

Search Notes	Application/Control No. 11112990	Applicant(s)/Patent Under Reexamination MCNALLY ET AL.
	Examiner MATTHEW J BROPHY	Art Unit 2191

SEARCHED

Class	Subclass	Date	Examiner
715	810-845	1/8/2010	MJB

SEARCH NOTES

Search Notes	Date	Examiner
See EAST search History	1/8/2010	MJB
inventor search in EDAN	1/8/2010	MJB
NPL (Google Scholar, ACM, IEEE)	1/8/2010	MJB

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

/MATTHEW J BROPHY/ Examiner.Art Unit 2191	

FEB 0 3 2010

POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS		
	Application Number	11/112,990
	Filing Date	April 22, 2005
	First Named Inventor	McNally
	Title	Information Management and Synchronous
	Art Unit	2191
	Examiner Name	Brophy
	Attorney Docket Number	1004293.005 US

i hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

OR

☒ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number
Michael D. Fabiano	44675

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☒ Firm or Individual Name: Mazzarella Caldarelli LLP

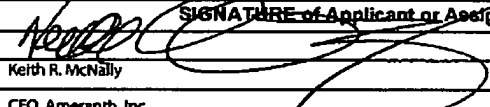| Address	550 West "C" Street, Suite 700					
City	San Diego	State	CA	Zip	92101	
Country	USA					
Telephone	619.238.4900	Email	mfabiano@mazzcal.com			

I am the:

☐ Applicant/Inventor.

OR

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature		Date	Feb. 2, 2010
Name	Keith R. McNally	Telephone	+1 (858) 362-0150
Title and Company	CEO, Ameranth, Inc.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 1.11 and 1.14. This collection is estimated to take 3 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.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAZZARELLA ■ CALDARELLI LLP

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FACSIMILE TRANSMITTAL SHEET

TO: United States Patent Office	**FROM:** Michael D. Fabiano (mfabiano@mazzcal.com)
COMPANY: Commissioner of Patents	**SENDER'S DIRECT DIAL:** EXTENSION 306
FAX NUMBER: 571.273.8300	**DATE:** February 3, 2010
PHONE NUMBER: 866.217.9197	**TOTAL NO. OF PAGES INCLUDING COVER:** 2
RE: Power of Attorney for Application Number 11/112,990	**CLIENT REFERENCE NUMBER:** 1660.04

□ URGENT   □ FOR REVIEW   □ PLEASE COMMENT   □ PLEASE REPLY

□ ORIGINAL WILL FOLLOW

Notes:

Application No. 11/112,990   Docket No. 1004293.005US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 11/112,990   Confirmation No.:   7098

Applicants: McNally, et al.   Group Art Unit: 2191

Filed: April 22, 2005   Examiner: Brophy, Matthew

For: INFORMATION MANAGEMENT AND SYNCHRONOUS
        COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND
        HANDWRITING AND VOICE MODIFICATION OF ORDERS

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

I.   Authority.

Applicants' claims have been rejected at least twice, and the most recent Office

Action, dated January 8, 2010, was deemed final. Thus, filing a Notice of Appeal with

the proper fee and a pre-appeal brief is proper under 35 U.S.C. § 134.

II.   Disposition of Claims.

Claims 103-110 and 115-127 are pending in the present application. Claims 103

and 122 are independent claims. The remaining claims depend either directly or

indirectly from claims 103 and 122.

III.   Remarks.

Claims 103-110 and 115-121 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over Micros Systems Inc. "8700 HMS 2.10 Users Manual," copyright 1997

(hereinafter "Micros") in view of U.S. Patent No. 6,300,947 (hereinafter "Kanevsky")

and U.S. Patent No. 5,974,238 (hereinafter "Chase"). Claims 122-127 stand rejected

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Application No. 11/112,990   Docket No. 1004293.005US

under 35 U.S.C. § 103(a) as being unpatentable over Micros in view of U.S. Patent No.

5,991,739 (hereinafter "Cupps") and Kanevsky and Chase. For the reasons set forth

herein, these rejections are respectfully traversed.

In re Fulton, 391 F.3d 1195, 1201 (Fed. Cir. 2004) was misapplied in the January

8, 2010 Office Action, which wrongly denied applicants 'teaching away' argument

against the Micros reference (which clearly states that it '<u>must</u>' execute steps in <u>direct</u>

<u>conflict</u> to the present invention) by asserting that a reference may be applied in

combination so long as it does not "disparage... the concepts at issue." There is no

requirement in *Fulton*, or in the MPEP, that references must "disparage" the concepts of

the present invention in order to preclude combination or modification. That is especially

so here, where the Micros reference is a <u>product description</u> (which only describes what

the product does) and not a patent (in which inventors often reference and sometimes

'disparage' alternatives, if known). The *Fulton* Court held that disparagement is merely

<u>one</u> ground, and not the exclusive means, for disqualifying a reference.

The Office Action states, in a conclusory way, that the teachings of Micros could

be combined with Kanevsky or Chase (as to Claims 103-110 and 115-121) or with

Kanevsky, Chase, and/or Cupps (as to Claims 122-127). (Office Action, pp. 12, 14-15,

28). No explanation is given for the conclusion that these combinations would be

obvious to one skilled in the art. Such conclusory statements, without specific objective

reasons to combine the references, are not sufficient to establish obviousness. MPEP

2143.01, section IV, citing *Ex Parte Levengood*, 28 USPQ2d 1300 (BPAI 1993). See

also *KSR v. Teleflex*, 550 U.S. 398, 82 USPQ2d 1385, 1396-1398 (2007) ("Often, it will

be necessary for a court to look to interrelated teachings of multiple patents; the effects of

Application No. 11/112,990   Docket No. 1004293.005US

demands known ... or present in the marketplace; and the background knowledge

possessed by a person having ordinary skill in the art, all in order to determine whether

there was an apparent reason to combine the known elements in the fashion claimed by

the patent at issue. To facilitate review, this analysis should be made explicit.")

Although disparagement is not required by *In re Fulton* or any other authority,

Chase does, in fact, disparage and 'teach away' from the present invention's use of a

central computing unit and master database for the storage of data within a synchronous

system: "The prior resolutions of the data synchronization problem were generally very

time consuming and tedious... One solution was to limit the accessibility of files such

that only files physically residing with the user were the master. However, this solution

dictated that no changes could be made to the other system without the danger of losing

those changes. Thus... the combination was not popular... the problem of

synchronization limited the potential..." (Chase, col. 2, lines 55-67.) Every claim of the

present application utilizes a central computing unit and master database. *In re Fulton*

therefore bars the use of Chase as a reference herein, because Chase disparages the

concepts of and thus 'teaches away' from the concepts of the present application.

The use of Chase as a reference also violates *In re Gordon*, 733 F.2d 900 (Fed.

Cir. 1984), and MPEP 2143.01 sec. V, in that using Chase in combination with Micros

would render Chase unsatisfactory for Chase's intended purpose of data synchronization

involving a handheld device and a central computer without storing the master database

on the host/central computer and also requiring a "distributed" system, i.e., with each

'distributed' handheld computer pre-loaded with the 'data synchronization engine'

software and a "shared data set" (Chase, col. 3, lines 29-31, 33-35, 44-45).

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Application No. 11/112,990   Docket No. 1004293.005US

Additionally, using Chase in combination with Micros also violates *In re Ratti*,

270 F.2d 810 (CCPA 1959), and MPEP 2143.01 sec. VI, because the combination,

requiring the use of a central computer and <u>master</u> database, changes the principle of

operation of Chase, which teaches data synchronization involving a handheld device and

a central computer <u>without</u> a master database.

The previous arguments were also applied by the USPTO, and claims confirmed

patentable, in a re-examination that also distinguished between a central/master system

and a distributed system. "Reasons for Patentability/Confirmation", Control No.

90/006,831 (re patent no. 5,838,906), pp. 21-24 (dated 9/27/2005).

For these reasons, all of the claim limitations in the pending claims are neither

taught nor fairly suggested by the combination(s) of cited references. Among other

things, any combination of Chase with Micros, Kanevsky, and Cupps is a contradiction

because such combination requires the use of a <u>master</u> database, expressly disparaged in

Chase, which teaches away from the "centralized" technology of the present application

(as well as any combination of the other references cited by the Examiner).

Further, the 37 CFR § 1.132 declaration of Keith R. McNally provides very

strong evidence that industry leaders, persons skilled in the art, recognized the present

invention as non-obvious, and that this technology is separate and distinct from that of

the Micros manual, the Cupps patent, and the other references cited. The McNally

declaration confirms both the nexus of the present invention with its widespread market

adoption/recognition, and the non-obviousness of the present invention. The McNally

declaration includes confirmations from the owners of both the Micros and Cupps

references that they licensed or sought to license applicants' technology – the invention

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Application No. 11/112,990   Docket No. 1004293.005US

disclosed in the present application – and recognized it as a separate invention over and

above their own technologies (i.e., the very references Examiner cited against applicants

herein.) Food.com, the company that owned the Cupps patent and was founded by the

inventors of that patent, recognized the inventive technology and value of Ameranth's

technology over and above that of the Cupps patent, i.e. Food.com's own technology, and

entered into a Strategic Alliance in 1999 intended to employ Ameranth's technology,

including the present invention, in concert with their own technology. (¶¶ 5, 22, 27, and

29 and Exh. 14, 19, 21, and 23.) Micros Systems (owner of the Micros product) sought

to exclusively license Ameranth's intellectual property, including that of the present

application, in the year 2000. (¶ 48 and Exh. 40-42.) Inexplicably, and in conflict with

MPEP 716, the Office Action does not indicate any consideration of the McNally

declaration, even though the Examiner had requested it during a face-to-face interview.

IV.   Conclusion.

As set forth herein, the Examiner has failed to show that the teachings of the cited

prior art references are sufficient to render the pending claims obvious. Accordingly,

Applicants respectfully request a favorable decision from this panel.

Dated: February 11, 2010   Respectfully submitted,

        /s/ Michael D. Fabiano
        MICHAEL D. FABIANO
        Registration No. 44,675
        MAZZARELLA ■ CALDARELLI LLP
        550 West C Street, Suite 700
        San Diego, California 92101
        (619) 238-4900 Telephone
        (619) 238-4959 Facsimile

        Attorney for Applicants

-5-

Notice of Fee Due

Date: _02-18-10_

Application Number: _11.112900_

A fee is due for the attached document for the reason indicated below. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the appropriate fee*. If an authorization is not present, notify the application of the fee deficiency.

*If the fee due is for any of the filing fees, check for authorization to charge the surcharge. If authorization is present, charge the surcharge for late payment of the filing fees as well.

☐ Insufficient payment by check or money order.

☐ Insufficient funds in deposit account _____ at _____:_____ (time).

☑ Insufficient payment by credit card.

☐ Declined credit card.

☑ No authorization to charge a deposit account.

Fee code(s) to be applied: _1401_   _$540_

Amount in holding fee code: _1506_

1622/2622

1999   _$500_

_$40_

Total remaining due from applicant: _____

RAM Operator _____ _____

Rev. 12/27/07

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FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Mail Stop AF Commissioner for Patents	Michael D. Fabiano (mfabiano@mazzcal.com)

COMPANY:	SENDER'S DIRECT DIAL:
U.S. Patent and Trademark Office	EXTENSION 306

FAX NUMBER:	DATE:
571.273.8300	February 11, 2010

PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
	8

RE:	CLIENT REFERENCE NUMBER::
1660.04	Application No. 11/112,990

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

☐ ORIGINAL WILL FOLLOW

Notes:

Attached are the following documents:

1) Notice of Appeal

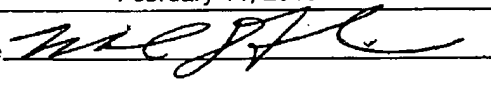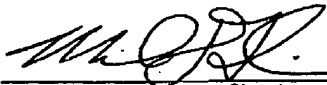2) Pre-Appeal Brief Request for Review; and

3) Credit Card Payment Form

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES	Docket Number (Optional) 1004293.005US

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on __February 11, 2010__ Signature _____ Typed or printed name Michael D. Fabiano	In re Application of McNally, et al.

	Application Number 11/112,990	Filed April 22, 2005
	For Information Management and Synchronous Communications System ...	
	Art Unit 2191	Examiner Brophy, Matthew

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 500.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ _____

☐ A check in the amount of the fee is enclosed.

☑ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____ .

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☑ attorney or agent of record. 44,675 Registration number _____

☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____

Signature
Michael D. Fabiano
Typed or printed name
(619) 238-4900
Telephone number
February 11, 2010
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of __3__ forms are submitted.

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/112,990	04/22/2005	Keith R. McNally	3125-4003US1

CONFIRMATION NO. 7098

85775
Locke Lord Bissell & Liddell LLP
Attn: IP Docketing
Three World Financial Center
New York, NY 10281-2101

POWER OF ATTORNEY NOTICE

OC000000040206653

Date Mailed: 02/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/03/2010.

• The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/gbien-aime/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/112,990	04/22/2005	Keith R. McNally	1004293.005 US

Mazzarella Calderelli LLP
550 West "C" Street,
Suite 700
San Diego, CA 92101

CONFIRMATION NO. 7098

POA ACCEPTANCE LETTER

OC000000040206808

Date Mailed: 02/23/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/03/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/gbien-aime/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

MAZZARELLA ■ CALDARELLI LLP

ATTORNEYS AT LAW

550 WEST "C" STREET, SUITE 700
SAN DIEGO, CA 92101-3235

TELEPHONE: 619 238 4900
FACSIMILE: 619 238 4959

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Mail Stop AF Commissioner for Patents	Michael D. Fabiano (mfabiano@mazzcal.com)

COMPANY:	SENDER'S DIRECT DIAL:
U.S. Patent and Trademark Office	EXTENSION 306

FAX NUMBER:	DATE:
571.273.8300	February 25, 2010

PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
	3

RE:	CLIENT REFERENCE NUMBER::
1660.04	Application No. 11/112,990

☐ URGENT   ☐ FOR REVIEW   ☐ PLEASE COMMENT   ☐ PLEASE REPLY

☐ ORIGINAL WILL FOLLOW

Notes:

Attached are the following documents to complete the filing fee of $540 for the Notice of Appeal documents filed on February 11, 2010:

1)   Credit Card Payment Form in the amount of $40.

2)   Notice of Fee Due.

If you have any questions, please let call me or my assistant, Rita Behring at extension 311.

Thank you.

Adjustment date: 03/01/2010 JVONG1
02/18/2010 JVONG1   00000041 11112990
01 FC:1999   -500.00 OP

03/01/2010 JVONG1   00000012 11112990
01 FC:1401   540.00 OP

Document Code. IIMIS

Notice of Fee Due

Date: _02-18-10_

Application Number: _11. 112990_

A fee is due for the attached document for the reason indicated below. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the appropriate fee*. If an authorization is not present, notify the application of the fee deficiency.

*If the fee due is for any of the filing fees, check for authorization to charge the surcharge. If authorization is present, charge the surcharge for late payment of the filing fees as well.

☐ Insufficient payment by check or money order.

☐ Insufficient funds in deposit account _____ at _____:_____ (time).

☑ Insufficient payment by credit card.

☐ Declined credit card.

☑ No authorization to charge a deposit account.

Fee code(s) to be applied: _1401_   _$ 540_

Amount in holding fee code: _1506_

_1622/2622_

_1999_   _$ 500_

Total remaining due from applicant: _$ 40_

RAM Operator _____ /W/

Rev. 12/27/07

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/112,990	04/22/2005	Keith R. McNally	1004293.005 US	7098

7590   03/23/2010

Mazzarella Calderelli LLP
550 West "C" Street,
Suite 700
San Diego, CA 92101

EXAMINER
BROPHY, MATTHEW J

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
03/23/2010	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.

Notice of Panel Decision from Pre-Appeal Brief Review	Application/Control No.	Applicant(s)/Patent under Reexamination	
	11/112,990	MCNALLY ET AL.	
		Art Unit	
	Matthew Brophy	2191	

This is in response to the Pre-Appeal Brief Request for Review filed 25 February 2010.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

    ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
    ☐ The request does not include reasons why a review is appropriate.
    ☐ A proposed amendment is included with the Pre-Appeal Brief request.
    ☐ Other: .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

    ☒ The panel has determined the status of the claim(s) is as follows:
    Claim(s) allowed: _____.
    Claim(s) objected to: _____.
    Claim(s) rejected: *103-110, 115-127*.
    Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) *Wei Y. Zhen*.

(2) *Matthew Brophy*.

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art
Unit 2193

(3) *Lewis Bullock*.

(4) _____.

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/112,990	04/22/2005	Keith R. McNally	1004293.005 US	7098

7590   04/29/2010

Mazzarella Calderelli LLP
550 West "C" Street,
Suite 700
San Diego, CA 92101

EXAMINER
BROPHY, MATTHEW J

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
04/29/2010	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.

	Application No.	Applicant(s)
Interview Summary	11/112,990	MCNALLY ET AL.
	Examiner	**Art Unit**	
	MATTHEW J. BROPHY	2191	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MATTHEW J. BROPHY*.   (3)*KEITH MCNALLY*.

(2) *WEI ZHEN*.   (4)*MICHAEL FABIANO*.

   Date of Interview: *08 April 2010*.

   Type: a)☒ Telephonic   b)☐ Video Conference
            c)☐ Personal [copy given to: 1)☐ applicant   2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes   e)☐ No.
    If Yes, brief description: _____.

Claim(s) discussed: *103-127*.

Identification of prior art discussed: *Micros 8700, Kanevsky (USPN 6,300,947), Chase Jr. (USPN 5,974,238)*.

Agreement with respect to the claims f)☐ was reached.   g)☒ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *See Continuation Sheet*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

	/Wei Y Zhen/
	Supervisory Patent Examiner, Art Unit 2191

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

_____

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
– Application Number (Series Code and Serial Number)
– Name of applicant
– Name of examiner
– Date of interview
– Type of interview (telephonic, video-conference, or personal)
– Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
– An indication whether or not an exhibit was shown or a demonstration conducted
– An identification of the specific prior art discussed
– An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
– The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant described the distinctions between the prior art and the present invention. The applicant's representative reiterated the lack of motivation to combine the references argued in the pre-appeal brief. The Applicant then presented a possible amendment to include a "communications control program" that maintained equilibrium in the system. The examiner expressed concerns that equilibrium was not a term that extended the limitations of the claim beyond the previously included "real-time synchronization." The examiner agreed to further consider the present and future filings regarding "secondary considerations" showing commercial success where appropriate, but reminded the applicant that such a determination is not dispositive for the case. .

.

RECEIVED
CENTRAL FAX CENTER ☑002/078

MAY 2 4 2010

PTO/SB/30 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal	Application Number	11/112,990
	Filing Date	April 22, 2005
	First Named Inventor	Keith McNally
Address to:	Art Unit	2191
Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Examiner Name	Brophy, Matthew
	Attorney Docket Number	1004293.005US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

   a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

      i. ☑ Consider the arguments in the Appeal Brief or Reply Brief previously filed on February 11, 2010

      ii. ☐ Other

   b. ☑ Enclosed

      i. ☑ Amendment/Reply   iii. ☐ Information Disclosure Statement (IDS)

      ii. ☑ Affidavit(s)/ Declaration(s)   iv. ☐ Other

2. **Miscellaneous**

   a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

   b. ☐ Other

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. ☐ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. _____.

      i. ☑ RCE fee required under 37 CFR 1.17(e)

      ii. ☑ Extension of time fee (37 CFR 1.136 and 1.17)

      iii. ☐ Other

   b. ☐ Check in the amount of $ _____ enclosed

   c. ☑ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	_signature_	Date	May 24, 2010
Name (Print/Type)	Michael D. Fabiano	Registration No.	44675

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	_signature_		
Name (Print/Type)	Eve Mazzarella	Date	May 24, 2010

This collection of information is required by 37 CFR 1.114. 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 1.11 and 1.14. This collection is estimated to take 12 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: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/25/2010 TUANG Exhibit 00000053 P11112990
01 FC:2801   405.00 OP

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2009 *(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)*	Docket Number (Optional) 1004293.005US
Application Number 11/112,990	Filed April 22, 2005

For   Information Management and Synchronous Communications System...

Art Unit 2191	Examiner Brophy, Matthew

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	
☐	One month (37 CFR 1.17(a)(1))	$130	$65	$_____
☐	Two months (37 CFR 1.17(a)(2))	$490	$245	$_____
☐	Three months (37 CFR 1.17(a)(3))	$1110	$555	$_____
☑	Four months (37 CFR 1.17(a)(4))	$1730	$865	$ 865
☐	Five months (37 CFR 1.17(a)(5))	$2350	$1175	$_____

☑ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☑ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☑ attorney or agent of record. Registration Number 44675

☐ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature	May 24, 2010
	Date
Michael D. Fabiano	(619) 238-4900
Typed or printed name	Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.
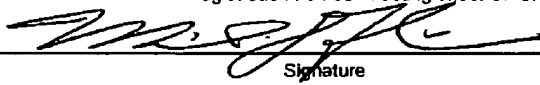
☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). 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 1.11 and 1.14. This collection is estimated to take 6 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.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Docket No. 1004293.005US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	11/112,990	Confirmation No.:	7098
Applicant(s):	McNally, et al.	Group Art Unit:	2191
Filed:	April 22, 2005	Examiner:	Brophy, Matthew
		Customer No.:	27123

For: INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. 1.114; RESPONSE AND AMENDMENT OF CLAIMS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the pending Final Office Action dated January 20, 2010, and examiner guidance from the April 8, 2010 interview applicants respectfully submit this Request for Continued Examination and response to the January 20, 2010 Office Action, including extensive amendments of the pending claims, and a supplemental 37 C.F.R. 1.132 declaration providing substantial additional evidence of commercial success in support of a secondary indicia of non-obviousness, reconsideration and allowance of the amended pending claims of the above-identified application is respectfully requested for the reasons stated herein.

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper; and

Serial No. 11/112,990   Docket No. 1004293.005US

Remarks begin on page 14 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the

application. By the present amendment, Claims 103 to 127 are amended. Previously cancelled

claims 111-114 have been replaced by additional dependent claims – in response to the previous

rejection. Claims 103 to 127 are now pending in the application. No new matter has been added

by the present amendment.

1-102. (Canceled).

103.   (Currently Amended) An information management and real time synchronous

communications system for configuring and transmitting hospitality menus comprising:

    a.   a central processing unit,

    b.   a data storage device connected to said central processing unit.

    c.   an operating system including a first graphical user interface,

    d.   a master menu including at least menu categories, menu items and modifiers,

wherein said master menu is capable of being stored on said data storage device pursuant to a

master menu file structure and said master menu is capable of being configured for display to

facilitate user operations in at least one window of said first graphical user interface as cascaded

sets of linked graphical user interface screens, and

    e.   menu configuration software enabled to generate a programmed handheld menu

configuration from said master menu for wireless transmission to and programmed for display on

a wireless handheld computing device, said programmed handheld menu configuration

comprising at least menu categories, menu items and modifiers and wherein the menu

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configuration software is enabled to generate said programmed handheld menu configuration by

utilizing parameters from the master menu file structure defining at least the menu categories,

menu items and modifiers of the master menu such that at least the menu categories, menu items

and modifiers comprising the programmed handheld menu configuration are synchronized in real

time with analogous information comprising the master menu,

wherein the menu configuration software is further enabled to generate the programmed

handheld menu configuration in conformity with display screen parameters unique to the

wireless handheld computing device to facilitate user operations with and display of the

programmed handheld menu configuration on the display screen of a handheld graphical user

interface integral with the wireless handheld computing device, wherein said display screen

parameters comprise at least the displayable size of the handheld graphical user interface

wherein the programmed handheld menu configuration is configured by the menu configuration

software for display as programmed cascaded sets of linked graphical user interface screens

appropriate for the display screen parameters of the wireless handheld computing device,

wherein said programmed cascaded sets of linked graphical user interface screens for display of

the handheld menu configuration are configured differently from the cascaded sets of linked

graphical user interface screens for display of the master menu on said first graphical user

interface, and

wherein the system is enabled for real time synchronous communications to and from the

wireless handheld computing device utilizing the programmed handheld menu configuration

including the capability of real time synchronous transmission of the programmed handheld

menu configuration to the wireless handheld computing device and real time synchronous

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transmissions of selections made from the handheld menu configuration on the wireless handheld computing device, and

wherein, the system is further enabled by a communications systemic relationship providing a common, linked system comprising:

    a.   A Wireless Hub Application;

    b.   A Web Hub Application;

    c.   Linked Databases between two or more different Hospitality Applications; and

    d.   A Communications Setup Application.

104. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 103, wherein ~~the menu configuration software is further enabled to automatically generate the programmed handheld menu configuration for display using more screens than the number of screens configured to display the master menu and wherein the menu configuration software is also enabled to generate the programmed handheld menu configuration to facilitate user operations with and display of the programmed handheld menu configuration on the display screen of the handheld graphical user interface of the wireless handheld computing device such that the programmed handheld menu configuration as displayed on the handheld graphical user interface appears to a user to be substantially similar to the master menu~~ as ~~displayed on the first graphical user interface~~ part of the communications systemic relationship, the system also enables the generation and transmission of:

    a.   on line reports; and

    b.   on line coordination.

105. (Currently Amended) The information management and real time synchronous

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communications system in accordance with ~~claim 103, wherein the menu configuration software~~ ~~is further enabled to automatically generate and transmit the programmed handheld menu~~ ~~configuration from the master menu in response to at least one of a predetermined time, or the~~ ~~occurrence of an event or a change in the master menu~~ any of claims 103 or 104, wherein the information from the POS database is automatically imported into the system.

106.   (Currently Amended)   The information management and real time synchronous communications system in accordance with ~~claim 103, wherein information comprising at least a~~ ~~part of the programmed handheld menu configuration is synchronized in real time between~~ ~~multiple hospitality software applications including at least two of point of sale systems, or~~ ~~reservations, or waitlists, or frequent customer or ticketing programs~~ any of claims 103 - 105, wherein the said Hospitality Applications include at least

　　　a.　　　Frequent customer applications; and

　　　b.　　　Point of sale applications; and

　　　c.　　　Reservations applications.

107.   (Currently Amended)   The information management and real time synchronous communications system in accordance with ~~claim 103, further enabled to transmit user selections~~ ~~from the programmed handheld menu configuration to a receiving computer via the internet~~ any of claims 103 - 105, wherein the said Hospitality Applications include at least

　　　a.　　　Frequent customer applications;

　　　b.　　　Point of sale applications; and

　　　c.　　　Ticketing applications.

108.   (Currently Amended)   The information management and real time synchronous

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communications system in accordance with ~~claim~~ any of claims 103[,] or 105, or 106, or 107 further enabled ~~such that user selections from the programmed handheld menu configuration on the wireless computing device are automatically reflected in real-time on two or more other different type display elements of the system~~ to automatically format the programmed handheld menu configuration for display as cascaded sets of linked graphical user interface screens appropriate for the display parameters of at least two different wireless handheld computing device display sizes in the same connected system.

109.   (Currently Amended) The information management and real time synchronous communications system**s** in accordance with ~~claim~~ any of claims 103[,] – 108 ~~further enabled to automatically format the programmed handheld menu configuration for display as cascaded sets of linked graphical user interface screens appropriate for the display parameters of at least two different wireless handheld computing device display sizes in the same connected system~~ in which the programmed handheld menu configuration may be manually operated by the user through voice recognition.

110.   (Currently Amended) The information management and real time synchronous communications system**s** in accordance with ~~claim~~ any of claims 103 – 108 in which the ~~modifiers in either the master menu or~~ programmed handheld menu configuration may be ~~further configured to be either required or not required~~ manually operated by the user through handwriting recognition.

111.   (New) The information management and real time synchronous communications system in accordance with any of claims 103-108, further enabled to allow for manual operations directly from the wireless handheld.

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112.   (New) The information management and real time synchronous communications system in accordance with any of claims 103 – 111 in which the programmed handheld menu configuration may be used to link individual customers to specific orders at specific locations directly through the graphical user interface display configuration on the handheld screen.

113.   (New) The information management and real time synchronous communications system in accordance with claim 112 in which the customers are also assigned a number so as to further facilitate linking the specific order to that specific customer.

114.   (New) The information management and real time synchronous communications system in accordance with any of claims 103 – 113 in which the programmed handheld menu configuration may be used to select specific printers directly through the graphical user interface display configuration on the handheld screen.

115.   (Currently Amended) The information management and real time synchronous communications system in accordance with ~~claim~~ any of claims 103 - 114 in which the wireless handheld computing device is a smart phone.

116.   (Currently Amended) The information management and real time synchronous communications system in accordance with ~~claim~~ any of claims 103 -115, further enabled to facilitate and complete payment processing directly from the wireless handheld computing device including:

    a.   Billing;

    b.   Status; and

    c.   Payment Information.

117.   (Currently Amended) The information management and real time synchronous

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communications system in accordance with ~~claim~~ any of claims 103 - 116, wherein one or more

of the layout, views or fonts of the programmed handheld menu configuration are created in

conformity with the display screen parameters of the wireless handheld computing device and

wherein the system is enabled to generate a view of the programmed handheld menu

configuration for user ~~review~~ preview from the central computing unit and which facilitates a

further user manual modification prior to ~~transition of the~~ the transmissions of the programmed

handheld menu configuration to the wireless handheld computing device.

    118.   (Currently Amended) An information management and real time synchronous

communications system for configuring and transmitting hospitality menus comprising:

    a.   a central processing unit;

    b.   a data storage device connected to said central processing unit;

    c.   an operating system including a first graphical user interface, said operating

system configured to interoperate with the central processing unit, the data storage device and

application software;

    d.   a master menu including menu categories and menu items, wherein said master

menu is capable of being stored on said data storage device pursuant to a master menu file

structure and said master menu is capable of being configured for display to facilitate user

operations in at least one window of said first graphical user interface as cascaded sets of linked

graphical user interface screens; and

    e.   a modifier menu capable of being stored on said data storage device, and ~~[f]~~ menu

configuration software enabled to automatically generate a programmed handheld menu

configuration from said master menu for display on a wireless handheld computing device, said

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programmed handheld menu configuration comprising at least menu categories, menu items and

modifiers and wherein the menu configuration software is enabled to generate said programmed

handheld menu configuration by utilizing parameters from the master menu file structure

defining at least the categories and items of the master menu and modifiers from the modifier

menu ~~such that~~ at least the menu categories, menu items and modifiers comprising the

programmed handheld menu configuration are synchronized in real time with analogous

information comprising the master and modifier menus wherein the menu configuration software

is further enabled to generate the programmed handheld menu configuration in conformity with

display screen parameters unique to the wireless handheld computing device to facilitate user

operations with and display of the programmed handheld menu configuration on the display

screen of a handheld graphical user interface integral with the wireless handheld computing

device, wherein said display screen parameters comprise at least the displayable size of the

handheld graphical user interface, <u>and</u>

wherein the programmed handheld menu configuration is configured by the menu

configuration software for display as cascaded sets of linked graphical user interface screens

appropriate for the display screen parameters of the wireless handheld computing device,

wherein said cascaded sets of linked graphical user interface screens for display of the

programmed handheld menu configuration are configured differently from the cascaded sets of

~~linked~~ <u>related</u> graphical user interface screens for display of the master menu on said first

graphical user interface, and

wherein the system is enabled for real time synchronous communications to and from the

wireless handheld computing device utilizing the programmed handheld menu configuration

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including the capability of real time synchronous transmission of at least the menu categories,

menu items and modifiers comprising the programmed handheld menu configuration to the

wireless handheld computing device and real time synchronous transmissions of selections made

from the handheld menu configuration on the wireless handheld computing device, and

wherein at least two different hospitality software applications are integrated between and

with one another, and

wherein the system enables automatic importation of the POS database information into

the system.

119.   (Currently Amended) The information management and real time synchronous

communications system in accordance with claim 118, wherein the system is further enabled

such that multiple menu screens are capable of being displayed on the handheld graphical user

interface simultaneously further including a communications systemic relationship comprising:

a.   A Wireless Hub Application;

b.   A Web Hub Application;

c.   Linked Databases Between two or more different Hospitality Applications; and

d.   A Communications Setup Application.

120.   (Currently Amended) The information management and real time synchronous

communications system in accordance with claim any of claims 118 or 119, wherein the

information comprising at least part of the programmed handheld menu configuration is

synchronized between multiple hospitality software applications including at least two point of

sale systems, or reservations, or waitlists, or frequent customer or ticketing programs further

enabled to facilitate and complete payment processing directly from the wireless handheld

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computing device including:

    a.   Billing;

    b.   Status; and

    c.   Payment Information.

121.   (Currently Amended)_ The information management and real time synchronous communications system in accordance with ~~claim~~ any of claims 118- 120, ~~further enabled such that user selections from the programmed handheld menu configuration on the wireless handheld computing device are automatically reflected in real time on two or more other different-type display elements of the system.~~ in which the wireless handheld computing device is a smart phone.

122.   (Currently Amended) An information management and real time synchronous communications system for use with wireless handheld computing devices and the internet comprising:

    a.   a master database connected in said system and configured to store hospitality application information pursuant to a master database file structure;

    b.   at least one wireless handheld computing device connected in said system and configured to display said hospitality application information;

    c.   at least one web server connected in said system and configured to display said hospitality application information;

    d.   at least one web page connected in said system and configured to display said hospitality application information; and

    e.   real time communications control software enabled to link and synchronize

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hospitality application information simultaneously between the master database, wireless

handheld computing device, web server and web page,

   wherein the communications control software is enabled to utilize parameters from the

master database file structure to synchronize the hospitality application information in real time

between the master database, at least one wireless handheld computing device, at least one web

server and at least one web page such that substantially the same information comprising the

hospitality application information is capable of being displayed on the wireless handheld

computing device, at least one web page and other display screens of the synchronized system,

such that the hospitality application information is synchronized between any connected users,

   wherein the communications control software is enabled to act as a real time interface

between the elements of the system and any applicable communications protocol,

   wherein the communications control software is enabled to automatically and

simultaneously configure the hospitality application information for display on both the wireless

handheld computing device and the web page in conformity with display screen parameters

unique to the wireless handheld computing device or the web page, wherein said display screen

parameters comprise at least the displayable size of the handheld computing device display

screen or the web page, and

   wherein the system is enabled for real time synchronous transmission of the configured

hospitality application information to the wireless handheld computing device, the web server

and the web page and real time synchronous transmissions of inputs responding to the configured

hospitality application information from the wireless handheld computing device, or the web

server or the web page, and

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wherein the system is enable to automatically import the information from the POS (point

of sale) database into the system, and

wherein at least two different hospitality applications are integrated between and with one

another.

123.   (Currently Amended) The information management and real time synchronous

communications system ~~of~~ in accordance with claim 122, ~~wherein the hospitality application~~

~~information simultaneously synchronizes to and from at least two of point of sale systems, or~~

~~reservations, or waitlists, or frequent customer or ticketing programs.~~ further including a

communications systemic relationship comprising:

a.   A Wireless Hub Application;

b.   A Web Hub Application;

c.   Linked Databases Between two or more different Hospitality Applications; and

d.   A Communications Setup Application.

124.   (Currently Amended) The information management and real time synchronous

communications system of either claim 122 or claim 123, further enabled to automatically

communicate selections made from a menu on at least one web page or at least one wireless

computing device and transmitted over the internet to either the master database or at least one

wireless handheld computing device or at least one web page.

125.   (Currently Amended) The information management and real time synchronous

communications system of either claim 122 or claim 123 , further enabled to automatically

communicate selections made from a menu on at least one wireless handheld computing device

to either the master database or the web server.

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126.   (Currently Amended) The information management and real time synchronous communications system in accordance with claim 122 <u>or claim 123</u>, wherein the hospitality application information ~~relates to~~ <u>also includes the completion of</u> payment processing.

127.   (Currently Amended) The information management and real time synchronous communications system in accordance with ~~claim~~ <u>any of claims</u> 122 <u>- 126</u>, wherein the configured wireless handheld computing device is a smart phone.

REMARKS

Claims 1-102 and 111-114 were canceled without prejudice or disclaimer by previous amendments. Claims 103-127 are now pending in the present application.

SUMMARY OF MOST RECENT OFFICE ACTION

In the Office Action dated January 8, 2010, the Examiner rejected pending claims 103-110 and 115-121 under 35 U.S.C. § 103(a) as unpatentable over the Micros Systems Inc. "8700 HMS 2.10 User's Manual" (1997) ("Micros") in view of U.S. Patent No. 6,300,947 ("Kanevsky") and further in view of U.S. Patent No. 5,974,238 ("Chase"), and rejected pending claims 122-127 under 35 U.S.C. § 103(a) as unpatentable over Micros in view of U.S. Patent 5,991,739 ("Cupps") and further in view of Kanevsky and Chase. The Office Action was made final.

II.   SUMMARY OF APPLICANTS' RESPONSE

Applicants respectfully submit significantly revised claims in response to the prior outstanding Office Action as well as from suggestions made by the Examiner in Interviews.

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Applicants further submit substantial additional evidence of secondary considerations

clearly indicating the nonobviousness of the presently-claimed invention in the form of a

supplemental 37 C.F.R. 1.132 declaration to the previously provided but yet to be considered

1.132 declaration. As stated in the supplemental 1.132 declaration and in VIII below, applicants

strongly believe that in addition to the totality of the secondary factors declaration confirming

'non obviousness' that as a minimum, the actual, contemporaneous documents from the

inventive timeframe clearly invalidate both the Micros and the Cupps references, since no

opinion of hindsight can nullify what actually occurred and which represents the true reality of

the actual inventive timeframe.

Applicants also reiterate their strong belief (as expressed in the pre-appeal brief) on the

inappropriateness of the combinations of the prior art references in the January 8, 2010 Office

Action. The references cited by the Examiner would not be combined by one skilled in the art,

and cannot be combined according to applicable case law (*Fulton, Gordon, Ratti*) because such

combinations made would require changes to the each of the references' 'principles of operation'

and/or make the references 'unsatisfactory for their intended use'. Applicants further maintain

that each of the references, including the Micros reference, 'teach away' from critical aspects of

the applicants' invention. The Chase reference specifically disparaged (Para 2, lines 55-65) the

concepts of a master database and master menu, which are specific claim limitations of each of

the independent claims.

Nevertheless, the focus of this RCE is to respond to the Examiner's rejections and

concerns by including yet further claim limitations that distance the claims even farther from the

cited references. The claims, as amended, include additional and unique claim elements and

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limitations that delineate the fact that the claimed invention was first and uniquely recognized

and invented by the applicants and was not envisioned or anticipated by any of the cited prior art

references or any combination thereof. In fact, even with all the possible combinations, the

additional and new claim limitations still do not exist, nor would they have been obvious.

Applicants' newly added claim limitations are all fully supported in the invention

disclosure (as will be confirmed/identified by specific references throughout this response).

These new and additional claim limitations further distinguish the invention over the referenced

and all other prior art. Applicants' new claim limitations focus on five additional and unique

inventive aspects of the claimed invention, all of which clearly distinguish over all the prior art.

These are:

1.) 'Communications Systemic Relationship'

2.) 'Automatic Importation of the data from the POS database into the system'

3.) ' Integration of multiple and different hospitality software applications'

4.) 'Special functionality directly from the generated handheld GUI display interfaces'

5.) 'Preview feature of the generated menu'

Each of these new claim limitations are discussed in detail below.

IV.   THE 35 U.S.C. § 103 REJECTIONS OF CLAIMS 103-110 AND 115-127
      SHOULD BE WITHDRAWN IN VIEW OF THE PRESENT
      AMENDMENTS.

      A.   Present Claim Amendments

Independent claims 103 and 118 have been amended to more clearly distinguish over the

applied prior art, and reflect multiple suggestions made by the Examiner to further distinguish

the present invention from the cited references. The amendments add the element of a

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"Communications Systemic Relationship," (*see Page 10, lines 5-19, Figure # 9, Page 4, lines 11-23, Page 5, lines 1-5, page 7, lines 5-8, page 9, lines 15-19, Page 20, Lines 6-17, Figure # 6, Page 23, lines 16-22, Abstract, Field of the Invention*). Applicants were the first to recognize, first to invent and the first to bring to market the unique combination of system communication and integration features and attributes necessary to make feasible and operable the modern hospitality interconnected system - consisting of mobile devices, smart phones, web interfaces and interfacing to/from varied hospitality applications, all linked and synchronized together in real time.

As detailed and explained on Page 10 and further elaborated on and shown in Figure 9, applicants unique "Communications Systemic Relationship" facilitates the claimed inventive solution. None of the referenced prior art recognized or anticipated the need for such a systemic relationship and without having recognized it, obviously did not include the inventive solution aspects described in the applicants' disclosure and embodied in the invention. Additionally, because each of the prior art references were in different fields, none of them could have and none of them did recognize the unique and <u>novel</u> combination of attributes needed and included only in the applicants' invention.

The "Communications Systemic Relationship" facilitates the claimed inventive solution, and it was neither disclosed nor anticipated in any way by the Micros reference, the Kanevsky reference, the Chase reference, or any combination thereof. The "Communications Systemic Relationship" integrates and makes operable the interconnected system of mobile devices, smart phones, web interfaces and interfacing to/from varied hospitality applications, all linked and synchronized together in real time through database exchanges between applications, user

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interface conversions and including the integration of multiple and different hospitality

applications; none of the cited references, and no combination thereof, can do, did do, or

anticipated all of the features necessary to make this unique inventive system function.

The additional claim limitation of "Automatic Importation of the data from the POS

Database" *(Page 21, Lines 9-12)* emphasizes the applicants' unique recognition that in systems

including a POS system, the means to import the existing POS database into the inventive system

would be advantageous and that this should include an automatic function to facilitate the real

time aspects of the system . The Chase and Kanevsky references are not even related to the

Hospitality Marketplace at all, and neither certainly made any mention or even a reference to a

POS system of any kind, and as such could not and did not recognize or anticipate the function

for 'automatic importation' of something wholly unrelated to these references; for that matter the

authors of these references likely did not even know of the existence of such a POS system. In

fact Kanevsky's 'Web Page Adaptation System' was solely focused on 'converting' web pages

to other web pages and as the examiner already acknowledged, it was not a real time system at

all.

While the Micros reference is for an older generation POS system, as the Examiner has

recognized, the Micros system also was and is not real time, is non synchronous, and had no

recognition whatsoever for any of the unique internet/web aspects of applicants' invention nor

for integration of multiple and different hospitality applications since it only worked with itself.

Further, as applicants previously pointed out in prior responses, Micros never envisioned 'smart

phones' and Micros requires (through 'must' rules) the actual menu configuration to be done

manually on/from the mobile devices themselves – after transmission - all of which runs entirely

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counter to the applicants' real time invention with the generated menus configured prior to

transmissions and thus places further barriers to the combination of Micros with any other

references. Only the applicants envisioned the need for and defined the solution for the unique

'POS automatic importation' attribute, which further distinguishes the present invention from

Micros, Cupps, Kanevsky, and Chase, which neither separately nor in combination teach or

anticipate the system described in these claims.

The addition of the element 'Integration of multiple and different hospitality software

applications' (*Page 4, lines 11-22, Page 10, lines 5-19, Figure #9, Abstract, Field of the

Invention*) further distinguishes these claims as amended from the cited references and all other

prior art. At the time of the applicants' visionary invention, handheld memory, mobile devices,

wireless networks, and other key components were in their infancy, smart phones were in their

earliest manifestations and 'dial up modems' were the norm for connecting to/with the internet.

In sharp contrast, the modern wireless/internet environment depends on high speed internet

connections, 3G and 802.11 wireless networks at blazing speeds, and smart phones with

functionality, memory and features far beyond what was previously available. As such, the

emerging connectivity needs and solutions for the modern hospitality system, uniquely solved by

applicants' were not obvious in 1998/1999. Applicants were the first to see these unmet needs

and were the first to see the impact that it would have on the hospitality market, and the first to

envision and invent the unique functionality and software application required to enable it all to

synchronously operate in real time.

Prior to applicants' invention, the various hospitality software applications (e.g. point of

sale, reservations, frequency/affinity, ticketing etc) were largely 'stand alone' and not integrated

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and synchronized with/between each other, not in 'real time' and certainly not across the vast

array of devices, communications media and non standard display outputs uniquely recognized

by conceived of and integral to the applicants' breakthrough invention.

Thus, applicants' visionary recognition of this need for and their inventive solution to

enable the integration of and the linking together of the application databases, messaging and

user displays of these previously disparate hospitality applications are yet another unique aspect

of the applicants invention not present in any of the prior art references, nor solvable without the

unique aspects of the applicants invention of a common, linked system— all not present in any of

the prior art.

'Special functionality from the generated handheld GUI interfaces', (*Page 8, lines 19-23,*

Page 9 , Lines 1-6, Page 22, Lines 8-9, Figure # 7, Abstract). Only the applicants recognized the

unique functionality possible through the inclusion of voice recognition and handwriting

recognition technology for operator/customer input from the mobile devices and also recognized

that with the generated menu unique to the target wireless device - that the selection and the

tracking and linking of individual customers with individual orders could be input directly from

the configured and generated handheld GUI screen and monitored to ensure that the precise order

gets to the individual guest or customer. Further, the Kanevsky and Chase references had

nothing to do with payment processing, and the Micros reference and very limited HHT did not

allow all of the payment processing attributes in the amended claims to be completed and

accomplished from the wireless devices - as applicants' invention envisioned and allows.

'Preview feature of the generated menu': (*Page 19, lines 1-8, 15-23, Page 20, Lines 1-5)*

The Examiner acknowledged that this feature did/does not exist in any of the prior art references,

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yet believed that it would be 'obvious' to have included it. Applicants respectfully disagree that

this special inventive aspect was/is 'obvious', especially from any association with/from

Kanevsky, which taught only 'web pages' to 'web pages' conversion and applied numerous

unique conversion approaches, which had nothing to do with leveraging the master database

information and which in fact, yielded web page display outputs with incomplete data

displays/information that make the Kanevsky approach inappropriate and entirely unworkable

for the precision of the hospitality field of operations. 'Close' or 'most' etc (were/are allowed in

the Kanevsky reference) through their 'semantic interpretations and Finite State Automata, 'web

page conversions' which depended in part of 'estimates' and 'guesstimates' including

hospitality irrelevant factors such as how many times a web link had been 'clicked on'.

(*Kanevsky para 2 lines 45-68 and para 3, lines 1-24*) The teachings of Kanevsky are not

compatible with, nor do they anticipate, a modern, real time, master database driven, hospitality

system including e.g. ordering specific items prepared specific ways for specific customers at

specific tables in real time and the associated , payment processing, database interfaces, and

maintaining customer satisfaction in the hospitality field.

Applicants uniquely envisioned the need for (at least in the initial testing set up and

configuration) the operator to select and enter the display parameters of the target wireless

handheld computing devices to visualize how the configured handheld menu looked and

operated through the applicants inventive 'preview' function, and also includes the 'manual' set

up functionality features to allow for configuration changes in the event that the appearance of or

the operations from the wireless handheld computing device interface was inappropriate or non

optimal. Only through a preview and testing function such as this and only leveraging the master

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menu/database, and with the wireless configuration to be done at the <u>central computing node</u> and

<u>prior to</u> transmission (and <u>not</u> on/from the wireless devices themselves) could the entirety of the

inventive hospitality operations be practical, especially in the interconnected real-time hospitality

market of dozens of different smart phones, devices, and wireless links and media.

VI.   THE 35 U.S.C. § 103 REJECTIONS OF CLAIM 122 AND ITS DEPENDENT CLAIMS 123-127 SHOULD BE WITHDRAWN IN VIEW OF THE PRESENT AMENDMENTS

Independent claim 122 has also been amended, similar in numerous respects to the

amendments to independent claims 103 and 118, to more clearly distinguish, for the reasons set

forth above, over the applied prior art, including multiple suggestions made by the Examiner to

further distinguish the applied references.

VII.   DEPENDENT CLAIMS ARE SEPARATELY AND INDEPENDENTLY PATENTABLE OVER THE CITED REFERENCES

The dependent claims are believed to be allowable on the same bases as independent

claims 103, 118 and 122 as discussed above. Applicants also assert that various of the

dependent claims are independently patentable, as amended, by virtue of the additional

limitations incorporated therein and with explanations on how they further distinguish in the

proceeding section detailing the five major new inventive claim limitation thrusts.

VIII.   THE PRESENTLY SUBMITTED 1.132 SUPPLEMENTAL DECLARATION PROVIDES ADDITIONAL SUBSTANTIAL EVIDENCE OF SECONDARY INDICIA OF NONOBVIOUSNESS OF THE PRESENTLY-CLAIMED INVENTION.

When a patent application presents evidence relating to secondary considerations, such

evidence must always be considered in the determination of obviousness or non-obviousness. *In*

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re Sernaker, 702 F.2d 989, 996, 217 USPQ 1 (Fed. Cir. 1983). "Indeed, evidence of secondary

considerations may often be the most probative and cogent evidence in the record. It may often

establish that an invention appearing to have been obvious in light of the prior art was not."

Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 1538, 218 USPQ 981 (Fed. Cir. 1983). "Since

at least *Graham v. John Deere Co.*, . . . the commercial success of a patented invention is clearly

important. That evidence is 'secondary' in time does not mean that it is secondary in

importance." *Truswal Systems Corp. v. Hydro-Air Engineering Inc.*, 813 F.2d 1207, 1212, 2

USPQ 2d 1034 (Fed. Cir. 1987).

The May 12, 2010 Supplemental Declaration of Keith R. McNally, submitted herewith,

along with the Supplemental Declaration of Mr. McNally dated Aug 19, 2009, provide a plethora

of substantial evidence of non-obviousness that should be carefully and thoroughly considered

by the Examiner.

The technology of the present application was first introduced by Ameranth at the Food

Service Technology Show in November 1998. Supplemental Declaration of Keith R. McNally,

dated May 12, 2010 ("2010 Supp. Dec."), ¶ 2. The complete working prototype of the present

invention was demonstrated at that show. Supplemental Declaration of Keith R. McNally, dated

August 19, 2009 ("2009 Supp. Dec."), ¶ 4. "Real time communication", an essential element of

the claimed invention, was central to the inventive concept and shown in brochures distributed at

both the November 1998 show and at the May 1999 National Restaurant Show. 2009 Supp. Dec.

¶ 4-5.

Symbol Technologies, a leader in mobile handheld devices, recognized the uniqueness of

Ameranth's invention and accordingly partnered with Ameranth starting in December 1998, with

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Serial No. 11/112,990   Docket No. 1004293.005US

a strategic alliance agreement being signed in February 1999. 2009 Supp. Dec. ¶ 6-7.

Comtec Information Systems, recognizing the value and uniqueness of the present invention, formed a strategic relationship with Ameranth incorporating this technology in May 1999. 2009 Supp. Dec. ¶ 8. Similarly, Aloha POS and Systems Concept Inc., after seeing this technology at the May 1999 NRA show, subsequently partnered with Ameranth. 2009 Supp. Dec. ¶ 9-10.

Food.com, an online food ordering business founded by Bryan Cupps and Tim Glass, the inventors of U.S. Patent 5,991,739, saw a demonstration of Ameranth's technology at the May 1999 NRA show, and recognized it as unique, inventive, and distinct from that of the Cupps patent (cited by the Examiner in the most recent Office Action), leading Food.com to sign a strategic agreement with Ameranth shortly after the May 1999 NRA show. 2009 Supp. Dec. ¶ 11.

Commercial success and industry recognition for the technology of the present invention continued on well after the 1998-1999 "early adopters". Red Lobster restaurants deployed this technology, as did Seasons 52 restaurants. 2010 Supp. Dec. ¶ 5-6. Darden Restaurants, Inc., the operator of Red Lobster and Seasons 52, issued a press release touting Ameranth as its Wireless Strategic Partner. 2010 Supp. Dec. ¶ 14; see also ¶ 16-17. Aloha POS, one of the world's largest point-of-sale systems, continued to use this technology. 2010 Supp. Dec. ¶ 7. Symbol Technologies, in an October 2003 press release, highlighted the commercial successes of Ameranth's deployments of this technology, including the Medieval Times restaurants, an NBA-themed restaurant, numerous NBA arenas including Madison Square Garden, and other sports venues including the Green Bay Packers' Lambeau Field. 2010 Supp. Dec. ¶ 15, 19. Holiday

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Serial No. 11/112,990   Docket No. 1004293.005US

Inn Hotels adopted the present invention's technology and praised it as "the first time technology like this is being used to increase a hotel's productivity." 2010 Supp. Dec. ¶ 18, 20-21. The Cheesecake Factory restaurant chain also adopted Ameranth's technology for its restaurants and praised Ameranth for it. 2010 Supp. Dec. ¶ 22.

As shown in the declarations submitted to the Examiner, the fact that leading technology companies like Microsoft and Symbol Technologies made strategic, multi-million dollar investments into Ameranth is extraordinary, and further confirmation of the tremendous value and uniqueness of Ameranth's technology, as are the partnerships and/or licenses with industry leaders including Food.com, Holiday Inn, Darden Restaurants, Radiant/Aloha and many others.

Then, on top of these industry technology adoptions, Ameranth won three major, best product/technology awards for its 21St Century Restaurant System (a product marketing name surrounding the core inventive concepts of the present application and claims), one award of which was personally nominated by Bill Gates, Chairman of Microsoft. Further, Ameranth was universally recognized as the leading hospitality wireless systems integrator by the most prestigious and respected press and written publications - including both national publications (USA Today, Wall Street Journal, Time Magazine, The New York Times, The Chicago Sun Times and more) and the leading Hospitality Market Publications (Nations Restaurant News, Hospitality Technology, Franchise Times, Hotel Business and many more).

The widespread adoptions of Ameranth's innovative technology by the industry leaders, strategic partnering from and investing by the worlds most powerful technology companies, the universal acclaim in best product technology awards, and the contemporaneous recognition of

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05/24/2010 14:19 FAX 619 238 4959   MAZZARELLA CALDARELLI   RECEIVED ⊠031/078
                                                                    CENTRAL FAX CENTER
                                                                        MAY 2 4 2010

Serial No. 11/112,990   Docket No. 1004293.005US

leading press and publications, provide conclusive evidence that Ameranth's synchronous "menu

generation" invention was entirely new, non-obvious and an unanticipated breakthrough.

