

# Exhibit 9



# News Release

May 22, 1999

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E-mail: [johnc@hsi-pos.com](mailto:johnc@hsi-pos.com)

**Embargoed Material  
For Release May 22, 1999**

## **Hospitality Solutions International Signs on as Charter POS Partner for Ameranth Technology System's *21<sup>st</sup> Century Restaurant System***

*Hospitality Solutions International (HSI)*, total solution provider to the international hospitality community, has signed on as the charter POS partner for Ameranth Technology System's *21<sup>st</sup> Century Restaurant System™*, debuting this week at the National Restaurant Association Show in Chicago's McCormick Place. The *21<sup>st</sup> Century Restaurant System* features Ameranth's UltraPad™ 2700, a ¾ pound, wireless, handheld computer utilizing Microsoft Windows™ CE. Other key partners include Symbol® Technologies, Inc., IBM®, JTECH<sup>SM</sup> Communications, Inc., COMTEC Information Systems, Inc., and The Customer Connection, Inc. This state of the art wireless technology will be displayed at the two company's tradeshow exhibit booths, #5571 (HSI) and #6254 (Ameranth), located on the third level of McCormick Place. Hospitality Solutions International is a recognized leader in the development of technology solutions for the hospitality industry. The complete line of HSI products, **HSI POS™, Jaguar™ PMS, Falcon™ CRS and Cobra™ Sales and Catering** are designed utilizing the latest tools in the Microsoft Development Library and realize the inherent benefits of Windows NT™ 4.0 O/S and Microsoft SQL™ Server.

The *21<sup>st</sup> Century Restaurant System* utilizes the Microsoft's family of software products and Symbol Technologies Spectrum24 wireless network. Spectrum24 is an affordable, 2.4 Ghz spread spectrum, frequency hopping, wireless Local Area Network, which is 802.11 compliant and provides robust, secure, data and voice communications. It communicates at 2 Mbps and handles data and real-time voice simultaneously over the same wireless LAN. Microsoft Windows CE offers exceptional capabilities with seamless integration with the databases of information already in place throughout the hospitality industry.

6405 Congress Avenue, Suite 120 • Boca Raton, Florida 33487

Phone: (561) 241-9998 • Fax: (561) 241-8457 • Website: [www.hsi-solutions.com](http://www.hsi-solutions.com)

**Hospitality Solutions International – Single Source, Single Platform, Total Solution**

HSI recognizes the positive, long-term effects wireless communications will have on the hospitality technology industry. "HSI is particularly excited about the benefits that wireless communication provide to the end user," says George A. Zugmier, President of HSI. "When coupled with a comprehensive POS application like our own, the rewards for operators of restaurants, hotels, resorts and stadiums are endless. Ameranth and their partners have worked diligently to develop wireless technologies that will serve the hospitality community well into the next century," he adds.

"We are very excited that HSI has chosen to be our charter POS partner HSI has a strong leadership position in the industry and enjoys a reputation as an innovator," said Keith McNally, CEO of Ameranth.

The 21<sup>st</sup> Century Restaurant System allows for wireless automation and integration of all restaurant processes including order taking, payment processing, inventory control, process control, wait-list management, table management, short and long range communications, and a host of other applications. Palm-in-hand control increases productivity, reduces costs and can dramatically improve customer service.

Ameranth Technology Systems, Inc. was founded in 1996 primarily to provide wireless computing solutions to the hospitality, gaming, Department of Defense, and law-enforcement industries and markets. Ameranth's products include handheld computers, scanners, access points, printers, and related software. You can view their entire line of products at the NRA Show, Booth #6254.

Hospitality Solutions International, a Microsoft Certified Solution Provider, maintains corporate offices strategically located in Scottsdale, Arizona and Boca Raton, Florida. Regional offices are established in Los Angeles and Chicago, with additional satellite offices located throughout the United States. International offices are located in Toronto and Vancouver, Canada as well as London, Paris, Stockholm, Hong Kong and Sydney. HSI is financially backed by GEOCapital Partners.

###

# Exhibit 10

# Your One and Only

When it comes to Management Information Systems, everybody wants someone to rely on. And, you can rely on Ameranth Technology Systems to be the Hospitality Industry's one source for advanced wireless and e-commerce integration.

- Wireless handheld solutions operating on Microsoft's Pocket PC Platform
- Wireless Local and Wide Area Networks
- Customized B2B and consumer e-commerce Internet applications
- Integration of Legacy Systems and Databases (including Point of Sale and Back Office Software.)
- Wireless technology such as handhelds, phones, and pagers.

Whether you're a single venue relying on a POS provider or a large chain with your own MIS team, Ameranth's approach ensures that you will benefit from the latest technological innovations without having to worry about compatibility or fragmented support.

So call Ameranth or visit us on our Web site or at Booth 6254 at the National Restaurant Association Show to see our UltraPad 2700 wireless handheld from the one and only e-commerce and wireless integrator you'll ever need.

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

**AMERANTH TECHNOLOGY SYSTEMS, INC.**

www.ameranth.com ♦ info@ameranth.com  
12230 El Camino Real, Suite 330,  
San Diego, California 92130  
(888) AMERANTH ♦ (858) 794-8282  
FAX: (858) 794-8222

Microsoft, Windows, and the Windows Logo are registered trademarks of Microsoft Corporation in the United States and/or other countries.

# Exhibit 11



# Exhibit 12



# Wireless Systems Integration

## Valet Parking

- Remote wireless input of Frequent Dining card, name, license plate, etc.
- Auto-request car when