CONCLUSION

Based on the foregoing remarks and amendments, the Applicants respectfully request

reconsideration and withdrawal of the pending rejections, and allowance of this application. The

Applicants respectfully submit that claims 103-127 are patentable and in condition for

allowance. An early action passing this case to issue is therefore respectfully requested.

Favorable and prompt consideration is requested.

Dated: May 24, 2010   Respectfully submitted,

                                          ___/s/ Michael D. Fabiano_____
                                          MICHAEL D. FABIANO
                                          Registration No. 44,675
                                          MAZZARELLA ■ CALDARELLI LLP
                                          550 West C Street, Suite 700
                                          San Diego, California 92101
                                          (619) 238-4900 Telephone
                                          (619) 238-4959 Facsimile

                                          Attorney for Applicants

- 26 -

PAGE 31/78 * RCVD AT 5/24/2010 5:15:32 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/20 * DNIS:2738300 * CSID:619 238 4959 * DURATION (mm-ss):25-24

Apple, Exhibit 1012, Page 859

Docket No. 1004293.005US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	11/112,990	Confirmation No.:	7098
Applicant(s):	McNally, et al.	Group Art Unit:	2191
Filed:	April 22, 2005	Examiner:	Brophy, Matthew
		Customer No.:	27123

For: INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, the undersigned, Keith R. McNally, declare and state that:

1. I am an inventor of the subject matter claimed in the above-identified patent application. I have first-hand knowledge as to all of the facts, all of the referenced Exhibits and all of the information contained herein.

2. I make this supplemental declaration providing additional evidence of secondary factors (including an additional #13 exhibits - to the previous #57 exhibits) to further support and confirm the nexus of the establishment of the uniqueness and breakthrough aspects of Ameranth's "menu wizard" and synchronous 21St Century Communications technology innovations (first introduced at the 1998 Food Service Technology show held in Atlanta, Georgia from November 14- 16, 1998 and then steadily

1

advanced and introduced into the hospitality marketplace thereafter) which are encompassed by the presently-amended claims of the above-identified application. The additional #13 referenced Exhibits discussed herein and attached hereto supporting this Declaration provide still further evidence of our <u>commercial success</u> - that are related directly to the innovations of the claims of our invention and are provided in this supplemental submission – (as requested by the examiner). These additional references and exhibits reflecting Ameranth's selection as a technology integrator for the worlds largest Hotel Company (IHG-Intercontinental Hotels Group) and the worlds largest Casual/Family Restaurant Chain (Darden Restaurants, Inc.) further confirm the commercial success of Ameranth – as well as other key customer deployments too - subsequent to the introduction of our innovative menu generation and data synchronization invention and overall confirm the truly breakthrough aspects of Ameranth's inventive technology.

3.   The collective actions and decisions made by the world's leading technology companies, hospitality focused companies, national press, regional press, hospitality press, technology award committees, major hospitality customers (including the world's largest Hotel and Casual Dining Restaurant Chains) and the public alike <u>clearly and indisputably</u> <u>confirmed</u> that Ameranth had unquestionably invented an <u>entirely new</u> and truly unique solution <u>to a previously unsolved problem</u> and for which there was a very significant market need.

4.   Supporting materials confirming the above points are attached as Exhibits 1-13 hereto and are summarized in the following paragraphs.

5.   Exhibit 1 is a 2003 Microsoft Case Study of Ameranth's success with its Hostalert restaurant seating and reservations system deployed in Darden's 'Red Lobster'

2

restaurants.

6.   Exhibit 2 is a February 24, 2003 press release confirming Ameranth's

success with its 21St Century Restaurant wireless ordering software and Hostalert

restaurant seating and reservations system at Seasons 52, Darden's first ever fine dining

restaurant including reservations.

7.   Exhibit 3 is an April 12, 2003 press release confirming Ameranth's

expansion of new features in its 21St Century Restaurant wireless ordering software and

its continued strategic relationship with Aloha POS, one of the worlds largest POS

systems.

12.   Exhibit 4 is the 2003 award of the 8th annual Microsoft RAD technology

award for the software product that provided the point of service solution worldwide in

the Hospitality Market. This award was/is very prestigious and was for Ameranth's table

management, seating and reservations system – Hostalert. The # 10 member selection

panel for this award consisted of leading dignitaries from the entire hospitality market,

including top Hospitality Universities e.g. the Cornell School of Hospitality and the

competition included written submissions, product demonstrations and executive

presentations to the entire selection panel. Mr. McNally made the presentation to the

selection committee.

14.   Exhibit 5 is an October 27, 2003 press release concerning Darden

selecting Ameranth as its Wireless Strategic Partner.

15.   Exhibit 6 is an October 27, 2003 Symbol Technologies, Inc. press release

highlighting the many successes of Ameranth's wireless deployments, including

Medieval Times an NBA themed restaurant and numerous NBA sport stadiums to include

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cities and teams such as the Chicago Bulls, Los Angeles Lakers, Denver Nuggets,

Toronto Raptors and the Miami Heat. More than #15 other sports stadiums followed

including e.g. Lambeaux Field with the Green Bay Packers, Madison Square Garden and

many others too.

16.   Exhibit 7 is a December 8, 2003 Nations Restaurants News Article about

Ameranth's success with Darden Restaurants, Inc.

17.   Exhibit 8 is a December 8, 2003 All Business article - titled ' May I Take

Your Order, Wirelessly'? This article highlighted further Ameranth success with

Darden's Seasons 52 restaurant chain.

18.   Exhibit 9 is a February 9, 2004 Business Week article titled 'Wireless

Finds a Welcome in Hospitality. This was an early article about Ameranths initial success

with its E-Menu technology, first with Holiday Inn of Intercontinental Hotels Group

(IHG) and then subsequently expanding to more than 2800 IHG hotels. The article

referred to Ameranth's technology as 'not quite Star Trek' as yet another confirmation of

Ameranth's revolutionary technology and innovative breakthroughs. Note that Mark

Snyder, head of Holiday Inn Hotels confirmed that 'This is the first time technology like

this is being used to increase a hotel's productivity' – yet further confirmation of

Ameranth's pioneering technology.

19.   Exhibit 10 is May 12, 2004 press release of the 'roll out' of Ameranth's

21St Century Restaurant Wireless POS software to the Medieval Times Dinner and

Tournament chain.

20.   Exhibit 11 is June 22, 2004 press release of Ameranth's expansion of E-

Menu to additional Holiday Inn hotel properties (note: ultimately Ameranth would

4

deploy in all Holiday Inn and Holiday Inn Express hotels) and the hardware partners that

Ameranth integrated into a coordinated overall solution to meet the total system
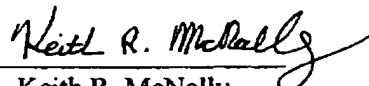
deployment requirements.

21.   Exhibit 12 is a summary of Ameranth's presentation of its 'E-Menu'

technology solution to the Food Service Technology Show (FSTEC) attendees in

Orlando, FL from October 24-27, 2004. Ameranth was selected to present its solution as

a leading example of wireless technology innovation and this report summary confirmed

that 'This breakthrough solution is the first in the world to totally integrate and link

digital communications over the internet, hotel intranet and 802.112 wireless'"

22.   Exhibit 13 is an August 10, 2004 press release of Ameranth's wireless

success with The Cheesecake Factory Restaurant chain - with the President of the

Cheescake Factory stating that 'Ameranth has been a great partner on this project'.

23.   I respectfully request that the Examiner consider this Supplemental

Declaration and the initial 1.132 submission evidence together - as conclusive rebuttal

evidence of nonobviousness and that the presently pending claims as amended be allowed.

24.   I hereby declare that all statements made herein of my own knowledge are

true and that all statements made on information and belief are believed to be true; and

further, that these statements are made with the knowledge that willful false statements, and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of

Title 18 of the United States Code, and that such willful false statements may jeopardize the

validity of the application or any patent issued thereon.

Dated: May 12, 2010   _____ _Keith R. McNally_

                                        Keith R. McNally

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EXHIBIT 1

Red Lobster Optimizes Profits with Pocket PCs and Ameranth's Windows XP-based HostAlert

AMERANTH°
WIRELESS AT WORK

RED LOBSTER, ONE OF THE BIGGEST SUBSIDIARIES OF THE DARDEN RESTAURANT COMPANY, IS A MAJOR NORTH AMERICAN CHAIN, SERVING MORE THAN 140 MILLION CUSTOMERS IN FISCAL 2002. TO HELP ITS INDIVIDUAL RESTAURANTS PROVIDE EVEN BETTER SERVICE AND BECOME MORE PROFITABLE, THE COMPANY IS DEPLOYING WIRELESS-ENABLED SYMBOL POCKET PC DEVICES ALONG WITH A SOPHISTICATED, WINDOWS XP-BASED HOST SERVICE APPLICATION FROM MICROSOFT PARTNER AMERANTH.

OVERVIEW

Red Lobster is one of the world's largest seafood restaurant franchises, operating more than 660 restaurants in North America where more than 140 million guests generated approximately $2.3 billion in fiscal 2002. Red Lobster is a division of Darden Restaurants Inc. of Orlando, Florida.

SITUATION

Even with sales of this magnitude, an organization like Red Lobster is constantly seeking ways to fine-tune its service to provide an even better customer experience—and to increase revenues. Red Lobster executives wanted to find a way of using automation to better manage customer seating during peak revenue periods, which typically represent a window of just a few hours on weekend evenings.

SOLUTION

Red Lobster teamed up with Ameranth Wireless, a Microsoft Mobility Partner Advisory Council member, and its partner JTECH Communications for a breakthrough mobile automation solution, which won the Hospitality Point of Service Award in the 8th Annual Retail Application Developer Awards from Microsoft. The solution includes Symbol Pocket PCs, the HostAlert application from Ameranth operating on a Microsoft® Windows® XP-powered touch-screen computer at the host stand, and a wireless paging system from JTECH.

Red Lobster, which deployed the solution as a pilot project in Chicago and is expanding it to other restaurants throughout 2003, is providing employees with the wireless-enabled Pocket PC devices that can communicate with the Windows XP-based HostAlert application to enable restaurants to optimize seating capacity during peak dining periods, thereby lowering customer wait times and increasing the amount of business each restaurant can conduct.

INDUSTRY
Hospitality / Restaurant

CUSTOMER PROFILE
Red Lobster is the largest seafood restaurant chain in North America, with 660 outlets in the United States and Canada. In fiscal 2002, it served more than 140 million guests and tallied more than $2.3 billion in sales.

SITUATION
To maximize service and customer "turn," Red Lobster wanted to implement an automated host seating system that could help improve the way individual restaurants managed their wait times for customers while providing more customized services such as responding to special requests.

SOLUTION
Red Lobster teamed up with Microsoft partner Ameranth and its partner JTECH to deploy their HostAlert restaurant software, which includes Symbol Pocket PC devices used by roving employees to wirelessly transmit the status of specific tables back to a host base station while being seamlessly integrated with a JTECH server and patron pagers.

MICROSOFT SOFTWARE USED
- Windows CE 3.0
- Pocket Access
- SQL Server™ 2000
- Visual C#
- Visual C++
- Visual InterDev
- Windows XP
- Windows Server™ 2000

Microsoft Mobile Solution Partner
Ameranth Wireless:
www.ameranth.com

obility
PARTNER ADVISORY COUNCIL

During its pilot phase, Red Lobster observed that the application improved table utilization by 10 to 20 percentage points in peak periods, which translates to more business every week.

FOR MORE INFORMATION

To learn more about Microsoft products or services, call the Microsoft Sales Information Center at (800) 426-9400. In Canada, call the Microsoft Canada Information Centre at (800) 563-9048. Outside the 50 United States and Canada, please contact your local Microsoft subsidiary. More information is available at the following sites:

- Microsoft Pocket PC Enterprise Page
  www.microsoft.com/mobile/enterprise/default.asp

- Ameranth
  www.ameranth.com

- JTECH
  www.jtech.com

- Red Lobster
  www.redlobster.com

- Symbol
  www.symbol.com

Microsoft

POCKET PCS, HOSTALERT HELP FILL TABLES IN PEAK PERIODS

Many restaurants do as much as 50 percent of their weekly business in just two days, and often in just a few hours within those two days. Because most restaurants still rely on pen and paper to create reservations and grease pencils for table status, it is difficult and labor-intensive to manage table status and waiting lists. Guests who sense a disorganized host stand or see too many guests waiting will frequently choose to leave and try another restaurant, resulting in lost business. Communications between front-entrance staff members, table servers, and the kitchen are often an inefficient combination of yelling, hand signals, voice radios, and manual inputs.

With pressure on major chains such as Red Lobster to increase their same store sales to meet investor expectations, creating more efficient ways to seat and serve customers is critical. HostAlert was designed by Ameranth to solve these key issues by integrating and linking all aspects of restaurant communications, including on-premise paging, cell phones, JTECH pagers, Web-based intranets, and LAN and 802.11-based communications.

The a core software application includes reporting features and a "learning" algorithm that tracks specific restaurant operations to develop a type of artificial intelligence about that restaurant according to the day of the week, particular times, meal periods, and other variables to more accurately predict guest wait times. The solution also includes a host screen that allows host servers to quickly and easily monitor the status of all tables in a restaurant. Pocket PC devices run the Microsoft Pocket Access database, which is used by floor servers to track and update the status of tables, with that information wirelessly transmitted back to the host station.

DELIVERING PERSONALIZED SERVICE

Randy Babitt, IT director for Red Lobster, says the solution supports the chain's business objectives of improving the overall lobby experience for guests, providing a smoother and more efficient seating process, improving the accuracy of wait times, and maximizing table use to bolster sales.

"Many restaurants are trying some form of table management system, but there were many features that we required and HostAlert addressed these requirements," Babitt says. "With the use of the wireless Pocket PCs, tables are seated faster as table status information is communicated to the host instantaneously. The system is also helping us provide more personalized service by being able to communicate special needs, special requests, and notices of special occasions for guests."

Babitt adds that, while the solution is still in early stages of deployment, initial reports indicated that it is helping Red Lobster to raise table usage to more than 80 percent in peak periods, up from an average of 60 to 70 percent. For a typical restaurant, that translates to an additional 40 guests served each week.

MAKING OPERATIONS MORE PROFITABLE

Dave Miller, chairman and founder of JTECH, says the solution addresses a key performance concern of the restaurant industry. "When we talk to restaurant companies, their chief concern is being able to seat people quickly and efficiently. There are only so many hours in the week when they can do a lot of business, so if they can seat six more parties on a Friday night, that makes them more profitable."

Keith McNally, Ameranth Chief Executive Officer, says the combination of HostAlert, JTECH paging, and Pocket PCs is giving companies like Red Lobster an extra edge. "This business is highly competitive, and in recessionary periods even more so," he says. "Using a solution such as this is giving Red Lobster an additional boost in efficiency and performance, which translates into better customer service, more customers during the week, and higher sales to report back to investors."
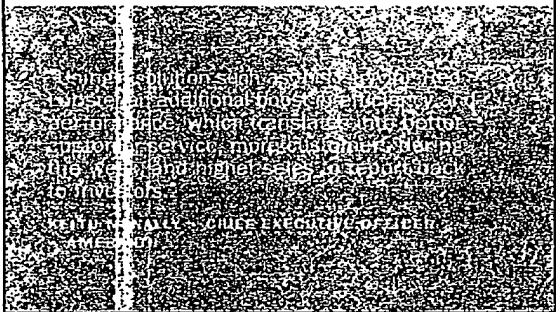
EXHIBIT 2

AMERANTH
W ! R E L E S S   A T   W O R K ™

NEWS

<u>FOR IMMEDIATE RELEASE</u>

Contact: Tammie Caton Gomez, Marketing
Ph 858-362-0150 x100
Tcaton@Ameranth.com

Ameranth Wireless™ Supports Darden's "Seasons 52" Launch

*Ameranth Provides Wireless Integration Services and Products
to World's Largest Casual Dining Restaurant Company*

February 24, 2003, San Diego, California— **Ameranth Wireless™**, creator of the 21st Century Restaurant® system for table management/reservations, wireless ordering and payment processing, announces that it- along with its strategic partners, supported Darden's New Business Division in the launch of their exciting new restaurant concept, "Seasons 52" in Orlando, Florida.

Launched today, the trendy, new Seasons 52 Restaurant is garnering industry attention through the decision to test market rotating *weekly* menu's with high quality, seasonal, nutritious foods-- prepared in new and very healthy ways. Seasons 52 is thus named because every week of the year witnesses different foods reaching seasonal peaks in freshness and taste. The new restaurant provides an unprecedented blend of menus, wine lists, and even technologies – all aimed at providing seamless and optimal service for customers.

Seasons 52 is the latest casual dining restaurant to be launched by Darden Restaurants, Inc. The corporation already operates more than 1,200 Red Lobster, Olive Garden, Bahama Breeze and Smokey Bones restaurants in North America, leading each of its market segments and employing more than 122,000 people.

"Ameranth Wireless partnered with hospitality visionary, Blaine Sweatt, and his team- to provide many of the key products and technologies integral to the innovations introduced at Seasons 52," said Keith McNally, CEO of Ameranth Wireless, Inc. "The opportunity to work with Blaine and Darden in the development of this exciting concept was an exceptional experience for Ameranth."

"When we set out to develop the Seasons 52 concept, we knew that we needed to leverage the very best in technology to optimize our efficiencies and maximize customer satisfaction," said Blaine Sweatt, president of Darden's New Business Division. "We chose Ameranth Wireless as our wireless integrator, and we have worked very closely with them since the summer of 2000. Ameranth has developed two exciting products for us and brought in their strategic partners so that we have an optimal solution that exploits the best of technology-- while maintaining the ideal atmosphere and total guest satisfaction. Ameranth has been an outstanding partner in all respects."

"While we provided some of the key pieces of the total Seasons 52 solution ourselves, we could only meet the total challenge through the power of our 'best of breed' strategic partners," said Keith McNally, CEO of Ameranth Wireless. "The entire solution is built on Microsoft Windows and Windows Powered mobile platforms, and runs on Symbol wireless devices and their 802.11B network. Microsoft and Symbol are the 'backbones' that Hospitality Industry leaders rely on for mission critical applications. We partnered with JTECH, the world leader in on-premise paging systems on the Hostalert table management/waitlist product. Ibertech, developer of Aloha, the Windows-based restaurant POS leader is our strategic partner on the Wireless POS application."

The technology component of Seasons 52 allowed Ameranth to showcase its industry leading wireless restaurant software products, plus develop new features specifically for the restaurant. The Seasons 52 innovations include the use of handheld computers for wireless ordering, tracking food preparation, monitoring waitlists, and handling payments while at the table. Ameranth also developed the calorie and nutritional look-up features, enabling food service staff to save time by looking up detailed information while at tableside. The Ameranth software also provides an easy-to-use/easy-to-update system for tracking multiple tables, unique and continually rotating menus, and the 100+ item international wine list to be offered through Seasons 52.

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About Ameranth Wireless, Inc.
Ameranth Wireless Inc. (http://www.ameranth.com) is the recognized wireless leader in the hospitality market, having been featured in the *Wall Street Journal, New York Times, Chicago Sun Times, USA Today, Nation's Restaurant News, Hospitality Technology, TIME, CNNfn*, and numerous other prestigious publications. Ameranth has also been awarded four "best product" awards in the Hospitality Market. In addition, the company has been selected for three financial awards/grants for wireless technology development from the National Science Foundation and the California Goldstrike Program-- totaling one million dollars. In Spring 2002, Ameranth was awarded a patent (#6,384,850) for its software methodology which instantly creates displays and a GUI (Graphical User Interface) on handheld screens, without the need for custom programming for ·restaurant/hotel customers.

Tel: (888) AMERANTH   Fax: (858) 362-0151
http://www.ameranth.com   mail to: info@ameranth.com

EXHIBIT 3

AMERANTH
WIRELESS AT WORK

NEWS

<u>FOR IMMEDIATE RELEASE</u>   Contact: Tammie Caton Gomez, Marketing Mgr
                                    Ph 858-362-0150 x100
                                    Tcaton@Ameranth.com

Ameranth Wireless™ Announces Major Aloha POS Upgrade

New Set of Ameranth Features on Symbol's exciting PPT 8846 hand-held Expected to Boost Wireless Point-of-Sales for Aloha™ Dealers Worldwide

April 12, 2003, San Diego, California— **Ameranth Wireless™**, creator of the 21st Century Restaurant® system for wireless ordering and payment processing, along with its hardware partner, Symbol™ today announced a significant new upgrade package and better pricing options for Aloha's international dealer network.

Aloha- the recognized industry leader in Windows® POS and Ameranth recently partnered on the very successful launch of Darden's new Seasons 52 Restaurant in Orlando Florida- where 25 Symbol hand-helds are operating the Ameranth/Aloha software solution. This announcement runs in conjunction with this weeks Aloha FOCUS Conference in the Bahamas.

Wireless POS ordering will become easier and more powerful than ever with the latest release of Ameranth's 21st Century Restaurant software, which is operational in more than 100 Aloha sites worldwide. By addressing the next generation of wireless technology requirements in the hospitality market, Ameranth's new features increase an operator's flexibility in running a restaurant.

The new software release includes the following new capabilities – all at new and lower pricing:

Split Checks – The software upgrade now enables servers to use their hand-helds to split checks.

Tips – The upgrade makes it possible to apply and adjust tips using just a handheld.

Voids and Comps – For the first time, manager voids and comps can be made via handheld devices.

Exception Modifiers – Ameranth provides full support of exception modifiers, which allow wait staffs to easily handle unique orders.

In short, the number of table-to-table trips by servers increases by decreasing the number of table-to-terminal trips.

Ameranth is teaming with Symbol™ at Aloha FOCUS 2003 to offer a first look at the recently launched Symbol PPT 8846. The 8846 is the world's smallest/lightest rugged terminal that is well-suited for harsher, more rugged environments, such as a busy, prime-time restaurant shift. Consumer-grade PDAs do not offer "go-anywhere/anytime" durability, integral 802.11B wireless connectivity, payment processing and integrated data management tools, whereas the PPT 8846 series of hand-helds fall within Symbol's Extreme PDA category of devices- which are specifically designed to meet the needs of today's mobile worker. The combined Aloha software, Ameranth Wireless software, and Symbol hardware/wireless solution will significantly reduce concerns about harsh working environments, seamless software communications, wireless networking installations in vertical markets, payment processing, security and battery life.

Aloha dealers or end customers interested in Ameranth's wireless POS sales opportunities can receive more information about Ameranth's Wireless Point-of-Sale solutions by calling 888-AMERANTH or by emailing info@Ameranth.com.
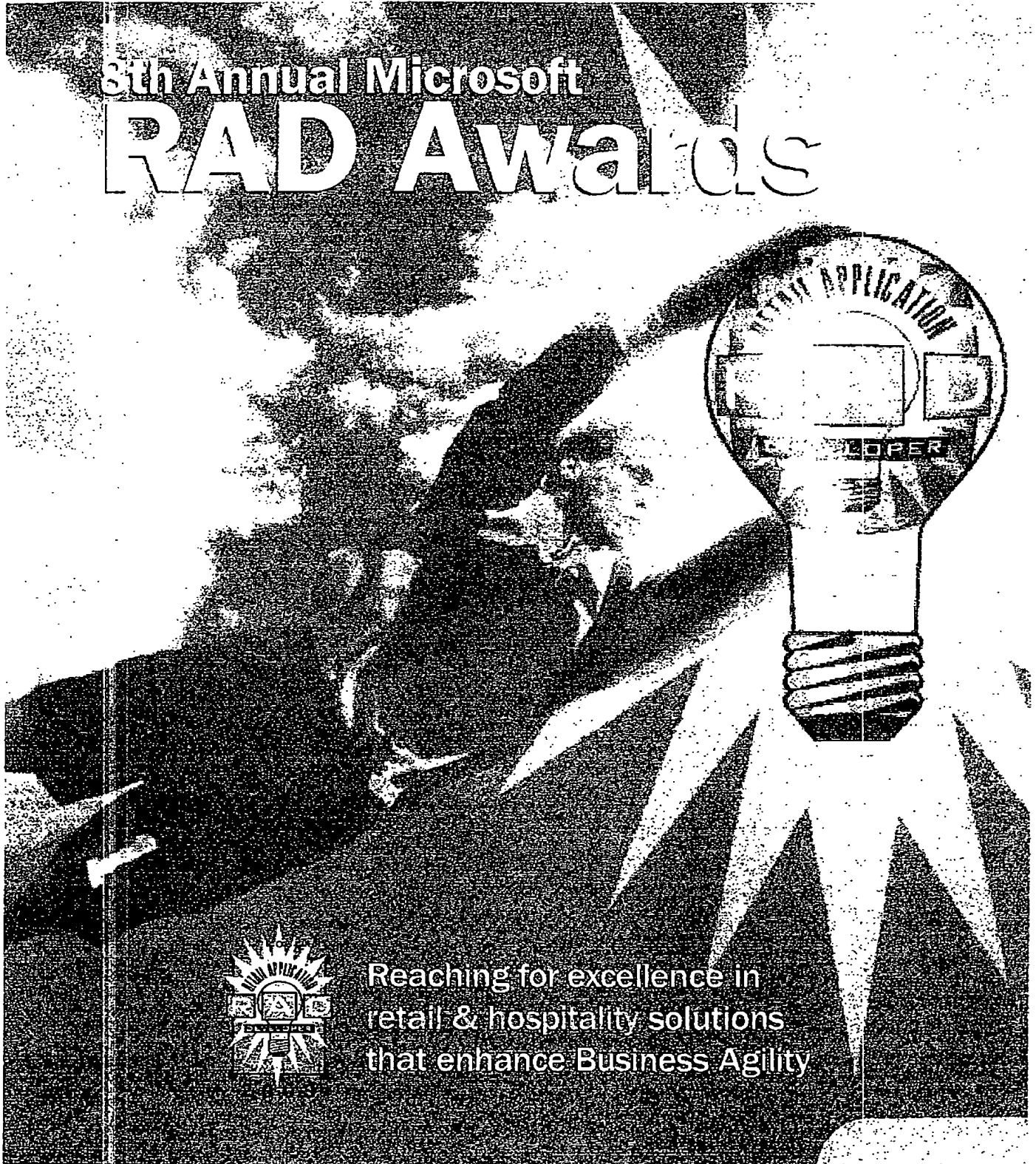

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About Ameranth Wireless, Inc.
Ameranth Wireless Inc. (http://www.ameranth.com) is the recognized wireless leader in the hospitality market, having been featured in the *Wall Street Journal, New York Times, Chicago Sun Times, USA Today, Nation's Restaurant News, Hospitality Technology, TIME, CNNfn,* and numerous other prestigious publications. Ameranth has also been awarded four "best product" awards in the Hospitality Market. In addition, the company has been selected for three financial awards/grants for wireless technology development from the National Science Foundation and the California Goldstrike Program— totaling one million dollars. In Spring 2002, Ameranth was awarded a patent (#6,384,850) for its software methodology which instantly creates displays and a GUI (Graphical User Interface) on handheld screens, without the need for custom programming for restaurant/hotel customers.

Tel: (888) AMERANTH   Fax: (858) 362-0151
http://www.ameranth.com   mail to: info@ameranth.com

EXHIBIT 4

8th Annual Microsoft RAD Awards

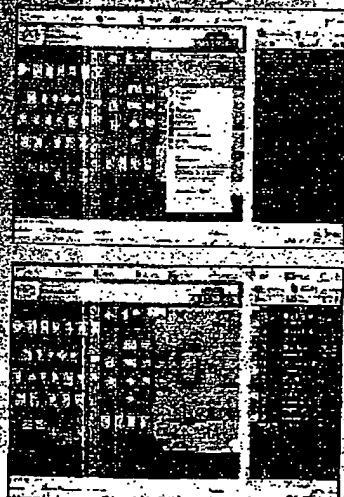Reaching for excellence in retail & hospitality solutions that enhance Business Agility

Sponsored by hp invent | intel

A Supplement to Fairchild's Executive Technology

AMERANTH
WIRELESS AT WORK

Microsoft
RAD Awards
2003

Ameranth Wireless
San Diego, CA

R.A.D. Award Category:
Hospitality Point of Service

A table and guest management solution that makes use of wireless technology to improve restaurant seating utilization, cut table turnover times and improve guest satisfaction has been honored with a R.A.D. Award.

HostAlert from Ameranth Wireless, working in conjunction with JTech Communications, is designed to update the status of tables throughout a restaurant for the host who deals with waiting customers in the lobby area. A touch screen computer at the host stand serves as the information hub, with various associates throughout the restaurant using Microsoft Pocket PCs to feed information into the system.

As each table becomes available, it's matched to the party in the database that is the correct size and has been waiting the longest. According to Ameranth CEO Keith McNally, one restaurant testing the system said "a table doesn't stay open for more than 30 seconds, and it had been up to four minutes previously. You can see how that would yield more business with faster table turns."

Cary Gruer, Ameranth's Vice President of Business Development, noted that the HostAlert solution will help restaurants increase the number of covers—the amount of meals they serve—by an average of 10%. "It also contributes to greater accuracy in quoting waiting times for a table," said Gruer. "It computes the wait times based on historical information, and it also learns what the turn times are, which helps make the quote change dynamically based on the actual wait times for that restaurant."

Increased accuracy in wait times has helped boost overall customer satisfaction with the "lobby" experience, according to Randy Babitt, Director of Operations Development at Red Lobster, where the HostAlert solution is being tested in one restaurant. "We're also maximizing seats in the restaurants during peak hours—it's running at about 85% in the test restaurant, where the average is 65%."

The solution also helps improve customer service by passing guest information to the servers, allowing them to be more prepared when they approach the guests for the first time. The system also sends text pages to various associates throughout the restaurant, allowing amenities such as high chairs or booster seats for children to be delivered more quickly.

HostAlert makes significant use of Microsoft technology. In addition to its use of Pocket PC, the application itself was created with Microsoft development tools. The wireless backbone for the technology is based on the Microsoft Windows XP operating system, and is centered around a Microsoft SQL Server.

The solution also allows restaurant owners with multiple locations and multiple banners to more effectively keep customers. If a guest comes to a restaurant with a long wait, they can be put on the waiting list for a sister restaurant located 10 or 20 minutes away, and be seated immediately when they reach the other restaurant. "One of the tenets of this ability is having an accurate wait quote time, and HostAlert is fundamental to making that possible," said McNally.

For more information about Ameranth call 858-362-0150 or visit www.ameranth.com.

6   Microsoft RAD Awards 2003

EXHIBIT 5

AMERANTH
WIRELESS AT WORK
NEWS

<u>FOR IMMEDIATE RELEASE</u>   Contact: Tammie Caton Gomez, Marketing
                                              Ph 858-362-0150 x100
                                              Tcaton@Ameranth.com

Darden Selects Ameranth Wireless™ as its Wireless Strategic Partner

*Ameranth Provides Wireless Integration Services and PocketPC™ Products
to World's Largest Casual Dining Restaurant Company*

October 27, 2003, Long Beach, California— **Ameranth Wireless™**, creator of the 21st Century Restaurant® system for table management/reservations, wireless ordering and payment processing, announces that it- has been selected as Darden's standard Wireless POS partner. Darden operates more than 1,200 Red Lobster, Olive Garden, Bahama Breeze, Smokey Bones and Seasons 52 restaurants in North America, leading each of its market segments and employs more than 122,000 people while serving more than 5,000,000 meals a week.

"Ameranth Wireless initially partnered with hospitality visionary, Blaine Sweatt- President of the Darden New Business Division, and his team- to provide many products and technologies introduced at Seasons 52," said Keith McNally, CEO of Ameranth Wireless, Inc. " We are: extremely pleased Darden selected Ameranth as its standard wireless partner- both for the retrofit into their existing POS system and the "forward fit" into their next generation POS systems".

."We chose Ameranth Wireless as our standard wireless integrator, as we have worked very closely with them since the summer of 2000," said Jim Pylant, Senior Director of Restaurant Systems at Darden. Ameranth developed a PocketPC based product for Darden.

"While we provided some of the key pieces of the total Seasons 52 solution ourselves, we could only meet the overall challenge through the power of our 'best of breed' strategic partners," said Keith McNally, CEO of Ameranth Wireless. "The entire solution is built on Microsoft Windows and Windows Powered mobile platforms, and our deployment at Seasons 52 runs on Symbol wireless devices- seamlessly integrated with the Aloha POS system.

The PocketPC —wireless technology component of Seasons 52 includes the use of handheld computers for wireless ordering, tracking food preparation, monitoring waitlists, and handling payments while at the table. Ameranth also worked with Darden to develop the calorie and nutritional look-up features, enabling food service staff to look up detailed information while at tableside. The Ameranth software also provides a system for tracking multiple tables. unique and continually rotating menus, and the 100+ item international wine list offered through Seasons 52. In addition to new Seasons 52 sites in 2004 , Darden will deploy Ameranth's Wireless POS Software at additional concepts and locations starting in Q1 2004.

About Ameranth Wireless, Inc.
Ameranth Wireless Inc. (http://www.ameranth.com) is the recognized wireless leader in the hospitality market, having been featured in the *Wall Street Journal, New York Times, Chicago Sun Times, USA Today, Nation's Restaurant News, Hospitality Technology, TIME, CNNf, SD Union Tribune,,* and numerous other prestigious publications. Ameranth has also been awarded five "best product" awards in the Hospitality Market. In addition, the company has been selected for four financial awards/grants for wireless technology development from the National Science Foundation and the California Goldstrike Program-- totaling one million dollars. In Spring 2002, Ameranth was awarded a patent (#6,384,850) for its software methodology which instantly creates displays and a GUI (Graphical User Interface) on handheld screens, without the need for custom programming for restaurant/hotel customers.

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EXHIBIT 6

symbol®

HOSPITALITY TECHNOLOGY TREND: SYMBOL TECHNOLOGIES AND AMERANTH WIRELESS PROVIDE RESTAURANTS AND SPORTS VENUES A NEW WAY TO IMPROVE CUSTOMER SERVICE

HOLTSVILLE, N.Y., October 27, 2003 — Symbol Technologies, Inc. (NYSE:SBL), a global leader in real-time enterprise mobility solutions, along with hospitality partner Ameranth Wireless, Inc. today announced the successful deployment of mobility solutions for Medieval Times dinner theatres and NBA restaurants and stadiums that enable these establishments to increase customer service and operating efficiency.

Using a mobility solution featuring Symbol PPT 8800 enterprise PDAs with Microsoft Windows Mobile™ 2003, Symbol Wi-Fi wireless networking technology and Ameranth 21st Century Restaurant software, servers (who Medieval Times affectionately refers to as "wireless wenches") take orders from where customers are seated and instantly transmit that information to the kitchen and point-of-sale system. This allows orders to be completed more quickly, so the server can spend more time with the customer.

Medieval Times dinner theatres are located throughout the country and are famous for jousting contests and a medieval atmosphere. Previously, the restaurant deployed a vast number of serving staff who would have to walk considerable distances from where the customers were seated to place customer orders, then wait for the orders and beverages to be prepared before returning to the customer.

Richard Dunn, vice president of merchandising for Medieval Times, estimated that if they can serve just one more round of drinks each night, using this system would provide a return on investment in less than one year. "The cost savings are not the only benefits," Dunn noted. "Increased customer satisfaction is a key element as well."

"Ameranth has partnered with Symbol on a variety of hospitality market solutions since 1999," said Keith McNally, CEO of Ameranth Wireless. "We see the hospitality market – where technology can improve accuracy, efficiency and customer service to

● Page 2   April 19, 2010

create a win-win situation for both customers and establishments – as a nascent one with plenty of growth potential."

"We are pleased that Symbol and Ameranth have selected Microsoft Windows Mobile 2003 for their rollouts," said Tom Litchford, director of retail systems at Microsoft. "We will provide both Symbol and Ameranth our full support on these projects and work closely with them in leading the way in hospitality wireless technology solutions."

"We believe we have the ideal technology solutions for the hospitality market, built on our core competencies of Wi-Fi wireless networking, data capture and ruggedized handheld computers," said Harry B. Lerner, vice president and general manager, Symbol PDA Business Unit. "The Symbol 8800 enterprise PDA is the perfect tool for customer service and small site enterprises."

The NBA City Restaurant in Orlando, Fla., has also implemented a mobility solution using Symbol Wi-Fi wireless networking technology and Symbol 8800 enterprise PDAs equipped with cutting-edge software from Ameranth to increase the efficiency of table turnover. Using this mobility solution, restaurant staff can immediately communicate table status from any point in the multi-story restaurant to the host stand, and alert staff equipped with pagers to take action.

"The biggest advantage of using this system is the ability to streamline operations, freeing up the hostesses and servers to spend more time greeting guests, answering questions and taking care of customer needs," said Alberto Accion, chief financial officer for NBA City.

"Because we have an expansive two-story restaurant, trying to tell someone downstairs that a table is open upstairs was often frustrating," explained Brianna Oppelt, host supervisor, NBA City. "Now, with the Symbol mobile computers, it's all automatic."

In addition to the deployment at this NBA City restaurant, the Symbol/Ameranth mobility solution is also being used at NBA stadiums in Chicago, Denver, Miami,

⊕ Page 3   April 19, 2010

Toronto and Los Angeles to speed up the ordering process in the luxury suites, where customers expect quick and accurate service.

Designed especially for mobile workers who require immediate access to information at the point of activity, the Symbol PPT 8800 packs the power of advanced data capture and wireless communications in a slim but ruggedized PDA-format device. Loaded with Microsoft® Windows Mobile 2003 software for Pocket PCs, the Symbol device offers increased mobility-centric features while still being small and lightweight enough to be carried unobtrusively in a pocket or on the hip.

About Symbol Technologies, Inc.
Symbol Technologies, Inc. delivers enterprise mobility solutions that enable anywhere, anytime data and voice communication designed to increase productivity, reduce costs and realize competitive advantage. Symbol systems and services integrate rugged mobile computing, advanced data capture, wireless networking and mobility software for the world's leading retailers, transportation and logistics companies and manufacturers as well as government agencies and providers of healthcare, hospitality and security. More information is available at www.symbol.com.

About Ameranth Wireless, Inc.

Ameranth Wireless is a leading provider of wireless system software to the hospitality and health care markets. Headquartered in San Diego, California, Ameranth's wireless system software gives functionality to RF-enabled Microsoft, Pocket PC handheld computers—moving the point of activity from fixed terminals to where it belongs, by the customer's side. Ameranth's 21st Century Restaurant®, is set to become the industry standard for mobile wireless ordering and payment processing in restaurants worldwide. For more information about Ameranth Wireless, visit www.ameranth.com.

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EXHIBIT 7

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Food Industry

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Darden selects integrator for wireless POS

Nation's Restaurant News, Dec 8, 2003

ORLANDO, FLA. -- Darden Restaurants Inc. named Ameranth Wireless Inc. its wireless systems integration services provider, following the joint development by two companies of new technology for Darden's fledgling Seasons 52 concept.

Ameranth helped Darden develop handheld computer devices using Symbol Technologies hardware, the Windows-based PocketPC operating system from Microsoft Corp. and Aloha Technologies' POS software. The devices support wireless, tableside order entry, payment processing and nutrition information retrieval, Ameranth sources said. The devices also have food preparation tracking and waiting-list management capabilities, they said.

Darden's senior director of restaurant systems, Jim Pylant, said his company chose San Diego-based Ameranth as its "standard wireless integrator" because the two companies have "worked very closely" since mid-2000. In total Orlando-based Darden operates more than 1,200 Red Lobster, Olive Garden, Bahama Breeze, Smokey Bones BBQ Sports Bar and Seasons 52 outlets in North America.
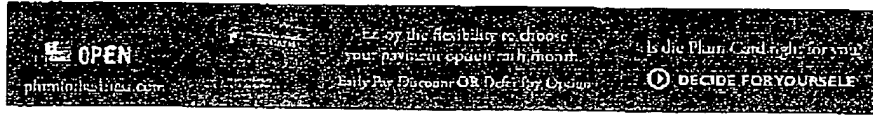
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Business

Related Topics:

'May I Take Your Order, Wirelessly?' ; When the seasons 52 restaurant opened earlier this year, it turned to Wi-Fi technology to beef up the all-important server-to-guest relationship.

By Panettieri, Joseph C

Publication: eWeek

Date: Monday, December 5 2005

When the seasons 52 restaurant opened earlier this year, it turned to Wi-Fi technology to beef up the all-important server-to-guest relationship.

Specifically, the Orlando, Fla., restaurant was ready to go with a wireless network and handhelds that let waiters and waitresses record orders and close checks
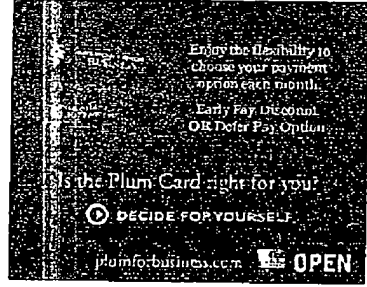
table-side

"In the hospitality business, we know that computers can never replace server-to-guest interaction," said Rick Cardenas, director of IT for Seasons 52 "However, the handhelds increase the time our servers spend with our guests table-side and help us provide outstanding service in our restaurant "

But Seasons 52, operated by Darden Restaurants Inc., had help cooking up its wireless strategy

Ameranth Wireless, of San Diego, for Instance, is Darden's standard wireless point-of-sale partner. Darden operates more than 1,280 restaurants (including the Red Lobster and Olive Garden chains), employs 122,000 people and serves more than 5 million meals a week

"While we provided some of the key pieces of the Seasons 52 solution, we met the overall challenge through the power of our best- of-breed strategic partners," said Keith McNelly, CEO of Ameranth Wireless.

Key partners on the project included point-of-sale software developer Aloha Technologies Inc., handheld provider Symbol Technologies Inc., wireless ink-jet printer maker TransAct Technologies Inc. and on-premises paging specialist JTech Communications Inc.

The resulting system is functional and flexible. And for good reason: Seasons 52 is test-marketing a rotating weekly menu with seasonal food prepared in a variety of ways. Waiters and waitresses who can't keep track of the menu need merely reach for their Pocket PCs.

In addition, make sure to read these articles:
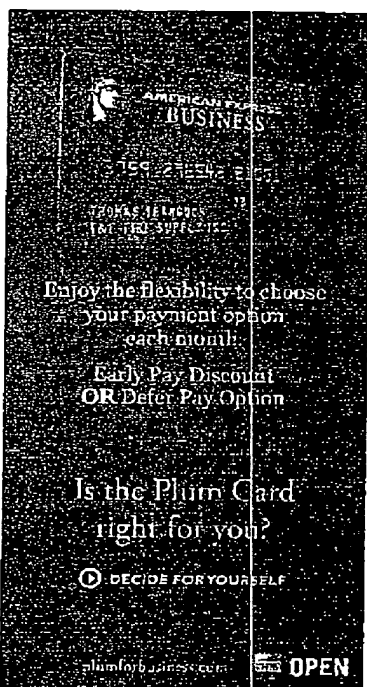
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EXHIBIT 9

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Wireless Finds a Welcome in Hospitality

Keith McNally's Emenu technology is his latest bid to speed service, and gain efficiencies, in the restaurant and hotel industries

It's not quite *Star Trek*, where food can be made to materialize just by talking into a machine. But restaurant guests at a new Holiday Inn in Duluth, Ga., can now place their meal orders electronically. The so-called Emenu -- really a tablet PC connected wirelessly to a computer in the hotel -- provides photos and nutritional info on menu items. Customers can tally the calories, carbs, and price of their meals before they order, then zap the request to the kitchen. The Emenu also translates that data into Spanish and into euros.

Helpful 24-hour staff, free Wi-Fi and more for less.

The fun doesn't stop there. While waiting for the food, diners can log onto the Web using the Emenu, play games, get the latest on hotel events, or order a taxi. Guests traveling with laptops can do all of the above with their own machines via the hotel's free Wi-Fi network, at the restaurant or from anywhere else in the hotel.

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It's all part, says Keith McNally, founder and CEO of Ameranth Wireless, which created the Emenu, of a coming explosion in technology use in the hospitality industry. "This is kind of the classic American dream," McNally says. "I quit my safe job, mortgaged the house. I've put my whole life into this."

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GRUNTS AND WAITERS. McNally, 49, has taken an unusual route to high-tech entrepreneurship. A West Point grad, he served as an artillery officer for five years. After leaving the Army, he spent 17 years at Litton Industries, now a part of Northrop Grumman (NOC), helping develop the handheld wireless devices the military now uses to guide artillery batteries and smart bombs.

"Before that, artillery units still performed the way they did in Napoleon's day, with grease pencils and pins on maps," McNally says. He saw an unlikely similarity between restaurant work and the military. Both, he notes, involve a lot of young people, working in high-stress environments that include a lot of movement.

Ameranth's first product helped automate the hostess station, which McNally calls the "command post of most restaurants." Now, assistant hostesses at Red Lobster, a unit of Darden Restaurants (DRI), and Outback Steakhouse (OSI) wander the restaurants looking for customers that are leaving their tables. The employees type the table location into a wireless device that sends the info to the hostess station. There, additional software finds the next customers in line and automatically pages them to let them know a table is ready.

"WIRELESS WENCHES." Another Ameranth product allows food servers to send orders wirelessly to the kitchen, sometimes allowing the drinks to arrive before the guests have finished ordering. That technology is being used now at six basketball arenas, the Opryland theme park, the new Queen Elizabeth II cruise ship, and a couple of Medieval Times restaurants, where the servers have been nicknamed "Wireless Wenches."

McNally's sales pitch comes down to money. Some 75% of a restaurant's business is done in just 15% of its operating hours. So turning tables quickly during the high-traffic period is critical. Ameranth also offers something to food servers, who through faster ordering can work six tables at a time instead of four. "Her income just went up 50%," he says.

San Diego-based Ameranth is privately held, and McNally declines to release revenues. He says he has raised more than $10 million in venture capital, including investments by Microsoft (MSFT) and Symbol Technologies (SBL), the leader in bar-code scanners. His biggest competition is Columbia (Md.)-based Micros Systems (MCRS), at $400 million a year, a comparative giant in software for the hospitality industry.

A FIRST STEP. To make sure he doesn't end up getting his lunch eaten, McNally has sought to partner with other leaders in hospitality technology. Radiant Systems (RADS), a big player in point-of-sale tracking systems, sells McNally's hostess software. InfoGenesis, which sells its technology to cruise ships and sports stadiums, is a partner in the systems for food servers.

Mark Snyder, who runs Holiday Inns in North America for the chain's parent company InterContinental Hotels Group (IHG), also sees the Emenu as the start of something big. "This is the first time technology like this is being used to increase a hotel's productivity," he says. "Eventually, we'll be able to integrate operations systems wirelessly -- from reservations to supply-chain management." That bucket of ice could be just a mouse click away

By Christopher Palmeri in Los Angeles

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EXHIBIT 10

AMERANTH
W I R E L E S S   A T   W O R K

NEWS

<u>FOR IMMEDIATE RELEASE</u>

Contact: Cary Gruer, VP Marketing
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Ameranth Wireless™ announces 21CR Wireless POS "Roll Out" with Medieval Times Dinner & Tournament

Success and rapid ROI at the initial site in Buena Park, CA leads Medieval Times to expand to all of its U.S. locations.

May 12, 2004, San Diego— Medieval Times Dinner & Tournament has procured Ameranth Wireless 21CR Handheld Wireless POS system for all seven of its locations nationwide. This innovative solution was developed in partnership with Aloha POS and San Diego Cash Register- operating on Symbol PPT 8800 enterprise PDAs with Microsoft Windows Mobile™ 2003, Symbol Wi-Fi wireless networking technology and Ameranth 21st Century Restaurant™ software.

Medieval Times Dinner & Tournament provides an exciting evening of quality, family entertainment based upon the glory of the Middle Ages. Guests experience spectacular pageantry, dramatic horsemanship, breathtaking swordplay, falconry, sorcery and romance, while feasting on a four-course banquet served in true medieval, pre-silverware fashion. The experience culminates in an authentic jousting tournament between six brave knights of the realm. Medieval Times is a 70,000 square foot facility featuring the Grand Ceremonial Arena with seating up to 1,100 people. Medieval Times Dinner & Tournament castles are located in Toronto, Canada and throughout the country and are famous for jousting contests and a medieval atmosphere. U.S. sites include Buena Park, CA, Dallas, TX, Kissimmee, FL, Baltimore, MD, Schaumburg, IL, Myrtle Beach, SC and Lyndhurst, NJ.

Previously, they deployed a vast number of serving staff-who would have to walk considerable distances from where the customers were seated to manually place the actual customer orders, then wait for the orders and beverages to be prepared before returning to the customer. With the deployment of Ameranth's 21CR system, the handheld equipped servers (who Medieval Times affectionately refers to as "wireless wenches") now take orders from where customers are actually seated and instantly transmit that information to the service bar. This allows orders to be completed much more quickly, so the server can spend more time with the customer.

Richard Dunn, Vice President of Merchandising for Medieval Times, has confirmed that simply by serving just one more round of drinks each night, this system is providing a very rapid return on investment. "The significant revenue increases are not the only benefits." Dunn noted. "Increased customer satisfaction is a very key element as well."

"We are honored to have the opportunity to partner with Medieval Times and leverage the power of our strategic partners, Microsoft, Symbol, Aloha and SDCR to deliver a breakthrough solution for them. " said Keith McNally, CEO of Ameranth Wireless. "The rapid ROI from wireless ordering-that has now been proven with them will accelerate the adoption of wireless handhelds with many other restaurant customers".

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About Ameranth Wireless, Inc.

Ameranth Wireless Inc. (http://www.ameranth.com) is the recognized wireless leader in the hospitality market, having been featured in the *Wall Street Journal, New York Times, Chicago Sun Times, USA Today, Business Week, Nation's Restaurant News, Hospitality Technology, TIME, CNNfn, San Diego Union Tribune,* and numerous other prestigious publications. Ameranth has also been awarded five "best product" awards in the Hospitality Market. In addition, the company has been selected for three financial awards/grants for wireless technology development from the National Science Foundation and the California Goldstrike Program– totaling one million dollars. In Spring 2002, Ameranth was awarded a patent (#6,384,850) for its software methodology which instantly creates displays and a GUI (Graphical User Interface) on handheld screens, without the need for custom programming for restaurant/hotel customers.

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EXHIBIT 11

AMERANTH
WIRELESS AT WORK

NEWS

<u>FOR IMMEDIATE RELEASE</u>

Contact: Cary Gruer, VP Marketing
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Powerful Technology Alliance Forms to Deliver Breakthrough "E-Menu" Wireless/Web Solution for Holiday Inn Hotels & Resorts

Success of first Holiday Inn test site near Atlanta leads Intercontinental Hotels Group to expand installation into ten additional Holiday Inn properties this summer

June 22, 2004 (Dallas) - Ameranth Wireless, with the support of a powerful technology alliance has partnered with InterContinental Hotels Group (IHG) ,owner of the Holiday Inn Brand, to turn the vision of a Wi-Fi, Internet-enabled dynamic, paperless menu into an operational reality for IHG's Holiday Inn brand. This 21St Century Hotel™ "E-Menu" system, which automates guest services from the concierge to the restaurant table, was achieved through the cooperation of technology industry leaders and their commitment to continue to expand and grow the initial platform and features. Ameranth Wireless, the project integrator, aligned with Microsoft, Intel, Dell, and Motion Computing to assemble the total system solution for InterContinental Hotels Group and Holiday Inn. This breakthrough solution is the first in the world to totally integrate and link digital communications over the Internet, hotel Intranet, and 802.11 wireless, with on premise JTECH staff paging, cell phones, and fixed and wireless printers – all operating on state-of-the-art Microsoft and Intel technology platforms to deliver an unprecedented guest experience. Ameranth and IHG began testing customer feedback to the E-Menu system in January 2004 with the opening of the first "next-generation" Holiday Inn prototype hotel in Duluth, Ga., north of Atlanta. After an initial success at the Duluth site, ten additional Holiday Inn properties will be equipped with the E-Menu system by the end of July. Dell is providing the entire hardware suite of Tablet PCs, Dell Poweredge Servers, Dell Printers and Dell Axims as well as total system support.

Ameranth's 21St Century Hotel™ E-Menu system, operating on 802.11 wireless networks, the Internet and the hotels Intranet, allows guests to use Motion Computing Tablet PCs to browse

the real-time menu items, customize orders and even place orders directly into the kitchen from E-Menu equipped tables in the restaurants or order room service directly from their laptops within their hotel rooms.

Available in both English and Spanish and normal and large-sized text, the tablet allows diners to search for the information that is most important to them, from electronic images and a complete nutritional breakdown of each menu item to tax and gratuity calculations in multiple currencies. The wireless system also facilitates room service – guests can access the menu from their own laptop computers via the hotel's Wi-Fi or Internet service. After placing their meal order, the E-Menu system also empowers guests to check driving directions, receive news and weather for their hometowns or destinations, make reservations for other events and even revise their travel plans and print their airline boarding passes.

"No single company could create InterContinental Hotels Group's operational vision and then deliver the marketing strategy for Holiday Inn," stated Keith McNally, CEO of Ameranth Wireless. "We needed to leverage and maximize the power of our strategic industry partners and are very appreciative of the exceptional response and support from Microsoft, Intel, Dell, and Motion Computing."

"Holiday Inn is credited with pioneering the modern hotel industry more than 50 years ago, and today we're continuing that legacy of innovation with this industry-first "E-Menu" system," said Mark Snyder, senior vice president, brand management, Holiday Inn Hotels and Resorts, the Americas. "Eventually, we will be able to integrate operations systems wirelessly – from reservations to supply chain management – all while providing our guests with a great hotel experience."

"Innovative hotel brands like Holiday Inn are delivering the next generation hotel experience with technology and solutions designed around open standards," said Jon Stine, worldwide retail – consumer packaged goods manager, Intel. "With Intel® Xeon™ processor-based servers that analyze and manage information in real time, to tablets and PDA's powered by Intel® Centrino™ mobile technology and Intel® XScale® technology, guests get a more personalized experience. We are excited to be working with world-class companies like InterContinental Hotels Group, Dell, Microsoft, Ameranth and Motion Computing to design solutions that are transforming the future of hospitality."

" InterContinental Hotels Group's deployment of an E-Menu system solution based on the Microsoft .NET Framework is an excellent example of how technology innovations will change the rules of engagement with customers and a guest's hotel experience," said Brian Scott, general manager for the Retail & Hospitality Industry Solutions Group at Microsoft. "We applaud InterContinental Hotels Group for recognizing the business benefits of working with companies that support industry standards and the integration advantages of Web services and Microsoft .NET, all of which will enable its E-Menu expansion needs in the future."

"InterContinental Hotels Group clearly recognizes the advantages of standards-based products and services which allows them to affordably implement, integrate and manage computer systems across multiple locations at low costs," said Tim Mattox, VP of Retail for Dell, Inc. "We are excited to be collaborating with Ameranth, Motion Computing, Microsoft, and Intel to deliver InterContinental Hotels Group comprehensive solutions. "

"Motion Computing's lightweight, clipboard-sized tablet PCs enable people to use computers in new ways and places, so we are a good fit for Holiday Inn's creative E-Menu concept," stated Ralph Spagnola, Motion's vice president of sales. "We are pleased that InterContinental Hotels Group and Ameranth selected our tablet PCs as the best of all available options in the market."

# # #

About Ameranth Wireless, Inc.
Ameranth Wireless Inc. (http://www.ameranth.com) is the recognized wireless leader in the hospitality market, having been featured in the *Wall Street Journal, New York Times, Chicago Sun Times, USA Today, Business Week, Nation's Restaurant News, Hospitality Technology, Franchise Times, TIME, CNN-fn, San Diego Union Tribune, Hotel/Motel Management, US News & World Report* and numerous other prestigious publications. Ameranth has also been awarded five "best product" awards in the Hospitality Market. In addition, the company has been selected for three highly competitive financial awards/grants for wireless technology development from the National Science Foundation and a fourth from the California Goldstrike Program— totaling one million dollars. Tel: (888) AMERANTH, Fax: (858) 362-0151, http://www.ameranth.com or info@ameranth.com.

About InterContinental Hotels Group
InterContinental Hotels Group PLC of the United Kingdom [LON:IHG, NYSE:IHG (ADRs)] is the world's most global hotel company and the largest by number of rooms. InterContinental Hotels Group owns, manages, leases or franchises, through various subsidiaries, more than 3,500 hotels and 535,000 guest rooms in nearly 100 countries and territories around the world (www.ichotelsgroup.com). The Group owns a portfolio of well recognized and respected hotel brands including InterContinental® Hotels & Resorts, Crowne Plaza® Hotels & Resorts, Holiday Inn ® Hotels and Resorts, Holiday Inn Express®, Staybridge Suites®, Candlewood Suites®, and Hotel Indigo™, and also has a controlling interest in Britvic, the second largest soft drinks manufacturer in the UK. InterContinental Hotels Group offers information and reservations capability on the Internet - www.intercontinental.com for InterContinental Hotels & Resorts, www.crowneplaza.com for Crowne Plaza Hotels & Resorts, www.holiday-inn.com for Holiday Inn hotels, www.hiexpress.com for Holiday Inn Express hotels, www.staybridge.com for Staybridge Suites by Holiday Inn hotels, and www.candlewoodsuites.com for Candlewood Suites, and for the Group's rewards

program, www.priorityclub.com. For the latest news from InterContinental Hotels Group, visit our online Press Office at www.pressoffice.ihgplc.com.

For additional information, contact:
— Ameranth Wireless - Cary Gruer, VP Marketing, 858-362-0150 x102 or cgruer@ameranth.com
— InterContinental Hotels Group - Virginia Bush, Sr. PR Manager, Holiday Inn, 770-604-2037 or virginia.bush@ichotelsgroup.com
— Dell – Brooke_Ellis@Dell.com
— Intel – Patty.l.Mcgrath@intel.com
— Motion Computing – ttraeger@motioncomputing.com

EXHIBIT 12

Gaylord Palms Resort & Convention Center
Orlando, Florida

FS TEC · HOME · AGENDA · SPEAKERS · KEYNOTES · TRACKS · SEARCH · HELP
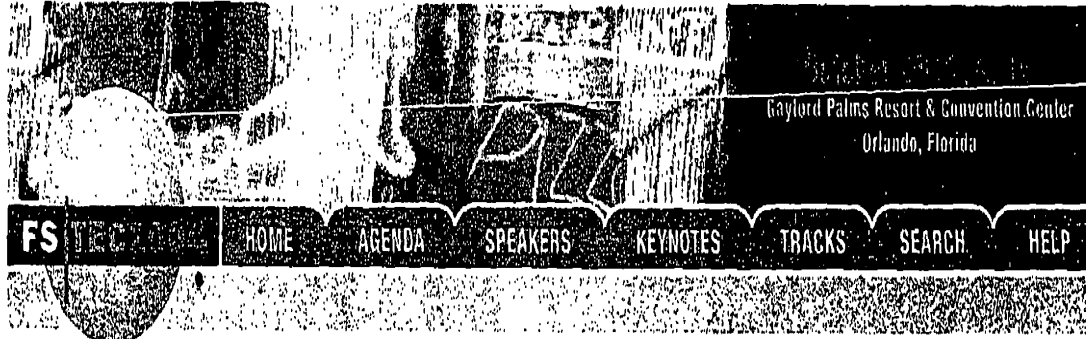
Dear FS/TEC 2004 Attendees:

Welcome to Orlando, Florida and the Ninth Annual International Foodservice Technology Exposition.

Our theme, "Powering Up Connections," perfectly defines this industryleading event. There is no show in foodservice that so effectively connects you with the hottest technology applications, gets you up to speed on all the trends, and lets you continuously network with your peers.

For real-world applications you can't beat the experience of our keynote speakers, Valerie K. Collins, of Darden Restaurants, Inc., and John M. Deane, of Wendy's International, Inc., who have been on the frontline of technology implementation for years with major restaurant organizations.

Valerie and John are part of a vital educational program that includes a new Strategic Business Solutions track as well as dynamic panel discussions with leading restaurant operators and suppliers. You also won't want to miss our new "Ask the Experts" Roundtable session where you can interact virtually one-on-one with industry experts.

A key part of FS/TEC will again be our Exhibit Hall with over 150 exhibitors and a host of vendor tutorials. Speaking of exhibitors, we'd like to thank our Founding Sponsors, IBM Corporation, MICROS Systems, Inc. and Microsoft Corporation, and our Corporate Sponsors, Aloha by Radiant Systems, Epson America, Inc. and ParTech, Inc. for the invaluable support they have provided FS/TEC through the years. We'd also like to acknowledge the contributions our FS/TEC Advisory Board has made to this year's event.

For attendees and exhibitors alike, FS/TEC offers outstanding opportunities to advance your business. From our opening session on Sunday to our roundtables on Wednesday, from the Exhibit Hall to our keynote speeches and awards, this event is 100 percent about technology in foodservice. Thank you for joining us at FS/TEC 2004!

Sincerely,

Alan Gould
Publisher
Nation's Restaurant News
Co-Chairman, FS/TEC 2004

Robert N. Grimes
Chairman & CEO
Accuvia
Co-Chairman, FS/TEC 2004

FS/TEC is managed and produced by: Nation's Restaurant News. THE NEWSWEEKLY OF THE FOODSERVICE INDUSTRY with Robert N. Grimes ACCUVIA IDEA TO EXECUTION

Gaylord Palms Resort & Convention Center
Orlando, Florida

| FS TEC | HOME | AGENDA | SPEAKERS | KEYNOTES | TRACKS | SEARCH | HELP |
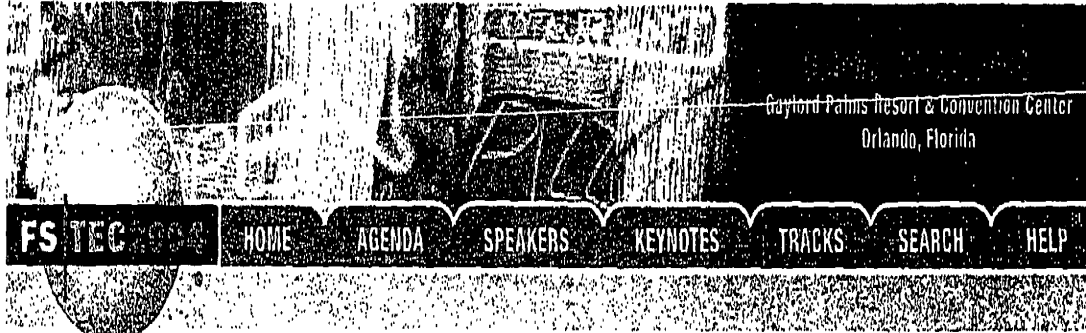
(<<<) previous page

click on session title for documentation

E-menu Wireless Solution - Automating Guest Services from the Concierge to the Restaurant Table

Tuesday
10:30 - 11:30 am

The E-menu Wireless System delivers breakthrough E-menu solutions for Intercontinental's Hotel Group. Intel and other technology leaders, have partnered with InterContinental Hotels Group (IHG) to turn the vision of a Wi-Fi, Internet-enabled dynamic paperless menu into an operational reality for IHG's Holiday Inn brand. This 21St Century Hotel(tm) "E-Menu" system, automates guest services from the concierge to the restaurant table. The E-Menu system, allows guests to use a Tablet PCs to browse the real-time menu items, customize orders and even place orders directly into the kitchen from E-Menu equipped tables in the restaurants or order room service directly from their laptops within their hotel rooms. This breakthrough solution is the first in the world to totally integrate and link digital communications over the Internet, hotel intranet, and 802.11 wireless, with on premise JTECH staff paging, cell phones, and fixed and wireless printers - all operating to deliver an unprecedented guest experience.

click on speaker name for biography

Jim Bailey   InterContinental Hotels Group

Rob Lewis   Ameranth

EXHIBIT 13

AMERANTH®
W I R E L E S S   A T   W O R K™

NEWS

FOR IMMEDIATE RELEASE

Contact: VP Marketing
Ph 858-362-0150 x102
cgruer@Ameranth.com

Ameranth Wireless™ announces 21 St Century Communications™ Suite and Symbol PPT 8800 "Roll Out" with The Cheesecake Factory

Success at the initial test sites convinced The Cheesecake Factory to deploy the innovative new solution- operating on Symbol 8800 handhelds to all its 80 locations.

August 10th, 2004, San Diego— The Cheesecake Factory has procured Ameranth Wireless 21st Century Communications Suite product for all 80 of its locations nationwide. This innovative solution was developed in partnership with The Cheesecake Factory IT Staff and it *operates* on Symbol PPT 8800 enterprise PDAs with Microsoft Windows Mobile™ 2003.

Ameranth's 21[St] Century Communications Suite is an exceptionally versatile software solution that enables users to conduct inventories, surveys, inspections, opening/closing checklist and even guest loyalty program "sign ups" - on mobile devices and then to transfer that captured data into the Windows® based application running on standard PC's.

"When we first started this project, our primary focus was to replace our existing food cost and handheld inventory program with a modern, easy to learn/use mobile solution. While Ameranth's application, integrated with our new E-COST program, has successfully met that goal, we believe that the additional functionality in their product will give our operators a better tool to help us focus on cost control opportunities - once all our stores are fully deployed" said Peter J. D'Amelio, President and Chief Operating Officer of The Cheesecake Factory. "Ameranth has been a great partner on this project"

The Cheesecake Factory is a unique, upscale casual dining restaurant offering more than 200 menu selections including Appetizers, Pizza, Pasta, Seafood, Steaks, Salads, Sandwiches, and more. The Cheesecake Factory Incorporated operates 77 full-service, casual dining restaurants under The Cheesecake Factory® mark in major metropolitan areas in the United States. The Company also operates Grand Lux Cafe®, an upscale casual dining restaurant concept with locations in Las Vegas (The Venetian Resort-Hotel-Casino), Chicago (Michigan Avenue) and Los Angeles (Beverly Center); one self-service, limited menu "express" foodservice operation under The Cheesecake Factory Express® mark inside the DisneyQuest® family entertainment center in Orlando, Florida; and a bakery production facility. The Company also licenses three bakery cafes under The Cheesecake Factory mark to another foodservice operator

" We are honored to have the opportunity to partner with The Cheesecake Factory and leverage the power of our strategic partners, Microsoft and Symbol, to deliver a breakthrough solution for them. " said Keith McNally, CEO of Ameranth Wireless.
"The rapid ROI and many benefits from this system should accelerate the adoption of wireless handhelds with many other restaurant customers".

About Ameranth Wireless, Inc.

Ameranth Wireless Inc. (http://www.ameranth.com) is the recognized wireless leader in the hospitality market, having been featured in the *Wall Street Journal, New York Times, Chicago Sun Times, USA Today, Business Week, US News & World Report, Nation's Restaurant News, Hospitality Technology, TIME, CNNfn, San Diego Union Tribune,* and numerous other prestigious publications. Ameranth has also been awarded five "best product" awards in the Hospitality Market. In addition, the company has been selected for three financial awards/grants for wireless technology development from the National Science Foundation and the California Goldstrike Program-- totaling one million dollars. In Spring 2002, Ameranth was awarded a patent (#6,384,850) for its software methodology which instantly creates displays and a GUI (Graphical User Interface) on handheld screens, without the need for custom programming for restaurant/hotel customers.

Tel: (888) AMERANTH   Fax: (858) 362-0151
http://www.ameranth.com   mail to: info@ameranth.com

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ATTORNEYS AT LAW

550 WEST "C" STREET, SUITE 700
SAN DIEGO, CA 92101-3235

TELEPHONE: 619 238 4900
FACSIMILE: 619 238 4959

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Mail Stop AF Commissioner for Patents	Michael D. Fabiano (mfabiano@mazzcal.com)

COMPANY:	SENDER'S DIRECT DIAL:
U.S. Patent and Trademark Office	EXTENSION 306

FAX NUMBER:	DATE:
571.273.8300	May 24, 2010

PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 78

RE:	CLIENT REFERENCE NUMBER::
1660.04	Application No. 11/112,990

☐ URGENT   ☐ FOR REVIEW   ☐ PLEASE COMMENT   ☐ PLEASE REPLY

☐ ORIGINAL WILL FOLLOW

Notes:

Attached are the following documents:

1)   Request for Continued Examination (RCE) transmittal

2)   Petition for Extension of Time

3)   Credit Card Payment Form

4)   Request for Continued Examination (RCE) submittal

5)   Supplemental Declaration Under 37 C.F.R. Section 1.132 and Exhibits 1 – 13 thereto

Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	11112990
	Filing Date	2005-04-22
	First Named Inventor	McNally, Keith R.
	Art Unit	2191
	Examiner Name	Brophy, Matthew
	Attorney Docket Number	1004293.005 US

				U.S. PATENTS			
Examiner Initial*	Cite No	Patent Number	Kind Code¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1						

If you wish to add additional U.S. Patent citation information please click the Add button.

				U.S. PATENT APPLICATION PUBLICATIONS		
Examiner Initial*	Cite No	Publication Number	Kind Code¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

					FOREIGN PATENT DOCUMENTS			
Examiner Initial*	Cite No	Foreign Document Number³	Country Code²ⁱ	Kind Code⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T⁵
	1							☐

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		NON-PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T⁵

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10/01/2010 15:09 FAX 619 238 4959   MAZZARELLA CALDARELLI   ☑008/081

	INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	**Application Number**	11112990
		Filing Date	2005-04-22
		First Named Inventor	McNally, Keith R.
		Art Unit	2191
		Examiner Name	Brophy, Matthew
		Attorney Docket Number	1004293.005 US

	1	Judgment on Jury Verdict, Sept. 21, 2010, Ameranth, Inc. v. Menusoft Systems Corp. and Cash Register Sales & Service of Houston, Inc., Case No. 2:07-CV-271-CE (E.D. Tex.)	☐
	2	Plaintiff's Final Trial Exhibit List, Ameranth, Inc. v. Menusoft Systems Corp. and Cash Register Sales & Service of Houston, Inc., Case No. 2:07-CV-271-CE (E.D. Tex.)	☐
	3	Defendants' Final Trial Exhibit List, Ameranth, Inc. v. Menusoft Systems Corp. and Cash Register Sales & Service of Houston, Inc., Case No. 2:07-CV-271-CE (E.D. Tex.)	☐

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

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PAGE 8/81 * RCVD AT 10/1/2010 6:12:05 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/8 * DNIS:2738300 * CSID:619 238 4959 * DURATION (mm-ss):27-06

Apple, Exhibit 1012, Page 909

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	11112990
	Filing Date	2005-04-22
	First Named Inventor	McNally, Keith R.
	Art Unit	2191
	Examiner Name	Brophy, Matthew
	Attorney Docket Number	1004293.005 US

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).
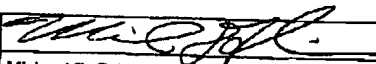
☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature		Date (YYYY-MM-DD)	2010-10-01
Name/Print	Michael D. Fabiano	Registration Number	44,675

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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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EXHIBIT 4

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain Information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

MAZZARELLA ■ CALDARELLI LLP

ATTORNEYS AT LAW

550 WEST "C" STREET, SUITE 700
SAN DIEGO, CA 92101-3235

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FACSIMILE: 619 238 4959 RECEIVED
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Patents

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Michael D. Fabiano
(mfabiano@mazzcal.com)

COMPANY:

U.S. Patent and Trademark Office

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EXTENSION 306

FAX NUMBER:

571.273.8300

DATE:

October 1, 2010

PHONE NUMBER:

TOTAL NO. OF PAGES INCLUDING COVER:

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RE:

1660.04

CLIENT REFERENCE NUMBER::

Application No. 11/112,990

☐ URGENT   ☐ FOR REVIEW   ☐ PLEASE COMMENT   ☐ PLEASE REPLY

☐ ORIGINAL WILL FOLLOW

Notes:

Attached are the following documents:

1) Transmittal Form

2) Information Disclosure Statement

3) IDS Form PTO/SB/08a

Doc Code: TRAN.LET
Document Description: Transmittal Letter

PTO/SB/21 (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM	Application Number	11/112,990
	Filing Date	2005-04-22
	First Named Inventor	McNally, Keith R.
	Art Unit	2191
(to be used for all correspondence after initial filing)	Examiner Name	Brophy, Matthew
Total Number of Pages in This Submission	Attorney Docket Number	1004283.006US

ENCLOSURES (Check all that apply)

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [✓] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53

- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD

Remarks

- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [ ] Status Letter
- [✓] Other Enclosure(s) (please identify below):
  Information Disclosure Statement, and Form PTO/SB/08a

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MAZZARELLA CALDARELLI LLP
Signature	*(signature)*
Printed name	MICHAEL D. FABIANO
Date	2010-10-01
Reg. No.	44,575

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	*(signature)*		
Typed or printed name	FRANCINE VILLETA	Date	2010-10-01

This collection of information is required by 37 CFR 1.5. 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 1.11 and1.14. This collection is estimated to 2 hours 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.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket No. 1004293.005US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	11/112,990	Confirmation No.:	7098
Applicant(s):	McNally, et al.	Group Art Unit:	2191
Filed:	April 22, 2005	Examiner:	Brophy, Matthew
		Customer No.:	27123

For: INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit this Information Disclosure Statement regarding litigation related to this application, per MPEP 2001.06(c).

In September 2010, a jury trial was held in the lawsuit *Ameranth, Inc. v. Menusoft Systems Corp. and Cash Register Sales & Service of Houston, Inc.*, Case No. 2:07-CV-271-CE, in the United States District Court for the Eastern District of Texas. At issue in this trial were claims of patent infringement against defendants as to claims 1 and 4 of U.S. Patent No. 6,384,850 (hereinafter "the '850 Patent"), claims 6, 9, and 10 of U.S. Patent 6,871,325 (hereinafter "the '325 Patent"), and claims 1 and 3 of U.S. Patent No. 6,982,733. Forty of the allowed forty-seven claims in these three patents were not before the Texas jury. The jury returned a verdict on September 20, 2010. In their verdict, the jury found that neither defendant infringed any of the seven asserted claims, that the seven asserted claims were invalid because

Serial No. 11/112,990

Docket No. 1004293.005US

they were anticipated, and that the seven asserted claims were invalid because they were obvious. The court entered judgment upon the jury's verdict, and a copy of that judgment is submitted herewith as Exhibit 1 to the concurrently-submitted Form PTO/SB/08a. Ameranth believes that the jury's verdict was not supported by substantial evidence and Ameranth intends to seek a reversal in the trial court and/or an appeal to the Federal Circuit.

Also submitted herewith are a copy of the Plaintiff's Final Trial Exhibit List (Exhibit 2 to the concurrently-submitted Form PTO/SB/08a) and Defendants' Final Trial Exhibit List (Exhibit 3 to the concurrently-submitted Form PTO/SB/08a). The judgment and trial exhibit lists are submitted, per MPEP 2001.06(c), "to clearly inform the Office of the nature of these issues so that the Office can intelligently evaluate the need for asking for further materials in the litigation." The Examiner is invited to contact Applicants' attorney of record on this Application if the Examiner would like to request any additional materials from the Ameranth-Menusoft patent lawsuit. The items listed on Form PTO/SB/08a submitted herewith, are made of record herein, and the Examiner's attention is directed to each of the items listed on Form PTO/SB/08a.

The documents listed in the enclosed trial exhibit lists include both confidential and non-confidential documents regarding trial issues, and further include both "true evidence" and opinions such as the written opinions of expert witnesses hired by the parties in the lawsuit. Applicants believe that the references from the Ameranth-Menusoft lawsuit are either included in the extensive Information Disclosure Statements previously submitted (in regards to the Ameranth-Menusoft litigation) by Applicants, and/or are references previously identified by Examiner, and/or are cumulative of the references previously submitted by Applicants and previously identified by Examiner.

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Serial No. 11/112,990   Docket No. 1004293.005US

Further submitted herewith, as page 4 of this IDS, is a chart showing all of the independent and dependent claims of the '850 Patent, the '325 Patent, and the '733 Patent. The seven claims found to be invalid by the Texas jury are noted with check marks. As the Examiner will note, independent claim 122 in the present application is not derived from any of those seven claims. Also, all of the claims in the present application have numerous substantial claim limitations that were not present in any of the claims that were at issue before the Texas jury.

No fee is due under 37 C.F.R. § 1.17(p) for this Information Disclosure Statement, because it is being filed in compliance with 37 C.F.R. § 1.97(b)(4), before the mailing date of a first office action after the filing of an RCE under § 1.114.

Dated: October 1, 2010   Respectfully submitted,

                                           __/s/ Michael D. Fabiano_____
                                           MICHAEL D. FABIANO
                                         Registration No. 44,675
                                         MAZZARELLA ■ CALDARELLI LLP
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                                       Attorney for Applicants

Claim Chart for US Patent 6384850

Claim Chart for US Patent 6871325

Claim Chart for US Patent 6982733

✓ = Claims found invalid by Texas jury

4

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/112,990	04/22/2005	Keith R. McNally	1004293.005 US	7098

7590   12/07/2010

Mazzarella Calderelli LLP
550 West "C" Street,
Suite 700
San Diego, CA 92101

EXAMINER
BROPHY, MATTHEW J

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
12/07/2010	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.

	Application No.	Applicant(s)
Interview Summary	11/112,990	MCNALLY ET AL.
	Examiner	**Art Unit**	
	MATTHEW J. BROPHY	2191	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MATTHEW J. BROPHY*.   (3)*KEITH MCNALLY*.

(2) *WEI ZHEN, GAIL HAYES*.   (4)*MICHAEL FABIANO*.

   Date of Interview: *11/16/2010*.

   Type: a)☒ Telephonic   b)☐ Video Conference
           c)☐ Personal [copy given to: 1)☐ applicant   2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes   e)☐ No.
     If Yes, brief description: _____.

Claim(s) discussed: *103-127*.

Identification of prior art discussed: *Micros 8700, Kanevsky (USPN 6,300,947), Chase Jr. (USPN 5,974,238)*.

Agreement with respect to the claims f)☐ was reached.   g)☒ was not reached.   h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *See Continuation Sheet*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Wei Y Zhen/
Supervisory Patent Examiner, Art Unit 2191

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

_____

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
–   Application Number (Series Code and Serial Number)
–   Name of applicant
–   Name of examiner
–   Date of interview
–   Type of interview (telephonic, video-conference, or personal)
–   Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
–   An indication whether or not an exhibit was shown or a demonstration conducted
–   An identification of the specific prior art discussed
–   An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
–   The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.
Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

 The applicant, applicant's representative and office personnel discussed the secondary considerations presented in the applicant's 1.132 declarations. The applicant clarified that they are making arguments concerning both "long felt need" and "commerical success" as evidence of non-obviousness. The applicant particularly pointed to the food.com email discussing licensing of applicant's technology. The office personell expressed concern that the showings of secondary considerations were not comiserate with the scope of the claims as presently amended.

The Applicant agreed to submit additional evidence addressing the particular claim limitaitons currently before the office within four weeks of the interview.

The examiner agreed to address the secondary considerations on the record in the next office action.

The applicant also agreed to point out in their response what subject matter, if anything, is not entitled to the priority date of the parent application because of the contiunation-in-part status of the application.

The examiner also expressed concern that the newly amended dependent claims were improper multiple dependent claims, which the applicant agreed to address in his next submission.

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Docket No. 1004293.005US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:   11/112,990

Confirmation No.:   7098

Applicant(s):   McNally, et al.

Group Art Unit: 2191

Filed: April 22, 2005

Examiner: Brophy, Matthew

For: INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS

SUPPLEMENTAL RESPONSE AND AMENDMENT OF CLAIMS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants sincerely thank the Examiner, and also Wei Zhen and Gail Hayes of the

USPTO, for the very productive interview on November 16, 2010. This Supplemental Response

and Amendment of Claims responds to the discussion of that interview, as summarized in the

Interview Summary of December 7, 2010.

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2

of this paper; and

Remarks begin on page 12 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the

application. By the present amendment, Claims 109-114 are cancelled. Claims 103-108, 115-

122, 124-125 and 127 are amended. Claims 103-108 and 115-127 are now pending in the application. No new matter has been added by the present amendment.

1-102. (Cancelled).

103. (Currently Amended) An information management and real time synchronous communications system for configuring and transmitting hospitality menus comprising:

a. a central processing unit,

b. a data storage device connected to said central processing unit,

c. an operating system including a first graphical user interface,

d. a master menu including at least menu categories, menu items and modifiers, wherein said master menu is capable of being stored on said data storage device pursuant to a master menu file structure and said master menu is capable of being configured for display to facilitate user operations in at least one window of said first graphical user interface as cascaded sets of linked graphical user interface screens, and

e. menu configuration software enabled to generate a programmed handheld menu configuration from said master menu for wireless transmission to and programmed for display on a wireless handheld computing device, said programmed handheld menu configuration comprising at least menu categories, menu items and modifiers and wherein the menu configuration software is enabled to generate said programmed handheld menu configuration by utilizing parameters from the master menu file structure defining at least the menu categories, menu items and modifiers of the master menu such that at least the menu categories, menu items and modifiers comprising the programmed handheld menu configuration are synchronized in real time with analogous information comprising the master menu,

wherein the menu configuration software is further enabled to generate the programmed

handheld menu configuration in conformity with display screen parameters unique to the

wireless handheld computing device to facilitate user operations with and display of the

programmed handheld menu configuration on the display screen of a handheld graphical user

interface integral with the wireless handheld computing device, wherein said display screen

parameters comprise at least the displayable size of the handheld graphical user interface

wherein the programmed handheld menu configuration is configured by the menu configuration

software for display as programmed cascaded sets of linked graphical user interface screens

appropriate for the display screen parameters of the wireless handheld computing device,

wherein said programmed cascaded sets of linked graphical user interface screens for display of

the handheld menu configuration are configured differently from the cascaded sets of linked

graphical user interface screens for display of the master menu on said first graphical user

interface, and

wherein the system is enabled for real time synchronous communications to and from the

wireless handheld computing device utilizing the programmed handheld menu configuration

including the capability of real time synchronous transmission of the programmed handheld

menu configuration to the wireless handheld computing device and real time synchronous

transmissions of selections made from the handheld menu configuration on the wireless handheld

computing device and

wherein, the system is further enabled by a communications systemic relationship

providing a common, linked system comprising:

a) A Wireless Hub Application;

b) A Web Hub Application;

c) Linked Databases between two or more different Hospitality Applications; and

d) A Communications Setup Application.

104. (Currently Amended) The information management and synchronous

communications system in accordance with claim 103, wherein as part of the communications

systemic relationship, the system also enables the generation and transmission of:

a.) on-line reports

b.) on-line coordination. the system is further enabled by a communications systemic

relationship providing a common, linked system comprising:

a) A Wireless Hub Application;

b) A Web Hub Application;

c) Linked Databases between two or more different Hospitality Applications; and

d) A Communications Setup Application.

105. (Currently Amended) The information management and real time synchronous

communications system in accordance with claim 103, or 104, wherein the information from the

POS database is automatically imported into the system.

106. (Currently Amended) The information management and real time synchronous

communications system in accordance with any of claims 103 – 105claim 103, wherein the said

Hospitality Applications include at least

a) Frequent customer applications; and

b) Point of sale applications; and

c) Reservations applications.

107. (Currently Amended) The information management and real time synchronous communications system in accordance with ~~any of claims 103 – 105~~claim 103, wherein the said Hospitality Applications include at least

~~a) Frequent customer applications;~~

~~b) Point of sale applications; and~~

~~c)~~ Ticketing applications.

108. (Currently Amended) The information management and real time synchronous communications system in accordance with ~~any of claims 103 or 105, or 106, or 107~~claim 103, further enabled to automatically format the programmed handheld menu configuration for display as cascaded sets of linked graphical user interface screens appropriate for the display parameters of at least two different wireless handheld computing device display sizes in the same connected system.

109. (Cancelled)

110. (Cancelled)

111. (Cancelled).

112. (Cancelled)

113.(Cancelled)

114. (Cancelled)

115. (Currently Amended) The information management and real time synchronous communications system in accordance with ~~any of claims 103 – 114~~claim 103 in which the wireless handheld computing device is a smart phone.

116. (Currently Amended) The information management and real time synchronous

communications system in accordance with ~~any of claims 103–115~~claim 103, further enabled to facilitate and complete payment processing directly from the wireless handheld computing device including:

a) Billing;

b) Status; and

c) Payment Information.

117. (Currently Amended) The information management and real time synchronous communications system in accordance with ~~any of claims 103–116~~claim 103, wherein one or more of the layout, views or fonts of the programmed handheld menu configuration are created in conformity with the display screen parameters of the wireless handheld computing device and wherein the system is enabled to generate a view of the programmed handheld menu configuration for user preview from the central computing unit and which facilitates a further user manual modification prior to the transmissions of the programmed handheld menu configuration to the wireless handheld computing device.

118. (Currently Amended) An information management and real time synchronous communications system for configuring and transmitting hospitality menus comprising:

a) a central processing unit;

b) a data storage device connected to said central processing unit;

c) an operating system including a first graphical user interface, said operating system configured to interoperate with the central processing unit, the data storage device and application software;

d) a master menu including menu categories and menu items, wherein said master menu

is capable of being stored on said data storage device pursuant to a master menu file structure

and said master menu is capable of being configured for display to facilitate user operations in at

least one window of said first graphical user interface as cascaded sets of linked graphical user

interface screens; and

  e) a modifier menu capable of being stored on said data storage device, and menu

configuration software enabled to automatically generate a programmed handheld menu

configuration from said master menu for display on a wireless handheld computing device, said

programmed handheld menu configuration comprising at least menu categories, menu items and

modifiers and wherein the menu configuration software is enabled to generate said programmed

handheld menu configuration by utilizing parameters from the master menu file structure

defining at least the categories and items of the master menu and modifiers from the modifier

menu at least the menu categories, menu items and modifiers comprising the programmed

handheld menu configuration are synchronized in real time with analogous information

comprising the master and modifier menus wherein the menu configuration software is further

enabled to generate the programmed handheld menu configuration in conformity with display

screen parameters unique to the wireless handheld computing device to facilitate user operations

with and display of the programmed handheld menu configuration on the display screen of a

handheld graphical user interface integral with the wireless handheld computing device, wherein

said display screen parameters comprise at least the displayable size of the handheld graphical

user interface,

  wherein the programmed handheld menu configuration is configured by the menu

configuration software for display as cascaded sets of linked graphical user interface screens

appropriate for the display screen parameters of the wireless handheld computing device,

wherein said cascaded sets of linked graphical user interface screens for display of the

programmed handheld menu configuration are configured differently from the cascaded sets of

related graphical user interface screens for display of the master menu on said first graphical user

interface, and

wherein the system is enabled for real time synchronous communications to and from the

wireless handheld computing device utilizing the programmed handheld menu configuration

including the capability of real time synchronous transmission of at least the menu categories,

menu items and modifiers comprising the programmed handheld menu configuration to the

wireless handheld computing device and real time synchronous transmissions of selections made

from the handheld menu configuration on the wireless handheld computing device ~~and~~

~~wherein at least two different hospitality software applications are integrated between and~~

~~with one another and~~

~~wherein the system enables automatic importation of the POS database information into~~

~~the system.~~

119. The information management and real time synchronous communications system in

accordance with claim 118, further including a communications systemic relationship

comprising:

a) A Wireless Hub Application;

b) A Web Hub Application;

c) Linked Databases Between two or more different Hospitality Applications; and

d) A Communications Setup Application.

120. (Currently Amended) The information management and real time synchronous communications system in accordance with ~~claims 118 or 119, further enabled to facilitate and complete payment processing directly from the wireless handheld computing device including:~~

~~a) Billing;~~

~~b) Status; and~~

~~c) Payment Information.~~ claim 118, wherein at least two different hospitality software applications are integrated between and with one another.

121. (Currently Amended) The information management and real time synchronous communications system in accordance with ~~any of claims 118-120, in which the wireless handheld computing device is a smart phone.~~ claim 118, wherein the system enables automatic importation of the POS database information into the system.

122. (Currently Amended) An information management and real time synchronous communications system for use with wireless handheld computing devices and the internet comprising:

a) a master database connected in said system and configured to store hospitality application information pursuant to a master database file structure;

b) at least one wireless handheld computing device connected in said system and configured to display said hospitality application information;

c) at least one web server connected in said system and configured to display said hospitality application information;

d) at least one web page connected in said system and configured to display said hospitality application information; and

e) real time communications control software enabled to link and synchronize hospitality application information simultaneously between the master database, wireless handheld computing device, web server and web page,

wherein the communications control software is enabled to utilize parameters from the master database file structure to synchronize the hospitality application information in real time between the master database, at least one wireless handheld computing device, at least one web server and at least one web page such that substantially the same information comprising the hospitality application information is capable of being displayed on the wireless handheld computing device, at least one web page and other display screens of the synchronized system, such that the hospitality application information is synchronized between any connected users,

wherein the communications control software is enabled to act as a real time interface between the elements of the system and any applicable communications protocol,

wherein the communications control software is enabled to automatically and simultaneously configure the hospitality application information for display on both the wireless handheld computing device and the web page in conformity with display screen parameters unique to the wireless handheld computing device or the web page, wherein said display screen parameters comprise at least the displayable size of the handheld computing device display screen or the web page, and

wherein the system is enabled for real time synchronous transmission of the configured hospitality application information to the wireless handheld computing device, the web server and the web page and real time synchronous transmissions of inputs responding to the configured hospitality application information from the wireless handheld computing device, or the web

server or the web page ~~and~~

~~wherein the system is enable to automatically import the information from the POS (point of sale) database into the system and~~

~~wherein at least two different hospitality applications are integrated between and with one another.~~

123. The information management and real time synchronous communications system in accordance with claim 122, further including a communications systemic relationship comprising:

a) A Wireless Hub Application;

b) A Web Hub Application;

c) Linked Databases Between two or more different Hospitality Applications; and

d) A Communications Setup Application.

124. (Currently Amended) The information management and real time synchronous communications system of ~~either claim 122 or claim 123, further enabled to automatically communicate selections made from a menu on at least one web page or at least one wireless computing device and transmitted over the internet to either the master database or at least one wireless handheld computing device or at least one web page.~~ claim 122, wherein the system is enabled to automatically import the information from the POS (point of sale) database into the system.

125. (Currently Amended) The information management and real time synchronous communications system of ~~either claim 122 or claim 123, further enabled to automatically communicate selections made from a menu on at least one wireless handheld computing device~~

~~to either the master database or the web server.~~ claim 122, wherein at least two different hospitality applications are integrated between and with one another.

126. The information management and real time synchronous communications system in accordance with claim 122 , wherein the hospitality application information also includes the completion of payment processing.

127. (Currently Amended) The information management and real time synchronous communications system in accordance with ~~any of claims 122—126~~ claim 122, wherein the configured wireless handheld computing device is a smart phone.

REMARKS

Claims 1-102 were canceled without prejudice or disclaimer by previous amendments. Claims 109-114 are cancelled herein. Claims 103-108 and 115-127 are now pending in the present application.

SUMMARY OF MOST RECENT OFFICE ACTION

In the Office Action dated January 8, 2010, the Examiner rejected pending claims 103-110 and 115-121 under 35 U.S.C. § 103(a) as unpatentable over the Micros Systems Inc. "8700 HMS 2.10 User's Manual" (1997) ("Micros") in view of U.S. Patent No. 6,300,947 ("Kanevsky") and further in view of U.S. Patent No. 5,974,238 ("Chase"), and rejected pending claims 122-127 under 35 U.S.C. § 103(a) as unpatentable over Micros in view of U.S. Patent 5,991,739 ("Cupps") and further in view of Kanevsky and Chase. The Office Action was made final.

REQUEST FOR CONTINUED EXAMINATION AND

INFORMATION DISCLOSURE STATEMENT

On May 24, 2010, Applicants filed a Request for Continued Examination, and addressed issues raised by the Examiner in the January 2010 Office Action as well as amending the pending claims. Applicants also filed an Information Disclosure Statement on October 1, 2010.

EXAMINER INTERVIEW OF NOVEMBER 16, 2010

On November 16, 2010, a telephonic interview was held regarding this application. USPTO participants were Matthew Brophy, Wei Zhen, and Gail Hayes. Applicants' participants were inventor Keith McNally and attorney Michael Fabiano.

During the interview, the secondary considerations presented by Applicants in the submitted (but not yet considered) section 1.132 declarations were discussed. Applicants stated that the evidence presented represents both the "long felt need" and "commercial success" secondary factors as evidence of non-obviousness, and cited, among other evidence, a 1999 Food.com internal email message discussing the licensing of Applicants' technology, as well as an award presented to Ameranth by Microsoft founder Bill Gates that recognized the innovativeness of Applicants' technology. USPTO participants expressed concerns as to whether the evidence of secondary considerations had a sufficient nexus to the scope of the pending claims.

The USPTO participants requested the following items, in a supplemental response to be filed within four weeks:

(1) Additional evidence, and further clarity, regarding the scope of the evidence of secondary considerations vis-à-vis the scope of the pending claims, and the nexus between the

evidence presented and the claims in the pending application;

(2) The subject matter, if any, of the pending application that is not entitled to the priority date of the parent application that matured into U.S. Patent No. 6,384,850.

(3) Addressing whether pending dependent claims were improper multiple dependent claims.

II.   SUMMARY OF APPLICANTS' RESPONSE

Applicants respectfully submit significantly revised claims in response to the prior outstanding Office Action as well as suggestions made by the Examiners in Interviews.

In response to Examiners' concerns as to 'improper multiple dependent claims', Applicants have either deleted or amended all multiple dependent claims in question, and this issue has therefore been eliminated..

In response to the Examiners' request to identify what subject matter, if any, of the pending application that is not entitled to the priority date of the parent application (Application Serial No. 09/400,413, which matured into U.S. Patent No. 6,384,850), Applicants confirm that all pending claims are entitled to the priority date of said parent application.

Also in response to the November 16, 2010 interview, Applicants further submit concurrently with this response a supplemental section 1.132 declaration, specifically addressing the issue identified by Examiners regarding the scope of the evidence of secondary considerations vis-à-vis the scope of the pending claims, and the nexus between the evidence presented and the claims in the pending application. This supplemental section 1.132 declaration also provides substantial additional evidence of the "long felt need" and "commercial success"

secondary considerations, in addition to that previously provided in Applicants' two earlier section 1.132 declarations.

As stated in the supplemental 1.132 declaration and in section III below, applicants strongly believe that in addition to the totality of the secondary factors declaration confirming 'non obviousness' that as a minimum, the actual, contemporaneous documents from the inventive timeframe demonstrate the <u>non-obviousness</u> of the present invention vis-à-vis both the Micros and Cupps references.

Additionally, Applicants respectfully request that the Examiner consider the discussion of non-obviousness presented in the Request for Continued Examination, which further demonstrates the inapplicability of the Micros, Kanevsky, and Chase references to the pending application.

III. THE PRESENTLY SUBMITTED 1.132 SUPPLEMENTAL DECLARATIONS PROVIDE SUBSTANTIAL EVIDENCE OF SECONDARY FACTORS AND THE NEXUS OF THESE FACTORS TO THE CLAIMS OF THE PRESENT APPLICATION.

When a patent application presents evidence relating to secondary considerations, such evidence must always be considered in the determination of obviousness or non-obviousness. MPEP 2141, MPEP 2145; see also *In re Sernaker*, 702 F.2d 989, 996, 217 USPQ 1 (Fed. Cir. 1983). "Indeed, evidence of secondary considerations may often be the most probative and cogent evidence in the record. It may often establish that an invention appearing to have been obvious in light of the prior art was not." *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1538, 218 USPQ 981 (Fed. Cir. 1983). "Since at least *Graham v. John Deere Co.*, . . . the commercial success of a patented invention is clearly important. That evidence is 'secondary' in

time does not mean that it is secondary in importance." *Truswal Systems Corp. v. Hydro-Air Engineering Inc.*, 813 F.2d 1207, 1212, 2 USPQ 2d 1034 (Fed. Cir. 1987).

As an initial matter, Applicants request that, in addition to the evidence and discussion submitted concurrently with this Supplemental Response, the Examiner carefully review and consider both the May 12, 2010 Supplemental Declaration of Keith R. McNally and the Supplemental Declaration of Mr. McNally dated Aug 19, 2009, which also provide substantial evidence of non-obviousness. The following paragraphs briefly summarize the evidence of the prior 1.132 declarations.

The technology of the present application was first introduced by Ameranth at the Food Service Technology Show in November 1998. Supplemental Declaration of Keith R. McNally, dated May 12, 2010 ("May 2010 Supp. Dec."), ¶ 2. The complete working prototype of the present invention was demonstrated at that November 1998 show. Supplemental Declaration of Keith R. McNally, dated August 19, 2009 ("2009 Supp. Dec."), ¶ 4. "Real time communication", an essential element of the claimed invention, was central to the inventive concept and shown in brochures distributed at both the November 1998 show and at the May 1999 National Restaurant Show. 2009 Supp. Dec. ¶ 4-5.

Symbol Technologies, a leader in mobile handheld devices, recognized the uniqueness of Ameranth's invention and accordingly partnered with Ameranth starting in December 1998, with a strategic alliance agreement being signed in February 1999. 2009 Supp. Dec. ¶ 6-7.

Comtec Information Systems, recognizing the value and uniqueness of the present invention, formed a strategic relationship with Ameranth incorporating this technology in May 1999. 2009 Supp. Dec. ¶ 8. Similarly, Aloha POS and Systems Concept Inc., after seeing this

technology at the May 1999 NRA show, subsequently partnered with Ameranth. 2009 Supp.

Dec. ¶ 9-10.

Food.com, an online food ordering business founded by Bryan Cupps and Tim Glass, the

inventors of U.S. Patent 5,991,739, saw a demonstration of Ameranth's technology at the May

1999 NRA show, and recognized it as unique, inventive, and distinct from that of the Cupps

patent (cited by the Examiner in the most recent Office Action), leading Food.com to sign a

strategic agreement with Ameranth shortly after the May 1999 NRA show. 2009 Supp. Dec. ¶

11.

Commercial success and industry recognition for the technology of the present invention

continued on well after the 1998-1999 "early adopters". Red Lobster restaurants deployed this

technology, as did Seasons 52 restaurants. May 2010 Supp. Dec. ¶ 5-6. Darden Restaurants,

Inc., the operator of Red Lobster and Seasons 52, issued a press release touting Ameranth as its

Wireless Strategic Partner. May 2010 Supp. Dec. ¶ 14; see also ¶ 16-17. Aloha POS, one of the

world's largest point-of-sale systems, continued to use this technology.   May 2010 Supp. Dec. ¶

7. Symbol Technologies, in an October 2003 press release, highlighted the commercial

successes of Ameranth's deployments of this technology, including the Medieval Times

restaurants, an NBA-themed restaurant, numerous NBA arenas including Madison Square

Garden, and other sports venues including the Green Bay Packers' Lambeau Field. May 2010

Supp. Dec. ¶ 15, 19. Holiday Inn Hotels adopted the present invention's technology and praised

it as "the first time technology like this is being used to increase a hotel's productivity." May

2010 Supp. Dec. ¶ 18, 20-21. The Cheesecake Factory restaurant chain also adopted Ameranth's

technology for its restaurants and praised Ameranth for it. May 2010 Supp. Dec. ¶ 22.

As further shown in these prior declarations, leading technology companies including Microsoft and Symbol Technologies made strategic, multi-million dollar investments into Ameranth, further confirming the tremendous value and uniqueness of Ameranth's technology, as are the partnerships and/or licenses with industry leaders including Food.com, Holiday Inn, Darden Restaurants, Radiant/Aloha and many others.

Then, Ameranth won additional industry recognition for the technology claimed herein. Ameranth won three major, best product/technology awards for its 21St Century Restaurant System (a product marketing name surrounding the core inventive concepts of the present application and claims), one award of which was personally nominated by Bill Gates, Chairman of Microsoft. Further, Ameranth was universally recognized as the leading hospitality wireless systems integrator by the most prestigious and respected press and written publications - including both national publications (USA Today, Wall Street Journal, Time Magazine, The New York Times, The Chicago Sun Times and more) and the leading Hospitality Market Publications (including Nations Restaurant News, Hospitality Technology, Franchise Times, and Hotel Business).

Another, presently-submitted, section 1.132 declaration of Keith R. McNally includes 13 additional exhibits, showing that Food.com did not have the requisite solution to its ordering-system problems prior to partnering with Ameranth (Exh 1); extensively proving that the Ameranth products in question are indeed the subject of the claims herein (Exhs 2-12); and showing praise from a noted technology author, describing Ameranth's technology (claimed in this application) as "exceptionally innovative" and "market transforming".

Finally, the concurrently-filed section 1.132 "Nexus" Declaration of Keith R. McNally (Nexus Decl.), and the "Overview Summary" attached thereto, identify additional evidence and set forth, in great detail, the nexus between the evidence submitted and the claims pending in this application, as summarized below.

A.   Long-Felt Need

As discussed in MPEP section 716.04, long-felt need can be established through evidence (1) that a problem existed in the art for a long period of time without solution; (2) that the long-felt need was not satisfied by another before the invention by applicant; and (3) that the invention in fact satisfies the long-felt need.

The concurrently-filed section 1.132 "Nexus" Declaration of Keith R. McNally (Nexus Decl.) identifies the long felt need, recognized by Food.com and its predecessor company (¶¶ 3-5) that was not satisfied prior to Ameranth's invention, and the fact that Food.com entered into a licensing agreement with Ameranth, and that Micros sought an exclusive licensing agreement with Ameranth for the same technology, confirms that this long-felt need was satisfied by Ameranth's technology. (¶¶ 6-9)

B.   Commercial Success

Commercial success commensurate in scope with the claims is addressed in MPEP section 716.03 et seq. Commercial success attributable to claimed features of the invention satisfies the requirement, as noted in MPEP 716.03(a).

The Nexus Declaration identifies the relevant commercial success, in ¶¶ 10-13; this commercial success is also discussed in the 1.132 declaration submitted by Mr. McNally in May 2010. The "menu wizard" and "communications wizard" that is at the heart of the Ameranth

software sought by Food.com and Micros, and utilized by the companies named in ¶ 11 of the Dec. 2010 McNally Declaration, are claimed in the independent and dependent claims of the present application, as illustrated in the "Overview Summary" submitted with Mr. McNally's declaration (see, particularly, pages 2 and 3 of the Overview Summary).

C.　　Nexus between secondary factors evidence and the pending claims

The "Overview Summary" correlates the substantial, indeed overwhelming, evidence of secondary factors that Applicants have submitted with the claims pending in the application.

As noted above, the critical features identified by Ameranth licensees and business partners, and in the awards and recognition received by Ameranth for this technology, are claimed in independent claims 103, 118, and 122, as well as their dependent claims. The nexus between this evidence and the pending claims is painstakingly set forth in the "Overview Summary" attached to the Dec. 2010 Nexus declaration submitted herewith.

IV.　　THERE ARE NO MULTIPLE-DEPENDENT CLAIMS PENDING.

During the November 16, 2010 interview, Examiner Brophy expressed a concern that multiple-dependent claims that were then pending may have been improperly dependent. In response to those concerns, Applicants have either deleted or amended all multiple dependent claims in question. There are no multiple-dependent claims pending, so this issue has been eliminated.

V.　　ALL PENDING CLAIMS ARE ENTITLED TO THE PRIORITY DATE OF THE PARENT, APPLICATION SERIAL NO. 09/400,413.

Examiner Brophy requested during the November 16, 2010 interview that Applicants identify what subject matter, if any, of the pending application is not entitled to the priority date

of the parent application. As the Examiner is aware, the pending application is a continuation of

Application Serial No. 10/016,517, filed on November 1, 2001 (which matured into U.S. Patent

No. 6,982,733), which was a continuation-in-part of Application Serial No. 09/400,413, filed on

September 21, 1999 (which matured into U.S. Patent No. 6,384,850). Applicants hereby confirm

that all currently-pending claims in this application are entitled to the priority date of the parent.

CONCLUSION

Based on the foregoing remarks and amendments, Applicants respectfully request

reconsideration and withdrawal of the pending rejections, and allowance of this application. The

Applicants respectfully submit that claims 103-108 and 115-127 are patentable and in condition

for allowance. An early action passing this case to issue is therefore respectfully requested.

Favorable and prompt consideration is requested.

Dated: December 14, 2010   Respectfully submitted,

_/s/ Michael D. Fabiano_____
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Attorney for Applicants

Docket No. 1004293.005US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	11/112,990	Confirmation No.:	7098
Applicant(s):	McNally, et al.	Group Art Unit:	2191
Filed:	April 22, 2005	Examiner:	Brophy, Matthew

For: INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS

SUPPLEMENTAL 'NEXUS' DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, the undersigned, Keith R. McNally, declare and state that:

1.   I am an inventor of the subject matter claimed in the above-identified patent application. I have first-hand knowledge as to all of the facts, all of the referenced Exhibits and all of the information contained herein.

2.   I make this supplemental declaration providing additional evidence of 'secondary factors' by correlating and synchronizing all of the previously provided documents and evidence to support the **Nexus** confirming 'non-obviousness' - in response to the November 16, 2010 Interview.

3.   There was clearly a **long felt and growing need** - which Ameranth's invention uniquely solved in September 1998 – (as was disclosed in the September 21, 1999 filing of the original patent application) - which this application claims priority to. This

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unsolved need dates back to <u>at least</u> 1995, (with the founding of the Cybermeals company), (which later became Food.com in early 1999) and which was co-founded by Bryan Cupps- (the 'Cupps' of one of the prior art patents asserted against the 11/112,990 application). In fact, 'Cybermeals' was formed with the expressed mission to meet online ordering needs for restaurants, yet after almost four years and $100M of investments, it had <u>failed</u> to effectively do so and <u>admitted</u> that it <u>needed</u> Ameranth's 'menu and communications wizard' invention and it licensed Ameranth's technology for both web and wireless ordering – (to include smart phones). (Note, this summary in Exhibit #23 of the original 1.132 declaration from September 1999 - Titled: <u>Food.com and Ameranth Technology Link Up</u> – confirmed the wireless device/smart phone aspect of the relationship - "Ameranth, a leader in wireless technology will also work closely with its strategic partners, Symbol Technologies and Food.com to enable the Food.com site to receive orders wirelessly from the emerging generation of <u>wirelessly enabled smart devices</u>."

4.   It is difficult (in considering 'obviousness' now) vs. back in 1998 (looking backward in time) - (from a **2010** technology interconnected, 'always on', ubiquitous communications world perspective) to appreciate that things that might **'appear'** obvious <u>now</u> were <u>not so at all</u> in the mid to late 1990s. Microsoft – (the worlds largest software company) - (with almost all of the Hospitality POS and related software application systems riding on/leveraging <u>their</u> core software products – (one way or another) and who had introduced their new 'Windows CE' mobile products also had <u>not met</u> the need. Micros, (the world's largest POS company) - (then and now) was <u>also</u> entirely incapable in 1998/1999 of meeting this need without the technology invented by Ameranth that enables the interfacing and synchronizing of complex and GUI intensive POS and other hospitality based systems

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with the internet, with web pages and/or with the modern 'PDA type' wireless devices and smart phones - that were to ride on the internet links.

5.   Thus at the inventive date timeframe of the Fall of 1998, if the invention were truly 'obvious' then, certainly if there were three companies in the world that should have been able to solve/invent the unique 'menu wizard' and 'communications wizard' invention - it would have been one or more of these three companies. These companies were all 'software' companies, market leaders, they were clearly operating in the hospitality space and unarguably they had almost unlimited resources, (with Food.com with ~$100M - the smallest company of the three). Yet, what actually happened in 1998/1999? They all failed to invent what I and my co-inventors did invent and all three companies independently concluded that they needed Ameranth's 'menu wizard' and 'communications wizard' inventive technology and Micros and Food.com sought to gain exclusive rights to it and Microsoft took it to an even higher confirmation level and not only partnered with Ameranth, but made a multi million dollar strategic investment into Ameranth - its **only such investment in this space in the world**.

6.   Further, Microsoft itself confirmed, (the same month Ameranth submitted its parent `850 patent application to the USPTO that Ameranth's invention) met a 'long felt need' in their Fall 1999 Supplemental Hospitality Publication. *"The 21st Century Restaurant System is a fully integrated system that provides a long –awaited hospitality industry mobile wireless solution for traditional restaurant processes"*

7.   Not only did Food.com publicly partner with Ameranth in the summer of 1999 and announce why it needed Ameranth's invention but privately (in Exhibit #20 of the original 1.131 declaration) and (inclusive of their entire executive team,

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CEO,CFO,CTO,COO and other Senior VP's - it admitted that it needed Ameranth's 'menu wizard' and 'communications wizard' technology and identified the many advantages that Ameranth's inventive technology would provide to them, (despite their nearly five years of development effort) and them having filed for and received allowance on their Cupps patent.

8.   Further, this document confirms their already existing relationship with Micros- yet confirms their need for Ameranth to meet that unsolved need. This document and its critical importance was discussed with the Examiner and his superiors in the November 16, 2010 Interview. Further, not only did Food.com conclude that Ameranth's invention was superior to and beyond the Cupps patent, but the Patent Examiner (for Ameranth's allowed parent application), (the '850 patent) – himself, (even without access then to Exhibit #20) independently concluded that Ameranth's inventive technology was superior to the Cupps patent and granted Ameranth allowance over it for both independent and numerous dependent claims and for two subsequent patents as well.

9.   Micros also unquestionably concurred - since it had already partnered with Food.com/Cybermeals in early 1999, yet it too had failed and concluded that it needed our breakthrough 'menu generation' invention and not just in a normal licensing way – rather it sought the exclusive licensing rights to it. Obviously, if Micros had 'had' our invention then in 1999 (or any time earlier with any of its systems, and utilizing its vast resources) it would not have sought the exclusive license to our invention and offered Ameranth in May 2000 to pay $200/Handheld license fee and up to $1500/restaurant license fee for an exclusive license to our 'menu/communications wizard' invention. Thus, further, any conceptual 'combination' of Micros and/or with Cupps/Food.com having been 'obvious' - to meet our pending claims is innately confirmed false and only reflects 'hindsight conceptualization',

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since the facts of what actually happened contemporaneously are that both Micros and Food.com failed and did not have our invention, they did not know how to meet the need without Ameranth, they had failed in their collaboration and in fact, they sought the exclusive license to our invention - which thus was **not** obvious to them.

10.   While the market confirmations of the 'long felt need' from Micros/Food.com/Microsoft are compelling in and of themselves, it would be reasonable to expect additional confirmation from others in the Hospitality Industry also to confirm the demand for this 'long unmet need'. Again, what actually happened in 1998/1999 is that not only did these three industry giants recognize/confirm the breakthrough nature of Ameranth's invention, but so did virtually the entire hospitality industry, and many more companies also took or sought licenses **in 1999** to Ameranth's 21St Century Restaurant System technology (which embodied and embodies) the claimed invention. Many of these companies had been in the Hospitality Market (for a decade or more) and they too failed and needed Ameranth's invention. This rapid and additional widespread adoption further confirmed the long felt need.

11.   Additional POS and/or technology companies partnering with Ameranth in 1999 included Hospitality Solutions International, Aloha/Radiant, Infogenesis/Agilysis, Positouch, Foodtrak, Comtec, Squirrel Systems, JTECH, and Symbol. (In fact, Symbol also made a multi million dollar investment into Ameranth – just as Microsoft did.)

12.   It is also important to note/confirm that this widespread adoption and licensing of our invention and products (derived from the invention) occurred entirely independent of, any 'threats of litigation' (in fact there were **none**). The adoption occurred

solely due to the breakthrough nature of our innovative solution to the 'long felt and unsolved need'.

13.   Also, Ameranth was a small and relatively new company, had no established 'brand name', nor were these new adopters and licensees 'regular customers' of Ameranth (with some kind of dependency on Ameranth) thus their adoption of our technology is solely attributed to its innovations , breakthrough aspects and unique solution to meeting the long felt need.

14.   Further still, Ameranth received numerous technology awards for products embodying the invention (including e.g. wireless handhelds, 'non standard sized' displays, data synchronization, web interfaces etc) and the National, Regional and Hospitality press too confirmed the breakthrough nature of Ameranth's invention. These actions, these events – they happened, they are independently confirmed (with documentation in the other 1.132 declarations) and collectively they confirm that there was a 'long felt- unmet need', uniquely and only solved by Ameranth's breakthrough invention.

15.   As is thoroughly documented in my 1.131 declaration, the original core invention was invented in September 1998 and then steadily advanced and commercialized thereafter, (with its first public release in November 1998). The invention itself was originally referred to as the '**Intraset Wizard**' – (which is shown in the center of the embodying product chart - 21st Century Restaurant) – 1998. The '**menu wizard**' and '**communications wizard**' were subsets of the overall 'Intraset Wizard'. Ameranth's subsequent software products e.g. 21St Century Restaurant, Improv Comedy Ticketing and Hostalert (each inclusive of the core inventive aspects of wireless handhelds, synchronization, 'non standard sized displays', communication control software, configured

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for display etc) - (as well as others too) all innately <u>embody</u> these inventive software wizards – (that <u>themselves embody</u> and are commensurate with <u>the claims</u> of the issued patents <u>and</u> also those in the 11/112,990 pending application). As such, the related 'secondary factors' – (referring to these products) form a **Nexus** and are thus <u>non obviousness</u> confirmations of the core invention and the claims of same (which were/are embodied in those products) themselves.

16.   Again, I thank the Examiner and his supervisors for the November 16, 2010 interview.. Attached as Exhibit A is my '11/112,990 Secondary Factors -- Nexus Overview Summary' in which I am responding to the discussions/guidance from that interview to more clearly confirm the nexus of the evidence submitted with the claims of the pending application. This summary is further explained in the next paragraph.

17.   Concurrently submitted.with this 1.132 "Nexus" declaration is an additional supplemental declaration (with 13 additional exhibits) to further support the nexus of the evidence submitted with the claims of the pending application. These new documents are compelling (in and of themselves) - since they clearly show that we had added in '**patent pending**' markings to our 21St Century Restaurant product brochures (as soon as we were legally allowed to do so), subsequent to the filing of the `850 parent application. Further, we publicly issued a press release nationwide (via the AP and UPI) as well as posted it on our web site and sent out hundreds of paper copies of our patent press release in May 2002, upon the issuance of the formal parent `850 patent. In this press release I and we <u>publicly, clearly and directly explained, connected and associated</u> the 'just allowed' parent `850 patent application with the core inventive aspects of the patent and associated <u>with</u> our 21St Century Restaurant System products.

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18.   Thus, the claims of the invention were/are <u>commensurate in scope with</u> our 21ST Century Restaurant System products and the majority of the licensees and partner companies had licensed or sought to license <u>that</u> product. Our closely related products <u>also</u> encompassing the invention and commensurate with the claims of the invention e.g. Hostalert and Improv Ticketing (both <u>inclusive</u> of wireless handheld/<u>smart phone</u> interfaces) have <u>also</u> been marked with our patent numbers (as is shown in several of the #12 exhibits of the latest 1.132 declaration submission).

19.   In fact, and as yet additional evidence against 'obviousness' - each of these three products won <u>major technology awards</u> (focused on their wireless handheld/device linkages and data synchronization) from <u>independent</u> panels of <u>experts</u>- which clearly confirms their breakthrough nature and provide further confirmations that Ameranth's invention met a 'long felt need'. The press and public accolades that we also received (for these products <u>embodying</u> the invention and the claims) were simply overwhelming and are documented in the 1.132 declarations and also summarized in the attached 11/112,990 Nexus Overview Summary. The attached summary graphically links/explains the interrelationships between the previous and newly provided documents and the documents supporting the 'secondary factors' – revealing the complex 'real world' realities of what <u>actually happened</u> contemporaneously in the fast moving and dynamic period of invention, product development and partnering/licensing. The nexus of the evidence submitted with the claims of the pending application was <u>and is real; it is</u> what **actually happened** in the inventive timeframe and confirms that our invention was <u>not</u> obvious.

20.   The commercial success, and other above 'secondary factors' were/are <u>directly derived</u> from products embodying the claims of the claimed invention and which

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flow from the functions, claims and advantages disclosed and/or inherent in the specification. The Abstract and Field Of The Invention were/are:

Abstract

An information management and <u>synchronous communications system</u> and method facilitates database equilibrium and <u>synchronization</u> with wired, wireless and Web-based systems, <u>user-friendly and efficient generation of computerized menus and reservations</u> for restaurants and other applications that utilize equipment <u>with nonstandard graphical formats, display sizes</u> and/or applications for use in remote data entry, information management and communication with host computer, digital input device or remote pager via standard hardwired connection, the internet, a wireless link or the like.

FIELD OF THE INVENTION

This invention relates to an information management and synchronous communications system and method for <u>generation of computerized menus for restaurants and other applications</u> with <u>specialized display and synchronous communications</u> requirements related to, for example, the use of equipment or software <u>with non-PC-standard graphical formats, display sizes</u> and/or applications for use in remote data entry, information management and <u>synchronous communication</u> between host computer, digital input device or remote pager via standard hardwired connection, the internet, a wireless link, <u>smart phone</u> or the like.

Referring to the chart on page 3 of the attached "**Ameranth 11/112,990 '*Secondary Factors' - Nexus Overview*'**, the 'Abstract' and 'Field of Invention' above, the definition of the 'long felt need', the claims, (the interactions with Micros and Food.com - as reflected in exhibits 19/20 of the 1.131 declaration) and my public statements as to the unique aspects of the invention/patent – (upon the parent patent issuance in May 2002), the connection between the patent, the claims, the invention, the market acclaim, the 'secondary factors' and the products (derived from the invention/patent) demonstrates a nexus of <u>unified</u> success.
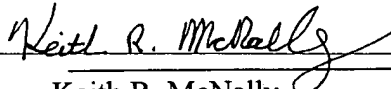
21.   In addition to all the other factors summarized above - it is <u>very compelling</u> that the **Harvard Business School** referred to Ameranth's technology as "***an exceptionally innovative approach to growth, resulting in the <u>market-transforming</u> changes we call***

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Marketbusters' and that Microsoft founder Bill Gates <u>personally</u> nominated Ameranth's products/inventions for a major technology award with the accolade that '*[Ameranth] is one of the leading pioneers of the information technology revolution for the betterment of mankind'*.

22.   I respectfully request that the Examiner consider this Supplemental Nexus Declaration (along with the attached 'Nexus Overview Summary') and the previously provided 1.131 and 1.132 declarations and evidence together,   as conclusive rebuttal evidence of nonobviousness and that the presently pending 11/112,990 claims (as amended) be allowed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: December 13, 2010

Keith R. McNally

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EXHIBIT "A"

11/112,990
'Secondary Factors"
Nexus
Overview Summary

11/112,990 'NEXUS' OVERVIEW SUMMARY

This #16 page presentation summarizes the **NEXUS** of all the compelling 'secondary factors' clearly confirming the 'non obviousness' of the Ameranth invention, by confirming that the Nexus and the invention are 'commensurate in scope with the claims' – by summarizing all of the references (from/in the five previous 1.131 or 1.132 declaration submissions) and linking/associating each of the references to/with each other (as appropriate), to the products (derived from the claims), to the specification, to the invention, to the claims, to the **'long felt need'** and to four additional secondary factors - the 'commercial success', 'praise from others', 'licensing by others' and 'failure of others' factors.

Clearly, Ameranth's invention meets the 'secondary factor' of meeting an unsolved* **'long felt need'** - and an overall NEXUS reflecting 'non obviousness exists - as reflected on the following overview chart- (which synchronizes and links all of the Nexus factors together). This overview chart is then followed by the detailed confirmations and multiple validations of the NEXUS.

The referenced exhibits are each numbered (via a code- e.g. **A-1**), with the initial code letter relating to the declaration previously submitted and then the number - reflecting the number of the exhibit within that declaration.

(A) (Jan 2009)This is the original 1.131 Declaration - explaining the invention story.
(B) (Aug 2009)This is the supplement to the original 1.131 Declaration filed subsequent to the July 2009 Interview.
(C) (Aug 2009) This is the first 1.132 Declaration filed – subsequent to the July 2009 Interview.
(D) (May 2010)This is the supplemental 1.32 Declaration filed - subsequent to the May, 2010 Interview.
(E) (Dec 2010)This is the supplemental 1.32 Declaration filed - subsequent to the November 2010 Interview.

A summary of all the exhibits in each of those declaration submissions - follows the next chart, and reflected with each exhibit is the type of 'secondary factors' associated with that exhibit, as appropriate. Note: several exhibits represent multiple 'secondary factors'. A 'timeline chart' (reflecting the chronology of the exhibits then follows), (reflecting when each exhibit occurred). That timeline chart is then followed by additional charts – (clearly reflecting each of the additional four 'secondary factors') - i.e. 'failure of others', 'commercial success', 'praise of/from others', 'licensing by others'- each linked with the appropriate exhibits.

*An additional chart confirming the 'non obviousness' of the Micros/Cupps combination is also included (at the end of the presentation) and validates the fact that Micros/Food.com, (the largest companies in the Hospitality Industry) had partnered, were working on the unsolved need, yet could not solve it themselves and sought exclusive license to Ameranths invention. {Further, the fact that not only Micros/Food.com but numerous POS companies all partnered with Ameranth in 1999, (shortly after the public availability of Ameranth's invention) further confirms that there was a **'long felt need'** to an unsolved need.

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Amaranth 11/112,990 'Secondary Factors' - Nexus Overview
(Long felt need, licensing, failure of others, praise of others, commercial success)

Nexus

Central diagram labels: 21st Century Restaurant — Menu Wizard — Intraset Wizard — Communications Wizard — Host Alert — Ticketing

(11/112,990)
Patent Claims - Elements

Information management and real time synchronous communications system for configuring and transmitting hospitality menus:

- Hospitality Applications
- Master menu
- Database
- Menu categories
- Menu items-modifiers
- Configured for display
- Graphical user interface
- Wireless transmission
- Wireless handheld computing device
- Synchronize
- Communications systemic relationship
- POS/ordering applications
- The internet
- Web server – web pages
- Communications control software
- Real-time
- Reservations, Ticketing applications

C-56 Symbol- John Harker: "They had just developed an innovative new solution- that they called their 21st Century Restaurant 'software wizard'- which had the capability to interface existing 'point of sale' (POS) systems (with their intensive graphical user interfaces and complex databases) to the mobile wireless devices that we were preparing to introduce to the market in 1999".

(11/112,990)
Long Felt Need

Page 5: Lines 11-16 'Specifically, the <u>unavailability</u> of any simple technique for creating restaurant menus and the like for use in a limited display area wireless handheld device or that is compatible with ordering over the internet has <u>prevented</u> widespread adoption of computerization in the hospitality industry. Without a viable solution for this problem, organizations have not made the efforts or investments to establish automated interfaces to allow wireless devices to move from the 'niche area' of the market to the mainstream'.

C-24: 'The 21st Century Restaurant System is a fully integrated system that provides a <u>long –awaited</u> hospitality industry mobile wireless solution for traditional restaurant processes- Microsoft Hospitality Solutions Supplement – Fall 1999
C-56 Symbol- John Harker: "<u>Without</u> this new solution, the 'barriers to entry' would have remained enormous and prohibitive to allow wireless devices to move from the 'niche area' of the market to the mainstream'

A-20 Food.com - Bob Nugent – October 1999 - **Menu Wizard**- this is a tool which digitally constructs and updates restaurant menus. **Communications Wizard-** this tool creates a standard that can be used to integrate with any POS terminal and establishes the online ordering protocol."

A-19 Micros/Amaranth- August 1999 - Ed-Rothenberg/Keith McNally – 'Attached is an example of the developer GUI for our '**Menu Wizard'** (an easy to use explorer type interface) which enables the rapid creation of operator screens for the Windows CE Ultrapad. We will provide you our '**Communications Wizard'** that resides under Windows in the back office.. That accepts incoming wireless messages and/or internet orders (i.e. Food.com) "

E-8 Amaranth – Keith McNally- May 2002 Announcement of initial patent award :" A principal element of this patent involves the methodology by which hand-held operator displays are synchronized from and with the large displays of fixed legacy computer systems. The patent covers the use of HTML,XML and similar messaging methodologies to instantly create the displays required for each restaurant/hotel or similar application. Another element of the invention, while closely related to the first, addresses the ability for web, wireless and fixed computing systems to be synchronized with each other so that an action on any of the system nodes automatically updates all the other nodes."

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Ameranth 'Secondary Factors' Exhibits

A1 Photo Taken Nov 1998 FSTEC-Product Intro 1

A2 Photo Taken Nov 1998 FSTEC- Product Intro 2

A3 Ameranth's 21st Century Restaurant System Diagram

A4 Dec 1998 Symbol Letter

A5 Jan 1999 Handwritten System Diagram

A6 PowerPoint Chart of System Diagram

A7 Feb 1999 Strategic Alliance Agreement between Ameranth & Symbol **(C)**

A8 May 1999 Press Release- Updated Ameranth's 21st Century Restaurant System including Symbol Windows CE Device

A9 May 1999 Press Release- Ameranth's 1st Hospitality POS Partner, Hospitality Systems, Inc. (HSI) **(C, L, F)**

A10 May 1999 NRN Full Page Ad of Ameranth's New System

A11 May 1999 NRA Show Ameranth's Booth Layout Drawing

A12 May 1999 Updated Ameranth 21st Century Restaurant System Diagram Intro at NRA Show

A13 Ameranth's Wireless Handheld Product Brochure

A14 May 1999 RSD Publication Article noting Ameranth's Wireless Handheld as Most Interesting **(P)**

A15 Set of Photos from May 1999 NRA Show verifying Ameranth's Participation

A16 Jul/Aug 1999 HT Magazine Article debuting Ameranth's New Products and Partnerships from May 1999 NRA Show **(P)**

A17 Jul 1999 Press Release- Strategic Partnership between Ameranth & Food.com **(P, C, F, L)**

A18 Jul 1996 Press Release- Strategic Partnership between Ameranth & Ibertech **(P, C, F, L)**

A19 Memo dated Aug 1999 from Keith McNally to Ed Rothenberg, Sr. Eng. Exec - POS Systems for Micros Systems, Inc. **(F, L)**

A20 Internal Email Memo from Bob Nugent of Food.com (orig. assignee of Cupps USP 5,991,739) dated Sept 1999 **(P, C, F, L)**

B21 Kathie Sanders' Declaration dated Aug 2009

B22 May 1999 Updated Ameranth 21st Century Restaurant System Diagram

B23 – 27 Series of Letters dated in 1999 Between Keith McNally of Ameranth and John Harker of Symbol

B28 Apr 1999 Press Release- Formal & Public Announcement of Strategic Alliance between Ameranth and Symbol Technologies **(P, C)**

B29 May 1999 Press Release- Strategic Relationship between Ameranth & Comtec Information Systems **(P, C, F, L)**

B30 Series of Photos from May 1999 NRA Show

B31 Two Photos of Ameranth's Booth at the May 1999 NRA Show

B32 Signed Jun 17, 1999 Strategic Alliance Agreement between Ameranth & Food.com (orig. assignee of Cupps USP 5,991,739) **(P, C, F, L)**

C1 Nov 1998 Diagram of Ameranth's Revolutionary "Menu Wizard" & Data Synchronization Technologies

C2 Nov 1998 System Diagram shown in Ameranth's Booth at Nov 1998 FSTEC Show

C3 Dec 1998/ Jan 1999 System Diagram reflecting Ameranth's synchronous communications inventive aspects

C4 Memo of Agreement signed Feb 3, 1999 between Ameranth & Symbol **(C)**

C5 Apr 1999 Press Release- Formally Announcing the Strategic Alliance between Ameranth & Symbol **(C)**

C6 May 1999 Press Release- Formally Announcing the Strategic Alliance between Ameranth & Comtec Information Systems **(C)**

C7 May 1999 Press Release- Formally Announcing the Strategic Alliance between Ameranth & Hospitality Systems (HSI) **(C, F, L, P)**

C8 May 1999 Press Release- Formally Announcing the intro of Symbol's New Wireless Devices as of Ameranth's 21st Century Restaurant System

C9 May 1999 Updated 21st Century Restaurant System Brochure reflecting the addition of Symbol's New Windows CE Handhelds

C10 Photo of Ameranth's Booth at the May 1999 NRA Show

C11 Set of Photos from May 1999 NRA Show

C12 Additional Set of Photos from May 1999 NRA Show

C13 May 1999 Daily Publication from May 1999 NRA Show noting Ameranth's Wireless POS systems as "really cool" **(P)**

C14 Signed Jun 17, 1999 Strategic Alliance Agreement between Ameranth & Food.com **(C, F, L, P)**

C15 Jun 1999 Press Release- Intro of Ameranth's 21st Century Hotel System at the Jun 1999 HITEC Show

C16 Jun 1999 Ameranth's 21st Century Hotel System Brochure presented at the Jun 1999 HITEC Show

P: Praise From Others   C: Commercial Success   F: Failure of Others   L: Licensing

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Amaranth 'Secondary Factors' Exhibits

C Exhibits Continued

Jul/Aug 1999 Article for Hospitality Technology Magazine featuring Amaranth's technology at the May 1999 NRA show noting Amaranth as having generated the most "buzz" from the show floor (**P**)

C17

C18 Jul 1999 Article from Hotel Business introducing Amaranth's 21st Century Restaurant Wireless Technology (**P**)

C19 Jul 1999 Food.com Press Release- Formally Announcing their Partnership with Amaranth (**C, F, L, P**)

C20 Jul 1999 Press Release- Strategic Alliance between Amaranth & Aloha POS (**C, F, L, P**)

C21 Aug 1999 Article from NRN about Food.com & Amaranth's Partnership (**P**)

C22 Aug 1999 Article from Hotel Business Magazine confirming Amaranth's launch of 21st Century Hotel System at the Jun 1999 HITEC Show (**P**)

C23 Sept 1999 Article from Quick Serve Restaurant Magazine about Amaranth & Food.com Partnership (**P**)

C24 Fall 1999 Case Study about Amaranth's 21st Century Restaurant included in the Microsoft Hospitality Solutions Supplement (**P**)

C25 Sept 1999 Press Release- Strategic Alliance between Amaranth & Infogenesis (**C, F, L, P**)

C26 Sept 1999 Press Release- Introduction of Amaranth's 21st Century Casino System at the World Gaming Congress in Las Vegas

C27 Sept 1999 Release of 21st Century Casino System Brochure

C28 Oct 1999 Press Release of Amaranth's Winning of the Prestigious "Innovation of the Year" Award at the European Hospitality Technology Show (**P, C**)

C29 Oct 1999 Press Release- Partnership between Amaranth & Systems Concept Inc. (SCi) (**P, C, F, L**)

C30 Nov 1999 Press Release- Strategic Alliance between Amaranth & Squirrel Systems (**P, C, F, L**)

C31 Nov/Dec 1999 Franchise Times Article featuring Amaranth's "new technology automates traditional processes." (**P**)

C32 Nov 1999 Article about Amaranth's Wireless 21st Century Hotel C33 Feb 2000 Letter from Marriott International expressing interest in Amaranth's 21st Century Restaurant System Technology (**P**)

C34 Apr 2000 Press Release- Deployment of Amaranth's Wireless Technology with Starwood Hotels (**C**)

C35 Apr 2000 Press Release- Deployment of Amaranth's Wireless Technology with Jamba Juice Restaurants (**P, C**)

C36 Apr 2000 Press Release- Amaranth's Wireless Technology Selected by Microsoft to represent "Service Sector Automation" (**P, C**)

C37 Spring 2000 Microsoft Case Study on Amaranth's Wireless and Internet Technology (**P, C**)

C38 May 2000 Press Release- Integration of Amaranth's 21st Century Communications Solution and Microsoft's Pocket PC (**P**)

C39 Spring/ Summer 2000 Series of Photos of Amaranth's 21st Century Restaurant Demos at Various Shows

C40-42 Documents from Micros (**C, P, F, L**)

C43 Jun 2000 Press Release- Microsoft's Strategic Investment in Amaranth (**P, C**)

C44 Jul 2000 SD Daily Transcript Article about the Founding of Amaranth (**P**)

C45 Sept 2000 Press Release- Amaranth selected for Prestigious Moby Award for its Wireless Mobile Computing Application (**P**)

C46 Nov 2000 Article from Microsoft (**P**)

C47 Nov 2000 Information Week Article about Wireless Applications , Improv Ticketing and Ameranth (**P**)

C48 Jan 2001 Press Release- Ameranth's Wireless House-keeping/ Room Inspection Product to Starwood Hotels (**P**)

C49 Apr 2001 Press Release- Ameranth's winning a Computerworld Laureate Medal (**P, C**)

C50-51 More Info regarding C49 (**P, C**)

C52 Aug 2001 Wall Street Journal Article about Ameranth's 21st Century Restaurant Wireless Innovation (**P**)

C53 Oct 2001 Time Magazine Article about Ameranth's 21st Century Restaurant (**P**)

C54 Dec 2001 Article about Ameranth Revolutionize Restaurant Operations with its Wireless Technology (**P, C**)

C55 May 2005 Memo for Record signed by John Major (**P**)

C56 Mar 2008 Memo signed by John Harker of Symbol (**P, C**)

P: Praise From Others   C: Commercial Success   F: Failure of Others   L: Licensing

Amaranth 'Secondary Factors' Exhibits

D1 2003 Microsoft Case Study of Amaranth's Success with HOSTALERT Restaurant Seating and Reservation System **(P, C)**

D2 Feb 2003 Press Release- Amaranth's Success with 21st Century Restaurant Wireless Ordering Software **(P, C)**

D3 Apr 2003 Press Release- Amaranth's Expansion of New Features in 21st Century Restaurant Wireless Ordering Software **(P, C)**

D4 2003 Award 8th Annual Microsoft RAD Technology **(P, C)**

D5 Oct 2003 Press Release- Darden Restaurants Select Amaranth as its Wireless Strategic Partner **(P, C, L)**

D6 Oct 2003 Symbol Technologies Press Release- Successes of Amaranth's Wireless Deployments **(P, C)**

D7 Dec 2003 NRN Article about Amaranth's Success with Darden **(P, C)**

D8 Dec 2003 All Business Article about Amaranth's Success with Darden **(P, C)**

D9 Feb 2004 Business Week Article about Amaranth initial Success with E-Menu Technology **(P, C, L)**

D10 May 2004 Press Release- Amaranth's 21st Century Restaurant Wireless POS software Roll-Out to Medieval Times Dinner Chain **(P, C, L)**

D11 Jun 2004 Press Release- Amaranth's Expansion of E-Menu (inclusive of Amaranth's 21st Century Restaurant technology) to Holiday Inn Hotels Properties **(P, C, L)**

D12 Summary of Amaranth's Presentation of its E-Menu Technology (inclusive of Amaranth's 21st Century Restaurant Technology) **(C)**

D13 Aug 2004 Press Release- Amaranth's Wireless Success with the Cheesecake Factory Restaurant Chains **(P, C, L)**

E1 Mar 1999 Food.com Article **(F)**

E2 HOSTALERT Brochure

E3 HOSTALERT Reservation Brochure

E4 21st Century Restaurant Brochure- 2000

E5 21st Century Restaurant Wireless Ordering Brochure- 2000

E6 21st Century Restaurant Payment Processing Brochure- 2000

E7 May 2002 Hospitality Net Article about Amaranth's Patent Award for 21st Century Restaurant **(C)**

E8 Oct 2001 Squirrel Systems Press Release- Squirrel and Amaranth's Partnership **(P, C, F, L)**

E9 Oct 2001 InfoGenesis Press Release- Announcing Partnership with Amaranth **(P, C, F, L)**

E10 Dec 2010 DC Improv Ticketing Web Page **(C,L)**

E11 Dec 2010 FunnyBone Comedy Club Ticketing Web Page **(C,L)**

E12 Dec 2010 Profitstreams Online-Reservations Web Page **(C,L)**

E13 Market Busters –Nov 2005 **(P, C)**

P: Praise From Others   C: Commercial Success   F: Failure of Others   L: Licensing

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AMERANTH 'Secondary Factors' Exhibits Timeline
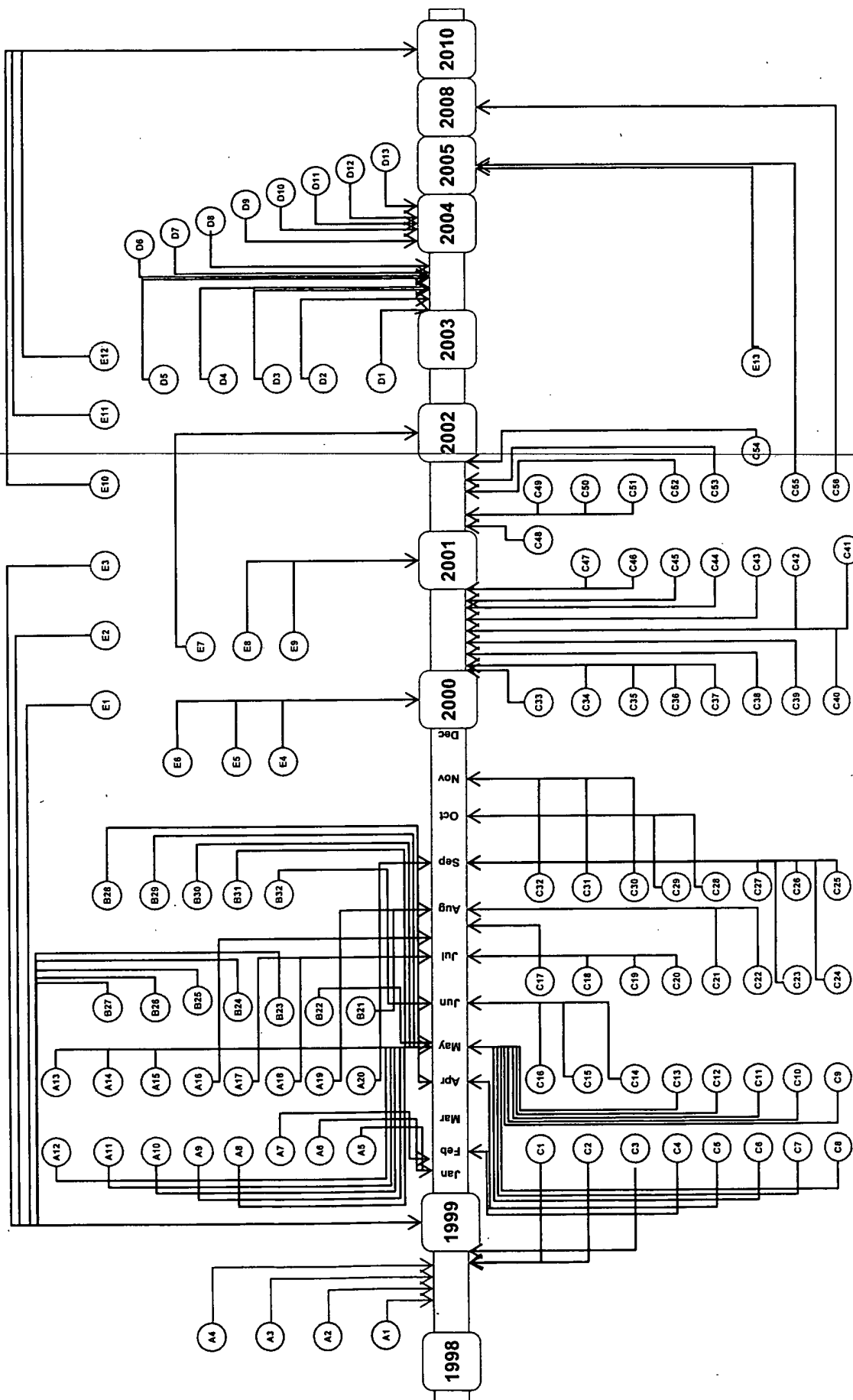
Ameranth – '21st Century Restaurant' - Evolution

1998

1999

2000+
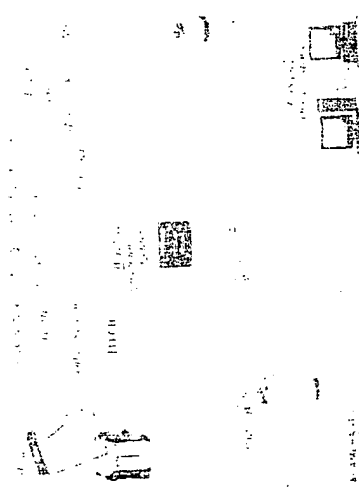
1998 (**A-3**) This is the system diagram first exhibited at the November 1998 FSTEC Show in Atlanta, Georgia. This was the first public showing of the 'menu generation' and 'system synchronization' invention- first invented in September 1998 and of which the invention story is documented in Ameranth's 1.131 declaration. Note: in the center, the '**Intraset Wizard**' (which was the core of the inventive concept and included the '**menu wizard**' and the '**communications wizard**'.)
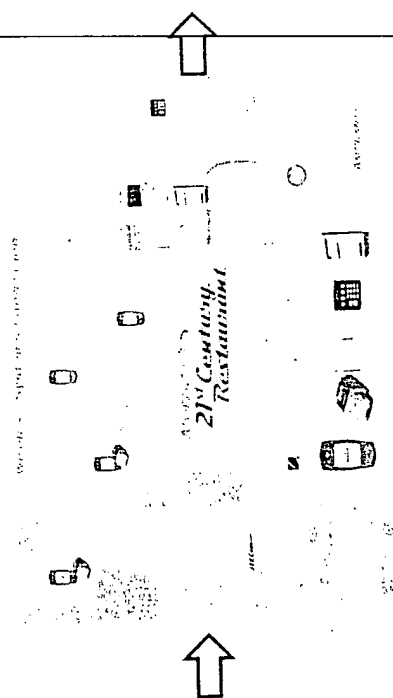
1999 (**A-12**) This is the updated diagram for the 21st Century Restaurant introduced at the May 1999 National Restaurant Show in Chicago. Note- that while the system was built on the '**Intraset Wizard**' we could not yet mark with 'patent pending' – (since the patent application was not filed until September 21, 1999.) Note: In (**A-19, A-20**) that the terms '**menu wizard**' and '**communications wizard**' were contemporaneously and directly associated with our 21st Century Restaurant system and invention.
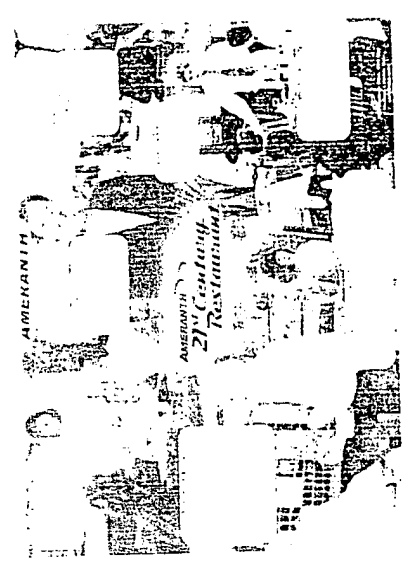
2000+ (**E-4**) This is the updated 21st Century Restaurant System Brochure – (produced subsequent to the filing of our original patent application on September 21, 1999) - and the reverse of this two sided chart clearly showed '**patent pending**' – thus undeniably associating the 21st Century Restaurant with our **only** pending patent/invention. Further, in the closely related brochures (**E-5, E-6**) we also included the '**patent pending**' markings.

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Amaranth Nexus

Praise From Others
Press/Articles/Awards

21st Century Restaurant

Menu Wizard

Intraset Wizard

Communications Wizard

Host Alert

Ticketing

D10 · D9 · D11 · D13 · D4 · D3 · D2 · D1 · E13 · D8 · D5 · C44 · C43 · C45 · C46 · D6 · B28 · A20 · A18 · B29 · C40-42 · B32 · C38 · C47 · A17 · D7 · A16 · C7 · C37 · C48 · C13 · C36 · A14 · C14 · C49 · C35 · C24 · C17 · C25 · C23 · C18 · C28 · C22 · C19 · C32 · C50-51 · C21 · C20 · C34 · E9 · C52 · C29 · C30 · C31 · C55 · C56 · E8 · C53 · C54
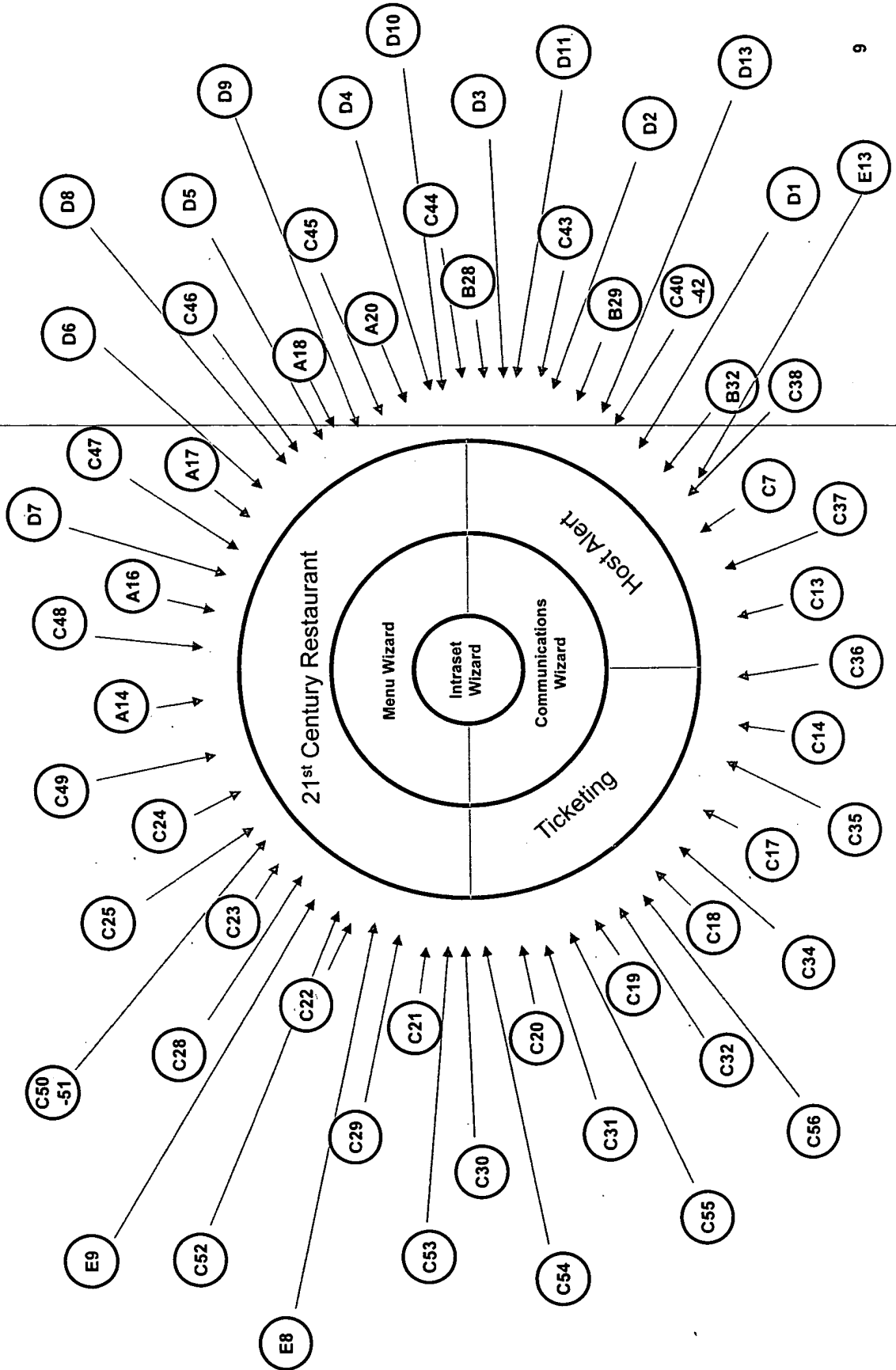
Ameranth Exemplary 'Praise From Others'

'{Ameranth} is one of the leading pioneers of the information technology revolution for the betterment of mankind" – Bill Gates- Chairman –Microsoft – Nominating Ameranth for 2001 Computerworld Award

'Ameranth's technology will help us to increase both the speed and the efficiency in transmitting orders to our partner restaurants, and will significantly decrease our margin of error' Rich Frank- CEO- Food.com

'The way that Ameranth has set out to service the individual needs of the consumer greatly impressed the judges. What Ameranth offers is a means of simplifying many routine tasks for hospitality consumers and users, and ultimately provide a superior guest service. With all these factors in mind, the judges agreed that the award for 'Innovation of the Year' belongs to Ameranth' 1999 European Hospitality Solutions Technology Show.

'As you are aware, Marriott International is very interested in your 21St Century Restaurant System technology and we believe that many of its innovative features will enhance the efficiency of our operations, increase customer satisfaction and help increase profitability in our operations'. Steve Glen- Vice President – Marriott

'Ameranth provides a total turnkey solution integrating Pocket PC's with wireless networks and linking them to PC servers and the internet. Through this integration, Ameranth's customers are reducing costs and increasing productivity for their businesses and the customers they serve'. Doug Dedo - Group Product Manager- Microsoft

'This award, from Mobile Insights honors' the best and finest implementations of mobile computing and wireless data communications' and specifically recognizes the wireless handheld computer ticket authorization and seating assignment application created for the Improv Comedy Club in Dallas'. September 2000 Moby Award Press Release

'Nominated by William H. Gates; Chairman of Microsoft Corporation in the Media, Arts & Entertainment category, Ameranth Wireless Work is now part of a collection that includes over 300 of the years most innovative applications of technology. " April 2001 Computerworld Award to Ameranth for its Improv Ticketing System.

The Wireless Waiter; A Tasty Gadget Spreads: 'Ameranth has developed wireless handheld software called 21St Century Restaurant, which allows waiters to exchange his classic pen and notepad for a wireless handheld device.

August 2001, Wall Street Journal

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Amaranth Exemplary 'Praise From Others'

Darden Selects Amaranth Wireless as its Wireless Strategic Partner: We chose Amaranth Wireless as our standard wireless integrator and we have worked very closely with them since the summer of 2000' Jim Pylant, Senior Director for Restaurant Systems- Darden Restaurants.

'The biggest advantage of using this system is the ability to streamline operations, freeing up the hostesses and servers to spend more time greeting guests, answering questions and taking care of customer needs' Alberto Accion, CFO- NBA City Restaurant- Orlando, FL

'We thought you would like to know that Amaranth Wireless is cited in Chapter 2 as pursuing an exceptionally innovative approach to growth, resulting in the market-transforming changes we call Marketbusters- - Harvard Business School Press-2005

Wireless Finds a Welcome in Hospitality: 'Keith McNally's e-menu technology is his latest bid to speed service and gain efficiencies in the restaurant and hotel industries'. 'It's not quite Star Trek' February 2004 -Business Week Online

'With the deployment of Amaranth's 21 CR system- the handheld equipped servers (Who Medieval Times affectionately refers to as 'wireless wenches') now take orders from where the customers are actually seated and instantly transmit that information to the service bar.' 'The significant revenue increases are not the only benefits.' Increased customer satisfaction is a very key element as well'. Richard Dunn- Vice President- Medieval Times

"The solution was recently installed at American Airlines Center, a new state-of-the-art sports arena in Dallas, to provide in-seat service to patrons'. 'We are also bringing wireless solutions to customers like Park City (Utah) and MGM/Mirage' added Scot Martiny , Vice President, Sales and Marketing for Infogenesis. ' 'The level of interest is very high among the cruise, casino, resort, stadium and restaurant segments of our customer base'.

'As a result of researching the right combination of hardware, wireless, software and integration solutions, I am convinced that our partnership with Amaranth Wireless, Microsoft's Pocket PC device and 802.11 wireless standards will enable us to deliver breakthrough solutions to our customers, said Barry Logan, President of Squirrel Systems.

'Amaranth's main product, 21St Century Restaurant is poised to become the industry standard for mobile wireless ordering and payment processing in restaurants'. Harvard Business School Press- 2005

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Ameranth Exemplary 'Praise From Others'

"The case study of your exceptional use of information technology- Ameranth Wireless Improv Comedy Club Solution- has been included in the Computerworld Honors Online Archive as an example of a revolutionary change you have created at the commencement of a new century' July 2001- Daniel Morrow- Executive Director Computerworld

'The 21st Century Restaurant System is a fully integrated system that provides a long –awaited hospitality industry mobile wireless solution for traditional restaurant processes- Microsoft Hospitality Solutions Supplement – Fall 1999

Brainstorm eases restaurant ordering process: 'Keith McNally had a nifty idea when he invented a way for waiters and waitresses to toss out their pads and pens in favor of handheld ordering devices. Called 21st Century Restaurant, McNally's new integrated system uses hand-held wireless ordering gadgets from Symbol Technologies that resemble Palm Pilots. December, 2001- Tech Times

'Not only did I find one in Ameranth, but they were more than I had hoped for, since they had just developed their 21st Century Restaurant 'software wizard' – John Harker- Symbol

'Hostalert was designed by Ameranth to solve these key issues by integrating and linking all aspects of restaurant communications, including on premise paging ,cell phones, Jtech Pagers, web based intranets, and LAN, and 802.11 based communications'. ' The solution supports the chains objectives of improving the overall lobby experience for guests, providing a smoother and more efficient seating process, improving the accuracy of wait times, and maximizing table use to bolster sales' Randy Babitt- IT Director Red Lobster

'When we set out to develop the Seasons 52 concept we knew that we needed to leverage the very best in technology to optimize our efficiencies and maximize customer satisfaction. We chose Ameranth Wireless as our systems integrator and we have worked very closely with them since the summer of 2000'. Blaine Sweatt- President of Darden's New Business Division

Ameranth- RAD Award- Hospitality Point of Service: A Table and guest management solution that makes use of wireless technology to improve restaurant seating utilization, Cut table turnover times and improve guest satisfaction has been honored with a R.A.D Award- May 2003- RAD Award Announcement

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Amaranth Nexus

Licensing from Others

21st Century Restaurant

Menu Wizard

Intraset Wizard

Communications Wizard

Host Alert

Ticketing

E8, E9, E10, E11, E12, A18, A19, A20, B29, B32, C7, A17, A9, D9, D10, D5, C40-42, D11, C30, D13, C29, C25, C20, C19, C14
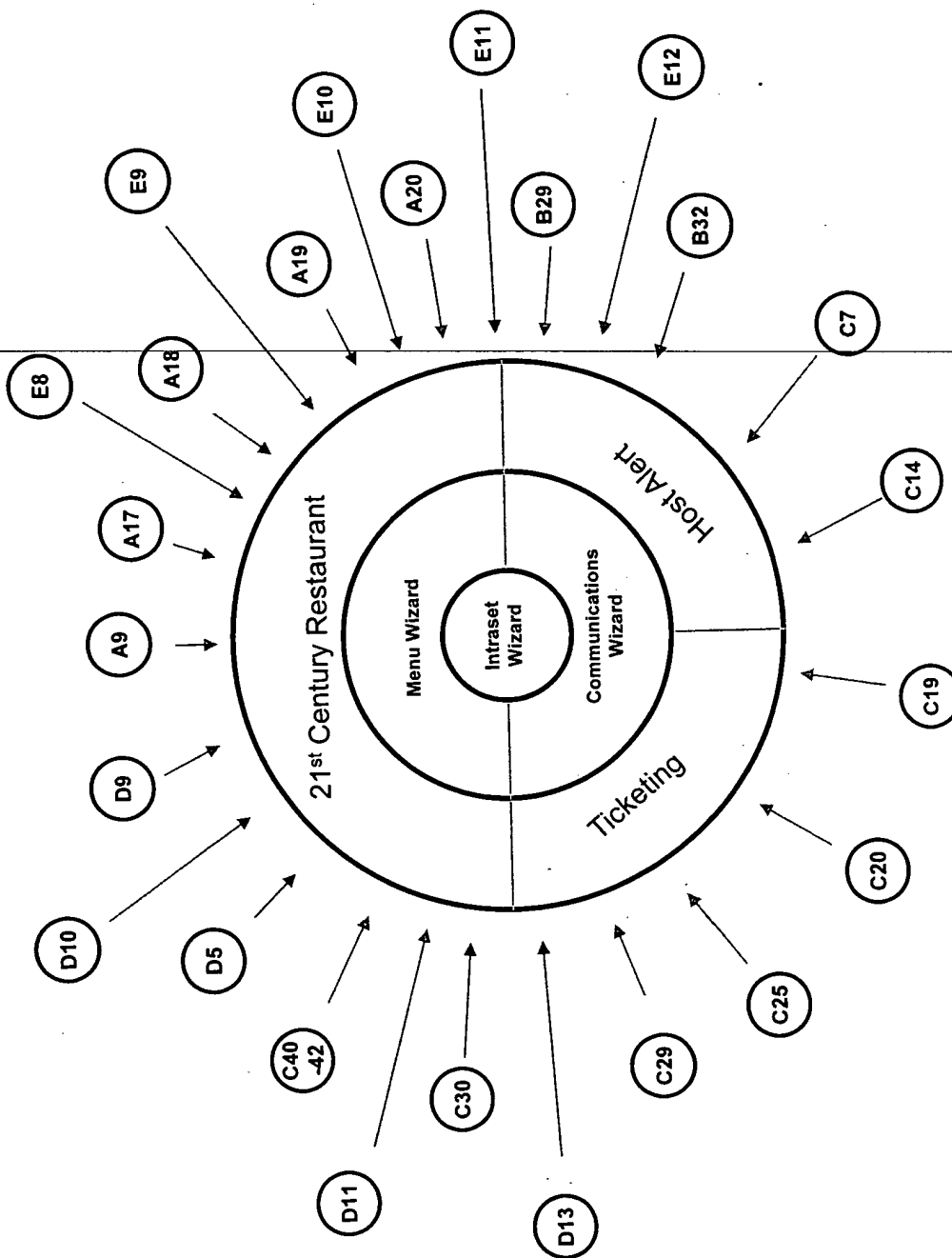
Ameranth Nexus

Commercial Success

21st Century Restaurant

Menu Wizard

Intraset Wizard

Communications Wizard

Host Alert

Ticketing
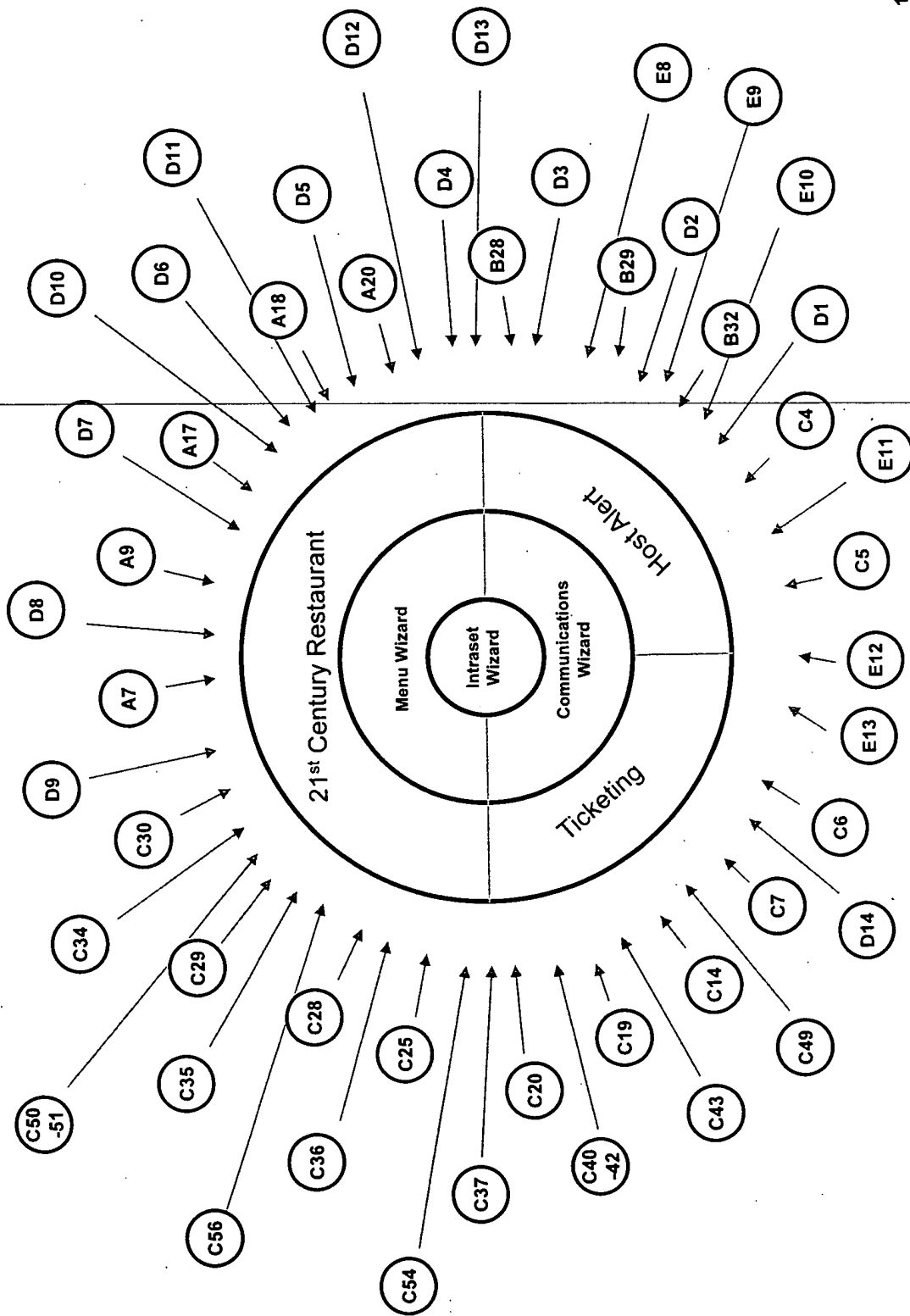
Ameranth Nexus

Failure Of Others

E1

E9

A19

A20

E8

A18

A17

B29

A9

B32

C7

21st Century Restaurant

Menu Wizard

Intraset Wizard

Communications Wizard

Host Alert

Ticketing

C25

C14

C19

C20

C29

C30

C40 -42
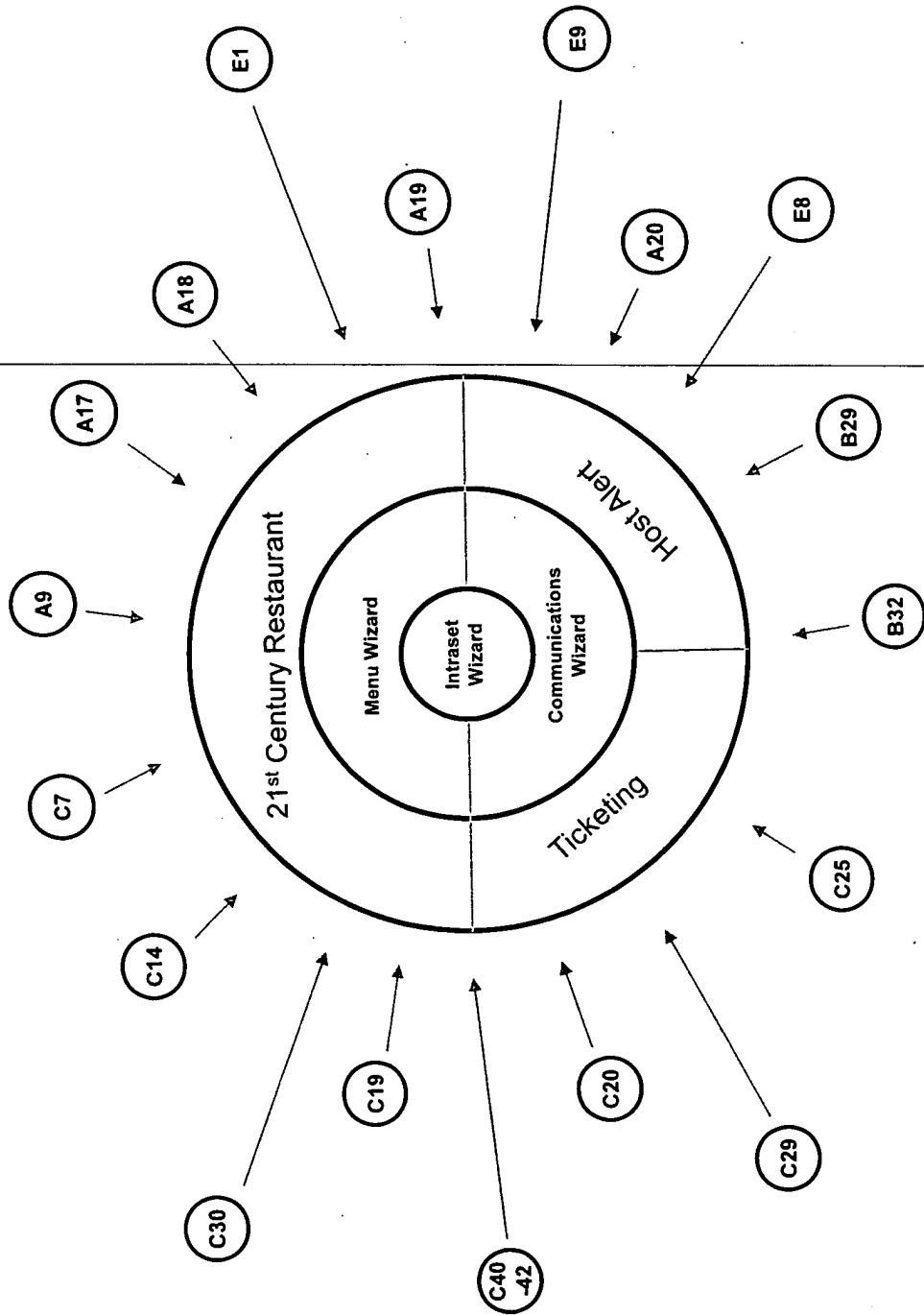
Micros/Cupps Combination to meet 11/112,990 claims was NOT 'Obvious' in 1998/1999

The last - January 2010 Office Action asserted the following: *"In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Micros with the teachings of Cupps as Micros teaches a POS database including menu information that could be combined with Cupps dynamic menu creation mechanism to allow increased functionality to the Micros system. Particularly, one of ordinary skill in the art would be motivated because: "the internet has provided consumers with a new medium for electronic commerce... internet services such as Cupps invention provides consumers with access to menus for food products that can be ordered online..."*

In fact, prima facie evidence <u>confirms</u> - that this combination to combine the teachings (conceptualized via hindsight only) did <u>not</u> <u>meet</u> the 11/112,990 inventive claims and was **<u>NOT</u>** 'obvious' at all (in 1998/1999), (since the <u>two companies</u> had partnered in early 1999 and <u>were</u> working in the area of the <u>'unsolved need'</u>), yet <u>both</u> determined they <u>needed</u> Ameranth's synchronous 'menu/communication wizard' invention and sought to secure the exclusive license to Ameranth's invention for themselves - to meet this prior <u>unsolved need</u>, (that even these two industry giants could not solve - <u>without</u> Ameranth's invention).

(E-1) This article clearly shows that Food.com (the owner of the Cupps patent) did <u>not have</u> Ameranth's 'menu wizard' invention as of March 1999 (six months <u>after</u> Ameranth's inventive priority date of September 1998) since they were still **<u>manually</u>** entering in the menu information for each restaurant and **<u>manually</u>** updating it monthly and <u>charging</u> restaurants for this manual labor.

(A-17) This Food.com press release announces the Food.com/Ameranth deal and <u>admits</u> that they needed our technology.

(A-20) This <u>internal</u> Food.com email confirms that they <u>needed</u> our 'menu wizard' and 'communications wizard', summarized the benefits of our invention to them and also refers to Ameranth to be assisting with their prior Micros relationship and other POS.

(A-19) This Keith McNally and Ed Rothenberg of Micros exchange clearly included disclosure of Ameranth's 'menu wizard' invention to Micros and also referred to the interface with Food.com problem (then also unsolved by Micros) – confirmed further in **C 40-42)** , with Rothenberg/Micros seeking the <u>exclusive</u> license to Ameranth's intellectual property .

(C-40, C41, C42) These documents clearly reflect Micros continued <u>attempt</u> to convince Ameranth to grant Micros the <u>exclusive</u> <u>license</u> to our 'intellectual property' (note: <u>only</u> the patent - that is the <u>parent</u> inventive patent to 11/112,990 was pending at this time) which <u>confirms</u> that Micros did <u>not</u> have, and needed <u>our</u> 'menu wizard' and 'communications wizard' inventions. Ameranth <u>rejected</u> their insistence to grant a single company <u>exclusivity</u> to our intellectual property, yet this still clearly represents 'licensing' confirmation. Not only does this confirm that the conceptual combination of Micros/Cupps was <u>not obvious</u>, but this also confirms that prior Micros products did <u>not have</u> our invention either, since obviously (if they <u>had</u> 'had' it), they would <u>not</u> have needed to seek an 'exclusive license' <u>to</u> **Ameranth's** 'menu wizard' and 'communications wizard' invention.

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Docket No. 1004293.005US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	11/112,990	Confirmation No.:	7098
Applicant(s):	McNally, et al.	Group Art Unit:	2191
Filed:	April 22, 2005	Examiner:	Brophy, Matthew

For: INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, the undersigned, Keith R. McNally, declare and state that:

1.   I am an inventor of the subject matter claimed in the above-identified patent application. I have first-hand knowledge as to all of the facts, all of the referenced Exhibits and all of the information contained herein.

2.   I make this supplemental declaration providing additional evidence of secondary factors (including an additional 13 exhibits to further support and confirm the nexus of the establishment of the uniqueness and breakthrough aspects of Ameranth's "menu wizard" , "communications wizard" and synchronous 21St Century Communications technology innovations) - (first introduced at the 1998 Food Service Technology show held in Atlanta, Georgia from November 14- 16, 1998 and then steadily advanced and introduced

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into the hospitality marketplace through multiple Ameranth software products built on Ameranth's inventive technology (e.g. its 21st Century Restaurant System, its Improv Comedy Ticketing System, its Hostalert and its E-menu (inclusive of Ameranth's 21st Century Restaurant System technology) thereafter - which are encompassed by the presently-amended claims of the above-identified application. The additional #12 referenced Exhibits discussed herein and attached hereto supporting this Declaration provide still further evidence of our secondary factors against obviousness – (that are related directly to and commensurate with the claims of our invention and are provided in this supplemental submission) – (as requested by the examiner in the November 16, 2010 Interview). These additional references respond to the Interview Summary Report - to more clearly establish the Nexus of the claimed invention with the overwhelming evidence of long felt need, praise from others, commercial success, licensing by others and failures of others. These new and additional exhibits further confirm the truly breakthrough aspects of Ameranth's inventive technology to meet a **long felt need** and that Ameranth's commercial success is commensurate with the scope of the claims of the pending 11/112,990 application.

3.) These additional #12 documents are extremely important and compelling, **(standing alone)** - in regards to establishing the **Nexus**, however they additionally assist with linking together and illuminating the importance and relevance of previously provided documents and exhibits. Examiner and Examiners superiors comments in the November 16, 2010 Interview were much appreciated and very helpful in my searching for and identifying these additional documents and my ability to link together and better explain/associate how these and the other documents clearly prove the 'non obviousness' of my invention, and that my invention, and the products built on the inventive technology framework and claims of

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my invention e.g. 21St Century Restaurant, Improv Ticketing and Hostalert were and are all commensurate with my pending 11/112,990 claims.

4. The widespread acclaim, collective actions and decisions made by the world's leading technology companies, hospitality focused companies, national press, regional press, hospitality press, independent and multiple technology award committees, major hospitality customers (including the world's largest Hotel and Casual Dining Restaurant Chains) and the public alike clearly and indisputably confirmed that Ameranth had unquestionably invented an entirely new and truly unique solution to a previously unmet need and for which there was a very significant unmet and growing market need.

5.) The detailed analysis and prima facie confirmation/validation of the Nexus is discussed in significantly more detail in the concurrent but separately filed summary 1.132 declaration, (specifically responding to the Examiner's guidance from the November 16, 2010 Interview and discussing these new exhibits) - as well as all previously provided exhibits and their interrelationships.

4. Supporting materials confirming the above points are attached as Exhibits 1-12 hereto and are summarized in the following paragraphs.

5. Exhibit 1 is a March 22, 1999 article 'Food.com changes its recipe' in which it is clearly confirmed that Food.com did not have our inventive idea as of this date (six months after our inventive priority date) and that they still relied on manually creating and updating the menus for each of their restaurants. This article and its importance/relevance was discussed with the examiner and his superiors during the November 16, 2010 Interview as further confirmations that Food.com did not have our inventive solution prior to Ameranth, that they had failed for years to meet the unmet

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need and their admission of and confirmation of this was confirmed in the summer of 1999, with their partnering with Ameranth to <u>license</u> our invention.

6.   Exhibit 2 is a Hostalert Product Brochure. Hostalert was our software product (built on the 'menu wizard' and 'communications wizard') - for table management, waitlists and reservations that won the RAD technology best product award (including wireless device and overall synchronization) in 2003. This product embodied the claims of the earlier and pending application, the <u>wireless handheld</u> aspect is shown on the reverse of the brochure and the original patent number is marked and also indicated on the reverse of this brochure.

7.   Exhibit 3 is an additional Hostalert Product Brochure - focused on the Reservations component and which adds the internet and web page component to Hostalert. Hostalert was our software product (including wireless devices, overall system synchronization etc) for table management, waitlists and web reservations that won the RAD technology best product award in 2003. This product embodied the claims of the earlier and pending application and the original patent number is also marked and indicated on the reverse of this brochure. Hostalert evolved into a <u>successor product</u> called 'Magellan' - which along with a patent license was deployed by Ameranth and licensed by Profitstreams Inc, (which includes wireless devices, smart phones and also embodies the claims) and still today marks and displays our patent numbers - as is confirmed in Exhibit #12).

12.   Exhibit 4 is a 2000 version of the 21St Century Restaurant System brochure- updated and produced - subsequent to our filing of the original '850 parent application on September 21, 1999. This product is built on the 'menu wizard' and

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'communications wizard' and the brochure conclusively includes the features of the specification and the overall inventive thrust of the invention and includes '**patent pending**' on the reverse, which <u>directly associated</u> this product with the claims of the then pending `850 patent, which was the <u>only</u> pending patent that we had at that time.

14.   Exhibit 5 is a 2001 version of an additional product brochure for 'wireless ordering' of the overall 21St Century Restaurant System brochure- (produced subsequent to our filing of the original `850 parent application on September 21, 1999), which also is built on the 'menu wizard' and 'communications wizard' and embodies the claims of the original and pending claims. This brochure also included '**patent pending**' on it, which <u>directly associated</u> this product with the claims of the then pending `850 patent, which was the <u>only</u> pending patent we had at that time.

15.   Exhibit 6 is a 2001 version of an additional product brochure for 'payment processing' of the overall 21St Century Restaurant System brochure- (produced subsequent to our filing of the original `850 parent application on September 21, 1999) which also is built on the 'menu wizard' and 'communications wizard'. This brochure also included '**patent pending**' on it, which <u>directly associated</u> this product with the claims of the then pending `850 patent, which was the <u>only</u> pending patent we had at that time.

16.   Exhibit 7 is an October 4, 2001 Infogenesis press release of an updated agreement between Ameranth and Infogenesis as to their licensing our 21St Century Restaurant System technology (obtained from a search subsequent to the November 16, 2010 Interview). In this press release we clearly referred to the <u>direct association</u> of the 21St Century Restaurant System and the pending `850 patent with the term 'The

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Ameranth Wireless <u>Patent Pending</u> 21ST Century Restaurant.

17.   Exhibit 8 is a Hospitality-Net article about a May 17, 2002 press release -
that Ameranth had issued to the AP and UPI press channels, (as well as posted on our
web site and widely distributed), that announced the award of our '850 patent and
<u>directly associated</u> the 21St Century Restaurant System with the <u>newly awarded patent</u>.
Further, I clearly summarized (for 'lay readers') <u>claimed elements</u> of our patent and of
our invention in this press release, clearly expressing high level summaries of several of
the important aspects of the independent claims of the invention. This <u>confirms</u> that not
only did we believe that our 21st Century Restaurant System products were linked to this
patent but also to the claims and also we communicated this publicly, (all entirely
supportive of the Nexus).

18.   Exhibit 9 is an October 21, 2001 press release (obtained from a search
subsequent to the November 16, 2010 interview), titled 'Squirrel Systems and Ameranth
Wireless announce Partnership'. This is another reference of the licensing of our 21st
Century Restaurant System inventive technology and refers to 'The Ameranth Wireless
<u>patent pending</u> 21st Century Restaurant' –further associating the product with the then
pending patent and its claims

19.   Exhibit 10 is a 'screen shot' – (obtained subsequent to the November 16,
2010 Interview) from <u>December 2010</u> of the web site of the Washington DC Improv
Comedy Club, clearly showing their licensing of our existing patents on the bottom of the
screen - with the three patent numbers marked as shown. This is the same award winning
product that won the Moby and Computerworld awards in 2000 and 2001 respectively

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(including wireless handheld components) and the Improv Comedy Ticketing System has been operational as a licensee of Ameranth for almost a decade now and it remains so today. Further, at the bottom of the screen shot, the wireless handhelds - smart phone aspect of the system embodying the claims are clearly shown.

20.   Exhibit 11 is an additional 'screen shot' – (obtained subsequent to the November 16, 2010 Interview) from December 2010)- of the web site of the Virginia Beach Funny Bones Comedy Club, clearly showing their licensing of our existing patents on the bottom of the screen – marked with the three patent numbers shown. This is the same award winning product that won the Moby and Computerworld awards in 2000 and 2001 (including wireless handheld components) respectively and the Funny Bones Comedy Ticketing System has been operational as a licensee of Ameranth for almost eight years now and it remains so today. Further, at the bottom of the screen shot, the wireless handhelds - smart phone aspect of the system embodying the claims are clearly shown

21.   Exhibit 12 is an additional 'screen shot' – (obtained subsequent to the November 16, 2010 Interview) - from December 2010 - of the web site of Profitstreams Inc- clearly showing their licensing of our existing patents on the bottom of the screen – (with the three patent numbers shown). This is a successor product to our earlier award winning Hostalert system and has been licensed for more than four years now and as is shown - the wireless device i.e.. smart phone aspect of the system is clearly indicated.

22.) Exhibit #13, is a letter from Rita Gunther McGrath (the author) of a Book, 'Marketbusters' (from the Harvard Business School Press) dated November 2005, which describes our technology as 'exceptionally innovative' and '**market- transforming**'. It

further concluded and stated that 'Amaranth's main product, 21st Century Restaurant software is poised to become the industry standard for mobile wireless ordering and payment processing'. This additional validation of the breakthrough aspects of our innovations is further confirmation of the 'non obviousness' of our inventions/patents.

22.   I respectfully request that the Examiner consider this Supplemental Declaration and the previously provided 1.131 and 1.132 submissions along with the concurrently and separately provided 'Nexus Overview Summary' -   together   - as conclusive rebuttal evidence of nonobviousness and that the presently pending claims (as amended) be allowed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: December 13, 2010   Keith R. McNally
                                                      Keith R. McNally

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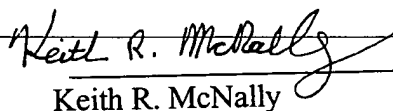
EXHIBIT 1

March 22, 1999 1:55 PM PST

Food.com changes its recipe

By Tim Clark
Staff Writer, CNET News

Food.com's new name and strategy is an attempt to jumpstart the nascent market for online takeout food, but it faces one big hurdle: the dearth of restaurant Web sites.

Food.com, formerly called Cybermeals, will now focus on specific locales rather than pursue a national strategy.

The company will season its marketing menu with an advertising campaign aimed at both the online and offline markets, backed by $25 million in new investment capital. The company's first local TV, radio, print, and billboard ads will run in Los Angeles, New York, the San Francisco Bay Area, Washington, Chicago, Seattle, Dallas, Atlanta, and Philadelphia.

"It's a local, even a neighborhood, business," said Food.com spokesman David Gilcreast.

The company says 51 percent of all restaurant meals last year were takeout or delivery, and that segment is growing far faster than other restaurant categories. Food.com and similar services are one shortcut for an eatery to gain Internet exposure, but it's not clear how many bistros are willing to pay for it.

In putting its old national strategy in cold storage, Food.com also has walked away from portal deals with Yahoo, Lycos, and Excite. But it's sticking with America Online and its local Digital Cities properties, extending its four-year, $20 million deal to six years.

"The portal deals gave us a lot of the exposure we were looking for, but they turned out not to be the best strategic business move," Gilcreast said, because the company was paying to reach many users in areas where local delivery wasn't available. "We started to realize it was much more a local and targeted play," he added, noting that Amazon.com and CDNow can play nationally because of what they sell.

The market is young, so it's not clear whether a local approach is best, said Ken Cassar, analyst with Jupiter Communications. "The big question in this space is whether the ultimate winner is going to be a big national player with a national infrastructure and

local sales force, or a number of local companies spearheaded by content players like newspapers," Cassar said.

Other potential rivals include telephone companies whose sales forces already sell Yellow Page ads.

Food.com will also target on college students and office workers, in part because of the large percentage of businesses and campuses that have Internet connections.

"For businesses, the average order is larger than a home order," Gilcreast said, while college students have a higher propensity to use online ordering services, as evidenced by the clusters of restaurants around many college campuses.

The name change, which followed research that found Cybermeals wasn't an appetizing name to consumers, also positions the company to move into other areas.

"Food.com is a name we can grow into," Gilcreast said, signaling the company's interest in moving beyond takeout and delivery to become "an affinity portal for food." Potential add-ons to Food.com's menu: Wine, coffee, specialty foods, and the ability to order food for someone in another town.

"In the short term, they would be wise to stay focused on meal delivery before getting into groceries or anything else like that," said Cassar.

Food.com already faces some local competition: Dine One One in San Francisco and NY Delivery in New York City.

Success depends on how many restaurants participate, Cassar said. Although Food.com has 11,000 restaurants online, users are mostly looking for pizza or pasta delivery to their address.

Food.com charges restaurants a $400 set-up fee to put a menu online, with a $50 a month maintenance fee for updating and local marketing. The service also collects 5 percent of each order, but Gilcreast said the average order size through the site is 30 percent larger than phone orders. Next quarter Food.com will begin selling ads and sponsorships on its site.

Participating in Food.com's latest round of funding were Tribune Ventures, the investment arm of the Chicago Tribune, and Accel Partners. The company has content deals with Washington Post, Chicago Tribune, Los Angeles Times and Orlando Sentinel.

EXHIBIT 2

HOSTALERT™

HostAlert™ the Microsoft RAD

award-winning restaurant waitlist

and table management system

improves the efficiency of your

establishment's operations to grow

your revenue opportunities and

enhance your guests' experience.

Developed with strategic

partner JTech

Communications,

HostAlert™ integrates

a touch screen PC at

the host stand with

wireless handhelds and

guest and staff pagers to

provide comprehensive waitlist

management, table management,

and seamless wireless

communication to both your

staff and guests.
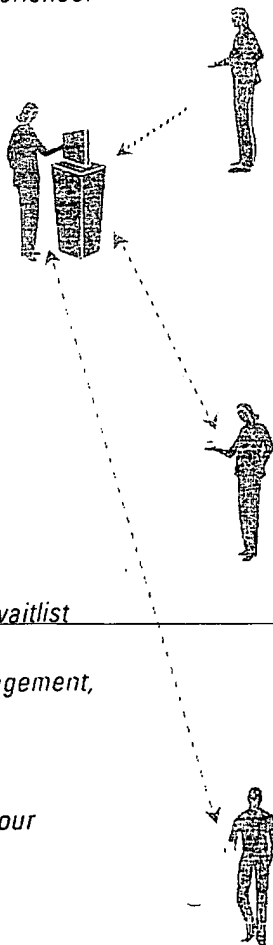
Waitlist Management and Wait Time Quoting

HostAlert's™ automated waitlist increases table turns and decreases wait time. Walk-ups, call-aheads and reservations are seamlessly integrated into a single list. When a table becomes available the system automatically searches the waitlist for the party best matched to that table, for ultimate seating maximization. The system calculates, in real-time, accurately estimated table wait times based on historical seating trends and current customer flow.

Table Management

HostAlert™ maximizes revenue and provides timely seating operations by keeping hosts and staff informed of real-time table status. HostAlert™ optimizes server and station rotation for balanced seating flows and even work loads. Efficient table management means an increased number of covers, reduced guest wait times and an overall enhanced dining experience.

Staff and Guest Communication

HostAlert™ streamlines in-restaurant staff and guest communication for more efficient operations and speedier service. Through the host station, handhelds and pagers, instant text messages are sent to any staff member from anywhere in the restaurant. As a table becomes available, guests are notified immediately via pagers, filling empty seats faster.

AMERANTH   **JTECH**

Touch screen interface ensures quick and simple management

Guest waitlist manages party details and wait time calculations

Table view shows real-time seating capacity and table status

Key Features

Table Management

- Graphical table management
- Waitlist management
- Accurate wait quoting
- Call-ahead waitlisting
- Server/Station rotation
- Remote table updating
- Line busting
- Staff communication
- Guest pager notification
- Seating / cover optimization
- Table inventory management

Reports

- Walk in Summary
- Daily Snapshot
- Waitlist Detail
- Seating Utilization
- Trend Statistics
- Server Turn Times
- Staff Assignments

Key Benefits

Table Management

- Self-adjusted, accurate wait times
- Filter, view and reserve table inventory by room (ex. main, patio, bar)
- Filter, view and reserve table inventory by preference (ex. booth, window, non-smoking)
- Optimal table matching for seat utilization
- Balanced work load for servers
- Smoother order flow to kitchen
- Reduced host stand congestion
- Staff reduction/reduced overhead costs
- Cut down on vacant table time and increases table turns
- Quick/simple operations
- Instant communication between staff and guests

Reports

- Make real time operational decisions
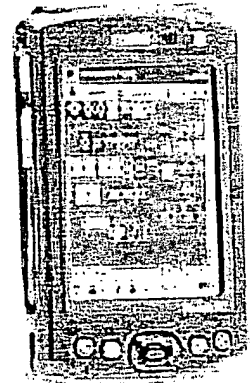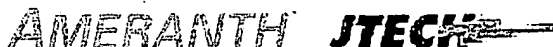
Wireless handhelds for mobile integration to HostAlert™ system

EXHIBIT 3

HostAlert™
Reservations

HostAlert™ Reservations is your complete in-restaurant reservations and guest relations management solution. The system efficiently accepts and seamlessly integrates reservations from all Internet, call-center and in-house sources - including your own web site - into your establishment's HostAlert™ system. All this, while building and populating your wholly owned guest database.

Through Ameranth's on-line reservation services, automated e-mail and real-time confirmations are among the tools provided to enhance your guests' dining experience and make sure they return again and again.
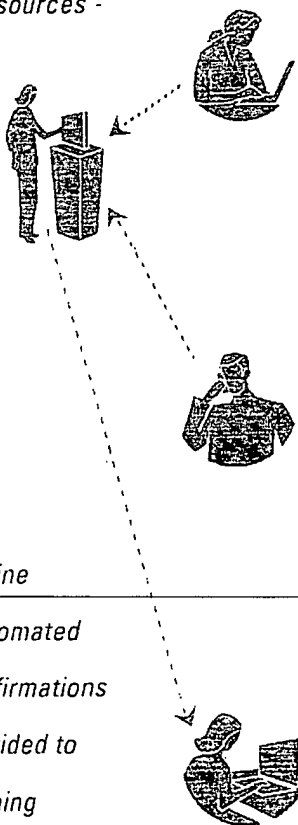
Reservations Management

With HostAlert™ Reservations, all guest information, regardless of source, is gathered, integrated, organized and automatically transmitted to the restaurant's HostAlert™ system. The dynamic booking grid encompasses all Internet, call-center and in-house reservations to automatically reflect up-to-the-minute information on table availability

Integration with On-line Reservations and Confirmation

Ameranth technology enables seamless integration to Ameranth's on-line reservations service. Guests are able to search for actual table availability 24/7, without ever leaving your website. An embedded form allows diners to search based on date, time and party size. Guests are able to request and receive an automatically generated confirmation number and personalized e-mail with pertinent restaurant information.

Customer Relations Management

With HostAlert™ Reservations, your establishment alone owns both your system and your guest database, ensuring that you control all guest relations. You are positioned to build brand recognition and market presence and to create powerful marketing campaigns. Data such as latest visit, total cancellations/no shows, and total visits as well as more personalized information such as favorite wines, important dates and children's names can be maintained for your future use.

AMERANTH   JTECH

Color coded for blocked, booked and confirmed tables

Time slot drop down menu for quick availability search

Embedded reservation form

Key Features

Reservations

- In-restaurant
- Call-aheads
- Web integration*
- Overbooking
- Integration with walk in waitlist

Customer Relation Management

- E-mail confirmations
- E-mail marketing integration

Reports

- Reservations Listing
- Reservations Summary
- Concierge Referral Tracking
- Guest Demographics
- Real-time Operational Decision Reporting
- Plus, many, many more

Key Benefits

Reservations

- Permanent system ownership
- Traffic localized to your site from your own web site*
- No per reservation fee*
- Dynamic grid books reservation at any time.
- Time slots expand and contract for different turn times
- Automatic adjusting seating capacity

Customer Relationship Management

- Customer database ownership
- Create personalized email marketing campaigns
- Know guests and visit details

Ameranth Internet Reservations required

EXHIBIT 4

AMERANTH

AMERANTH
21st Century
Restaurant

Table Management
- Hostess Wait List
- Pager Notification
- Wireless Bussing Reports
- Reservations
- Back Office Statistics

Valet Parking
- Remote input of Frequent Dining and car information
- Auto-request car

Payment Processing
- Cash or Credit payment capabilities
- Optional mobile receipt printing
- Credit Cards never leave customer's sight
- Wireless verification
- Dynamic print routing

Manager Functions
- Void Items
- Comps
- Daily Reports
- Instant Communications
- Real-Time wait staff performance statistics

21st Century Communications Controller
- Facilitates communication between handhelds and POS terminals
- Systems Overview
- Troubleshooting Help Features
- Capable of multiple remote users logged in

Frequent Customer
- Customer Recognition
- Favorite Items
- Special Dates
- E-mail Announcements
- Customer Statistics

Wireless Ordering
- Access to full menu
- Log in-out security
- User Interface resembling POS system
- Pivot Seating
- Table Numbers or Tabs by Name
- Modifiers- forced, special, and standard menu
- Scratch Pad Messages to kitchen
- Hold & Fire items
- Routes information through POS to designated printers

AMERANTH'S 21ST CENTURY RESTAURANT

AMERANTH
21st Century Restaurant

PATENT PENDING!

Ameranth Puts Wireless To Work

The 21st Century Restaurant™ system provides restaurants staff with a revolutionary new way to exchange information and increase efficiency and profitability. This patent-pending technology works to eliminate the numerous inefficiencies common to restaurants by providing an integrated wireless software system for seating, serving payment processing, and valet that works with existing IT systems. By bringing the restaurant workers out from behind their fixed terminal computers, they are given more time to interact with customers, and the general efficiency of restaurant operations is improved.

Wireless Ordering Software

The wireless ordering software for Microsoft® Pocket PC handheld computers brings the point-of-sale back to where it belongs-at the customer's side. Restaurant servers have wireless remote access to legacy POS software functions, including dynamically generating the current menu, food ordering with modifiers (pre-programmed or special,) holding & firing items, and ordering by table or name. This saves time by eliminating the server's need to walk back and forth from the customer to the computer, which can result in faster table turns, a more efficient use of labor, and increased customer satisfaction.

Payment Processing Software

The Ameranth Wireless™ payment processing module allows restaurant staff to wireless process cash or credit card payments right at the customer's side. This saves time for the restaurant and increases the customer's security by allowing them to keep site of their credit cards.

21st Century Communications™ Controller

The 21st Century Communications™ Controller back office software routes messages between the various wireless devices and the appropriate fixed information systems (such as the POS system.) This versatile software has the capability to handle multiplewireless devices sending messages simultaneously.

Manager Software*

With the manager software, the management can wirelessly void & comp items, receive daily reports and communicate with servers via a Pocket PC handheld computer. The manager can even monitor server statistics to ensure the very best in customer service.

Frequent Customer Software*

Frequent customer cards can be processed using mobile, handheld terminals. Staff can be informed of special occasions, such as birthdays or anniversaries, or VIP status. Information about customer dining habits is databased and coupons and specials may be sent out via E-mail.

Table Management Software*

Using a handheld PC computer with both keyboard and pen-based operations, the hosting staff can record reservations and maintain a waiting list.

This software will automatically generate wait times and work in conjunction with a pager system to page the customer when their table is ready. The bus staff may be given a simple wireless tool to generate brief messages such as "table clean," to help speed table turns.

Valet Parking Software*

Valets with mobile wireless computers enter in a customer's information for instant addition to the waitlist as well as automatic updating of frequent customer data. Valets dropping off a car can be remotely notified that another car has been requested, saving time and an extra trip for the staff member.

To find out more information about how Ameranth puts Wireless to Work with the 21st Century Restaurant system, please call us at 1(888) AMERANTH, or visit our website at www.ameranth.com.
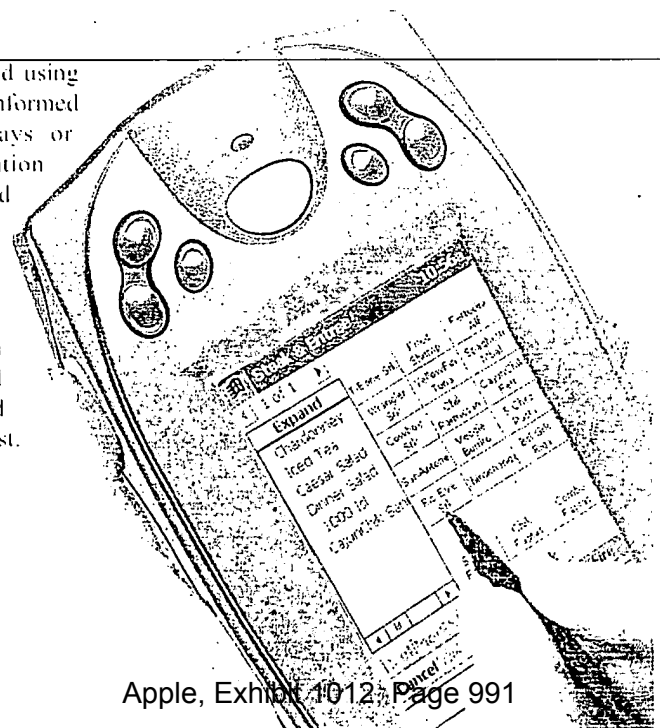
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WIRELESS AT WORK

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San Diego, California 92121
(888)AMERANTH
www.ameranth.com

* in development

EXHIBIT 5

WIRELESS ORDERING SOFTWARE

AMERANTH

21st Century Restaurant

PATENT PENDING!

Increase Efficiency With Wireless Ordering

Ameranth's 21st Century Restaurant® system brings the point of sale back to where it belongs-- by the customer's side. This patent-pending technology increases restaurant efficiency by eliminating the need for servers to walk back and forth between the customers and a computer terminal. With wireless ordering software, restaurant staff has remote access to the POS system wireless via Microsoft® Pocket PC handheld computers for improved customer service, faster table turns, and a reduction of labor needs.

Faster Table Turns

By decreasing the time it takes for an order to reach the kitchen, there is a general decrease in table turn time. For popular restaurants, this can mean more seatings, more profits, and fewer people walking away due to a long wait.

Reduced Labor Needs

With servers saving time not having to walk to a fixed computer to place each order, they have the time to handle more tables and interact with more customers. For a restaurant,

this means that they can get by with fewer servers, or have only the best servers interacting with the customer, while others simply run food.

Improved Customer Service

Orders transmitted to the kitchen faster, means orders arriving at the table faster. Plus, because the wait staff never has to leave the dining area, they are always available to serve the customer's needs. Finally, order accuracy is improved, as there is no need to record the information twice, and modifiers cannot be forgotten.

Works with Existing POS Software

Because the Ameranth Wireless™ 21st Century Restaurant system works in conjunction with legacy POS systems, there is no need for a restaurant to abandon their existing IT systems. Ameranth's certified POS partners have incorporated the 21st Century Restaurant system into their own POS offerings, providing restaurants with one unified system. Information is instantaneously transmitted wirelessly between the handhelds and the POS system.

Wireless At Work™

Ameranth puts Wireless to Work through the 21st Century line of software products for

the hospitality and healthcare industries. By utilizing Microsoft® Windows® powered Pocket PC handhelds that were specifically designed for commercial applications, the 21st Century systems allow even small commercial ventures to take advantage of the benefits of wireless technology. With Ameranth's software, now restaurants may enjoy the efficiency that car rental agencies and others have enjoyed for years.

To find out more about how the 21st Century Restaurant system can make Wireless Work for you, please contact Ameranth at 1(888) AMERANTH, or visit our web site, *www.ameranth.com.*

AMERANTH®

WIRELESS AT WORK

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WIRELESS ORDERING SOFTWARE

AMERANTH
21st Century Restaurant
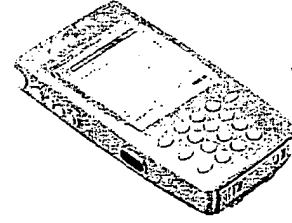
System Requirements

- Microsoft® Windows® Powered Pocket PC handheld computers with 802.11b capabilities
- 802.11b Wireless Local Area Network (WLAN) access point
- Microsoft® Windows® 2000/NT 4.0 Operating System
- Certified 3rd Party Point-of-Sale (POS) system
- Pentium® III (450 Mhz or better) Processor
- 128 MB RAM (256 MB or more recommended)
- Ameranth's 21st Century Communications™ Controller

21st Century Restaurant Key Features

- Access to full menu
- Log in/out security
- Intuitive POS-modeled graphical user interface
- Pivot Seating
- Table Numbers or Tabs by Name
- Modifiers- forced, special, and standard menu
- Hold & Send items
- Routes information through POS to designated printers
- Multiple Remote Users
- Dynamic Menu Generation—No Handheld Programming Required
- Scratch Pad messages sent to kitchen
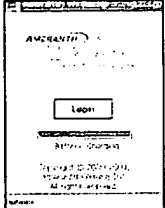
Employee Log In Screen
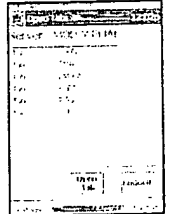
View Open Tabs
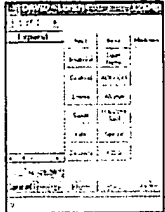
Ordering Screen (Blank)
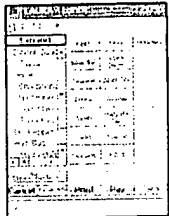
Ordering Screen (Items ordered)
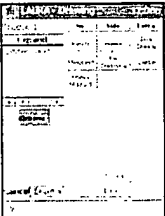
Modifier Screen
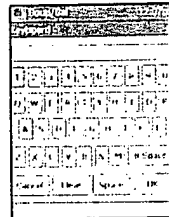
Special Modifiers Keyboard
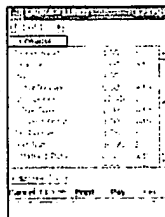
View Expanded Order
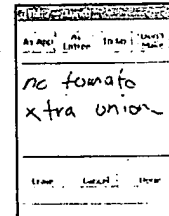
Scratch Pad Modification

AMERANTH®
WIRELESS AT WORK

EXHIBIT 6

PAYMENT PROCESSING MODULE

AMERANTH
21st Century Restaurant

PATENT PENDING!

Process Payments Faster

The Ameranth Wireless™ 21st Century Restaurant® system now includes payment processing capabilities for even faster restaurant service. By giving food servers the ability to process cash and credit card payments right at the customer's side, via Microsoft® Windows® Pocket PC handheld computers and an 802.11b Wireless Local Area Network (WLAN,) the 21st Century Restaurant system speeds the transaction time, and gives customers the added security that comes with never losing sight of their credit cards.

Saves Time
Mobile payment processing saves time both for the customer and for the restaurant. With credit card transactions, the wait staff is able to swipe the card right at the customer's side and even print receipts with an optional portable wireless printer. By eliminating the need to walk back and forth to a payment terminal, time is saved and efficiency is increased.

Increased Security
All too often, restaurant patrons are forced to wait five, even ten minutes while their waiter or waitress is in possession of their credit card. In an increasingly security conscience society, keeping site of one's credit card has become progressively more important. With the 21st Century Restaurant system, servers are able to swipe credit cards right at the table and the information is sent wirelessly into the POS system for verification.

Receipt Printing
Restaurants have many options in configuring their system. Choices include printing receipts on mobile, belt printers, isolated printing stations, or at their fixed POS terminal. The 21st Century Restaurant system allows the user to specify to which printer they would like to print right from the handheld terminal. More options mean more opportunities to increase efficiency.

Quick Service
With the 21st Century Restaurant payment processing module, wait staff can complete the customer's transaction by their side, whether that be at the table, in a drive-through line, at their stadium seat, or even in line on the sidewalk. The increase in efficiency saves time for the restaurant, customers, and staff.

To find out more information about how Ameranth puts Wireless to Work with the 21st Century Restaurant system, please call us at 1(888) AMERANTH, or visit us on the web at *www.ameranth.com*.

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www.ameranth.com

PAYMENT PROCESSING MODULE
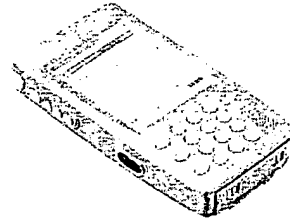
AMERANTH
21st Century Restaurant

System Requirements

Microsoft® Windows® Powered Pocket PC handheld computers with 802.11b radio card

802.11b Wireless Local Area Network (WLAN) access point

Microsoft® Windows® 2000/NT 4.0 Operating System

Certified 3rd Party Point-of-Sale (POS) system

Pentium® III (450 Mhz or better) Processor

128 MB RAM (256 MB or more recommended)

Ameranth's 21st Century Restaurant Wireless Ordering software and Communications Controller

Employee Log-in Screen
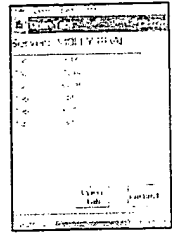
View Open Tabs

21st Century Restaurant Payment Processing Key Features

Access to full menu & prices

Log in/out security

Cash and Credit Card Processing

User Interface resembling POS system

Table Numbers or Tabs by Name

Routes information through POS to designated printers

Optional portable wireless printer

Dynamic print routing
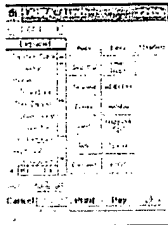
Ordering Screen
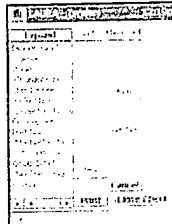
Choose Payment Screen

View Expanded Order
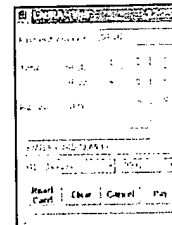
Credit Payment Screen
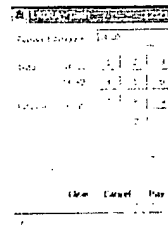
Cash Payment Screen
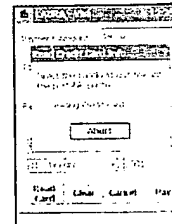
IR Port Receipt

AMERANTH®
WIRELESS AT WORK

EXHIBIT 7

Best Available Copy

Amaranth Wireless(TM) Announces Award of Patent for Its Revolutionary 21st Century Restaurant(TM) Products

The San Diego Based Software Company, Amaranth Wireless, Follows Its Award Winning Products With Patented-Breakthrough Technology

SAN DIEGO- Amaranth Wireless,(TM) creator of the 21st Century Restaurant(TM) system for wireless ordering, payment processing, reservations and table management, is pleased to announce that is has been awarded a major patent #6,384,850 for an "Information Management and Synchronous Communications System & Method facilitating database equilibrium and synchronization with wired, wireless and web-based systems."

"This patent award is strategic for Amaranth -- as we believe that it secures our position of having solved the major technical obstacles that prevented widespread adoption of mobile-wireless devices in our core markets," said Randy Stratford, Amaranth Chief Executive Officer. "We have pursued an active patent and trademark strategy to protect our intellectual property and we believe this patent and the others in our pipeline will preserve our leadership position in the innovative application of wireless and web synchronization solutions for years to come." The fact that major industry POS partners have adopted our solutions, several of the most respected restaurant chains are preparing roll-outs, and strategic partners like Microsoft and Symbol are investors in Amaranth validate our impact."

Amaranth has been a leader in Mobile Solutions for the Hospitality market since 1998 and the healthcare market since 1999 -- working with the top customers-partners in both markets and delivering cutting-edge solutions that have resulted in seven different technology awards. Long seen as a true innovator and having been featured in USA Today, Wall Street Journal, NY Times, Time Magazine, CNN-FN, Nations Restaurant News and numerous other major publications. Amaranth, which develops software solutions evolving around the complete suite of Microsoft products, is poised for rapid growth and positioned to leverage 802.11 Wireless Hotspots.

Keith Kreisinger, Amaranth's principal founder and the lead patent inventor said "A principal element of this patent involves the methodology by which hand-held operator displays are synchronized from and with the large displays of fixed legacy computing systems. The patent covers the use of HTML, XML and similar messaging methodologies to instantly create the displays and GUI on the hand-held's smaller screens -- with no custom programming required for each restaurant hotel or similar application. Another element of the invention, while closely related to the first, addresses the ability for web, wireless and fixed computing systems to be synchronized with each other so that an action on any of the system nodes automatically updates all the other nodes. We believe that this invention will lead to the widespread adoption of wireless and web based solutions in our markets and that this patent -- and others soon to follow -- will position us very strongly to retain our leadership position."

About Amaranth

Apple, Exhibit 1012, Page 999

AMERANTH WIRELESS, INC. (http://www.ameranth.com) is a leading provider of wireless system software to the hospitality and healthcare markets. Headquartered in San Diego, California, Ameranth Wireless systems software gives functionality to Pocket PC handheld computers -- moving the point of activity from fixed terminals to where it belongs: by the customer's side. The Ameranth Wireless patented 21st Century Restaurant(TM) is set to become the industry standard for mobile wireless ordering and payment processing in restaurants. Ameranth's products have won four prestigious government technology awards and three hospitality "best product" awards within the last two years.

ORGANIZATION

Ameranth Technology Systems
http://www.ameranth.com
12230 El Camino Real, Ste. 330
USA - San Diego, CA 92130
Phone: (858) 794-6080
Fax: (858) 794-3222
Email: info@ameranth.com

RECENT NEWS

Ameranth Wireless, Aloha Technologies, and Index Hospitality Systems introduce the 21st Century Restaurant Software to the European POS Market

The 21st Century Restaurant System by Ameranth is Now Available for Ibertech Aloha POS Customers (Ameranth and Ibertech, Inc. sign Distribution and License Agreement)

EXHIBIT 8

search:
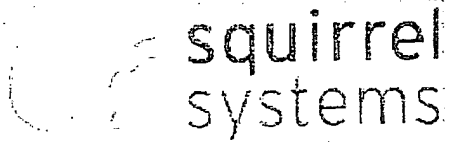
squirrel systems

- About Us

How can we help?

Squirrel Systems & Ameranth Wireless Announce Partnership

October 22, 2001

FOR IMMEDIATE RELEASE:

Squirrel Systems, Inc (   ) is pleased to announce that they have entered into a strategic partnership with Ameranth Wireless™ (   ) to deliver hand-held point-of-sale solutions to the hospitality industry. Squirrel and Ameranth are developing an integrated solution linking the award winning Squirrel for Windows NT point of sale solution, with Ameranth's advanced handheld application, called the 21st Century Restaurant® system.

Ameranth will interface its Microsoft PocketPC™ hand-held application to the Squirrel Systems "order driver" and enable the large installed base of Squirrel's 10.000+ customers to realize the full power of Microsoft PocketPC™ powered devices. This revolutionary solution will enable servers to take orders and process payments directly at the tables and greatly accelerate the ordering process

while optimizing the top and bottom line for restaurants. This solution will dramatically improve efficiency, minimize errors and increase table-turns.

"As a result of researching the right combination of hardware, wireless, software and integration solutions, I am convinced that our partnership with Ameranth Wireless, Microsoft's PocketPC™ devices and the 802.11B wireless standards will enable us to deliver breakthrough solutions to our customers," said Barry Logan, President of Squirrel Systems. " Our companies have had a long relationship and the wireless technology is finally in place to deliver a compelling hand-held value proposition to our customers."

"Ameranth is extremely pleased to be partnering with Squirrel Systems," said WJ Kitchen, Chairman & CEO of Ameranth Wireless. "Our cutting-edge, wireless solutions coupled with the exceptional Squirrel Point-of Sale system will meet the considerable market demand for a reliable, feature-loaded wireless POS solution. "

About Ameranth Wireless ®
Ameranth Wireless is a leading provider of wireless system software to the hospitality and healthcare markets. Headquartered in San Diego, California. Ameranth Wireless systems software gives functionality to Pocket PC handheld computers-moving the point of activity from fixed terminals to where it belongs: by the customer's side. The Ameranth Wireless patent-pending 21st Century Restaurant® is set to become the industry standard for mobile wireless ordering and payment processing in restaurants. Ameranth's products have won four prestigious government technology awards and three hospitality "best product" awards within the last two years.

About Squirrel Systems
Squirrel Systems is a leading total solutions provider of management systems for independent and chain establishments, including restaurants and food and beverage operations in hotels, resorts and clubs. Headquartered in Vancouver , Squirrel Systems and Squirrel Systems Canada are privately held companies. In its 15 years of profitable operation Squirrel has earned a reputation for innovation and excellence by meeting and exceeding the needs of over 10,000 customers with 50,000 installed Squirrel workstations. As the first company to introduce touch-screen ordering into the restaurant market, it has a long track record as an innovator. To learn more about Squirrel, visit

MEDIA CONTACTS
Linda Gillis
Director, Marketing
Squirrel Systems
Tel: 604.412.3300
Email:

Laura Smith
Ameranth Wireless
Tel: 858.794.8282
Email:
SquirrelOne Solutions
Squirrel in a Box Solutions
Microsoft
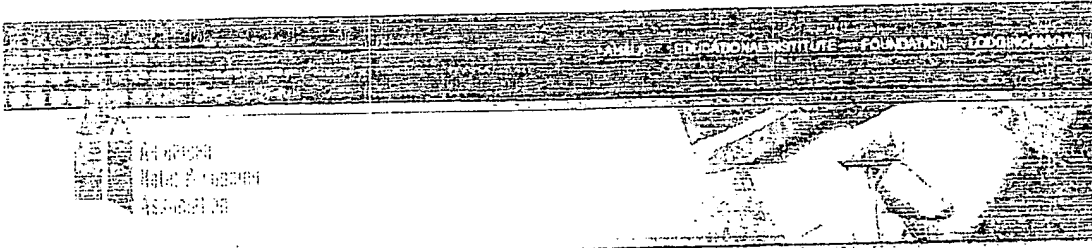
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EXHIBIT 9

AH&LA - KNOWLEDGE BASE

NEWS ARTICLE
contents brought to you by Hsyndicate

4 October 2001

InfoGenesis Announces Partnership With Ameranth Wireless® To Deliver
Handheld Point-Of-Sale (POS) Solutions To The Hospitality Industry

SANTA BARBARA, Calif. Oct. 3,
2001--InfoGenesis, a leading
provider of hospitality information
technology, today announced a
partnership with Ameranth Wireless® to deliver handheld point-of-sale (POS)
solutions to the hospitality industry.
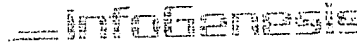
During 2001, InfoGenesis and Ameranth have developed a next generation handheld
solution linking Revelation, the award winning InfoGenesis POS solution, with
Ameranth's advanced handheld application called the 21st Century Restaurant®
system.

The key breakthrough involves the development of an XML gateway between the two
products. The XML gateway is a new, two-way interface using "eXtensible Markup
Language," or XML technology, to provide seamless integration between POS and
other systems. XML defines data types and maps fields between systems so data
can be shared consistently, reliably, and easily. The Ameranth application delivers a
premier handheld user interface, powered by the world-class POS capabilities of
InfoGenesis.

"Ameranth Wireless is thrilled that InfoGenesis has chosen the 21st Century
Restaurant system for their customers' mobile wireless needs," said WJ Kitchen,
CEO and Chairman of Ameranth Wireless. "With the power of Microsoft's Pocket PC
operating system and the new XML interface, InfoGenesis customers can now enjoy
the increased efficiency and time-saving benefits of handheld technology."

The solution was recently installed at American Airlines Center, a new state-of-the-art
sports arena in Dallas, to provide in-seat service to patrons.

"We are also bringing wireless solutions to customers like Park City (Utah), Fairmont
resorts and MGM/Mirage," added Scott Martiny, Vice President, Sales and Marketing
for InfoGenesis. "The level of interest is very high among the cruise, casino, resort,
stadium and restaurant segments of our customer base."

Wireless POS works very simply. Using a wireless hand-held communication device,
a server sends orders directly from a table or seat to the POS system via wireless
network connections. No time is wasted writing down orders and re-entering the
information at a fixed computer terminal. When it's time to pay, credit cards can be
swiped and processed right at the table, increasing the customer's security and
saving even more time. Additionally, by providing servers with menu information at
their fingertips, the need for memorization and long training times is reduced.

"After years of talk and waiting for the right combination of hardware and operating
system, the race is on to harness the efficiency and convenience of nimble handheld
devices to improve guest service and operations," stated Scott Campbell, Director of
Project Management, MGM/Mirage. "We are pursuing the use of wireless handheld
devices to serve customers faster and increase order accuracy."

Ameranth Wireless is a leading provider of wireless system software to the hospitality
and healthcare markets. Headquartered in San Diego, California, Ameranth Wireless
systems software gives functionality to Pocket PC handheld computers -- moving the
point of activity from fixed terminals to where it belongs" by the customer's side. The
Ameranth Wireless patent-pending 21st Century Restaurant® is set to become the
industry standard for mobile wireless ordering and payment processing in

restaurants. Ameranth's products have won four prestigious government technology awards and three hospitality "best product" awards within the last two years.

InfoGenesis develops and markets point-of-sale solutions for hospitality and food service. Revelation, a hospitality point-of-sale application designed and marketed by InfoGenesis for table service restaurants, hotels, resorts, casinos, cruise ships and food service, is the winner of multiple industry awards, including the Microsoft Retail Application Design (RAD) Award for 2000.

InfoGenesis is an AH&LA Allied Member

RELATED LINKS

CONTACT
Nancy.Narette
Phone: 805-681-8600 ext. 415
Fax: 805-681-8609
Email:

ORGANIZATION
InfoGenesis
1351 Holiday Hill Road
USA - Santa Barbara, CA 93117
Phone: (805) 681-8600
Fax: 805 681 8609

RECENT NEWS

InfoGenesis Announces the Release of InfoGenesis Analytics 1.0; New Business Intelligence Application Simplifies Data Analysis
Thursday 19 April 2007 | SANTA BARBARA, CA | InfoGenesis, the leading hospitality technology company in the United States, has announced the release of InfoGenesis Analytics, a new business intelligence solution that is highly integrated with InfoGenesis Point-of-Sale (POS).

New Resort Waterpark Integrates RFID and POS Technology; Technology Creating a Total Cashless Environment for Resort Guests
Thursday 16 November 2006 | SANTA BARBARA, CA | InfoGenesis, the leading hospitality technology company in the United States, has just announced a technology partnership with Holiday Inn Hotel and Suites in Columbus, Ohio, which includes the Fort Rapids Indoor Waterpark.

Mark Tapling Becomes the President and CEO; Terry Cunningham Moves to Chairman of the Board
Thursday 21 September 2006 | SANTA BARBARA, CA | Two executive moves at InfoGenesis headline InfoShare 2006, the company's annual user conference that is being hosted this week at Caesars Palace in Las Vegas. Today, the country's leading hospitality technology company, InfoGenesis, promoted Mark Tapling to President and Chief Executive Officer.

EXHIBIT 10

The best comedy in the DC area

(202) 296-7008   :) need a map?   GO TO IMPROV.COM   Mailing List   Group Sales   Contact Us

Home   Calendar   Dining/Menu

Party Packages & Special Events

Upcoming Shows

Comedian Search: [ ]   Go >

My Evening   My Profile   Security   ⚙ Help

Admission/Seating Info

Next show at Washington, DC

Click here for full calendar

Group Sales

[◀] [____] [_____] [▶]
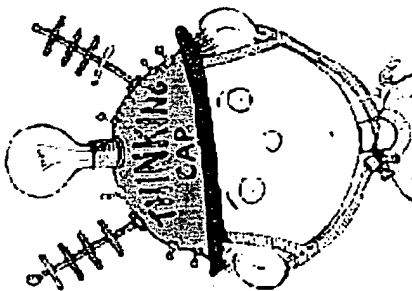
HAPPY HOUR TRIVIA NIGHT IN THE COMEDY LOUNGE
Dec 8

Biography >

Dec 8
CHRIS COCCIA
∧ Biography

Dec 9-12
ADAM FERRARA
∧ Biography

Dec 15-19
PAUL MECURIO
∧ Biography

Dec 29-30
ERIN JACKSON
∧

America's Premiere Comedy Club and Restaurant
Be a part of a premier Comedy Venue and see the funniest comedy acts.

ⓒ 1999-2010 Symfonee Corporation, Patents (6,384,850) (6,871,325) (6,982,733), All Rights Reserved.

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EXHIBIT 11

Virginia Beach's Best Place for Comedy

FUNNY BONE

Comedy Club and Restaurant

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Comedian Search: [   ]

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Upcoming Shows

Admission/Seating Info

Vince Morris
Dec 9-12
View bio | Buy tickets

no photo available
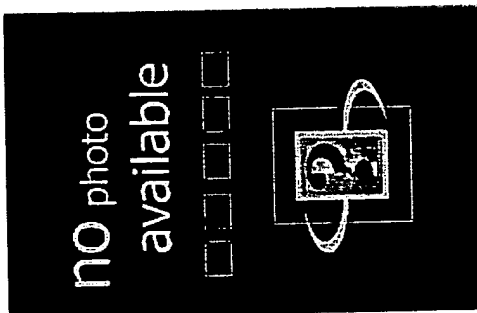
Breakfast with Santa
Biography
Dec 11
Buy Tickets
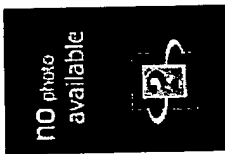
Breakfast with Santa Adult Ticket
Biography
Dec 11
Buy Tickets

no photo available

Clash of the Comics
Biography
Dec 14
Buy Tickets

Jim Short
Biography
Dec 15-19
Buy tickets
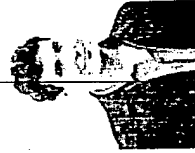
The Comedy Workshop Graduation
Biography
Dec 21
Buy Tickets

no photo available

Micah 'Bam Bamm' White
Biography
Dec 22-23, 26
Buy Tickets

Matt Braunger
Biography

no photo available

Dinner Show New Year's Eve

Show Ticket Only New Year's

America's No.1 Comedy Nite Clubs!

Be a part of a premier Comedy Venue and see the funniest comedy acts.

EXHIBIT 12

streams

Revenue Generating, Measurable, Guaranteed.

Online Reservations

It all starts with a reservation.

The ProfitStreams™ online reservation solution allows Customers to easily interact with a Merchant's website 24/7. By collecting important information during this process, a Merchant can start gaining visibility into Customer behavior, preferences and spending.

Online Reservations benefits:

- 24/7 Customer access for making reservations on the Merchant website
- Mobile enabled for iPhone and Android
- Customized Customer emails
- Allow Customers to invite friends
- Reservation trends tracking over time
- Customer data belongs to Merchant

Additional benefits of Integrated Online Reservations :

- Connects the wait list to the online reservation book
- Provides cover allocation method
- Ties ticket information to actual reservation

Get Online Reservations Now

Ready to Thrive in the Loop?

Please give us a call to discuss how ProfitStreams can start helping your company get measurable revenue.

Call 888 502 6868 to speak with someone about your needs.

Or feel free to drop us a note.

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Corporate Office
1123 Aurora Parkway - Suite 300
Denver, CO 80204
Email for Information
443 385 1150

EXHIBIT 13

MARKET BUSTERS

November 24, 2005

Keith McNally
President
Amaranth Wireless, Inc.
5375 Mira Sorrento Pl
San Diego, CA 92121-3809

Dear Mr. McNally:

Please enjoy the enclosed copy of *MarketBusters*, courtesy of myself and my co-author, Ian C. MacMillan. The book features many examples of innovative strategies that companies like yours have developed to spark dramatic new growth. Part of our goal for the book was to try to make this process more systematic so that leaders in other firms could learn from your success.

We thought you would like to know that **Amaranth Wireless** is cited in Chapter 2 as pursuing an exceptionally innovative approach to growth, resulting in the market-transforming changes we call *MarketBusting*. We also thought you might find the strategies employed by the other firms cited in the book to be of interest.

If this thinking appeals to you, there is a lot more material on our web site, www.marketbusting.com, including case studies, tips and tricks and my author's blog.

I would be delighted to hear from you at rgm20@columbia.edu with any comments, questions or reactions. And we are also very keen to hear "what happened next" stories from our featured companies, so if you have the time to drop me a line, I'd be grateful.

Sincerely,

Rita Gunther McGrath
Enclosure

MARKET BUSTERS

40 STRATEGIC MOVES THAT DRIVE EXCEPTIONAL BUSINESS GROWTH

RITA GUNTHER McGRATH

IAN C. MacMILLAN

HARVARD BUSINESS SCHOOL PRESS

Move #4: Eliminate Time Delays in the Links of the Chain

Many customers are willing to trade off time for money. This source of marketbusting opportunities requires you to understand how much customer time you're wasting and to develop offerings that eliminate this waste. Alternatively, you might find good ideas by changing the sequencing of events in a consumption chain to create more value.

Example: A Better Beer Experience. Consider an activity as prosaic as buying a beer in a sports stadium. In America, this involves walking to a vendor's location, waiting in a long line, placing your order with one of the waitstaff, finally getting your beer (usually in an extremely annoying and insecure plastic cup with a flimsy lid), and finding your way back to your seat ("excuse me, sorry, excuse me, let me just pass, sorry"), hopefully before you missed anything exciting. Some stadium owners began to try to improve the experience by adding seat-based order takers, but these people added to expenses and didn't really change the majority customer experience because, for the most part, they were stretched too thin to cover all potential customers.

Executives at Amaranth Wireless, a privately held company founded in 1996, saw an opportunity to help stadium customers make better use of their time. The company created a handheld digital device connected to a local network. With such devices in place, information can be shared within the network at extremely low cost. The initial application involved saving time by allowing patrons to order food right from their handheld devices in the stadium and have it delivered to their seats.

Amaranth has since expanded aggressively into numerous arenas in which remote connectivity changes the time spent at one or more links in a customer's consumption experience. Primary client groups include restaurants, hotels, and hospitals, which use the devices to

the time between the customer's request and its fulfillment. Restaurants, for example, can use the software to preorder drinks and appetizers for patrons even before they have been seated. Hotels use the technology to provide room service and speed the delivery of valet-parked cars. Hospitals can process food and medical orders for patients faster and more precisely.

Amaranth's main product, 21st Century Restaurant software, is likely to become the industry standard for mobile wireless ordering and payment processing in restaurants. In some cases, saving time for diners also results in increased sales. Busy restaurants find that they can increase turnover by providing faster service, thus increasing the revenue they can earn per table.[4]

Example: **Automating Nutritional Analysis to Save Time in Clinical Trials.** Sometimes, saving time can translate into substantial cost savings. Tiny Princeton Multimedia Technologies Corporation develops software that helps nutritionists rapidly analyze diets and develop better ones. The company's ProNutra software calculates and manages metabolic diet studies to eliminate risks and provide rapid turnaround of information. ProNutra is used by thirty research and medical centers, including the clinical research centers of the National Institute of Health and USDA human nutrition research centers. Other clients are Stanford, Yale, Harvard, Rockefeller University, and the University of Chicago.

Whereas many clients are using the software as part of weight management services for their customers, substantial financial returns expected from its widespread deployment in pharmaceutical trials. Because an important control variable for a trial consists of monitoring patients' nutrition intake, delays in this process can end up delaying an entire trial. According to Rick Weiss, "When you save a day of clinical trials, you are saving the company $1 million a day."[5]

ƒ Pω

MAZZARELLA ■ CALDARELLI LLP

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. TELEPHONE: (619) 238-4900
FACSIMILE: (619) 238-4959
WWW.MAZZCAL.COM

MICHAEL D. FABIANO
Extension 306
mfabiano@mazzcal.com

December 15, 2010

U.S. Patent and Trademark Office
Attn: Matthew Brophy, Examiner
401 Dulany Street
The Randolph Building
Alexandria, VA 22313

Re: **Application No. 11/112,990 (McNally)**

Dear Examiner Brophy:

Because we were concerned that some of the pages in the Supplemental Response that we filed by fax yesterday might not be perfectly legible due to the fax transmission, please find, enclosed herewith, three "clean" copies of Applicants' Supplemental Response filing of yesterday's date.

Sincerely,

Michael D. Fabiano

Enclosures

MAZZARELLA ▨ CALDARELLI LLP

ATTORNEYS AT LAW

550 West C Street, Suite 700
San Diego, California 92101

Telephone: 619-238-4900
Facsimile: 619-238-4959

FACSIMILE TRANSMITTAL SHEET

TO:

Mr. Matthew Brophy, Examiner

FROM:

Michael D. Fabiano, Esq.
mfabiano@mazzcal.com

COMPANY:

U.S. Patent and Trademark Office

SENDER'S EXTENSION NUMBER:

306

FAX NUMBER:

571-270-2642

DATE:

December 14, 2010

PHONE NUMBER:

571-270-1642

TOTAL NO. OF PAGES INCLUDING COVER:

RE:

Application No. 11/112,990 (McNally)

CLIENT REFERENCE NUMBER:

1660.04

☐ URGENT   ☐ FOR REVIEW   ☐ PLEASE COMMENT   ☐ PLEASE REPLY

☐ ORIGINAL WILL FOLLOW

Notes:

Attached are the following documents:

1) Transmittal Form

2) Supplemental Response and Amendment of Claims

3) Supplemental 'Nexus' Declaration & Exhibit "A" thereto

4) Supplemental Declaration & Exhibits 1-13 thereto

OPAP
DEC 1 6 2010
PATENT & TRADEMARK
IAP20

MAZZARELLA ■ CALDARELLI LLP
ATTORNEYS AT LAW

550 West C Street, Suite 700
San Diego, California 92101

Telephone: 619-238-4900
Facsimile: 619-238-4959

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Mr. Matthew Brophy, Examiner	Michael D. Fabiano, Esq. mfabiano@mazzcal.com

COMPANY:	SENDER'S EXTENSION NUMBER:
U.S. Patent and Trademark Office	306

FAX NUMBER:	DATE:
571-270-2642	December 14, 2010

PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-270-1642	

RE:	CLIENT REFERENCE NUMBER:
Application No. 11/112,990 (McNally)	1660.04

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

☐ ORIGINAL WILL FOLLOW

Notes:

Attached are the following documents:

1) Transmittal Form

2) Supplemental Response and Amendment of Claims

3) Supplemental 'Nexus' Declaration & Exhibit "A" thereto

4) Supplemental Declaration & Exhibits 1-13 thereto

Doc Code: TRAN.LET

Document Description: Transmittal Letter

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	11/112,990
Filing Date	2005-04-22
First Named Inventor	McNally, Keith R.
Art Unit	2191
Examiner Name	Brophy, Matthew
Attorney Docket Number	1004293.006US

Total Number of Pages in This Submission: 94

ENCLOSURES   (Check all that apply)

☐ Fee Transmittal Form
   ☐ Fee Attached
☑ Amendment/Reply
   ☐ After Final
   ☑ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)
☐ Reply to Missing Parts/ Incomplete Application
   ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)
☐ Licensing-related Papers
☐ Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation Change of Correspondence Address
☐ Terminal Disclaimer
☐ Request for Refund
☐ CD, Number of CD(s) _____
   ☐ Landscape Table on CD

☐ After Allowance Communication to TC
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☑ Other Enclosure(s) (please Identify below):

Supplemental Response and Amendment of Claims; Supplemental 'Nexus' Declaration & Exhibit A thereto; Supplemental Declaration & Exhibits 1-13 thereto

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MAZZARELLA CALDARELLI LLP
Signature	*(signature)*
Printed name	MICHAEL D. FABIANO
Date	12/14/10	Reg. No.	44,675

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	*(signature)*		
Typed or printed name	EVE MAZZARELLA	Date	12/14/10

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/112,990	Filing Date 04/22/2005	☐ To be Mailed

APPLICATION AS FILED – PART I

OTHER THAN

SMALL ENTITY ☒   OR   SMALL ENTITY

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, 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).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

OTHER THAN

SMALL ENTITY   OR   SMALL ENTITY

AMENDMENT

12/16/2010	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 16	Minus	** 97	= 0	X $26 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 6	Minus	*** 12	= 0	X $110 =	0	OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/DANTE r. SMITH/

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/112,990	Filing Date 04/22/2005	☐ To be Mailed

APPLICATION AS FILED – PART I

OTHER THAN

	(Column 1)	(Column 2)	SMALL ENTITY ☒	OR	SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =		X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, 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).					
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))						
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL		TOTAL	

APPLICATION AS AMENDED – PART II

OTHER THAN

SMALL ENTITY OR SMALL ENTITY

AMENDMENT	12/21/2010	CLAIMS REMAINING AFTER AMENDMENT (Column 1)		HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 11	Minus	** 31	= 0	X $26 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 6	= 0	X $110 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT (Column 1)		HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/JACQUELINE M. WEIR/

Docket No. 1004293.005US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	11/112,990	Confirmation No.:	7098
Applicant(s):	McNally, et al.	Group Art Unit:	2191
Filed:	April 22, 2005	Examiner:	Brophy, Matthew

For: INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS

CORRECTION TO SUPPLEMENTAL RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit a minor correction to an item in our supplemental response that was filed on December 14, 2010.

In that supplemental response, Exhibit A to the "Supplemental Nexus Declaration Under 37 C.F.R. 1.132" is entitled "11/112990 Secondary Factors Nexus Overview Summary". On page 3 of that Exhibit A, at the bottom of that page, is a reference to Exhibit E-8. The reference to Exhibit E-8 was an inadvertent error; the correct reference should be to Exhibit E-7. This important reference (including "instantly creates the displays and GUI on the handheld's smaller screens - with no custom programming required") confirms the direct association between the claimed features of the present invention and the 21St Century Restaurant™ products. and the same claimed feature of the 21st Century Restaurant™ included on the reverse of Exhibit E-5 (the 2000/2001 Product Brochure), which also states this claimed feature and its operational benefit ("*Dynamic Menu generation- no handheld programming required*"), (i.e. the "menu

Serial No. 11/112,990   Docket No. 1004293.005US

wizard") and includes several actual GUI 'screen shots' of the dynamically generated handheld menus.

Dated: February 3, 2011   Respectfully submitted,

                                   /s/ Michael D. Fabiano
                                 MICHAEL D. FABIANO
                                 Registration No. 44,675
                                 MAZZARELLA ▣ CALDARELLI LLP
                                 550 West C Street, Suite 700
                                 San Diego, California 92101

                                 Attorney for Applicants

- 2 -

MAZZARELLA ▓ CALDARELLI LLP

ATTORNEYS AT LAW

550 WEST "C" STREET, SUITE 700
SAN DIEGO, CA 92101-3235

TELEPHONE: 619 238 4900
FACSIMILE: 619 238 4959

FACSIMILE TRANSMITTAL SHEET

TO	FROM:
Mail Stop AF Commissioner for Patents	Michael D. Fabiano (mfabiano@mazzcal.com)

COMPANY:	SENDER'S DIRECT DIAL:
U.S. Patent and Trademark Office	EXTENSION 306

FAX NUMBER:	DATE:
571.273.8300	February 3, 2011

PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
866-217-9197	4

RE	CLIENT REFERENCE NUMBER::
Application No. 11/112,990	1660.04

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

☐ ORIGINAL WILL FOLLOW

Notes:

Attached are the following documents:

Correction to Supplemental Response (for Supplemental Response filed December 14, 2010)

Doc Code: TRAN.LET

Document Description: Transmittal Letter

TRANSMITTAL FORM	Application Number	11/112,990
	Filing Date	2005-04-22
	First Named Inventor	McNally, Keith R.
	Art Unit	2191
(to be used for all correspondence after initial filing)	Examiner Name	Brophy, Matthew
Total Number of Pages in This Submission 3	Attorney Docket Number	1004293.006US

ENCLOSURES   (Check all that apply)

☐ Fee Transmittal Form	☐ Drawing(s)	☐ After Allowance Communication to TC
☐ Fee Attached	☐ Licensing-related Papers	☐ Appeal Communication to Board of Appeals and Interferences
☐ Amendment/Reply	☐ Petition	☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
☐ After Final	☐ Petition to Convert to a Provisional Application	☐ Proprietary Information
☐ Affidavits/declaration(s)	☐ Power of Attorney, Revocation Change of Correspondence Address	☐ Status Letter
☐ Extension of Time Request	☐ Terminal Disclaimer	☑ Other Enclosure(s) (please Identify below):
☐ Express Abandonment Request	☐ Request for Refund	Correction to Supplemental Response
☐ Information Disclosure Statement	☐ CD, Number of CD(s) _____	
	☐ Landscape Table on CD	
☐ Certified Copy of Priority Document(s)	Remarks	
☐ Reply to Missing Parts/ Incomplete Application ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MAZZARELLA CALDARELLI LLP		
Signature	*[signature]*		
Printed name	MICHAEL D. FABIANO		
Date	2/3/11	Reg. No.	44,675

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	*[signature]*		
Typed or printed name	EVE MAZZARELLA	Date	2/3/11

This collection of Information is required by 37 CFR 1.5. 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 1.11 and 1.14. This collection is estimated to 2 hours 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.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CHANGE OF CORRESPONDENCE ADDRESS
Application

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	11/112,990
Filing Date	April 22, 2005
First Named Inventor	McNally
Art Unit	2191
Examiner Name	Brophy, Matthew
Attorney Docket Number	1004293.005US

Please change the Correspondence Address for the above-identified patent application to:

☐ The address associated with Customer Number:

OR

☑ Firm or Individual Name   Fabiano Law Firm, P.C.

Address   12526 High Bluff Drive, Suite 300

City	State	Zip
San Diego	CA	92130

Country   United States of America

Telephone	Email
619-742-9631	mdfabiano@fabianolawfirm.com

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐ Applicant/Inventor

☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☑ Attorney or agent of record. Registration Number 44,675   .

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number_____.

Signature

Typed or Printed Name   Michael D. Fabiano

Date November 1, 2011	Telephone 619-742-9631

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of _1_ forms are submitted.

	Application No.	Applicant(s)
Applicant-Initiated Interview Summary	11/112,990	MCNALLY ET AL.
	Examiner	**Art Unit**	
	MATTHEW BROPHY	2191	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MATTHEW BROPHY*.

(3) *Micheal Fabiano*.

(2) *Lewis Bullock*.

(4) *Keith McNally*.

Date of Interview: *14 October 2011*.

Type: ☐ Telephonic ☐ Video Conference
☒ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☒102 ☒103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *103-127*.

Identification of prior art discussed: *Cupps, Kavesky, Micros, et al*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The Applicant, Applicant's representative, examiner and SPE met to discuss possible allowable subject matter in the case. The Applicant gave an overview of the invention and history of the case. The Applicant explained the secondary factors evidence submitted to the office as evidence of non-obviousness. The Applicant described the claim amendment made in reponse to the November 2010 interview. In the interview, the applicant described the function of the menu generation system creating cascaded graphical user interface screens which are adaptable to different sized handheld devices. The applicant explained how the secondary factors show non-obviousness. The examiners asked the applicant about several features of the invention .

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

_____

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
– Application Number (Series Code and Serial Number)
– Name of applicant
– Name of examiner
– Date of interview
– Type of interview (telephonic, video-conference, or personal)
– Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
– An indication whether or not an exhibit was shown or a demonstration conducted
– An identification of the specific prior art discussed
– An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
– The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590   02/02/2012

Fabiano Law Firm, P.C.
Suite 300
12526 High Bluff Drive
San Diego, CA 92130

EXAMINER
BROPHY, MATTHEW J

ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 02/02/2012

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/112,990	04/22/2005	Keith R. McNally	1004293.005 US	7098

TITLE OF INVENTION: INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$870	$300	$0	$1170	05/02/2012

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 02/11)

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: <u>Mail</u> Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or <u>Fax</u> **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590   02/02/2012

Fabiano Law Firm, P.C.
Suite 300
12526 High Bluff Drive
San Diego, CA 92130

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/112,990	04/22/2005	Keith R. McNally	1004293.005 US	7098

TITLE OF INVENTION: INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$870	$300	$0	$1170	05/02/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
BROPHY, MATTHEW J	2191	717-109000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:

❑ Issue Fee

❑ Publication Fee (No small entity discount permitted)

❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): (**Please first reapply any previously paid issue fee shown above**)

❑ A check is enclosed.

❑ Payment by credit card. Form PTO-2038 is attached.

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

❑ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

❑ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

Apple, Exhibit 1012, Page 1033

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/112,990	04/22/2005	Keith R. McNally	1004293.005 US	7098

7590   02/02/2012

Fabiano Law Firm, P.C.
Suite 300
12526 High Bluff Drive
San Diego, CA 92130

EXAMINER
BROPHY, MATTHEW J

ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 02/02/2012

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 926 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 926 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 02/11)

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

	Application No.	Applicant(s)
Notice of Allowability	11/112,990	MCNALLY ET AL.
	Examiner	Art Unit	
	MATTHEW BROPHY	2191	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Applicant's amendment of December 16, 2010.*

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are *103-107, and 115-127, renumbered 1-18.*

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some* c) ☐ None   of the:

        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)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 10/1/2010

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *10/24/2011* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

	/Lewis A Bullock, Jr./
	Supervisory Patent Examiner, Art Unit 2193

DETAILED ACTION

1.   This office action is in response to the amendment filed December 16, 2010.

2.   Claims 103-108 and 115-127 are pending.

3.   Claims 103, 118 and 122 are amended herein. Claim 108 is canceled.

4.   Applicant's Affidavit submitted December 16, 2010 is moot in view of the current amendment.

5.   The Information Disclosure Statement of October 1, 2010 has been considered herein.

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

    Authorization for this examiner's amendment was given in a telephone interview with Michael Fabiano on December 15, 2011.

    The application has been amended as follows:

103. (Currently Amended) An information management and real time

synchronous communications system for configuring and transmitting hospitality menus

comprising:

a. a central processing unit,

b. a data storage device connected to said central processing unit,

c. an operating system including a first graphical user interface,

d. a master menu including at least menu categories, menu items and modifiers,

wherein said master menu is capable of being stored on said data storage device

pursuant to a master menu file structure and said master menu is capable of being

configured for display to facilitate user operations in at least one window of said first

graphical user interface as cascaded sets of linked graphical user interface screens,

and

e. menu configuration software enabled to generate a programmed handheld

menu configuration from said master menu for wireless transmission to and

programmed for display on a wireless handheld computing device, said programmed

handheld menu configuration comprising at least menu categories, menu items and

modifiers and wherein the menu configuration software is enabled to generate said

programmed handheld menu configuration by utilizing parameters from the master

menu file structure defining at least the menu categories, menu items and modifiers of

the master menu such that at least the menu categories, menu items and modifiers

comprising the programmed handheld menu configuration are synchronized in real time

with analogous information comprising the master menu,

wherein the menu configuration software is further enabled to generate the

programmed handheld menu configuration in conformity with ~~display screen parameters~~

<u>a customized display layout</u> unique to the wireless handheld computing device to

facilitate user operations with and display of the programmed handheld menu

configuration on the display screen of a handheld graphical user interface integral with

the wireless handheld computing device, wherein said ~~display screen parameters~~

~~comprise at least~~ <u>customized display layout is compatible with</u> the displayable size of

the handheld graphical user interface wherein the programmed handheld menu

configuration is configured by the menu configuration software for display as

programmed cascaded sets of linked graphical user interface screens appropriate for

the ~~display screen parameters~~ <u>customized display layout</u> of the wireless handheld

computing device, wherein said programmed cascaded sets of linked graphical user

interface screens for display of the handheld menu configuration are configured

differently from the cascaded sets of linked graphical user interface screens for display

of the master menu on said first graphical user interface, and

wherein the system is enabled for real time synchronous communications to and

from the wireless handheld computing device utilizing the programmed handheld menu

configuration including the capability of real time synchronous transmission of the

programmed handheld menu configuration to the wireless handheld computing device

and real time synchronous transmissions of selections made from the handheld menu

configuration on the wireless handheld computing device, <u>and</u>

wherein the system is further enabled to automatically format the programmed handheld menu configuration for display as cascaded sets of linked graphical user interface screens appropriate for a customized display layout of at least two different wireless handheld computing device display sizes in the same connected system, and

wherein a cascaded set of linked graphical user interface screens for a wireless handheld computing device in the system includes a different number of user interface screens from at least one other wireless handheld computing device in the system.

104. (Previously Presented) The information management and synchronous communications system in accordance with claim 103, wherein the system is further enabled by a communications systemic relationship providing a common, linked system comprising:

a) A Wireless Hub Application;

b) A Web Hub Application;

c) Linked Databases between two or more different Hospitality Applications; and

d) A Communications Setup Application.

105. (Previously Presented) The information management and real time synchronous communications system in accordance with claim 103 wherein the information from the POS database is automatically imported into the system.

106. (Previously Presented) The information management and real time synchronous communications system in accordance with claim 103, wherein the said Hospitality Applications include at least reservations applications.

107. (Previously Presented) The information management and real time synchronous communications system in accordance with claim 103, wherein the said Hospitality Applications include at least a Ticketing applications.

108. (Cancelled)

109. (Cancelled)

110. (Cancelled)

111. (Cancelled)

112. (Cancelled)

113.(Cancelled)

114. (Cancelled)

115. (Previously Presented) The information management and real time synchronous communications system in accordance with claim 103 in which the wireless handheld computing device is a smart phone.

116. (Previously Presented) The information management and real time synchronous communications system in accordance with claim 103, further enabled to facilitate and complete payment processing directly from the wireless handheld computing device including: a) Billing; b) Status and c) Payment Information.

117. (Previously Presented) The information management and real time synchronous communications system in accordance with claim 103, wherein one or more of the layout, views or fonts of the programmed handheld menu configuration are created in conformity with the display screen parameters of the wireless handheld computing device and wherein the system is enabled to generate a view of the programmed handheld menu configuration for user preview from the central computing unit and which facilitates a further user manual modification prior to the transmissions of

the programmed handheld menu configuration to the wireless handheld computing

device.

118. (Currently Amended) An information management and real time
synchronous communications system for configuring and transmitting hospitality menus
comprising:

a) a central processing unit;

b) a data storage device connected to said central processing unit;

c) an operating system including a first graphical user interface, said operating
system configured to interoperate with the central processing unit, the data storage
device and application software;

d) a master menu including menu categories and menu items, wherein said
master menu is capable of being stored on said data storage device pursuant to a
master menu file structure and said master menu is capable of being configured for
display to facilitate user operations in at least one window of said first graphical user
interface as cascaded sets of linked graphical user interface screens; and

e) a modifier menu capable of being stored on said data storage device, and
menu configuration software enabled to automatically generate a programmed
handheld menu configuration from said master menu for display on a wireless handheld
computing device, said programmed handheld menu configuration comprising at least
menu categories, menu items and modifiers and wherein the menu configuration
software is enabled to generate said programmed handheld menu configuration by
utilizing parameters from the master menu file structure defining at least the categories
and items of the master menu and modifiers from the modifier menu at least the menu

categories, menu items and modifiers comprising the programmed handheld menu

configuration are synchronized in real time with analogous information comprising the

master and modifier menus wherein the menu configuration software is further enabled

to generate the programmed handheld menu configuration in conformity with ~~display~~

~~screen parameters~~ a customized display layout unique to the wireless handheld

computing device to facilitate user operations with and display of the programmed

handheld menu configuration on the display screen of a handheld graphical user

interface integral with the wireless handheld computing device, wherein said ~~display~~

~~screen parameters comprise at least~~ customized display layout is compatible with the

displayable size of the handheld graphical user interface,

wherein the programmed handheld menu configuration is configured by the

menu configuration software for display as cascaded sets of linked graphical user

interface screens appropriate for the ~~display screen parameters~~ customized display

layout of the wireless handheld computing device, wherein said cascaded sets of linked

graphical user interface screens for display of the programmed handheld menu

configuration are configured differently from the cascaded sets of related graphical user

interface screens for display of the master menu on said first graphical user interface,

and

wherein the system is enabled for real time synchronous communications to and

from the wireless handheld computing device utilizing the programmed handheld menu

configuration including the capability of real time synchronous transmission of at least

the menu categories, menu items and modifiers comprising the programmed handheld

menu configuration to the wireless handheld computing device and real time

synchronous transmissions of selections made from the handheld menu configuration

on the wireless handheld computing device, <u>and</u>

<u>wherein the system is further enabled to automatically format the programmed</u>

<u>handheld menu configuration for display as cascaded sets of linked graphical user</u>

<u>interface screens appropriate for a customized display layout of at least two different</u>

<u>wireless handheld computing device display sizes in the same connected system, and</u>

<u>wherein a cascaded set of linked graphical user interface screens for a wireless</u>

<u>handheld computing device in the system includes a different number of user interface</u>

<u>screens from at least one other wireless handheld computing device in the system</u>.

119. (Previously Presented) The information management and real time synchronous

communications system in accordance with claim 118, further including a

communications systemic relationship comprising:

a) A Wireless Hub Application;

b) A Web Hub Application;

c) Linked Databases Between two or more different Hospitality Applications; and

d) A Communications Setup Application

120. (Previously Presented) The information management and real time synchronous

communications system in accordance with claim 118, wherein at least two different

hospitality software applications are integrated between and with one another.

121. (Previously Presented) The information management and real time synchronous

communications system in accordance with claim 118, wherein the system enables

automatic importation of the POS database information into the system.

122. (Currently Amended) An information management and real time
synchronous communications system for use with wireless handheld computing devices
and the internet comprising:

a) a master database connected in said system and configured to store
hospitality application information pursuant to a master database file structure;

b) at least one wireless handheld computing device connected in said system
and configured to display said hospitality application information;

c) at least one web server connected in said system and configured to display
said hospitality application information;

d) at least one web page connected in said system and configured to display said
hospitality application information; and

e) real time communications control software enabled to link and synchronize
hospitality application information simultaneously between the master database,
wireless handheld computing device, web server and web page,

wherein the communications control software is enabled to utilize parameters
from the master database file structure to synchronize the hospitality application
information in real time between the master database, at least one wireless handheld
computing device, at least one web server and at least one web page such that
substantially the same information comprising the hospitality application information is
capable of being displayed on the wireless handheld computing device, at least one
web page and other display screens of the synchronized system, such that the
hospitality application information is synchronized between any connected users,

wherein the communications control software is enabled to act as a real time interface between the elements of the system and any applicable communications protocol,

wherein the communications control software is enabled to automatically and simultaneously configure the hospitality application information for display on both the wireless handheld computing device and the web page in conformity with ~~display screen~~ ~~parameters~~ a customized display layout unique to the wireless handheld computing device or the web page, wherein said ~~display screen parameters comprise at least~~ customized display layout is compatible with the displayable size of the handheld computing device display screen or the web page, and

wherein the communications control software is further enabled to automatically format a programmed handheld configuration for display as cascaded sets of linked graphical user interface screens appropriate for a customized display layout of at least two different wireless handheld computing device display sizes in the same connected system, and

wherein a cascaded set of linked graphical user interface screens for a wireless handheld computing device in the system includes a different number of user interface screens from at least one other wireless handheld computing device in the system, and

wherein the system is enabled for real time synchronous transmission of the configured hospitality application information to the wireless handheld computing device, the web server and the web page and real time synchronous transmissions of

inputs responding to the configured hospitality application information from the wireless

handheld computing device, or the web server or the web page.

.

123. (Previously Presented) The information management and real time synchronous

communications system in accordance with claim 122, further including a

communications systemic relationship comprising: a) A Wireless Hub Application; b) A

Web Hub Application; c) Linked Databases Between two or more different Hospitality

Applications; and d) A Communications Setup Application.

124. (Previously Presented) The information management and real time synchronous

communications system of claim 122, wherein the system is enabled to automatically

import the information from the POS (point of sale) database into the system.

125. (Previously Presented) . The information management and real time synchronous

communications system of claim 122, wherein at least two different hospitality

applications are integrated between and with one another.

126. (Previously Presented) The information management and real time synchronous

communications system in accordance with claim 122, wherein the hospitality

application information also includes the completion of payment processing.

127. (Previously Presented) The information management and real time synchronous

communications system in accordance claim 122, wherein the configured wireless

handheld computing device is a smart phone.

Reasons for Allowance

2.   The following is an examiner's statement of reasons for allowance:

None of the prior art on the record, alone or in reasonable combination teach the

limitations:

> wherein the system is further enabled to automatically format the
> programmed handheld menu configuration for display as cascaded sets of
> linked graphical user interface screens appropriate for a customized
> display layout of at least two different wireless handheld computing device
> display sizes in the same connected system, and
>
> wherein a cascaded set of linked graphical user interface screens for a
> wireless handheld computing device in the system includes a different
> number of user interface screens from at least one other wireless
> handheld computing device in the system.

When combined with the other limitations of claim 103, 118 and 122. Specifically in

these independent claims, the menu generation software and hospitality applications, in

the context of the claimed system, which automatically create programmed handheld

menu configuration displayed as cascaded sets of graphical user interface screens for

at least two different display sizes and including at least two cascaded sets of GUIs with

disparate screen counts is not found in the prior art as of the priority date September 21,

1999. No prior art of record, nor any obvious combination to teaches all limitations of the

newly amended independent claims.

        The previously applied prior art, Micro's '97, USPN 6,300,947 and USPN

5,974,238 do not teach or render obviously the newly amended claim limitations.

        Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW BROPHY whose telephone number is (571)270-1642. The examiner can normally be reached on Monday-Thursday 8:00AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJB
12/16/2011

/Lewis A Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193

Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
Application Number		11112990
Filing Date		2005-04-22
First Named Inventor		McNally, Keith R.
Art Unit		2191
Examiner Name		Brophy, Matthew
Attorney Docket Number		1004293.005 US

U.S. PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Patent citation Information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number³	Country Code²ⁱ	Kind Code⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T⁵
	1							☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T⁵

EFS Web 2.1.17

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.B./   Apple Exhibit 1012 Page 1055

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	11112990
	Filing Date	2005-04-22
	First Named Inventor	McNally, Keith R.
	Art Unit	2191
	Examiner Name	Brophy, Matthew
	Attorney Docket Number	1004293.005 US

/M.B./	1	Judgment on Jury Verdict, Sept. 21, 2010, Ameranth, Inc. v. Menusoft Systems Corp. and Cash Register Sales & Service of Houston, Inc., Case No. 2:07-CV-271-CE (E.D. Tex.)	☐
/M.B./	2	Plaintiff's Final Trial Exhibit List, Ameranth, Inc. v. Menusoft Systems Corp. and Cash Register Sales & Service of Houston, Inc., Case No. 2:07-CV-271-CE (E.D. Tex.)	☐
/M.B./	3	Defendants' Final Trial Exhibit List, Ameranth, Inc. v. Menusoft Systems Corp. and Cash Register Sales & Service of Houston, Inc., Case No. 2:07-CV-271-CE (E.D. Tex.)	☐

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EXAMINER SIGNATURE			
Examiner Signature	/Matthew Brophy/ (12/16/2011)	Date Considered	12/16/2011

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

EFS Web 2.1.17

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.B./

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11112990	MCNALLY ET AL.
	Examiner	Art Unit
	MATTHEW BROPHY	2191

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/07/2008	08/15/2008	12/08/2008	04/11/2009	01/08/2010	12/16/2011			
1	103	✓	✓	✓	✓	✓	=			
2	104	✓	✓	✓	✓	✓	=			
3	105	✓	✓	✓	✓	✓	=			
4	106	✓	✓	✓	✓	✓	=			
5	107	✓	✓	✓	✓	✓	=			
	108	✓	✓	✓	✓	✓	-			
	109	✓	✓	✓	✓	✓	-			
	110	✓	✓	✓	✓	✓	-			
	111	✓	✓	✓	-	-	-			
	112	✓	✓	✓	-	-	-			
	113	✓	✓	✓	-	-	-			
	114	✓	✓	✓	-	-	-			
6	115	✓	✓	✓	✓	✓	=			
7	116	✓	✓	✓	✓	✓	=			
8	117	✓	✓	✓	✓	✓	=			
9	118	✓	✓	✓	✓	✓	=			
10	119	✓	✓	✓	✓	✓	=			
11	120	✓	✓	✓	✓	✓	=			
12	121	✓	✓	✓	✓	✓	=			
13	122	✓	✓	✓	✓	✓	=			
14	123	✓	✓	✓	✓	✓	=			
15	124	✓	✓	✓	✓	✓	=			
16	125	✓	✓	✓	✓	✓	=			
17	126	✓	✓	✓	✓	✓	=			
18	127	✓	✓	✓	✓	✓	=			

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11112990	MCNALLY ET AL.
	Examiner	**Art Unit**
	MATTHEW J BROPHY	2191

SEARCHED

Class	Subclass	Date	Examiner
715	810-845 (Text Searched)	3/16/2010	MJB
717	107-109, 168-178 (Text Searched)	3/16/2010	MJB
705	15-25 (Text Searched)	3/16/2010	MJB
707	610-621 (Text Searched)	3/16/2010	MJB
715	810-845 (Updated - Text Searched)	1/17/2012	MJB
717	107-109, 168-178 (Updated - Text Searched)	1/17/2012	MJB
705	15-25 (Updated - Text Searched)	1/17/2012	MJB
707	610-621 (Updated - Text Searched)	1/17/2012	MJB

SEARCH NOTES

Search Notes	Date	Examiner
See EAST search History	1/19/2012	MJB
inventor search in EDAN	12/16/2011	MJB
NPL (Google Scholar, ACM, IEEE)	12/16/2011	MJB
See Attached EIC Search Strategy	1/18/2012	MJB

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner
717	177 (US PG Pubs Searched)	12/16/2011	MJB

/MATTHEW J BROPHY/
Examiner.Art Unit 2191

Patent abstract files

0015231756 *Drawing available*
WPI Acc no: 2005-581820/200559
XRPX Acc No: N2005-477428
Restaurant/bar management system updates local copy of menu of items available at restaurant/bar stored in client terminals, in accordance with changes made in master menu copy at server, automatically
Patent Assignee: JONES M (JONE-I); PALVIA G (PALV-I)
Inventor: JONES M; PALVIA G

Patent Family (1 patents, 1 countries)							
Patent Number	**Kind**	**Date**	**Application Number**	**Kind**	**Date**	**Update**	**Type**
US 20050182680	A1	20050818	US 2004779803	A	20040217	200559	B

Priority Applications (no., kind, date): US 2004779803 A 20040217

Alerting Abstract US A1
NOVELTY - The client terminals such as wireless handheld unit or stationary touch-screen unit are programmed to **synchronize** the local copy of the menu of items available at the restaurant or bar, with the **master menu** copy stored at a server, so that the local copy of the menu is automatically updated in accordance with the changes made in the master copy at the server computer.
DESCRIPTION - An INDEPENDENT CLAIM is also included for restaurant/bar management method.
USE - For updating of menu of items such as chicken pasta, vegetables and rice in restaurant/bar through networks such as internet.
ADVANTAGE - Provides instantaneously updated knowledge about the state of the restaurant item menu to the waiters, waitresses and bartenders automatically and efficiently.
DESCRIPTION OF DRAWINGS - The figure shows a schematic view of the restaurant/bar management system.

Class Codes

International Patent Classification					
IPC	**Class Level**	**Scope**	**Position**	**Status**	**Version Date**

G06Q-0030/00	A	I		R	20060101	
G06Q-0030/00	C	I		R	20060101	

ECLA: G06Q-030/00
US Classification, Current Main: 705-015000
US Classification, Issued: 70515
File Segment: EPI;
DWPI Class: T01; T04; T05; W04
Manual Codes (EPI/S-X): T01-C02B1; T01-J12B; T01-M06A1A; T01-N01A2A; T01-N01A2C; T01-N01D; T04-F02A2; T05-H02D; T05-L01D; T05-L01X; W04-X03G4

Alerting Abstract ...NOVELTY - The client terminals such as wireless handheld unit or stationary touch-screen unit are programmed to **synchronize** the local copy of the menu of items available at the restaurant or bar, with the **master menu** copy stored at a server, so that the local copy of the menu is automatically updated in accordance with the changes made in the master...

13/69,K/5 (Item 4 from file: 350)
DIALOG(R)File 350: Derwent WPIX
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0013775883 *Drawing available*
WPI Acc no: 2003-875192/200381
XRPX Acc No: N2003-698803
Restaurant management system, has server desk terminal that displays order requests, service requests and service status
Patent Assignee: GE L (GELL-I); GE R (GERR-I); YANG C (YANG-I)
Inventor: GE L; GE R; YANG C

Patent Family (1 patents, 1 countries)							
Patent Number	**Kind**	**Date**	**Application Number**	**Kind**	**Date**	**Update**	**Type**
US 20030182209	A1	20030925	US 2002104187	A	20020325	200381	B

Priority Applications (no., kind, date): US 2002104187 A 20020325

Alerting Abstract US A1
NOVELTY - The system has a server (107) that sends and receives messages from participating terminals, and generates dynamic graphic and text menu interface. Electronic assistant terminals with wireless network connection display the graphic and text menu interface, sending order and serviced requests, and listing service status. A service desk terminal (102) displays order requests, service requests and service status.

DESCRIPTION - An INDEPENDENT CLAIM is also included for a method of operating a restaurant management system.
USE - Used for restaurants.
ADVANTAGE - The system takes care of all the customer requirements simply and inexpensively, making he customers feel comfortable and convenient when they are enjoying food and at the same time the system enhances the efficiency and profitability of restaurants.
DESCRIPTION OF DRAWINGS - The drawing shows a hardware and functional block diagram of a server computer.
101Assistant terminals
102Service desk terminal
103Kitchen terminal
105Cashier terminal
107Server.

Class Codes

International Patent Classification					
IPC	Class Level	Scope	Position	Status	Version Date
G06Q-0030/00	A	I		R	20060101
H04L-0029/06	A	I		R	20060101
H04L-0029/08	A	N		R	20060101
G06Q-0030/00	C	I		R	20060101
H04L-0029/06	C	I		R	20060101
H04L-0029/08	C	N		R	20060101

ICO: T04L-029:08A7
US Classification, Current Main: 705-015000
US Classification, Issued: 70527
File Segment: EPI;
DWPI Class: T01
Manual Codes (EPI/S-X): T01-N01A2A; T01-N01D; T01-N03A1

Original Publication Data by AuthorityArgentina**Publication No. ...Original Abstracts:**request, order entry and management system used in restaurant comprises of a central server, Electronic Assistant Terminals (EAT) and service location terminals. The central server **synchronizes** the **menu** display, **dispatches** service requests and order entries to appropriate service locations, including kitchen, cashier, service desk and bar. All the information related to sales and requests are...

16/69,K/1 (Item 1 from file: 350)
DIALOG(R)File 350: Derwent WPIX

0022450804 *Drawing available*
WPI Acc no: 2011-L63943/201164
Intelligent restaurant system, has restaurant management server receiving three lines of data, and restaurant web server sending restaurant operation state information or guest serving information to Internet to prepare for scanning
Patent Assignee: GUO X (GUOX-I)
Inventor: GUO X

Patent Family (1 patents, 1 countries)							
Patent Number	Kind	Date	Application Number	Kind	Date	Update	Type
CN 102156915	A	20110817	CN 201110078966	A	20110330	201164	B

Priority Applications (no., kind, date): CN 201110078966 A 20110330

Alerting Abstract CN A
NOVELTY - The system has a restaurant management server receiving three lines of data. The restaurant management server sends guest serving information to a restaurant guest service terminal. The restaurant management server sends restaurant operation state information or the guest serving information to a restaurant web server. The restaurant web server receives the restaurant operation state information or the guest serving information. The restaurant web server sends the restaurant operation state information or the guest serving information to the Internet to prepare for scanning.
USE - Intelligent restaurant system.
ADVANTAGE - The system automatically realizes managing platform combining guest order, restaurant internal advertising and network advertising, thus improving service quality, enlarging enterprise influence and saving manpower cost.
DESCRIPTION OF DRAWINGS - The drawing shows a block diagram of an intelligent restaurant system. '(Drawing includes non-English language text)'

Class Codes

International Patent Classification					
IPC	Class Level	Scope	Position	Status	Version Date
G06Q-0010/00	A	I	F		20060101
G06Q-0030/00	A	I	L		20060101
G06Q-0050/00	A	I	L		20060101

File Segment: EPI;
DWPI Class: T01
Manual Codes (EPI/S-X): T01-N01A2; T01-N01D3; T01-N02B1E; T01-N02B5

Original Publication Data by AuthorityArgentina**Publication No.** ...**Claims:**one of guest

ordered dishes information, guest seat position information, table sharing guest information, guest consumption bill information, member checking information, member serving information, terminal **menu synchronization** information and terminal operation state adjusting information; the **restaurant** operation state information comprises at least one of a dish marketing statistics information and a dish evaluating information...

...situations: A, the dish data comprises the guest dish ordering data; the restaurant management server determines the guest consumption bill information according to the guest **menu** ordering data and the presupposed **restaurant** dish price data; at the same time, the restaurant management server saves the guest consumption bill information of each consumption of the restaurant member in...information management data; (6) the terminal operation data comprises a terminal distinguish marking; the dish data comprises the terminal existing menu data; the terminal existing **menu** data comprises at least one of coding data, name data, bar code data, picture data, voice data or video data of the **menu**; the guest serving information comprises terminal **menu synchronization** information; the **restaurant** management server determines the terminal **menu synchronization** information which aims at the **restaurant** service terminal according to the terminal distinguish marking, the terminal existing **menu** data and the presupposed update-waiting dish data on the **restaurant** management server; (7), the terminal operation data comprises the terminal distinguish marking and terminal operation state data; the guest serving information comprises the terminal operation... ...server sends the member checking information to the restaurant guest service terminal and controls the restaurant guest service terminal informing the repast guest; (4), the **restaurant** management server sends the terminal **menu** synchronization information to the **restaurant** guest service terminal and controls the **restaurant** guest service terminal updating the terminal existing **menu** data; (5), the **restaurant** management server sends the terminal operation state adjusting information to the restaurant guest service terminal and controls the restaurant guest service terminal adjusting the operation...

16/69,K/2 (Item 2 from file: 350)
DIALOG(R)File 350: Derwent WPIX
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0019478744 *Drawing available*
WPI Acc no: 2009-N45683/200961
Computer-implemented customer-operated ordering kiosk system integrating method for e.g. fast food restaurant, involves transmitting determined point-of-sale stock keeping unit values to point-of-sale system
Patent Assignee: EMN8 INC (EMNE-N)
Inventor: SILVA J

Patent Family (1 patents, 1 countries)							
Patent Number	**Kind**	**Date**	**Application Number**	**Kind**	**Date**	**Update**	**Type**
US 20090228836	A1	20090910	US 2008167047	A	20080702	200961	B
			US 200833681	P	20080304		

			US 200852564	P	20080512

Priority Applications (no., kind, date): US 200833681 P 20080304; US 200852564 P 20080512; US 2008167047 A 20080702

Alerting Abstract US A1
NOVELTY - The method involves receiving a customer input selection of a product to order at a kiosk system by receiving a product selection, and accessing a kiosk database to identify available product modifications. A kiosk stock keeping unit (SKU) value is determined based on the input selection. SKU mapping data is accessed to determine point-of-sale (POS) SKU values indicative of the input selection by parsing an XML-based mapping document. The determined POS SKU values are transmitted to the POS system. A drill down menu flow is provided to receive a customer input.
DESCRIPTION - INDEPENDENT CLAIMS are also included for the following:

1. a customer-operated kiosk ordering system for use in a quick service restaurant environment comprising an ordering application to provide a customer-operated ordering input interface
2. a computer-readable medium having computer-executable instructions to perform a method for integrating a customer-operated ordering kiosk system with a point-of-sale system.

USE - Computer-implemented method for integrating a customer-operated ordering kiosk system with a point-of-sale (POS) system in a quick service restaurant (QSR) environment e.g. fast food restaurant, which provides a counter service food e.g. hamburger, to customers.
ADVANTAGE - The method enables a single customer-operated kiosk quick service **restaurant** ordering system **menu** application to be easily integrated with any number of different back-office point-of-sale system implementations without compromising on **menu** design and customer user interface experience. The method allows kiosk-based ordering environment to easily maintain price and **menu synchronization** with multiple point-of-sale systems. The method allows the customer-based quick service restaurant ordering kiosk system to be interfaced with any type of back-office point-of-sale system without requiring changes in code, menu, or menu layout provided in the kiosk environment.
DESCRIPTION OF DRAWINGS - The drawing shows a screenshot of a menu flow for a kiosk system.
402 Button graphics
406 Cancel order button
408 Remove item button
410 Complete order button
412 Back button

Class Codes

International Patent Classification

IPC	Class Level	Scope	Position	Status	Version Date
G06F-0017/30	A	I	F	B	20060101
G06F-0003/048	A	I	L	B	20060101
G06F-0017/30	C	I		B	20060101
G06F-0003/048	C	I		B	20060101

ECLA: G06Q-030/00C2, G07G-001/00C2, G07G-001/14B
US Classification, Current Main: 715-841000; Secondary: 707-999104, 707-999107, 707-E17009
US Classification, Issued: 715841, 707104.1, 707E17.009
File Segment: EPI;
DWPI Class: T01; T05
Manual Codes (EPI/S-X): T01-E01B; T01-E03; T01-J05A1; T01-J05B4P; T01-J11A1; T01-J12B; T01-S03; T05-L01D

Alerting Abstract ... ADVANTAGE - The method enables a single customer-operated kiosk quick service **restaurant** ordering system **menu** application to be easily integrated with any number of different back-office point-of-sale system implementations without compromising on **menu** design and customer user interface experience. The method allows kiosk-based ordering environment to easily maintain price and **menu** **synchronization** with multiple point-of-sale systems. The method allows the customer-based quick service restaurant ordering kiosk system to be interfaced with any type of... Original Publication Data by AuthorityArgentina**Publication No. Original Abstracts:** Disclosed embodiments provide the ability to create a single customer-operated kiosk quick service **restaurant** ordering system **menu** application which may be easily integrated with any number of different back office point of sale system implementations without compromising menu design and the customer...

16/69,K/4 (Item 4 from file: 350)
DIALOG(R)File 350: Derwent WPIX
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0018084910 *Drawing available*
WPI Acc no: 2008-K05239/200859
XRPX Acc No: N2008-729688
Display synchronizing system for managing restaurant dining service, has server delivering menus to communicator, and terminal receiving food supply data, where server generates menu updates from data for delivery to communicator
Patent Assignee: NCR CORP (NATC)
Inventor: BENSON C M

Patent Family (1 patents, 1 countries)							
Patent Number	**Kind**	**Date**	**Application Number**	**Kind**	**Date**	**Update**	**Type**

| US 7418413 | B1 | 20080826 | US 2002109205 | A | 20020328 | 200859 | B |

Priority Applications (no., kind, date): US 2002109205 A 20020328

Alerting Abstract US B1
NOVELTY - The system has a patron communicator displaying course menus, and a server (14) for delivering the menus to the communicator for display at the communicator. The display of the menus is in response to an attendant service signal received from an attendant service indicator (28). A kitchen terminal (20) receives **food** supply data, where the server generates **menu** updates from the data for delivery to the communicator. The indicator is a wireless transmitter (38) for generating a service signal when activated, and includes an encoder (34) for encoding an identifier in the generated signal.
USE - System for **synchronizing** a display of a course **menu** with a progress of a meal for managing a **restaurant** dining service.
ADVANTAGE - The system provides a leisurely dining experience that allows the patrons to place orders without having a server to be present at a table, facilitates timely interaction between the patrons and servers, enables the patrons to participate in the scheduling of preparation and delivery of orders and displays food specials in a manner that coincides with interest in a particular course of the meal.
DESCRIPTION OF DRAWINGS - The drawing shows a block diagram of a system that is used to display course **menus** to patrons in **synchronization** with the progress of a meal.
14 Server
16 Computer communication network
20 Kitchen terminal
24 Service terminal
28 Attendant service indicator
30 Advertising database
34 Encoder
38 Wireless transmitter

Class Codes

International Patent Classification					
IPC	**Class Level**	**Scope**	**Position**	**Status**	**Version Date**
G06F-0017/30	A	I	F	B	20060101
G06Q-0030/00	A	I	L	B	20060101
G06F-0017/30	C	I	F	B	20060101
G06Q-0030/00	C	I	L	B	20060101

ECLA: G06Q-050/00E
US Classification, Current Main: 705-027000; Secondary: 705-015000

US Classification, Issued: 70527, 70515
File Segment: EPI;
DWPI Class: T01
Manual Codes (EPI/S-X): T01-D02; T01-J05B4P; T01-N01A; T01-N01D3; T01-N02A2; T01-N02B2B

Display synchronizing system for managing restaurant dining service, has server delivering menus to communicator, and terminal receiving food supply data, where server generates menu updates from data for delivery to communicator Original Titles: System and method for **synchronizing restaurant menu** display with progress through a meal **Alerting Abstract** ...The display of the menus is in response to an attendant service signal received from an attendant service indicator (28). A kitchen terminal (20) receives **food** supply data, where the server generates **menu** updates from the data for delivery to the communicator. The indicator is a wireless transmitter (38) for generating a service signal when activated, and includes... USE - System for **synchronizing** a display of a course **menu** with a progress of a meal for managing a **restaurant** dining service ... ...DESCRIPTION OF DRAWINGS - The drawing shows a block diagram of a system that is used to display course **menus** to patrons in **synchronization** with the progress of a meal... Original Publication Data by AuthorityArgentina**Publication No. Original Abstracts:** A system and method monitor the progress of a meal and provide course **menus** in **synchronization** with the monitored progress of the meal. The system includes a **menu** application for retrieving course **menus** and sending them to a patron communicator located at a table in a **restaurant**. The patron communicator displays the course **menu** for viewing by the patrons seated at a table. When an attendant receives orders from the patrons, an attendant service indicator is activated to provide... **Claims:** What is claimed is: 1. A system for **synchronizing** the display of a course **menu** with the progress of a meal comprising: a patron communicator for displaying course **menus**; an attendant service indicator; a server for delivering course **menus** to the patron communicator for display at the patron communicator, the display of the course menus being in response to an attendant service signal received from the attendant service indicator; and a kitchen terminal for receiving **food** supply data; wherein the server generates **menu** updates from the **food** supply data for delivery to the patron communicator.

16/69,K/5 (Item 5 from file: 350)
DIALOG(R)File 350: Derwent WPIX
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0016155447 *Drawing available*
WPI Acc no: 2006-687076/200671
Related WPI Acc No: 2001-397509; 2005-648095; 2006-075501; 2006-134386
XRPX Acc No: N2006-543711
Information management and synchronous communications system for use with Internet, has communication control module for interface between informational session applications and communications protocol

Patent Assignee: MCNALLY K R (MCNA-I)
Inventor: MCNALLY K R

Patent Family (1 patents, 1 countries)							
Patent Number	**Kind**	**Date**	**Application Number**	**Kind**	**Date**	**Update**	**Type**
US 20060195510	A1	20060831	US 1999400413	A	19990921	200671	B
			US 200116517	A	20011101		
			US 2005112990	A	20050422		
			US 2005190633	A	20050726		
			US 2006352126	A	20060210		

Priority Applications (no., kind, date): US 1999400413 A 19990921; US 200116517 A 20011101; US 2005112990 A 20050422; US 2005190633 A 20050726; US 2006352126 A 20060210

Alerting Abstract US A1
NOVELTY - The system has a communications control module, where applications and data are synchronized between a central data base, a wireless handheld computing device, a Web server and a Web page. An graphical user interface (1) enables integration of outside applications with informational session applications, where the control module is an interface between the informational session applications and communications protocol.
DESCRIPTION - An INDEPENDENT CLAIM is also included for an information management and synchronous communications method.
USE - Used with a wireless handheld computing devices and Internet.
ADVANTAGE - The communication control module is the interface between the informational session applications and communications protocol, thus facilitating user-friendly and efficient generation of computerized menus that utilize equipment with non-PC-standard graphical formats, and display sizes.
DESCRIPTION OF DRAWINGS - The drawing shows a schematic representation of a window displayed on a computer display screen which shows a hierarchical tree menu, modifier window and sub-modifier window.
1 Graphical user interface
2 Hierarchical tree structure
3 Menu categories
4 Menu items
6 Menu sub-modifiers

Class Codes

International Patent Classification					
IPC	**Class Level**	**Scope**	**Position**	**Status**	**Version Date**

G06F-0015/16	A	I	F	B	20060101
G06F-0015/16	C	I	F	B	20060101

ICO: T04W-002:00, T04W-052:02
US Classification, Current Main: 709-203000
US Classification, Issued: 709203
File Segment: EPI;
DWPI Class: T01; W05
Manual Codes (EPI/S-X): T01-N02A1; W05-A04C; W05-A05A

Original Publication Data by AuthorityArgentina**Publication No. Original
Abstracts:**An information management and synchronous communications system and
method facilitates database equilibrium and **synchronization** with wired, wireless and
Web-based systems, user-friendly and efficient generation of computerized **menus** and
reservations with handwritten/voice modifications for **restaurants**, enrollment sessions,
and other applications that utilize equipment with nonstandard graphical formats, display
sizes and/or applications for use in remote data entry, information management...

16/69,K/6 (Item 6 from file: 350)
DIALOG(R)File 350: Derwent WPIX
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0015570225 *Drawing available*
WPI Acc no: 2006-134386/200614
Related WPI Acc No: 2001-397509; 2005-648095; 2006-075501; 2006-687076
XRPX Acc No: N2006-116432
**Information management and synchronous communication system for use with e.g.
pager, has application program interface enabling integration of outside
applications with hospitality applications via communications control module**
Patent Assignee: MCNALLY K R (MCNA-I)
Inventor: MCNALLY K R

Patent Family (1 patents, 1 countries)							
Patent Number	Kind	Date	Application Number	Kind	Date	Update	Type
US 20060020497	A1	20060126	US 1999400413	A	19990921	200614	B
			US 200116517	A	20011101		
			US 2005112990	A	20050422		
			US 2005190633	A	20050726		

Priority Applications (no., kind, date): US 1999400413 A 19990921; US 200116517 A
20011101; US 2005112990 A 20050422; US 2005190633 A 20050726

Alerting Abstract US A1
NOVELTY - The system has a central database containing hospitality applications. A computing device performs automated telephone calls employing voice synthesis with individuals in a restaurant. An application program interface enables integration of outside applications with the hospitality applications via a communications control module which is an interface between the hospitality applications and communications protocol.
USE - Used with a computing device e.g. digital wireless messenger, pager, portable laptop and personal digital assistant (PDA) and Internet, to generate a computerized **menu** in a hospitality industry e.g. **restaurant**.
ADVANTAGE - The application program interface enables integration of outside applications with the hospitality applications via the communications control module, thus facilitating user-friendly and efficient generation of the computerized menus in a simple manner, and enabling automatic updation of the database.
DESCRIPTION OF DRAWINGS - The drawing shows an exemplary system diagram relating to the information management and synchronous communication system.

Class Codes

International Patent Classification					
IPC	**Class Level**	**Scope**	**Position**	**Status**	**Version Date**
G06Q-0010/00	A	I	F	B	20060101
G06Q-0010/00	C	I	L	B	20060101

ICO: T04M-201:60
US Classification, Current Main: 705-005000
US Classification, Issued: 7055
File Segment: EPI;
DWPI Class: T01; W04
Manual Codes (EPI/S-X): T01-C07A; T01-C08A; T01-J20B1; W04-V04C

Alerting Abstract USE - Used with a computing device e.g. digital wireless messenger, pager, portable laptop and personal digital assistant (PDA) and Internet, to generate a computerized **menu** in a hospitality industry e.g. **restaurant**. Original Publication Data by AuthorityArgentina**Publication No. Original Abstracts:**An information management and synchronous communications system and method facilitates database equilibrium and **synchronization** with wired, wireless and Web-based systems, user-friendly and efficient generation of computerized **menus** and reservations with **handwritten**/voice modifications for **restaurants** and other applications **that** utilize equipment with nonstandard graphical formats, display sizes and/or applications for use in remote data entry, information management and communication with host computer, digital...

16/69,K/7 (Item 7 from file: 350)
DIALOG(R)File 350: Derwent WPIX

0015511358 *Drawing available*
WPI Acc no: 2006-075501/200608
Related WPI Acc No: 2001-397509; 2005-648095; 2006-134386; 2006-687076
XRPX Acc No: N2006-065375
Information management and synchronous communication system for generating computerized menu, facilitates generation of menu by allowing selection of categories and items from preset menu
Patent Assignee: AMERANTH WIRELESS INC (AMER-N)
Inventor: MCNALLY K R; ROGERS K; RUBIN P

Patent Family (1 patents, 1 countries)							
Patent Number	**Kind**	**Date**	**Application Number**	**Kind**	**Date**	**Update**	**Type**
US 6982733	B1	20060103	US 1999400413	A	19990921	200608	B
			US 200116517	A	20011101		

Priority Applications (no., kind, date): US 1999400413 A 19990921; US 200116517 A 20011101

Alerting Abstract US B1
NOVELTY - An application software facilitates the generation of menu by allowing selection of categories and items from preset menu, and addition of menu items to other menu item using graphical user interface. The parameters are selected from modifier and sub-modifier menus.
DESCRIPTION - INDEPENDENT CLAIMS are also included for the following:

1. computer system;
2. handwriting capture method;
3. voice capture method; and
4. voice recognition and conversion method.

USE - Information management and synchronous communication system for generating computerized **menu** for **restaurant** using internet, wireless link, remote handheld computer, **personal** digital **assistant** (PDA) and smart phone.
ADVANTAGE - Enables automatic updating of both wireless and internet menu systems using simple technique.
DESCRIPTION OF DRAWINGS - The figure shows the block diagram of the point-of-sale interface.

Class Codes

International Patent Classification					
IPC	**Class Level**	**Scope**	**Position**	**Status**	**Version Date**

G06F-0003/00	A	I	F	B	20060101	

ECLA: G06F-017/30W9V
US Classification, Issued: 345841, 345810
File Segment: EPI;
DWPI Class: T01
Manual Codes (EPI/S-X): T01-C02B1; T01-C08A; T01-J12B; T01-N01A2E

Alerting Abstract ... USE - Information management and synchronous communication system for generating computerized **menu** for **restaurant** using internet, wireless link, remote handheld computer, **personal** digital **assistant** (PDA) and smart phone... Original Publication Data by AuthorityArgentina**Publication No. Original Abstracts:**An information management and synchronous communications system and method facilitates database equilibrium and **synchronization** with wired, wireless and Web-based systems, user-friendly and efficient generation of computerized **menus** and reservations with **handwritten**/voice modifications for **restaurants** and other applications **that** utilize equipment with nonstandard graphical formats, display sizes and/or applications for use in remote data entry, information management and communication with host computer, digital...

16/69,K/8 (Item 8 from file: 350)
DIALOG(R)File 350: Derwent WPIX
Your application

0015297925 *Drawing available*
WPI Acc no: 2005-648095/200566
Related WPI Acc No: 2001-397509; 2006-075501; 2006-134386; 2006-687076
XRPX Acc No: N2005-530964
Information management and synchronous communication system for restaurant, synchronizes order menu data created by selecting items from restaurant menu, between data storage and other computing device using graphical user interface
Patent Assignee: BERGFELD R (BERG-I); MCNALLY K R (MCNA-I); ROOF W H (ROOF-I)
Inventor: BERGFELD R; MCNALLY K R; ROOF W H

Patent Family (1 patents, 1 countries)							
Patent Number	**Kind**	**Date**	**Application Number**	**Kind**	**Date**	**Update**	**Type**
US 20050204308	A1	20050915	US 1999400413	A	19990921	200566	B
			US 200116517	A	20011101		
			US 2005112990	A	20050422		

Priority Applications (no., kind, date): US 1999400413 A 19990921; US 200116517 A 20011101; US 2005112990 A 20050422

Alerting Abstract US A1
NOVELTY - An application software generates order **menu** by selecting items from **restaurant menu** stored in a data storage and **synchronizing** order **menu** data between data storage and other computing device, using graphical user interface.
DESCRIPTION - An INDEPENDENT CLAIM is also included for information management and synchronous communication method.
USE - For managing and synchronous communication of information from wireless handheld device such as personal digital assistant (PDA) to point-of-sale (POS) terminal, printer and display system in restaurant, hotel and casino through internet.
ADVANTAGE - Facilitates remote ordering of goods using wireless handheld device without complicated operation in reduced time. Performs efficient generation of computerized **menus** for **restaurants** easily.
DESCRIPTION OF DRAWINGS - The figure shows a schematic view of the point-of-sale internal on wireless handheld device.
15 point-of sale interface
16 page-type menu

Class Codes

International Patent Classification					
IPC	**Class Level**	**Scope**	**Position**	**Status**	**Version Date**
G06F-0017/30	A	I		R	20060101
G06F-0017/30	C	I		R	20060101

ECLA: G06F-017/30W9V
US Classification, Current Main: 715-810000; Secondary: 707-E17121, 715-841000
US Classification, Issued: 715841, 715810
File Segment: EPI;
DWPI Class: T01
Manual Codes (EPI/S-X): T01-J05B4M; T01-N01A2

Information management and synchronous communication system for restaurant, synchronizes order menu data created by selecting items from restaurant menu, between data storage and other computing device using graphical user interface
Alerting Abstract ...NOVELTY - An application software generates order **menu** by selecting items from **restaurant menu** stored in a data storage and **synchronizing** order **menu** data between data storage and other computing device, using graphical user interface. ...ADVANTAGE - Facilitates remote ordering of goods using wireless handheld device without complicated operation in reduced time. Performs efficient generation of computerized **menus** for **restaurants** easily... Original Publication Data by AuthorityArgentina**Publication No. Original Abstracts:**An information management and synchronous communications system and method facilitates database equilibrium

and **synchronization** with wired, wireless and Web-based systems, user-friendly and efficient generation of computerized **menus** and reservations with **handwritten**/voice modifications for **restaurants** and other applications **that** utilize equipment with nonstandard graphical formats, display sizes and/or applications for use in remote data entry, information management and communication with host computer, digital...

16/69,K/9 (Item 9 from file: 350)
DIALOG(R)File 350: Derwent WPIX
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0010782504 *Drawing available*
WPI Acc no: 2001-397509/200142
Related WPI Acc No: 2005-648095; 2006-075501; 2006-134386; 2006-687076
XRPX Acc No: N2001-292967
Synchronous communication system with menu generation for use in equipment or software with nonstandard graphical formats such as in a computerized menu or other application
Patent Assignee: AMERANTH TECHNOLOGY SYSTEMS INC (AMER-N); AMERANTH WIRELESS INC (AMER-N); AMERANTH WIRELESS SYSTEMS INC (AMER-N)
Inventor: BERGFELD R; MCNALLY K R; ROOF W H

Patent Family (5 patents, 93 countries)							
Patent Number	**Kind**	**Date**	**Application Number**	**Kind**	**Date**	**Update**	**Type**
WO 2001022289	A1	20010329	WO 2000US25863	A	20000921	200142	B
AU 200075985	A	20010424	AU 200075985	A	20000921	200142	E
US 6384850	B1	20020507	US 1999400413	A	19990921	200235	E
EP 1224576	A1	20020724	EP 2000965240	A	20000921	200256	E
			WO 2000US25863	A	20000921		
US 6871325	B1	20050322	US 1999400413	A	19990921	200521	E
			US 200115729	A	20011101		

Priority Applications (no., kind, date): US 1999400413 A 19990921; US 200115729 A 20011101

Alerting Abstract WO A1
NOVELTY - A point of sale interface (15) displays a page-type menu (16) in a catalog-type point-and-click format, which supports pricing on the database or querying of prices from the point of sale server. The interface provides for billing, status and payment with respect to orders and a myriad of options can be provided depending on the application. The menu can be rapidly built and instantly downloaded into a hand-held device or a web page.

DESCRIPTION - AN INDEPENDENT CLAIM is included for an information management and synchronous communication method.
USE - Generating computerized menu and other graphical displays.
ADVANTAGE - Facilitating user-friendly efficient generation of computerized menu.
DESCRIPTION OF DRAWINGS - The drawing is a schematic representation of a point of sale interface
15 Point of sale interface
16 Menu

Class Codes

International Patent Classification					
IPC	**Class Level**	**Scope**	**Position**	**Status**	**Version Date**
G06F-0017/30	A	I		R	20060101
G06F-0017/30	C	I		R	20060101

ECLA: G06F-017/30W9V
US Classification, Current Main: 715-810000; Secondary: 707-E17121, 715-841000
US Classification, Issued: 345841, 345810, 715841, 715810
File Segment: EPI;
DWPI Class: T01; T05; W01
Manual Codes (EPI/S-X): T01-C03C; T01-H07C5; T01-H07C5E; T01-J12; T05-L01D; W01-A06B7; W01-A06C4

Original Publication Data by AuthorityArgentina**Publication No. ...Original Abstracts:**information management and synchronous communications system and method facilitates database equilibrium with wireless (14) and Web-based systems, user-friendly and efficient generation of computerized **menus** (15) and reservations **for restaurant** and other applications **that** utilize equipment with nonstandard graphical formats (12), display size and application for use in remote dataentry (16), information management and communication with host computer, digital... ... An information management and synchronous communications system and method facilitates database equilibrium and **synchronization** with wired, wireless and Web-based systems, user-friendly and efficient generation of computerized **menus** and reservations for **restaurants and** other applications that **utilize** equipment with nonstandard graphical formats, display sizes and/or applications for use in remote data entry, information management and communication with host computer, digital input... ... An information management and synchronous communications system and method facilitates database equilibrium and **synchronization** with wired, wireless and Web-based systems, user-friendly and efficient generation of computerized **menus** and reservations for **restaurant** and other applications that **utilize** equipment with nonstandard **graphical** formats, display size and application for use in remote data entry, information management and communication with host computer, digital input device or remote pager via... ... information management and synchronous communications system and method facilitates database equilibrium with wireless (14) and Web-based systems, user-friendly

and efficient generation of computerized **menus** (15) and reservations for **restaurant** and other applications that utilize equipment with nonstandard **graphical** formats (12), display size **and** application for use in remote dataentry (16), information management and communication with host computer, digital input device or remote pager via standard hardwired connection, the...

Patent full-text files

11/5K/3 (Item 3 from file: 348)
01583698

INFORMATION PROVIDING SYSTEM AND METHOD, INFORMATION PROCESSING APPARATUS AND METHOD, AND COMMUNICATION TERMINAL AND METHOD

Patent Assignee:

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  (Proprietor designated states: all)

Inventor:

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  3-14-13, Higashi-Gotanda; Shinagawa-ku, Tokyo 141-0022; (JP)
- **AYATSUKA,YujiSONY COMPUTER SCIENCE LABORATORY INC**
  3-14-13, Higashi-Gotanda; Shinagawa-ku, Tokyo 141-0022; (JP)

Legal Representative:

- **DeVile, Jonathan Mark et al (100044843)**
  D Young & Co LLP 120 Holborn; London EC1N 2DY; (GB)

Country	Number	Kind	Date

	Country	Number	Kind	Date	
Patent	EP	1427145	A1	20040609	(Basic)
Patent	EP	1427145	B1	20110831	
	WO	2003026214		20030327	
Application	EP	2002798829		20020912	
	WO	2002JP9326		20020912	
Priorities	JP	2001278496		20010913	

International Patent Class (V7): H04L-012/28; G06K-017/00; G06K-019/00

International Classification (Version 8) IPC	Level	Value	Position	Status	Version	Action	Source	Office
H04L-0012/28	A	I	F	B	20060101	20030402	H	EP
G06K-0017/00	A	I	L	B	20060101	20030402	H	EP
G06K-0019/00	A	I	L	B	20060101	20030402	H	EP

Specification: ...three dishes available in each restaurant may be displayed, detailed information is not provided, and thus users cannot get detailed information unless they actually visit **restaurants** and view **menus**.

Also in the case of guide boards on which maps are displayed, when one views it to get the location of a shop he/she...the bottom right corner of the display unit 2D, information about "Daikan-yama" is provided to a user.

When a user wants to view a **menu** of dishes available in "**Restaurant** Alice" or to view an image showing the outward appearance or the like of the restaurant, if the user brings the PDA 11 into a... ...The information transmitted from the information board 1 is displayed on the display unit of the PDA 11 and thus the user can view a **menu** , a picture, or the like, of the "**Restaurant** Alice".

In Fig. 1, a broken-line arrow represents communication performed by means of an electromagnetic wave between the information board 1 and the PDA... simply by bringing the PDA 11 close to the information requesting unit 3B of the information board 1. In this specific case, for example, a **menu** of dishes available in "**Restaurant** Alice" is displayed together with associated images.

In the Bluetooth communication, a profile indicating a data transmission scheme is selected after achieving **synchronization** between terminals. For example, in communication between the non-contact IC card 21 and the reader/writer 31, profiles available in them may be transmitted...

Specification: ...three dishes available in each restaurant may be displayed, detailed information is not provided, and thus users cannot get detailed information unless they actually visit **restaurants** and view **menus**.

Also in the case of guide boards on which maps are displayed, when one views it to get the location of a shop he/she... ...the bottom right corner of the display unit 2D, information about "Daikan-yama" is provided to a user.

When a user wants to view a **menu** of dishes available in "**Restaurant** Alice" or to view an image showing the outward appearance or the like of the restaurant, if the user brings the PDA 11 into a... ...The information transmitted from the information board 1 is displayed on the display unit of the PDA 11 and thus the user can view a **menu**, a picture, or the like, of the "**Restaurant** Alice".

In <FIGREF IDREF=F0001>Fig. 1</FIGREF>, a broken-line arrow represents communication performed by means of an electromagnetic wave between the information board...simply by bringing the PDA 11 close to the information requesting unit 3B of the information board 1. In this specific case, for example, a **menu** of dishes available in "**Restaurant** Alice" is displayed together with associated images.

In the Bluetooth communication, a profile indicating a data transmission scheme is selected after achieving **synchronization** between terminals. For example, in communication between the non-contact IC card 21 and the reader/writer 31, profiles available in them may be transmitted...

11/5K/4 (Item 1 from file: 349)
DIALOG(R)File 349: PCT FULLTEXT
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02068756

PORTAL SERVICES BASED ON INTERACTIONS WITH POINTS OF INTEREST DISCOVERED VIA DIRECTIONAL DEVICE INFORMATION

Patent Applicant/Patent Assignee:

- **MICROSOFT CORPORATION**
  One Microsoft Way, Redmond, Washington 98052-6399; US; US (Residence); US (Nationality); (For all designated states except: US)

Inventor(s):

- **KHOSRAVY Moe**
  c/o Microsoft Corporation, LCA - International Patents, One Microsoft Way, Redmond, Washington 98052-6399; US; (Designated for all)
- **NOVIK Lev**
  c/o Microsoft Corporation, LCA - International Patents, One Microsoft Way, Redmond, Washington 98052-6399; US; (Designated for all)

	Country	Number	Kind	Date
Patent	WO	2010151559	A2-A3	20101229
Application	WO	2010US39556		20100622
Priorities	US	2009491519		20090625

International Patent Classes (Version 8/R) IPC	Level	Value	Position	Status	Version	Action	Source	Office
H04W-0004/02	A	I	F	B	20090101		H	KR
G06Q-0030/00	A	I	L	B	20060101		H	KR

Language Publication Language: English

Filing Language: English

Fulltext word count: 18617

English Abstract:

With the addition of directional information in the environment, a variety of service(s) can be provided on top of user identification or interaction with specific object(s) of interest by pointing at the objects. Items discovered through direction-based location services can be designated for present or later interaction, with information about those interactions uploaded to intelligent portal services exposed via one or more networks. Device users can interact with the portal services at a later time after an intelligent analysis has been applied to data representing the user's interactions, enabling a variety of scenarios, such as recommendation engines, sharing engines, shopping scenarios, etc. via the portal services.

Detailed Description:

...a person. UI 2500 can also include other media, and a static POI information portion 2504 for information that tends not to change such as **restaurant** hours, **menu**, contact information, etc. In addition, UI 2500 can include an information section for dynamic information to be pushed to the user for the POI, e... ...provides a similar, but far superior from a spatial relevance standpoint, Yellow Pages experiences where businesses will desire to have their additional information, such as **menus**, price sheets, coupons, pictures, virtual tours, etc. accessible via the system. [00139] In addition, a

synchronization platform or framework can keep the roaming caches in **sync**, thereby capturing what users are looking at and efficiently processing changes. Or, where a user goes offline, local changes can be recorded, and when the...

11/5K/6 (Item 3 from file: 349)
DIALOG(R)File 349: PCT FULLTEXT
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02021884

DEVICE TRANSACTION MODEL AND SERVICES BASED ON DIRECTIONAL INFORMATION OF DEVICE

Patent Applicant/Patent Assignee:

- **MICROSOFT CORPORATION**
  One Microsoft Way, Redmond, Washington 98052-6399; US; US (Residence); US (Nationality); (For all designated states except: US)

Inventor(s):

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  c/o Microsoft Corporation, International Patents, One Microsoft Way, Redmond, Washington 98052-6399; US; (Designated for all)
- **NOVIK Lev**
  c/o Microsoft Corporation, International Patents, One Microsoft Way, Redmond, Washington 98052-6399; US; (Designated for all)

	Country	Number	Kind	Date
Patent	WO	2010104686	A2-A3	20100916
Application	WO	2010US25684		20100226
Priorities	US	2009400087		20090309

International Patent Classes (Version 8/R) IPC	Level	Value	Position	Status	Version	Action	Source	Office
H04W-0004/02	A	I	F	B	20090101		H	KR

Language Publication Language: English
Filing Language: English

Fulltext word count: 15865

English Abstract:

With the addition of directional information in the environment, a variety of service(s) can be provided on top of user identification or interaction with specific object(s) of interest. For instance, when a user points at a particular item at a particular location or place, this creates an opportunity, e.g., an advertising opportunity, for anyone having an interest in that particular item to communicate with the user regarding that item or related items at a point in time when the user's focus is on the particular item. User context for the interaction can also be taken into account to supplement the provision of one or more interactive direction based services.

Detailed Description:

...a person. UI 2200 can also include other media, and a static POI information portion 2204 for information that tends not to change such as **restaurant** hours, **menu**, contact information, etc. In addition, UI 2200 can include an information section for dynamic information to be pushed to the user for the POI, e... ...provides a similar, but far superior from a spatial relevance standpoint, Yellow Pages experiences where businesses will desire to have their additional information, such as **menus**, price sheets, coupons, pictures, virtual tours, etc., accessible via the system. [00123] In addition, a **synchronization** platform or framework can keep the roaming caches in **sync**, thereby capturing what users are looking at and efficiently processing changes. Or where a user goes offline, local changes can be recorded, and when the...

11/5K/7 (Item 4 from file: 349)
DIALOG(R)File 349: PCT FULLTEXT
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01931876

SYSTEM AND METHOD OF PROVIDING DIGITAL MEDIA MANAGEMENT IN A QUICK SERVICE RESTAURANT ENVIRONMENT

Patent Applicant/Patent Assignee:

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Patent Applicant/Inventor:

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- **SILVA John**
  7636 Palmilla Drive, Unit 110, San Diego, CA 92122; US; US (Residence); US (Nationality); (Designated only for: US)

Legal Representative:

- **HART Daniel (agent)**
  Knobbe Martens Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, CA 92614; US

	Country	Number	Kind	Date
Patent	WO	201011688	A1	20100128
Application	WO	2009US51309		20090721
Priorities	US	200882409		20080721

International Patent Classes (Version 8/R) IPC	Level	Value	Position	Status	Version	Action	Source	Office
G06F-0017/00	A	I	F	B	20060101		H	US

Language Publication Language: English

Filing Language: English

Fulltext word count: 9128

English Abstract:

Embodiments disclosed herein are directed to systems and methods for managing digital media content within a quick service restaurant environment to provide a consistent visual experience and accurate, timely data across various digital media displays to QSR customers. In some embodiments, a digital media management appliance ("DMMA") is used to manage the distribution of digital media data which is used to drive various display devices present in the QSR environment. The DMMA may be configured to extract data from a point of sale ("POS") system and/or other data sources within the QSR environment in order to generate display data for the digital media devices in the store.

Detailed Description:

...and promotional data; a hosted menu building application configured to generate digital display menus; and a network interface configured to transmit the generated digital display **menus** over a computer network. In certain implementations, the media design module may further include a store marketing media design application.

[0007] Some embodiments include a **synchronization** module configured to maintain consistency between digital media data and point of sale data. Further embodiment include a digital media delivery module which is further... ...process in which an order may be routed through a digital media management appliance to POS system.

[0021] Figure 13 is a flowchart of a **synchronization** process which may be used to maintain updated **menus**.

[0022] In this description, reference is made to the drawings wherein like parts are designated with like numerals throughout.

DETAILED DESCRIPTION OF CERTAIN INVENTIVE EMBODIMENTS...
...synchronization service which allows for real time POS system data to be used to maintain and update digital media within the store. For example, the **synchronization** service may be configured to monitor inventory data in a POS system and remove **menu** items and/or item promotions from the digital media in the QSR if a particular item is no longer available.

Similarly, each of the different... ...in the QSR 100 without needing the assistance of a customer service representative. The kiosk 114 may be configured to display a digital touch-screen **menu** to customers 106 and process **food** and drink orders which are transmitted to a point of sale ("POS") system 120 located in the operations area 104 of the QSR environment 100... ...management software. The DMMA 124, which will be discussed in detail below in connection with Figures 3 and 4, is generally used to store, manage, **synchronize**, and deliver data to the digital display devices throughout the QSR environment 100. For example, the DMMA 124 may store **menu** data that is used to drive the digital **menu** display 116 and the customer operated kiosks 114. The DMMA may also store digital media that is used to drive the digital marketing displays 108...
...data stored in a particular location's POS database 202 may vary, the POS database 202 typically stores sales and inventory data, as well as **menu** data. **Food** products offered by the QSR to its customers may be identified by SKUs, which are unique identifiers of products. The POS system 120 also may... ...100 is accurate and up to date. As noted above, POS database data 202 is generally considered "authoritative" in the QSR environment 100. Thus, the **synchronization** module may be configured to compare **menu** data stored in the digital media data 304 with the inventory data stored in the POS database. If the **menu** data and inventory data are inconsistent, the **synchronization** engine 310 may be configured to modify the **menu** data accordingly.

[0041] In various embodiments, data processed by the DMMA 124 may be passed to the POS system 120 via the POS interface 302... ...The media design module 126 may include a menu building database 502. The database 502 may include menu data 504,

store data 506, and historical **menu** data 508. The **menu** data 504 may include **food** and drink items and their associated default prices for display on media display devices. The menu data 504 may further define a **menu** flow for the presentation of the **food** and drink items in the display for selection on customer operated ordering devices such as the kiosk 114. The menu data 504 may also include... area network such as the Internet.

[0049] The media design module described in connection with Figure 5 may be used to create and deliver digital **menus** and other digital promotion media to QSR **restaurants** via a computer network. Figure 6 is flowchart illustrating one example of a process by which a menu is generated and delivered to a QSR... ...product items that are available for ordering by QSR customers 106. As briefly noted above, the DMMA 124 may provide the ability for the product **menu** to reflect inventory conditions within the QSR environment 100. The DMMA 124 may leverage the **synchronization** service 124 to check **menu** item availability in the POS system 120. For example, the POS inventory make be checked to ensure that each of the **menu** items is available in the store. If menu items are missing, the items associated with those ingredients may be removed from the kiosk menu at... ...menu flow or product placement for the menu. Next, at block 1106, the engine 408 checks with the POS system 120 to confirm that each **menu** item on the **menu** is available. This check may be carried out by the **synchronization** service 310, the translation module 312, or both. The process next moves to block 1108, where the unavailable items are removed from the **menu**, and the **menu** is generated on the display 116.

It is to be appreciated that the digital menu display engine may be further configured to check the POS ... ...POS system 120 to confirm item availability.

As discussed previously, this check may be performed in cooperation with the translation module 312 and/or the **synchronization** module 310 to extract the data from the POS system 120. Next, the web-based **menu** data is generated from the available items at block 1206, and the data is sent over the network to the requesting client at block 1208... ...order receipt may be sent to the requesting client at block 1216.

[0058] In still other embodiments, the DMMA 124 may be configured to maintain **menus** in real time across multiple display devices in the QSR environment. Figure 13 is a flowchart of a **synchronization** process which may be used to maintain updated **menus** across the each of the display devices in the customer present area 102 of the QSR environment 100.

The process begins at block 1302, where the **synchronization** module 310 of the DMMA 124 sends a request to the POS system 120 for a list of all unavailable product items. Next, the process...

Claims:

...the menu building module comprises: a database comprising menu data, store data, and promotional data; a hosted menu building application configured to generate digital display **menus**; and a network interface configured to transmit the generated digital display **menus** over a computer network.

10. The system of Claim 1, further comprising a **synchronization** module configured to maintain consistency between digital media data and point of sale data.

11. The system of Claim 10, wherein the digital media delivery... ...method of Claim 13, further comprising: accessing the digital media data to generate digital menu data; and transmit the digital menu data to a digital **menu** display.

20. The method of Claim 19, wherein the digital **menu** data comprises **menu** data, store data, and promotional data.

21. The method of Claim 13, further comprising performing **synchronization** functions to maintain consistency between digital media data and point of sale data.

22. The method of Claim 2 1, further comprising modifying the digital...

11/5K/17 (Item 14 from file: 349)
DIALOG(R)File 349: PCT FULLTEXT
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01175722

SELF-ATTAINABLE ANALYTIC TOOL AND METHOD FOR ADAPTIVE BEHAVIOR MODIFICATION

Patent Applicant/Inventor:

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Legal Representative:

- **COHEN Jerry et al (agent)**
  Perkins, Smith & Cohen, LLP, One Beacon Street, Boston, MA 02108; US

	Country	Number	Kind	Date
Patent	WO	200497563	A2-A3	20041111

	Country	Number	Kind	Date
Application	WO	2004US12734		20040423
Priorities	US	2003465140		20030424

Main International Patent Classes (Version 7):

IPC	Level
B65D-085/00	Main
G06F-015/16	
G06F-017/60	
G06F-011/30	

Language Publication Language: English

Filing Language: English

Fulltext word count: 23362

English Abstract:

A system and method for behavior modification through dynamic identification of behavior patterns, assistance in finding and implementing healthy alternatives to undesirable behavior patterns, preparation of dynamically variable user-specific programs, monitoring of current user activities, and presenting feedback and information to the user. The system and method further support incorporation of professional and other information into a user-specific package from which the user-specific program is determined, and synchronization and data integrity across the platforms of the system.

Detailed Description:

...information 31 are used by various components in the system. Generic database 33 can hold information that could be applicable to all users, such as **menus** and ingredients from **restaurants**, and their associated micronutrients and other characteristics developed by the system and received from other sources. General database 30 can be extended to include any... ...within the system and outside the system.

To augment the user-specific information and promote the user's continued adherence to the user-specific program, **restaurant menu** data including ingredients could be accessed by the system. These data could be availablethrough, for example, an electronic interface or by system... system can provide means for real-time menu and ingredient updates. With the ingredient list, the system could determine the micronutrient profile associated with the **menu** items. A user could be presented with a selection of **restaurant** offerings that would serve food that complements the user's diet plan, for example, or simply a list of restaurants available to the user that... ...Server 65 to personal device 61

Goal Server 65 to personal device 61

Hunger Server 65 to personal device 61

20
SQL Server Table Name **Synchronization** Direction
Location Server 65 to personal device 61
MealType Server 65 to personal device 61
Measurement Server 65 to personal device 61
Menu Server 65 to personal device 61
MenuCalories Server 65 to personal device 61
MenuDailyCalories Server 65 to personal device 61
MenuItem Server 65 to personal...to the user based on data input from the user, analysis of that data, professional input, etc., such as, for example, tips, advance alarms, renunders, **menus**, commercial **food** guidelines, pyramidbased **food** guidelines, balance scale, yoga guidelines, stretching guidelines, general exercise guidelines, fitness tests, nutrition planning information, nutrition schedule, action plans, milestones, and list of reached or...

00927910

METHOD AND APPARATUS FOR UPDATING APPLICATIONS ON A MOBILE DEVICE

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Legal Representative:

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	Country	Number	Kind	Date

	Country	Number	Kind	Date
Patent	WO	200262031	A2-A3	20020808
Application	WO	2001US44860		20011128
Priorities	US	2000727991		20001130

Main International Patent Classes (Version 7):

IPC	Level
H04L-029/06	Main

Language Publication Language: English

Filing Language: English

Fulltext word count: 8126

English Abstract:

A method and system for the delivery of updated web platform applications to a mobile electronic device upon synchronization of the mobile device with a computer.Specifically, one embodiment of the present invention discloses a method and systemfor dynamically creating personalized and up-to-date applications whenever a mobile electronic device is synchronized with a stand-alone computer system that is coupledto remotely located content servers or computers via a communication network, such as the Internet. Conduits act as gateways for synchronization between the mobileelectronic device and the plurality of content servers or computers. These conduits coordinate the loading of the personalized and up-to-date applications onto the mobileelectronic device. In one example, a user can then access up-to-date information onthe applications at a more convenient time and while disconnected from the content servers or computers that provide the information.

Detailed Description:

...application
developer so chooses that also could be included within the
science experiment application 650.

Another example of an application that is updated through
device **synchronization** in one embodiment of the invention
without connecting to the Internet is the **restaurant** sales
application 630 of Figure 6. Sales of **menu** items can be
recorded on a stand-alone computer located at a restaurant. A
corresponding application to the sales application 630 is
resident on the stand-alone computer and directs the
recordation of such items as total monthly sales, specific **menu**
item sales, cost of **menu** items, etc. A user can access those

results by **synchronizing** a PDA containing the sales application
630 to the stand-alone computer located at the restaurant. A
conduit resident on the stand-alone computer facilitates...

11/5K/22 (Item 19 from file: 349)
DIALOG(R)File 349: PCT FULLTEXT
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00788780

**INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS
SYSTEM WITH MENU GENERATION**

Patent Applicant/Patent Assignee:

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  US(Nationality)

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Legal Representative:

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  Morgan & Finnegan, L.L.P., 345 Park Avenue, New York, NY 10154-0053; US

	Country	Number	Kind	Date
Patent	WO	200122289	A1	20010329
Application	WO	2000US25863		20000921
Priorities	US	99400413		19990921

Main International Patent Classes (Version 7):

IPC	Level

IPC	Level
G06F-017/30	Main
G06F-013/14	

Language Publication Language: English

Filing Language: English

Fulltext word count: 10325

English Abstract:

An information management and synchronous communications system and method facilitates database equilibrium with wireless (14) and Web-based systems, user-friendly and efficient generation of computerized **menus** (15) and reservations for **restaurant** and other applications that utilize equipment with nonstandard graphical formats (12), display size and application for use in remote dataentry (16), information management and communication with host computer, digital input device or remote pager via standard hardwired connection, the Internet, a wireless link.

Legal Status Type	Pub. Date	Kind	Text
Publication	20010329	A1	With international search report.
Examination	20010809		Request for preliminary examination prior to end of 19th month from priority date

Detailed Description:

...I I FIELD OF THE INVENTION
This invention relates to an information management and synchronous
1 3 communications system and method for generation of computerized **menus** for **restaurants** and other applications with specialized display and synchronous communications requirements related to, for example, the use of equipment or software with non-PC-standard graphical...largely limited to fixed computer solutions, i.e., desktop or mainframe, because of the problems heretofore faced in configuring wireless handheld devices and maintaining database **synchronization** for such applications. Specifically, the unavailability of any simple technique for creating **restaurant menus** and the like for use in a limited display area wireless handheld device or that is compatible with ordering over the intemet has prevented widespread and efficient generation of computerized **menus** for **restaurants** and other applications 1 5 that utilize equipment with non-PC-standard graphical formats, display sizes and/or applications.

1 6 A further object of... ...communications system is provided which results in 1 9 a dramatic reduction in the amount of time, and hence cost, to generate and maintain computerized **menus** for, e.g., **restaurants** and other related applications that utilize non-PCstandard graphical formats, display sizes or applications.

The menu generation approach of the present invention has many advantages...building a menu using their existing database and transferring the menu onto handheld devices or Web pages that will interface with servers wirelessly or to **restaurants**/customers over the internet. The **menu** generation approach of the present invention is the first coherent solution available to accomplish these objectives easily and allows one development effort to produce both...for on time delivery of customized versions of the software. The advanced database functions produce well-designed databases that accommodate growth and scalability The inventive **menu** generation approach provides a solution for the pervasive 1 7 connectivity and computerization needs of the restaurant and related markets. The inventive 1 8 solution includes automatic database management and **synchronization**, PDA and handheld wireless operating system integration and optimization, wireless communications and internet connectivity, user interface design, and graphics design.

2 1 In the preferred embodiment, the **menu** generation approach of the ...the database is eliminated as well, reducing the need for resource intensive pointers.

While the preferred embodiment of the invention is for the generation of **restaurant menus** and the like, the broad scope of the invention is far greater. For example, 1 8 menus generated in accordance with the invention can be... ...It is also within the scope of the invention to generate menus automatically in I I response to predeten-nined criteria. For example, in the **restaurant menu** generation embodiment, a modified **menu** can be generated to comply with a particular specification or group of criteria 1 3 such as, e.g., "dinner", "low cholesterol", "low fat", "fish...to those skilled in the art where an objective is to facilitate display of the menu so as to enable selection of items from that **menu**. The **restaurant menu** generation embodiment is but one example of a use for the inventive concept. Likewise, displaying menus generated in accordance with the invention on PDAs and... ...said operating 1 5 system.

1 6 2. An information management and synchronous communications system in 1 7 accordance with claim 1, wherein the second **menu** is a **restaurant menu**.

1 8 3. An information management and synchronous communications system in 1 9 accordance with claim 1, wherein the second menu is capable of being ...

Claims:

...I selected from the modifier and sub-modifier menus.

21 An information management and synchronous communications system in accordance with claim 20, wherein the second **menu** is a **restaurant menu**.
22 An information management and synchronous communications system in accordance with claim 20, wherein the second menu is capable of being displayed on the display...

NPL abstract files -- no relevant records

NPL full-text files -- no relevant records

<table>
<tr><td rowspan="3">Issue Classification

||||||||</td><td>Application/Control No.

11112990</td><td>Applicant(s)/Patent Under Reexamination

MCNALLY ET AL.</td></tr>
<tr><td>Examiner

MATTHEW BROPHY</td><td>Art Unit

2191</td></tr>
</table>

ORIGINAL		INTERNATIONAL CLASSIFICATION						
CLASS	**SUBCLASS**	**CLAIMED**					**NON-CLAIMED**	
717	177	G	0	6	F	9 / 445 (2006.01.01)		

CROSS REFERENCE(S)

CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
717	102	109	111	168	174
715	810	828			

☒ Claims renumbered in the same order as presented by applicant　　☐ CPA　　☐ T.D.　　☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	103	10	119												
2	104	11	120												
3	105	12	121												
4	106	13	122												
5	107	14	123												
	108	15	124												
	109	16	125												
	110	17	126												
	111	18	127												
	112														
	113														
	114														
6	115														
7	116														
8	117														
9	118														

/MATTHEW BROPHY/ Examiner.Art Unit 2191 (Assistant Examiner)	12/16/2011 (Date)	**Total Claims Allowed:** 18	
/LEWIS A BULLOCK JR/ Supervisory Patent Examiner.Art Unit 2193 (Primary Examiner)	12/17/2011 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 9

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File 347:JAPIO Dec 1976-2011/SEP(Updated 120106)
        (c) 2012 JPO & JAPIO
File 348:EUROPEAN PATENTS 1978-201152
        (c) 2011 European Patent Office
File 349:PCT FULLTEXT 1979-2012/UB=20120112|UT=20120105
        (c) 2012 WIPO/Thomson
File 350:Derwent WPIX 1963-2011/UD=201202
        (c) 2012 Thomson Reuters


Set     Items   Description
S1        24    AU=(MCNALLY K? OR MCNALLY, K?)
S2        18    AU=(ROOF W? OR ROOF, W?)
S3         5    AU=(BERGFELD R? OR BERGFELD, R?)
S4        39    S1:S3
S5       394    MENU()GENERATION
S6         5    S4 AND S5



File 347:JAPIO Dec 1976-2011/SEP(Updated 120106)
        (c) 2012 JPO & JAPIO
File 350:Derwent WPIX 1963-2011/UD=201202
        (c) 2012 Thomson Reuters


Set     Items   Description
S1     95444    MENU OR MENUS OR BILL(1W)FARE OR CARTE OR CARTES
S2      2061    S1(10N)(RESTAURANT? ? OR CAFE OR CAFES OR CAFETERIA? ? OR -
                EATERY? ? OR EATERIES OR LUNCHEONETTE? ? OR LUNCHROOM? ? OR B-
                ISTRO? ? OR COFFEEHOUSE? ? OR DINER OR DINERS OR DINETTE? ? OR
                (DINING OR EATING OR LUNCH??? ?)()(PLACE? ? OR ESTABLISHMENT?
                ? OR FACILIT??? OR ROOM OR ROOMS OR HALL OR HALLS OR CAR OR -
                CARS OR HOUSE? ?) OR FOOD OR TAKEOUT? ? OR TAKE()(OUT OR OUTS)
                OR REFECTOR??? ? OR MESSROOM? ? OR MESSHALL? ? OR MESS()(HALL
                OR HALLS OR ROOM OR ROOMS) OR COMMONS OR COFFEE()(SHOP OR SH-
                OPS OR HOUSE? ?) OR COFFEESHOP? ? OR COFFEEHOUSE? ? OR PUB OR
                PUBS OR TAVERN? ? OR LUNCHCOUNTER? ? OR LUNCH()COUNTER? ? OR -
                TRATTORIA? ? OR PIZZERIA? ? OR AUTOMAT OR AUTOMATS OR CANTEEN?
                ?)
S3    414788    SYNCHRONI? OR SYN OR SYNC????? ? OR HOTSYNC? OR DATASYNC? -
                OR MULTISYNC? OR RESYNC? OR AUTOSYNC? OR SUPERSYNC? OR OMNISY-
                NC?
S4      5543    S3(5N)(REALTIME OR REAL()TIME OR LIVE OR IMMEDIA? OR DYNAM-
                IC? OR FLY OR ONGOING OR ON()GOING OR NONSTATIC OR NON()STATIC
                OR INSTANT? OR PROMPT?)
S5      2774    (MASTER OR MAIN OR PRIMARY OR PARENT OR PRINCIPAL OR PRINC-
                IPLE OR ANCESTOR OR ALPHA OR LEAD??? ? OR CHIEF OR EXECUTIVE -
                OR CENTRAL OR AUTHORITY OR FIRST OR 1ST)(1W)S1
S6    389598    HANDHELD? OR HAND()(HELD OR HELDS) OR IPAQ OR IPAQS OR PDD
                OR PDDS OR HPC OR HPCS OR WINCE OR VISOR OR PDA OR PDAS OR HA-
                NDSPRING? ? OR PIM OR PIMS OR PALMPILOT? ? OR PALMTOP? ? OR P-
                ALM OR IPAD OR IPADS OR DROID? ? OR ANDROID? ? OR PALMONE? OR
                NEWTON? ? OR BLACKBERR? OR TREO? ? OR IPHONE? OR I()(PHONE OR
                PHONES OR PAD OR PADS) OR (PEN OR STYLUS OR POCKET)(2W)(COMPU-
                TER? ? OR DEVICE? ?) OR POCKETPC? OR SMARTPHONE? OR RADIOTELE-
                PHONE? OR RADIOPHONE? OR PENTOP? ? OR PERSONAL()INFORMATION()-
                MANAGER? OR PERSONAL()(DIGITAL OR DATA OR ENTERTAIN?)()(ASSIS-
                TANT? ? OR ORGANI?ER? ?) OR CELLPHONE? OR MOBILEPHONE? OR  EL-
                ECTRONIC()ORGANI?ER? ? OR DIGITAL()ASSISTANT? OR (CELLULAR OR
                CELL OR MOBILE)(2W)(DEVICE? ? OR CLIENT? ? OR APPLIANCE? ? OR
                NODE OR NODES OR ENTITY? ? OR ENTITIES)
S7    806075    (RADIO OR SMART OR CELL OR CELLULAR OR MOBILE OR WIRELESS?
                OR WIRE()LESS OR DIGITAL OR VIDEO)(1W)(TELEPHONE? OR PHONE OR
                PHONES OR HANDSET? ? OR HAND()(SET OR SETS) OR COMMUNICATOR? -
                ?) OR (SELFCONTAINED OR SELF()CONTAINED OR MOBILE OR PORTABLE
                OR WIRELESS OR WIRE()LESS OR POCKET OR IR OR INFRARED OR PERV-
                ASIVE OR BLUETOOTH OR RADIOSIGNAL OR RADIO()SIGNAL OR SATELLI-
                TE OR GPS OR GLOBAL()POSITION??? ? OR MESSAGING OR IRDA OR IN-
                FRARED()DATA OR 802)(2W)(CLIENT? ? OR PC OR PCS OR COMPUTER? ?
                OR DEVICE? ? OR UNIT OR UNITS OR APPARATUS?? OR ORGANI?ER? OR
                TERMINAL? OR APPLIANCE?) OR RADIOPAGER? OR PAGER? ? OR PAGIN-
                G(1W)(DEVICE? ? OR UNIT OR UNITS OR APPARATUS? OR TERMINAL? OR
                APPLIANCE?)  OR PERSONAL()DISPLAY???()(DEVICE? ? OR UNIT OR -
                UNITS OR APPARATUS? OR TERMINAL? OR APPLIANCE? OR CLIENT? ? OR
                PC OR PCS OR COMPUTER? ?)
S8    156295    PALMSIZE? OR PALMHELD? OR HANDYPHONE? OR WORLDPHONE? OR GO-
                PHONE? OR (HANDY OR WORLD OR GO)()(PHONE OR PHONES OR TELEPHO-
                NE? ?) OR PORTABLE()ELECTRONIC()DEVICE? ? OR PED OR PEDS OR P-
                HS OR TABLET? ? OR (ULTRAMOBILE OR ULTRA()MOBILE OR POCKET)()-
                (PC OR PCS) OR ORIGAMI OR UMPC OR UMPCS P  NOTEPAD? ? OR NOTE-
                ()(PAD OR PADS) OR TABLET? ? OR PEN()(TOP OR TOPS) OR NETBOOK?
                ? OR NET()(BOOK OR BOOKS)
S9      1176    UMPCS OR NOTEPAD? ?
S10        3    S4 AND S5
S11        0    S10 AND S2
S12        6    S5(30N)S3
S13        6    S12 NOT S10
```

```
S14       501    S1(30N)S3
S15        11    S14 AND S2
S16         9    S15 NOT (S10 OR S13)
```

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File   2:INSPEC 1898-2012/Jan W2
          (c) 2012 The IET
File   6:NTIS 1964-2012/Jan W2
          (c) 2012 NTIS, Intl Cpyrght All Rights Res
File   8:Ei Compendex(R) 1884-2012/Jan W3
          (c) 2012 Elsevier Eng.  Info. Inc.
File  34:SciSearch(R) Cited Ref Sci 1990-2012/Jan W3
          (c) 2012 The Thomson Corp
File  35:Dissertation Abs Online 1861-2011/Dec
          (c) 2012 ProQuest Info&Learning
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          (c) 2011 CSA.
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          (c) 2010 Elsevier B.V.
File  60:ANTE: Abstracts in New Tech & Engineer 1966-2011/Dec
          (c) 2011 CSA.
File  65:Inside Conferences 1993-2012/Jan 18
          (c) 2012 BLDSC all rts. reserv.
File  95:TEME-Technology & Management 1989-2010/Oct W3
          (c) 2010 FIZ TECHNIK
File  99:Wilson Appl. Sci & Tech Abs 1983-2011/Nov
          (c) 2011 The HW Wilson Co.
File 144:Pascal 1973-2012/Jan W2
          (c) 2012 INIST/CNRS
File 266:FEDRIP 2011/Nov
          Comp & dist by NTIS, Intl Copyright All Rights Res
File 434:SciSearch(R) Cited Ref Sci 1974-1989/Dec
          (c) 2006 The Thomson Corp
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Set    Items    Description
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S2      1270    S1(10N)(RESTAURANT? ? OR CAFE OR CAFES OR CAFETERIA? ? OR -
                EATERY? ? OR EATERIES OR LUNCHEONETTE? ? OR LUNCHROOM? ? OR B-
                ISTRO? ? OR COFFEEHOUSE? ? OR DINER OR DINERS OR DINETTE? ? OR
                (DINING OR EATING OR LUNCH??? ?)()(PLACE? ? OR ESTABLISHMENT?
                ? OR FACILIT??? OR ROOM OR ROOMS OR HALL OR HALLS OR CAR OR -
                CARS OR HOUSE? ?) OR FOOD OR TAKEOUT? ? OR TAKE()(OUT OR OUTS)
                OR REFECTOR??? ? OR MESSROOM? ? OR MESSHALL? ? OR MESS()(HALL
                OR HALLS OR ROOM OR ROOMS) OR COMMONS OR COFFEE()(SHOP OR SH-
                OPS OR HOUSE? ?) OR COFFEESHOP? ? OR COFFEEHOUSE? ? OR PUB OR
                PUBS OR TAVERN? ? OR LUNCHCOUNTER? ? OR LUNCH()COUNTER? ? OR -
                TRATTORIA? ? OR PIZZERIA? ? OR AUTOMAT OR AUTOMATS OR CANTEEN?
                ?)
S3    498603    SYNCHRONI? OR SYN OR SYNC????? ? OR HOTSYNC? OR DATASYNC? -
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                NC?
S4     25688    S3(5N)(REALTIME OR REAL()TIME OR LIVE OR IMMEDIA? OR DYNAM-
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                OR INSTANT? OR PROMPT?)
S5       673    (MASTER OR MAIN OR PRIMARY OR PARENT OR PRINCIPAL OR PRINC-
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S6    398385    HANDHELD? OR HAND()(HELD OR HELDS) OR IPAQ OR IPAQS OR PDD
                OR PDDS OR HPC OR HPCS OR WINCE OR VISOR OR PDA OR PDAS OR HA-
                NDSPRING? ? OR PIM OR PIMS OR PALMPILOT? ? OR PALMTOP? ? OR P-
                ALM OR IPAD OR IPADS OR DROID? ? OR ANDROID? ? OR PALMONE? OR
                NEWTON? ? OR BLACKBERR? OR TREO? ? OR IPHONE? OR I()(PHONE OR
                PHONES OR PAD OR PADS) OR (PEN OR STYLUS OR POCKET)(2W)(COMPU-
                TER? ? OR DEVICE? ?) OR POCKETPC? OR SMARTPHONE? OR RADIOTELE-
                PHONE? OR RADIOPHONE? OR PENTOP? ? OR PERSONAL()INFORMATION()-
                MANAGER? OR PERSONAL()(DIGITAL OR DATA OR ENTERTAIN?)()(ASSIS-
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                CELL OR MOBILE)(2W)(DEVICE? ? OR CLIENT? ? OR APPLIANCE? ? OR
                NODE OR NODES OR ENTITY? ? OR ENTITIES)
S7    307969    (RADIO OR SMART OR CELL OR CELLULAR OR MOBILE OR WIRELESS?
                OR WIRE()LESS OR DIGITAL OR VIDEO)(1W)(TELEPHONE? OR PHONE OR
                PHONES OR HANDSET? ? OR HAND()(SET OR SETS) OR COMMUNICATOR? -
                ?) OR (SELFCONTAINED OR SELF()CONTAINED OR MOBILE OR PORTABLE
                OR WIRELESS OR WIRE()LESS OR POCKET OR IR OR INFRARED OR PERV-
                ASIVE OR BLUETOOTH OR RADIOSIGNAL OR RADIO()SIGNAL OR SATELLI-
                TE OR GPS OR GLOBAL()POSITION??? ? OR MESSAGING OR IRDA OR IN-
                FRARED()DATA OR 802)(2W)(CLIENT? ? OR PC OR PCS OR COMPUTER? ?
                OR DEVICE? ? OR UNIT OR UNITS OR APPARATUS?? OR ORGANI?ER? OR
                TERMINAL? OR APPLIANCE?) OR RADIOPAGER? OR PAGER? ? OR PAGIN-
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                APPLIANCE?)  OR PERSONAL()DISPLAY???()(DEVICE? ? OR UNIT OR -
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                PC OR PCS OR COMPUTER? ?)
S8    162615    PALMSIZE? OR PALMHELD? OR HANDYPHONE? OR WORLDPHONE? OR GO-
                PHONE? OR (HANDY OR WORLD OR GO)()(PHONE OR PHONES OR TELEPHO-
```

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                NE? ?) OR PORTABLE()ELECTRONIC()DEVICE? ? OR PED OR PEDS OR P-
                HS OR TABLET? ? OR (ULTRAMOBILE OR ULTRA()MOBILE OR POCKET)()-
                (PC OR PCS) OR ORIGAMI OR UMPC OR UMPCS P  NOTEPAD? ? OR NOTE-
                ()(PAD OR PADS) OR TABLET? ? OR PEN()(TOP OR TOPS) OR NETBOOK?
                ? OR NET()(BOOK OR BOOKS)
S9       724    UMPCS OR NOTEPAD? ?
S10        0    S4 AND S5
S11        1    S5(30N)S3
S12      313    S1(30N)S3
S13        1    S12 AND S2
S14        1    S13 NOT S11
S15      416    AU=(MCNALLY K? OR MCNALLY, K?)
S16       60    AU=(ROOF W? OR ROOF, W?)
S17       71    AU=(BERGFELD R? OR BERGFELD, R?)
S18      547    S15:S17
S19        0    S18 AND S2
S20        0    S18 AND S4
S21        0    S18 AND S12
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Set      Items   Description
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                 EATERY? ? OR EATERIES OR LUNCHEONETTE? ? OR LUNCHROOM? ? OR B-
                 ISTRO? ? OR COFFEEHOUSE? ? OR DINER OR DINERS OR DINETTE? ? OR
                 (DINING OR EATING OR LUNCH??? ?)()(PLACE? ? OR ESTABLISHMENT?
                 ? OR FACILIT??? OR ROOM OR ROOMS OR HALL OR HALLS OR CAR OR -
                 CARS OR HOUSE? ?) OR FOOD OR TAKEOUT? ? OR TAKE()(OUT OR OUTS)
                 OR REFECTOR??? ? OR MESSROOM? ? OR MESSHALL? ? OR MESS()(HALL
                 OR HALLS OR ROOM OR ROOMS) OR COMMONS OR COFFEE()(SHOP OR SH-
                 OPS OR HOUSE? ?) OR COFFEESHOP? ? OR COFFEEHOUSE? ? OR PUB OR
                 PUBS OR TAVERN? ? OR LUNCHCOUNTER? ? OR LUNCH()COUNTER? ? OR ~
                 TRATTORIA? ? OR PIZZERIA? ? OR AUTOMAT OR AUTOMATS OR CANTEEN?
                 ?)
S3      332026   SYNCHRONI? OR SYN OR SYNC????? ? OR HOTSYNC? OR DATASYNC? -
                 OR MULTISYNC? OR RESYNC? OR AUTOSYNC? OR SUPERSYNC? OR OMNISY-
                 NC?
S4        9618   S3(5N)(REALTIME OR REAL()TIME OR LIVE OR IMMEDIA? OR DYNAM-
                 IC? OR FLY OR ONGOING OR ON()GOING OR NONSTATIC OR NON()STATIC
                 OR INSTANT? OR PROMPT?)
S5        6859   (MASTER OR MAIN OR PRIMARY OR PARENT OR PRINCIPAL OR PRINC-
                 IPLE OR ANCESTOR OR ALPHA OR LEAD??? ? OR CHIEF OR EXECUTIVE -
                 OR CENTRAL OR AUTHORITY OR FIRST OR 1ST)(1W)S1
S6           2   S4(100N)S5
S7           0   S6 AND S2
S8          39   S5(30N)S3
S9           0   S8 AND S2
S10       1931   S1(30N)S3
S11         22   S10 AND S2
```

```
Set     Items    Description
S1    1094224    MENU OR MENUS OR BILL(1W)FARE OR CARTE OR CARTES
S2     196393    S1(10N)(RESTAURANT? ? OR CAFE OR CAFES OR CAFETERIA? ? OR -
                 EATERY? ? OR EATERIES OR LUNCHEONETTE? ? OR LUNCHROOM? ? OR B-
                 ISTRO? ? OR COFFEEHOUSE? ? OR DINER OR DINERS OR DINETTE? ? OR
                 (DINING OR EATING OR LUNCH??? ?)()(PLACE? ? OR ESTABLISHMENT?
                 ? OR FACILIT??? OR ROOM OR ROOMS OR HALL OR HALLS OR CAR OR -
                 CARS OR HOUSE? ?) OR FOOD OR TAKEOUT? ? OR TAKE()(OUT OR OUTS)
                 OR REFECTOR??? ? OR MESSROOM? ? OR MESSHALL? ? OR MESS()(HALL
                 OR HALLS OR ROOM OR ROOMS) OR COMMONS OR COFFEE()(SHOP OR SH-
                 OPS OR HOUSE? ?) OR COFFEESHOP? ? OR COFFEEHOUSE? ? OR PUB OR
                 PUBS OR TAVERN? ? OR LUNCHCOUNTER? ? OR LUNCH()COUNTER? ? OR -
                 TRATTORIA? ? OR PIZZERIA? ? OR AUTOMAT OR AUTOMATS OR CANTEEN?
                 ?)
S3     615234    SYNCHRONI? OR SYN OR SYNC????? ? OR HOTSYNC? OR DATASYNC? -
                 OR MULTISYNC? OR RESYNC? OR AUTOSYNC? OR SUPERSYNC? OR OMNISY-
                 NC?
S4      24855    S3(5N)(REALTIME OR REAL()TIME OR LIVE OR IMMEDIA? OR DYNAM-
                 IC? OR FLY OR ONGOING OR ON()GOING OR NONSTATIC OR NON()STATIC
                 OR INSTANT? OR PROMPT?)
S5      21124    (MASTER OR MAIN OR PRIMARY OR PARENT OR PRINCIPAL OR PRINC-
                 IPLE OR ANCESTOR OR ALPHA OR LEAD??? ? OR CHIEF OR EXECUTIVE -
                 OR CENTRAL OR AUTHORITY OR FIRST OR 1ST)(1W)S1
S6          4    S4(100N)S5
S7        100    S5(30N)S3
S8          1    S7 AND S2
S9       4048    S1(30N)S3
S10        90    S9(100N)S2
S11        95    S6 OR S8 OR S10
S12        29    S11 NOT S11/2000:2012
S13        25    RD   (unique items)
S14        98    AU=(MCNALLY K? OR MCNALLY, K?)
S15        53    AU=(ROOF W? OR ROOF, W?)
S16         0    AU=(BERGFELD R? OR BERGFELD, R?)
S17       151    S14:S15
S18         0    S17 AND (S2 OR S4 OR S9)
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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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L3	8627	(715/810-845).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L4	0	("l3and@ad<=19990921").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
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L7	8627	(715/810-845).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT;	OR	OFF	2012/01/19 16:07

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L11	8627	(715/810-845).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
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L13	0	L12 and resturant same menu	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L14	9	L12 and restaurant same menu	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
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L16	1	09/400413.app.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
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L22	1	11/112990.app.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
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L25	0	("l3and@ad<=19990921").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
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L31	8	L29 and (PDA or palm or handheld).ab.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L32	8627	(715/810-845).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
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L34	0	L33 and resturant same menu	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
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L40	132	L19 L20 L21 L36 L38 L39 L31 L35	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
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L44	24	L43 and menu and (PDA or palm or handheld)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
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L46	6	(GB-2196766-$ or EP-0779759-$ WO-9820434-$ or WO-9841936-$).did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L47	0	(EP-0779759-$).did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
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L49	8	(GB-2196766-$ or EP-779759-$ WO-9820434-$ or WO-9841936-$).did.	US-PGPUB; USPAT; USOCR;	OR	ON	2012/01/19 16:07

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L57	8	L56 and (PDA or palm or handheld).ab.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
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L59	1745	L58 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	ON	2012/01/19 16:07

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L65	2	L64 and chen.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L66	10	(US-20030067494-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$).did. or (GB-2196766-$ or WO-9820434-$).did.	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07
L67	0	L66 and handwriting	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L68	44	("20010047302" | "20010047302" | "20030067494" | "20030107588" | "20030067494" | "20030107588" | "5724069" | "5802526" | "5912743" | "5991739" | "5724069" | "5802526" | "5912743" | "5991739" | "6038545" |	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07

		"6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6885261" | "6920431" | "6973437" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6865261" | "6920431" | "6973437" | "7000032" | "7000032").PN.				
L69	1	L68 and handwriting	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L70	2	("6982733").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L71	2	("6384850").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L72	4	L70 or L71	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L73	17	(US-20030067494-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$).did. or (GB-2196766-$ or WO-9820434-$).did.	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07
L74	6	("5724069" | "5802526" | "5912734" | "5912743" | "5991739" | "6107944").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L75	18	L73 L74	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L76	646380	L75 and cell adj phone or cellular	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L77	5	L75 and (cell adj phone or cellular)	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L78	21	("20010018660" | "4415065" | "4530067" | "4553222" | "4777488" | "4797818" | "5003472" | "5128862" | "5220677" | "5235509" | "5504589" | "5590407" | "5838798" | "5845263" | "5912743" | "5991749" | "6473739" | "6754636").PN. OR	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07

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L80	2	("5848373").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L81	2	("5937041").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L82	2	("5522089").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L83	86	("0000000" | "20010047302" | "20010047302" | "20030067494" | "20030067494" | "20030107588" | "20030067494" | "20030107588" | "4415065" | "4530067" | "4553222" | "4638312" | "5003472" | "5235509" | "5510979" | "5724069" | "5724069" | "5781189" | "5802526" | "5845263" | "5912743" | "5912743" | "5937041" | "5969968" | "5991739" | "5991739" | "5724069" | "5802526" | "5912743" | "5991739" | "6038545" | "6107944" | "6125356" | "6167255" | "6208976" | "6219696" | "6301564" | "6301564" | "6341316" | "6421717" | "6425524" | "6435406" | "6473739" | "6553412" | "6779042" | "6839744" | "6880750" | "6885261" | "6920431" | "6920431" | "6973437" | "6996777" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6865261" | "6920431" | "6973437" | "7000032" | "7174308" | "7234640" | "7000032").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L84	0	L83 and realtime	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L85	17	L83 and real adj time	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L86	7	L83 and real adj time and restaurant	US-PGPUB; USPAT;	OR	ON	2012/01/19 16:07

			USOCR; EPO; JPO; DERWENT; IBM_TDB			
L87	0	L83 and real adj time same menu and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L88	6	L83 and real adj time and menu and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L89	2	("6593944").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L90	86	("20020059244" | "6151622" | "6266684" | "6300947" | "6430624").PN. OR ("6593944").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L91	2937937	@ad<="19990921"	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L92	3	L91 and L90	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L93	2	("6384850").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
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L96	4	L95 and (cellphone or phone or PDA or wireless)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L97	2	("5128862").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L98	2	("5839905").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L99	0	("5664110,4415065,4469421,5235509,").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L100	0	("5664110|4415065|4469421|5235509").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L101	11	("5664110" | "4415065" | "4469421" | "5235509").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L102	0	L101 and (cell adj phone or pda)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L103	0	L101 and (cellphone or pda)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L104	1	L101 and (cellular)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT;	OR	ON	2012/01/19 16:07

Apple, Exhibit 1012, Page 1109

			IBM_TDB			
L105	3	("4547851").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L106	3	("4264925").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L107	2	("5905959").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L108	2	WO-9841936-$.did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L109	1	08/819419.app.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L110	2	"20020059405"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L111	2	("20020059405").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L112	22	(US-20030067494-$ or US-20020059405-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$ or US-6300947-$ or US-4547851-$ or US-6038545-$ or US-6973437-$).did. or (GB-2196766-$ or WO-9820434-$).did.	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07
L113	3	L112 and frame	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L114	2	("6982733").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	OFF	2012/01/19 16:07

			DERWENT; IBM_TDB			
L115	2	("6384850").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L116	2	(US-6982733-$ or US-6384850-$).did.	USPAT	OR	ON	2012/01/19 16:07
L117	0	11/112990.app.	USPAT	OR	ON	2012/01/19 16:07
L118	1	11/112990.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L119	2	("7234640").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L120	24	(US-20030067494-$ or US-20020059405-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$ or US-6300947-$ or US-4547851-$ or US-6038545-$ or US-6973437-$ or US-6982733-$ or US-6384850-$).did. or (GB-2196766-$ or WO-9820434-$).did.	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07
L121	9	L120 and (realtime real adj time real-time)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L122	24	(US-20030067494-$ or US-20020059405-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$ or US-6300947-$ or US-4547851-$ or US-6038545-$ or US-6973437-$ or US-6982733-$ or US-6384850-$).did. or (GB-2196766-$ or WO-9820434-$).did.	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07
L123	13	L122 and internet	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L124	20676	real adj time with wireless	US-PGPUB;	OR	ON	2012/01/19

			USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB			16:07
L125	586	real adj time with synchron$ with wireless	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L126	16	L125 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L127	689	L124 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L128	14	L127 and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L129	443	L124 and @ad<="19980921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L130	8036	real adj time with wireless with data	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L131	148	L130 and @ad<="19980921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L132	13	L131 and (restaurant or hospital$)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L133	3019	instant$ with wireless with data	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L134	38	L133 and @ad<="19980921"	US-PGPUB;	OR	ON	2012/01/19

						16:07
			USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB			
L135	1	L133 and @ad<="19980921" and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L136	1371	real adj time near3 synchron$ and @ad<="19980921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L137	43	real adj time near3 synchron$ same (wireless radio) and @ad<="19980921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L138	34	L137 not (L134 L128 L126)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L139	3	real adj time near3 synchron$ and @ad<="19980921" and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L140	68	Berkobin.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L141	69	"5475748"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L142	2	("5475748").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L143	2	("5724069").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L144	2	("5802526").PN.	US-PGPUB;	OR	OFF	2012/01/19

			USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB			16:07
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L146	1	(EP-588646-$).did.	DERWENT	OR	ON	2012/01/19 16:07
L147	1	(EP-1022035-$).did.	DERWENT	OR	ON	2012/01/19 16:07
L148	0	(EP-0739526-$).did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L149	1	(EP-739526-$).did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L150	229	("5726688" | "5727174" | "5765176" | "5835712" | "5983227" | "6023714" | "6100888").PN. OR ("6300947").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L151	8	L150 and @ad<="19980921"	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L152	1	(EP-968483-$).did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L153	229	("5726688" | "5727174" | "5765176" | "5835712" | "5983227" | "6023714" | "6100888").PN. OR ("6300947").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L154	8	L153 and @ad<="19980921"	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L155	3	L154 and real adj time	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L156	30	(US-20030067494-$ or US-20020059405-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$ or US-6300947-$ or US-4547851-$ or US-6038545-$ or US-6973437-$ or US-6982733-$ or US-6384850-$ or US-5023438-$ or US-5367557-$ or US-5189411-$ or US-5802526-$ or US-5850214-$ or US-6023714-$).did. or (GB-	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07

		2196766-$ or WO-9820434-$).did.				
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L158	11	L156 and (real adj time realtime)	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07
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L163	20	L162 and @ad<="19980921"	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L164	10	L163 and (real adj time or realtime)	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L165	3	(US-6384850-$ or US-6982733-$ or US-5850214-$).did.	USPAT	OR	ON	2012/01/19 16:07
L166	0	L152 and real adj time	USPAT	OR	ON	2012/01/19 16:07

L167	2	L165 and real adj time	USPAT	OR	ON	2012/01/19 16:07
L168	0	(09/110499).APP.	US-PGPUB; USOCR	OR	ON	2012/01/19 16:07
L169	1	(09/110499).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L170	229	("5726688" | "5727174" | "5765176" | "5835712" | "5983227" | "6023714" | "6100888").PN. OR ("6300947").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L171	3	L153 and @pd<="19980921"	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L172	598	(715/866).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L173	87	L172 and @pd<="19980921"	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L174	20	L173 and (cellular or phone or smart adj phone or smartphone or pda or handheld or portable or mobile)	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L175	31	(US-20030067494-$ or US-20020059405-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$ or US-6300947-$ or US-4547851-$ or US-6038545-$ or US-6973437-$ or US-6982733-$ or US-6384850-$ or US-5023438-$ or US-5367557-$ or US-5189411-$ or US-5802526-$ or US-5850214-$ or US-6023714-$).did. or (GB-2196766-$ or WO-9820434-$).did. or (WO-9613814-$).did.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2012/01/19 16:07
L176	569	(707/610).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L177	46	L176 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L178	15	L177 and (handheld wireless real-time)	US-PGPUB; USPAT; USOCR;	OR	ON	2012/01/19 16:07

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			FPRS; EPO; DERWENT; IBM_TDB			
L179	2	L177 and (handheld)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L180	3	L177 and (menu$)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L181	1038	(707/610-621).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L182	83	L181 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L183	0	("l8andrestaurant").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L184	0	L182 and restaurant	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L185	0	L182 and restaurant	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L186	1	L182 and (restaurant hospital$)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L187	6176	(705/15-25).CCLS.	US-PGPUB;	OR	OFF	2012/01/19

			USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			16:07
L188	963	L187 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L189	0	L188 and L182	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L190	9	L188 and synchronous and wireless	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L191	1	L190 and handheld	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L192	4	L190 and phone	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L193	4	L190 and phone	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L194	0	L188 and L188 and smartphone	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L195	59	L188 and L188 and cellular	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT;	OR	ON	2012/01/19 16:07

			IBM_TDB			
L196	25	L195 and menu	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L197	3	L195 and menu same cellular	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L198	7344	(717/168-178).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L199	7344	(717/168-178).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L200	754	L199 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L201	2	L200 and (hospit$ hotel food drink restaurant menu) and (synchronous synchronize synchronzing real adj time realtime real-time) and (handheld mobile smartphone cellular) and wireless	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L202	6176	(705/15-25).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L203	963	L202 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L204	31	L203 and (synchronous synchronize synchronzing real adj time realtime real-time) and (handheld mobile smartphone cellular) and wireless	US-PGPUB; USPAT; USOCR; FPRS;	OR	OFF	2012/01/19 16:07

			EPO; DERWENT; IBM_TDB			
L205	1038	(707/610-621).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L206	83	L205 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L207	6	L206 and (synchronous synchronize synchronzing real adj time realtime real- time) and (handheld mobile smartphone cellular) and wireless	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L208	22	L203 and (hospit$ hotel food drink restaurant menu) and (synchronous synchronize synchronzing real adj time realtime real-time) and (handheld mobile smartphone cellular) and wireless	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L209	1	L206 and (hospit$ hotel food drink restaurant menu) and (synchronous synchronize synchronzing real adj time realtime real-time) and (handheld mobile smartphone cellular) and wireless	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L210	40	(US-20030067494-$ or US-20020059405- $).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US- 6996777-$ or US-5991739-$ or US-7174308- $ or US-4415065-$ or US-6473739-$ or US- 6920431-$ or US-4553222-$ or US-6125356- $ or US-5724069-$ or US-6301564-$ or US- 6300947-$ or US-4547851-$ or US-6038545- $ or US-6973437-$ or US-6982733-$ or US- 6384850-$ or US-5023438-$ or US-5367557- $ or US-5189411-$ or US-5802526-$ or US- 5850214-$ or US-6023714-$).did. or (US- 6609128-$ or US-5806065-$ or US-6000000- $ or US-5983226-$ or US-6640214-$ or US- 5754655-$ or US-5845256-$ or US-6999936- $ or US-6574603-$).did. or (GB-2196766-$ or WO-9820434-$).did. or (WO-9613814- $).did.	US-PGPUB; USPAT; EPO; DERWENT	OR	OFF	2012/01/19 16:07
L211	0	("l3and@ad<=19990921").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07

L212	16	L210 and (L200 L206 L203 L211)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L213	8627	(715/810-845).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L214	1745	L213 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L215	20	L210 and (L200 L206 L203 L214)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L216	1	11/112990.app.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L217	1	L216 and hospitality with application with information	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L218	1	L216 and hospitality with software with information	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L219	107	("5912743" | "6107944" | "6219696" | "6208976" | "6219696" | "6421717" | "5912743" | "6920431" | "6996777" | "7174308" | "4530067" | "5003472" | "5969968" | "6107944" | "6779042" | "6973437" | "6038545" | "6167255" | "6341316" | "6839744" | "4415065" | "0000000" | "6023714" | "5724069" | "6341316" | "6865261" | "7000032" | "6885261" | "5235509" | "6125356" | "7234640" | "4547851" | "5367557" | "5991739" | "6839744" | "20010047302" | "4553222" | "5724069" | "5781189" | "6301564" | "5845263" | "6880750" | "5937041" | "20020059405" | "5850214" | "5912743" | "5802526" | "6421717" | "20030067494" | "6473739" | "6425524" |	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07

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L220	14	L210 not L219	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L221	2	("6384850").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L222	1	11/112990.app.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L223	44	("20010047302" | "20010047302" | "20030067494" | "20030107588" | "20030067494" | "20030107588" | "5724069" | "5802526" | "5912743" | "5991739" | "5724069" | "5802526" | "5912743" | "5991739" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6885261" | "6920431" | "6973437" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6865261" | "6920431" | "6973437" | "7000032" | "7000032").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L224	0	("l3and@ad<=19990921").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L225	8627	(715/810-845).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L226	1745	L225 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	ON	2012/01/19 16:07

			DERWENT; IBM_TDB			
L227	8	L226 and (PDA or palm or handheld).ab.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L228	8627	(715/810-845).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L229	1745	L228 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L230	0	L229 and resturant same menu	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L231	9	L229 and restaurant same menu	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L232	27	("5724069" | "5802526" | "5912734" | "5991739" | "6107944").PN. OR ("6384850").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L233	1	09/400413.app.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L234	27	("5724069" | "5802526" | "5912734" | "5991739" | "6107944").PN. OR ("6384850").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L235	44	("20010047302" | "20010047302" | "20030067494" | "20030107588" | "20030067494" | "20030107588" | "5724069" | "5802526" | "5912743" | "5991739" | "5724069" | "5802526" | "5912743" | "5991739" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6885261" | "6920431" | "6973437" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6865261" | "6920431" | "6973437" | "7000032" | "7000032").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L236	34	("4468750" | "4547851" | "4553222" | "4851994" | "5003472" | "5128862" | "5235509" | "5262938" | "5377319" |	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07

		"5454721" | "5566069" | "5594920" | "5606374" | "5657461").PN. OR ("5912743").URPN.				
L237	7	("5724069" | "5802526" | "5912743" | "5991739" | "6107944").PN. OR ("6871325").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L238	21	("20010018660" | "4415065" | "4530067" | "4553222" | "4777488" | "4797818" | "5003472" | "5128862" | "5220677" | "5235509" | "5504589" | "5590407" | "5838798" | "5845263" | "5912743" | "5991749" | "6473739" | "6754636").PN. OR ("7174308").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L239	1	11/112990.app.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L240	44	("20010047302" | "20010047302" | "20030067494" | "20030107588" | "20030067494" | "20030107588" | "5724069" | "5802526" | "5912743" | "5991739" | "5724069" | "5802526" | "5912743" | "5991739" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6885261" | "6920431" | "6973437" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6865261" | "6920431" | "6973437" | "7000032" | "7000032").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L241	0	("l3and@ad<=19990921").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L242	8627	(715/810-845).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L243	1745	L242 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L244	8	L243 and (PDA or palm or handheld).ab.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L245	8627	(715/810-845).CCLS.	US-PGPUB; USPAT;	OR	OFF	2012/01/19 16:07

			USOCR; EPO; JPO; DERWENT; IBM_TDB			
L246	1745	L245 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L247	0	L246 and resturant same menu	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L248	9	L246 and restaurant same menu	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L249	27	("5724069" | "5802526" | "5912734" | "5991739" | "6107944").PN. OR ("6384850").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L250	1	09/400413.app.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L251	27	("5724069" | "5802526" | "5912734" | "5991739" | "6107944").PN. OR ("6384850").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L252	44	("20010047302" | "20010047302" | "20030067494" | "20030107588" | "20030067494" | "20030107588" | "5724069" | "5802526" | "5912743" | "5991739" | "5724069" | "5802526" | "5912743" | "5991739" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6885261" | "6920431" | "6973437" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6865261" | "6920431" | "6973437" | "7000032" | "7000032").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L253	132	L236 L237 L238 L249 L251 L252 L244 L248	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L254	1190	("20010018660" | "20010047384" | "20020057298" | "20030078793" | "3237198" | "3304416" | "3340416" | "3445633" | "3588838" | "3622995" | "3668307" | "3691295" | "3746780" | "3752908" | "3757225" | "3786421" | "3814285" | "3814841" | "3826344" | "3836888" | "3868638" | "3903402" |	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07

		"3931497" | "3968327" | "4001785" | "4001807" | "4005388" | "4008369" | "4028733" | "4054911" | "4064490" | "4073368" | "4075686" | "4084229" | "4086475" | "4104617" | "4115870" | "4117605" | "4122519" | "4128757" | "4143360" | "4164024" | "4169521" | "4191956" | "4209255" | "4222111" | "4247106" | "4247759" | "4251691" | "4259667" | "4264925" | "4268826" | "4283709" | "4296476" | "4300040" | "4303916" | "4306388" | "4333152" | "4335880" | "4388689" | "4396985" | "4415065" | "4449186" | "4451895" | "4468750" | "4530067" | "4547851" | "4553222" | "4567359" | "4569421" | "4582172" | "4593183" | "4638312" | "4648062" | "4675515" | "4722053" | "4775935" | "4777488" | "4797818" | "4837693" | "4851994" | "4858743" | "4882475" | "4899276" | "4971406" | "4982346" | "5003472" | "5077607" | "5128862" | "5198976" | "5220677" | "5235509" | "5262938" | "5287102" | "5377319" | "5444444" | "5454721" | "5504589" | "5508699" | "5533107" | "5533182" | "5559707" | "5566069" | "5590407" | "5594920" | "5606374" | "5634019" | "5648770" | "5655008" | "5657461" | "5664110" | "5699518" | "5742521" | "5797125" | "5838798" | "5845263" | "5883810" | "5889268" | "5912743" | "5914671" | "5918213" | "5943399" | "5950130").PN. OR ("5969968" | "5991749" | "6020881" | "6026375" | "6047197" | "6085976" | "6195004" | "6208976" | "6362841" | "6384850" | "6404442" | "6466236" | "6473739" | "6668177" | "6754636" | "6760754").PN. OR ("2003/0067494" | "4415065" | "4553222" | "4638312" | "5235509" | "5781189" | "5912743" | "5991739" | "6473739" | "6920431" | "6996777" | "7174308").URPN.				
L255	456	L254 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L256	425	L255 not L253	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L257	24	L256 and menu and (PDA or palm or handheld)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L258	2	(GB-2196766-$).did.	US-PGPUB; USPAT;	OR	ON	2012/01/19 16:07

			USOCR; EPO; JPO; DERWENT; IBM_TDB			
L259	6	(GB-2196766-$ or EP-0779759-$ WO-9820434-$ or WO-9841936-$).did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L260	0	(EP-0779759-$).did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L261	8	(GB-2196766-$ or EP-779759-$ WO-9820434-$ or WO-9841936-$).did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L262	9	(US-20030067494-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$).did. or (GB-2196766-$ or WO-9820434-$).did.	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07
L263	2	L262 and first adj menu	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L264	34	("4468750" | "4547851" | "4553222" | "4851994" | "5003472" | "5128862" | "5235509" | "5262938" | "5377319" | "5454721" | "5566069" | "5594920" | "5606374" | "5657461").PN. OR ("5912743").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L265	7	("5724069" | "5802526" | "5912743" | "5991739" | "6107944").PN. OR ("6871325").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L266	21	("20010018660" | "4415065" | "4530067" | "4553222" | "4777488" | "4797818" | "5003472" | "5128862" | "5220677" | "5235509" | "5504589" | "5590407" | "5838798" | "5845263" | "5912743" | "5991749" | "6473739" | "6754636").PN. OR ("7174308").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L267	8627	(715/810-845).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L268	1745	L267 and @ad<="19990921"	US-PGPUB; USPAT; USOCR;	OR	ON	2012/01/19 16:07

			EPO; JPO; DERWENT; IBM_TDB			
L269	8	L268 and (PDA or palm or handheld).ab.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L270	8627	(715/810-845).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L271	1745	L270 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L272	9	L271 and restaurant same menu	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L273	27	("5724069" | "5802526" | "5912734" | "5991739" | "6107944").PN. OR ("6384850").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L274	27	("5724069" | "5802526" | "5912734" | "5991739" | "6107944").PN. OR ("6384850").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L275	44	("20010047302" | "20010047302" | "20030067494" | "20030107588" | "20030067494" | "20030107588" | "5724069" | "5802526" | "5912743" | "5991739" | "5724069" | "5802526" | "5912743" | "5991739" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6885261" | "6920431" | "6973437" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6865261" | "6920431" | "6973437" | "7000032" | "7000032").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L276	132	L264 L265 L266 L273 L274 L275 L269 L272	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L277	2	L276 and chen.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07

L278	10	(US-20030067494-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$).did. or (GB-2196766-$ or WO-9820434-$).did.	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07
L279	0	L278 and handwriting	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L280	44	("20010047302" | "20010047302" | "20030067494" | "20030107588" | "20030067494" | "20030107588" | "5724069" | "5802526" | "5912743" | "5991739" | "5724069" | "5802526" | "5912743" | "5991739" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6885261" | "6920431" | "6973437" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6865261" | "6920431" | "6973437" | "7000032" | "7000032").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L281	1	L280 and handwriting	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L282	2	("6384850").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L283	2	("6982733").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L284	4	L283 or L282	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L285	17	(US-20030067494-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$).did. or (GB-2196766-$ or WO-9820434-$).did.	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07

L286	6	("5724069" | "5802526" | "5912734" | "5912743" | "5991739" | "6107944").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L287	18	L285 L286	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L288	5	L287 and (cell adj phone or cellular)	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L289	21	("20010018660" | "4415065" | "4530067" | "4553222" | "4777488" | "4797818" | "5003472" | "5128862" | "5220677" | "5235509" | "5504589" | "5590407" | "5838798" | "5845263" | "5912743" | "5991749" | "6473739" | "6754636").PN. OR ("7174308").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L290	6	L289 and (cell adj phone or cellular)	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L291	2	("5848373").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L292	2	("5937041").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L293	2	("5522089").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L294	86	("0000000" | "20010047302" | "20010047302" | "20030067494" | "20030067494" | "20030107588" | "20030067494" | "20030107588" | "4415065" | "4530067" | "4553222" | "4638312" | "5003472" | "5235509" | "5510979" | "5724069" | "5724069" | "5781189" | "5802526" | "5845263" | "5912743" | "5912743" | "5937041" | "5969968" | "5991739" | "5991739" | "5724069" | "5802526" | "5912743" | "5991739" | "6038545" | "6107944" | "6125356" | "6167255" | "6208976" | "6219696" | "6301564" | "6301564" | "6341316" | "6421717" | "6425524" | "6435406" | "6473739" | "6553412" | "6779042" | "6839744" | "6880750" | "6885261" | "6920431" | "6920431" | "6973437" | "6996777" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6865261" | "6920431" | "6973437" | "7000032" | "7174308" |	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07

		"7234640" | "7000032").PN.				
L295	0	L294 and realtime	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L296	17	L294 and real adj time	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L297	7	L294 and real adj time and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L298	0	L294 and real adj time same menu and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L299	6	L294 and real adj time and menu and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L300	2	("6593944").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L301	86	("20020059244" | "6151622" | "6266684" | "6300947" | "6430624").PN. OR ("6593944").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L302	2937937	@ad<="19990921"	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L303	3	L302 and L301	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L304	2	("6384850").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L305	86	("0000000" | "20010047302" | "20010047302" | "20030067494" | "20030067494" | "20030107588" | "20030067494" | "20030107588" | "4415065" | "4530067" | "4553222" | "4638312" | "5003472" | "5235509" | "5510979" | "5724069" | "5724069" | "5781189" | "5802526" | "5845263" |	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07

		"5912743" | "5912743" | "5937041" | "5969968" | "5991739" | "5991739" | "5724069" | "5802526" | "5912743" | "5991739" | "6038545" | "6107944" | "6125356" | "6167255" | "6208976" | "6219696" | "6301564" | "6301564" | "6341316" | "6421717" | "6425524" | "6435406" | "6473739" | "6553412" | "6779042" | "6839744" | "6880750" | "6885261" | "6920431" | "6920431" | "6973437" | "6996777" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6865261" | "6920431" | "6973437" | "7000032" | "7174308" | "7234640" | "7000032").PN.				
L306	6	L305 and real adj time and menu and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L307	4	L306 and (cellphone or phone or PDA or wireless)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L308	2	("5128862").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L309	2	("5839905").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L310	0	("5664110,4415065,4469421,5235509,").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L311	0	("5664110|4415065|4469421|5235509").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L312	11	("5664110" | "4415065" | "4469421" | "5235509").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L313	0	L312 and (cell adj phone or pda)	US-PGPUB; USPAT;	OR	ON	2012/01/19 16:07

			USOCR; EPO; JPO; DERWENT; IBM_TDB			
L314	0	L312 and (cellphone or pda)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L315	1	L312 and (cellular)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L316	3	("4547851").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L317	3	("4264925").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L318	2	("5905959").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L319	2	WO-9841936-$.did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L320	1	08/819419.app.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L321	2	"20020059405"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L322	2	("20020059405").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L323	22	(US-20030067494-$ or US-20020059405-$).did. or (US-5912743-$ or US-5781189-$	US-PGPUB; USPAT;	OR	ON	2012/01/19 16:07

		or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$ or US-6300947-$ or US-4547851-$ or US-6038545-$ or US-6973437-$).did. or (GB-2196766-$ or WO-9820434-$).did.	EPO			
L324	3	L323 and frame	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L325	2	("6982733").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L326	2	("6384850").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L327	2	(US-6982733-$ or US-6384850-$).did.	USPAT	OR	ON	2012/01/19 16:07
L328	0	11/112990.app.	USPAT	OR	ON	2012/01/19 16:07
L329	1	11/112990.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L330	2	("7234640").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L331	24	(US-20030067494-$ or US-20020059405-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$ or US-6300947-$ or US-4547851-$ or US-6038545-$ or US-6973437-$ or US-6982733-$ or US-6384850-$).did. or (GB-2196766-$ or WO-9820434-$).did.	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07
L332	9	L331 and (realtime real adj time real-time)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L333	24	(US-20030067494-$ or US-20020059405-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07

		6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$ or US-6300947-$ or US-4547851-$ or US-6038545-$ or US-6973437-$ or US-6982733-$ or US-6384850-$).did. or (GB-2196766-$ or WO-9820434-$).did.				
L334	13	L333 and internet	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L335	586	real adj time with synchron$ with wireless	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L336	16	L335 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L337	20676	real adj time with wireless	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L338	689	L337 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L339	14	L338 and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L340	8036	real adj time with wireless with data	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L341	148	L340 and @ad<="19980921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L342	13	L341 and (restaurant or hospital$)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT;	OR	ON	2012/01/19 16:07

			IBM_TDB			
L343	3019	instant$ with wireless with data	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L344	38	L343 and @ad<="19980921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L345	1	L343 and @ad<="19980921" and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L346	43	real adj time near3 synchron$ same (wireless radio) and @ad<="19980921"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L347	34	L346 not (L344 L339 L336)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L348	3	real adj time near3 synchron$ and @ad<="19980921" and restaurant	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L349	68	Berkobin.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
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L352	2	("5802526").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT;	OR	OFF	2012/01/19 16:07

			IBM_TDB			
L353	2	("5850214").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L354	1	(EP-588646-$).did.	DERWENT	OR	ON	2012/01/19 16:07
L355	1	(EP-1022035-$).did.	DERWENT	OR	ON	2012/01/19 16:07
L356	0	(EP-0739526-$).did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L357	1	(EP-739526-$).did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L358	229	("5726688" | "5727174" | "5765176" | "5835712" | "5983227" | "6023714" | "6100888").PN. OR ("6300947").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
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L360	1	(EP-968483-$).did.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L361	229	("5726688" | "5727174" | "5765176" | "5835712" | "5983227" | "6023714" | "6100888").PN. OR ("6300947").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L362	8	L361 and @ad<="19980921"	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L363	3	L362 and real adj time	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L364	30	(US-20030067494-$ or US-20020059405-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$ or US-6300947-$ or US-4547851-$ or US-6038545-$ or US-6973437-$ or US-6982733-$ or US-6384850-$ or US-5023438-$ or US-5367557-$ or US-5189411-$ or US-5802526-$ or US-5850214-$ or US-6023714-$).did. or (GB-2196766-$ or WO-9820434-$).did.	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07
L365	11	L364 and (real adj time realtime)	US-PGPUB; USPAT;	OR	ON	2012/01/19 16:07

			EPO				
L366	90	("0000000" | "20010047302" | "20010047302" | "20020059405" | "20030067494" | "20030067494" | "20030107588" | "20030067494" | "20030107588" | "4415065" | "4530067" | "4553222" | "4638312" | "5003472" | "5023438" | "5235509" | "5510979" | "5724069" | "5724069" | "5781189" | "5802526" | "5845263" | "5912743" | "5912743" | "5937041" | "5969968" | "5991739" | "5991739" | "5724069" | "5802526" | "5912743" | "5991739" | "6038545" | "6107944" | "6125356" | "6167255" | "6208976" | "6219696" | "6301564" | "6301564" | "6341316" | "6421717" | "6425524" | "6435406" | "6473739" | "6553412" | "6779042" | "6839744" | "6880750" | "6885261" | "6920431" | "6920431" | "6973437" | "6996777" | "6038545" | "6107944" | "6167255" | "6208976" | "6219696" | "6301564" | "6341316" | "6421717" | "6553412" | "6779042" | "6839744" | "6865261" | "6920431" | "6973437" | "7000032" | "7174308" | "7234640" | "7000032").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
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L368	6	L365 and @ad<="19980921"	US-PGPUB; USPAT; EPO	OR	ON	2012/01/19 16:07
L369	62	("4415065" | "4530067" | "4569421" | "5038284" | "5053956" | "5239462" | "5309355" | "5317503" | "5349678" | "5351186" | "5367627" | "5386555" | "5434394" | "5481647" | "5493490" | "5576951" | "5584025" | "5592375" | "5598487" | "5664115").PN. OR ("6125356").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L370	20	L369 and @ad<="19980921"	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L371	10	L370 and (real adj time or realtime)	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L372	3	(US-6384850-$ or US-6982733-$ or US-5850214-$).did.	USPAT	OR	ON	2012/01/19 16:07
L373	0	L360 and real adj time	USPAT	OR	ON	2012/01/19 16:07
L374	2	L372 and real adj time	USPAT	OR	ON	2012/01/19 16:07
L375	0	(09/110499).APP.	US-PGPUB; USOCR	OR	ON	2012/01/19 16:07
L376	1	(09/110499).APP.	US-PGPUB; USPAT;	OR	ON	2012/01/19 16:07

			USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
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L378	3	L361 and @pd<="19980921"	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L379	598	(715/866).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L380	87	L379 and @pd<="19980921"	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L381	20	L380 and (cellular or phone or smart adj phone or smartphone or pda or handheld or portable or mobile)	US-PGPUB; USPAT; USOCR	OR	ON	2012/01/19 16:07
L382	31	(US-20030067494-$ or US-20020059405-$).did. or (US-5912743-$ or US-5781189-$ or US-5235509-$ or US-4638312-$ or US-6996777-$ or US-5991739-$ or US-7174308-$ or US-4415065-$ or US-6473739-$ or US-6920431-$ or US-4553222-$ or US-6125356-$ or US-5724069-$ or US-6301564-$ or US-6300947-$ or US-4547851-$ or US-6038545-$ or US-6973437-$ or US-6982733-$ or US-6384850-$ or US-5023438-$ or US-5367557-$ or US-5189411-$ or US-5802526-$ or US-5850214-$ or US-6023714-$).did. or (GB-2196766-$ or WO-9820434-$).did. or (WO-9613814-$).did.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2012/01/19 16:07
L383	569	(707/610).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L384	46	L383 and @ad<="19990921"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:07
L385	15	L384 and (handheld wireless real-time)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:07
L386	2	L384 and (handheld)	US-PGPUB; USPAT;	OR	ON	2012/01/19 16:07

			USOCR; FPRS; EPO; DERWENT; IBM_TDB			
L387	3	L384 and (menu$)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:08
L388	0	("l8andrestaurant").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:08
L389	0	L206 and restaurant	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:08
L390	0	L206 and restaurant	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:08
L391	1	L206 and (restaurant hospital$)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:08
L392	0	L203 and L206	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:08
L393	9	L203 and synchronous and wireless	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:08
L394	1	L393 and handheld	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2012/01/19 16:08

Apple, Exhibit 1012, Page 1140

L395	4	L393 and phone	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:08
L396	0	L203 and L203 and smartphone	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:08
L397	59	L203 and L203 and cellular	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:08
L398	3	L397 and menu same cellular	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2012/01/19 16:08

1/19/2012 4:27:04 PM
C:\Users\mbrophy\Documents\EAST\Workspaces\11112990v7.wsp

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590   02/02/2012

Fabiano Law Firm, P.C.
Suite 300
12526 High Bluff Drive
San Diego, CA 92130

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission   FedEx
I hereby certify that this Fee(s) Transmittal is being deposited with ~~the United States Postal Service with sufficient postage for first-class mail~~ in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Michael D. Fabiano	(Depositor's name)
(Signature)	(Signature)
February 3, 2012	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/112,990	04/22/2005	Keith R. McNally	1004293.005 US	7098

TITLE OF INVENTION: INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$870	$300	$0	$1170	05/02/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
BROPHY, MATTHEW J	2191	717-109000

02/07/2012 SZEWDIE2 00000012 11112990

01 FC:2501   870.00 OP
02 FC:1504   300.00 OP

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **Fabiano Law Firm, P.C.**

2 **Michael D. Fabiano**

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Ameranth, Inc.   San Diego, California

Please check the appropriate assignee category or categories (will not be printed on the patent) :   ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)
☒ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.   ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date __February 3, 2012__

Typed or printed name __Michael D. Fabiano__   Registration No. __44,675__

This collection of information is required by 37 CFR 1.311. 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 12 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTOL-85 (Rev. 02/11) Approved for use through 08/31/2013.   OMB 0651-0033   U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

O.P.A.P. (stamp)
FEB 06 2012
PATENT & TRADEMARK OFFICE (stamp)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission | 3

Application Number	11/112,990
Filing Date	04/22/2005
First Named Inventor	McNally, Keith R.
Art Unit	2191
Examiner Name	Brophy, Matthew
Attorney Docket Number	1004293.005 US

ENCLOSURES   *(Check all that apply)*

- [✓] Fee Transmittal Form
  - [✓] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53

- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD

Remarks

- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please Identify below):

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FABIANO LAW FIRM, P.C.
Signature	*(signature)*
Printed name	Michael D. Fabiano
Date	February 3, 2012	Reg. No.	44,675

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being ~~facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail~~ in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below via FedEx overnight delivery.

Signature	*(signature)*		
Typed or printed name	Michael D. Fabiano	Date	FEB. 3, 2012

Docket No. 1004293.005US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	11/112,990	Confirmation No.:	7098
Applicant(s):	McNally, et al.	Group Art Unit:	2191
Filed:	April 22, 2005	Examiner:	Brophy, Matthew

For: INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS AND PETITION TO EXCUSE ERRORS IN SMALL ENTITY STATUS AND ACCEPT PAYMENT OF FEES AS A LARGE ENTITY UNDER 37 C.F.R. § 1.28(c)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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02/16/2012 DALLEN    00000010 11112990
01 FC:1461                    2510.00 OP
02 FC:1464                     130.00 OP
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Commissioner:

Pursuant to 37 C.F.R. § 1.27(g)(2), Applicants hereby inform the USPTO that the above-entitled application is no longer eligible for small entity status.

Additionally, this is a petition under 37 C.F.R. § 1.28(c) to excuse errors in the inadvertent assertion of small entity status and to accept the payment of fees as a large entity for the above-entitled application.

37 C.F.R. § 1.28(c) provides a procedure as to how errors in small entity status are excused. Section 1.28(c) provides that if status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon compliance with the separate submission and itemization requirements of

paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section:

(1)   Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent; and

(2)   The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

37 C.F.R. § 1.28(c) further provides, in subsection (c)(2), that:

(i)   The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity.

(ii)   An itemization of the total deficiency payment is required.

The itemization, under subsection (c)(2)(ii), must include the following information:

(A)   Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a nonsmall entity;

(B)   The small entity fee actually paid, and when;

(C)   The deficiency owed amount (for each fee erroneously paid); and

(D)   The total deficiency payment owed, which is the sum or total of the individual

deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

The present application became subject to a license agreement to a large entity on or about November 29, 2007. Notification of Loss of Entitlement was inadvertently not filed in the USPTO and a request for continued examination fee, an extension-of-time fee, and the issue fee were inadvertently paid in a small entity amount. During a recent review of the file history of the present application, it was discovered that the payment of the fees identified in this paragraph were made inadvertently in a small entity amount.

According to the requirements of paragraphs (c)(1) and (c)(2) of 37 C.F.R. § 1.28(c), Applicants request that the errors in the inadvertent assertion of small entity status be excused, and that the payment of fees as a large entity for the above-entitled application be accepted, and Applicants submit the following in accordance with these requests:

(1) This paper is submitted herein specifically for U.S. Patent Application No. 11/112,990, and is limited to the deficiency payment for this application.

(2) The required payment of deficiency owed, in the total amount of $2,510, as set forth in 37 C.F.R. § 1.28(c), is enclosed herewith.

Thus, Applicants provide the calculation of the deficiency owed according to paragraph (i) and the itemization of deficiency payment according to paragraphs (ii)(A)-(D) as follows:

(A)   Type of fee that that was erroneously paid as a small entity along with the current

fee amount for a non-small entity:

(i)   Request for Continued Examination Fee paid May 24, 2010 (current large-

entity fee amount is $930)

      (ii)   Four-Month Extension of Time Fee paid May 24, 2010 (current large-entity fee amount is $1980)

      (iii)   Issue Fee paid February 3, 2012 (current large-entity fee amount is $1740)

(B)   The small entity fee actually paid and when:

      (i) $405 on May 24, 2010 (request for continued examination fee)

      (ii) $865 on May 24, 2010 (four-month extension-of-time fee).

      (iii) $870 on February 3, 2012 (issue fee)

(C)   The deficiency owed amount for fee erroneously paid:

      (i) $525 ($930 minus $405)

      (ii) $1115 ($1980 minus $865)

      (iii) $870 ($1740 minus $870)

(D)   The total deficiency payment owed is: $2,510 ($525 plus $1,115 plus $870).

Payment of this deficiency, in the amount of $2,510, is enclosed. The processing fee of $130, per 37 C.F.R. §1.17(i), is also enclosed.

Dated: February 13, 2012   Respectfully submitted,

                                  /s/ Michael D. Fabiano
                                  MICHAEL D. FABIANO
                                  Registration No. 44,675
                                  FABIANO LAW FIRM, P.C.
                                  12526 High Bluff Drive, Suite 300
                                  San Diego, California 92130
                                  (619) 742-9631

                                  Attorney for Applicants

FEB 1 4 2012

PTO/SB/21 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	11/112,990
Filing Date	April 22, 2005
First Named Inventor	McNally, Keith R.
Art Unit	2191
Examiner Name	Brophy, Matthew
Attorney Docket Number	1004293.005 US

Total Number of Pages in This Submission | 8

ENCLOSURES   (*Check all that apply*)

☑ Fee Transmittal Form
  ☑ Fee Attached

☐ Amendment/Reply
  ☐ After Final
  ☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/ Incomplete Application
  ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☑ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____
  ☐ Landscape Table on CD

☐ After Allowance Communication to TC

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**

☐ Proprietary Information

☐ Status Letter

☐ Other Enclosure(s) (please Identify below):

Remarks
Enclosed are: Loss of Entitlement to Small Entity Status and Petition to Excuse Errors in Small Entity Status and Accept Payment of Fees as a Large Entity Under 37 C.F.R. section 1.28(c); Check for deficiency amount ($2,510); Processing Fee Transmittal Form; Check for processing fee ($130).

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fabiano Law Firm, P.C.
Signature	*[signature]*
Printed name	Michael D. Fabiano
Date	February 13, 2012	Reg. No.	44,675

CERTIFICATE OF TRANSMISSION/MAILING

via FedEx

I hereby certify that this correspondence is being ~~facsimile~~ transmitted to the USPTO ~~or deposited with the United States Postal Service~~ with sufficient postage ~~as first-class mail~~ in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	*[signature]*
Typed or printed name	Michael D. Fabiano	Date	February 13, 2012

PROCESSING FEE
Under 37 CFR 1.17(i)
TRANSMITTAL
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	11/112,990
Filing Date	April 22, 2005
First Named Inventor	McNally, Keith R.
Art Unit	2191
Examiner Name	Brophy, Matthew
Attorney Docket Number	1004293.005US

Enclosed is a paper filed under 37 CFR __1.28(c)(3)__ that requires a processing fee (37 CFR 1.17(i)).
Payment of $__130.00__ is enclosed.
This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. *For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.*

Payment of Fees (small entity amounts are NOT available for the processing fees)

☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No._____:
  ☐ processing fee under 37 CFR 1.17(i)   ☐ any deficiency of fees and credit of any overpayments

☑ Check in the amount of $__130.00__ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(i): Fee $130   Fee Code 1808 for all,
Except for § 1.221 papers (Fee Code 1803)

For papers filed under:
§ 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
§ 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed
    by § 1.63, except in provisional applications.
§ 1.48 - for correcting inventorship, except in provisional applications.
§ 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
§ 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
§ 1.55 - for entry of late priority papers.
§ 1.71(g)(2) – to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
§ 1.99(e) - for processing a belated submission under § 1.99.
§ 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
§ 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
§ 1.103(d) - for requesting deferred examination of an application.
§ 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for
    the patent application publication.
§ 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
§ 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
§ 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive
    entity set forth in the international stage.
§ 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Signature	February 13, 2012
	Date
Michael D. Fabiano	44,675
Typed or printed name	Registration No., if applicable

POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	11112990
	Filing Date	2005-04-22
	First Named Inventor	Keith R. McNally
	Title	Information Management and Synchronous ...
	Art Unit	2191
	Examiner Name	Matthew J. Brophy
	Attorney Docket Number	1004293.005 US

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

24955

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

Firm or Individual Name	
Address	
City		State		Zip	
Country	
Telephone		Email	

I am the:

☒ Applicant/Inventor.

OR

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature	*[signature]*	Date	1-21-2012
Name	Keith R. McNally	Telephone	
Title and Company	President of Ameranth, Inc.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of ___1___ forms are submitted.

Electronic Acknowledgement Receipt

EFS ID:	12130994
Application Number:	11112990
International Application Number:	
Confirmation Number:	7098
Title of Invention:	INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS
First Named Inventor/Applicant Name:	Keith R. McNally
Correspondence Address:	Fabiano Law Firm, P.C. - Suite 300 12526 High Bluff Drive San Diego CA 92130 US 6197429631 mdfabiano@fabianolawfirm.com
Filer:	John L. Rogitz/Jennifer Grygiel
Filer Authorized By:	John L. Rogitz
Attorney Docket Number:	1004293.005 US
Receipt Date:	22-FEB-2012
Filing Date:	22-APR-2005
Time Stamp:	12:59:31
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	1004293-005US_POA.pdf	44248 18d994de4513b656c36b76b346ccb79b22 50ad64	no	1

Warnings:

Information:

Total Files Size (in bytes):	44248

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/112,990	03/27/2012	8146077	1004293.005 US	7098

7590   03/07/2012

Fabiano Law Firm, P.C.
Suite 300
12526 High Bluff Drive
San Diego, CA 92130

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 1535 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Keith R. McNally, San Diego, CA;
William H. Roof, San Diego, CA;
Richard Bergfeld, Chatsworth, CA;

FABIANO LAW FIRM, P.C.
SUITE 300
12526 HIGH BLUFF DRIVE
SAN DIEGO CA 92130

MAILED

MAR 26 2012

OFFICE OF PETITIONS

In re Application of
Keith R. MCNALLY et al.   :
Application No. 11/112,990   :
Filed: April 22, 2005   :   NOTICE UNDER 37 CFR. 1.28(c)
Patent No. 8,146,077   :
Issue Date: March 27, 2012   :
Attorney Docket No. 1004293.005 US

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions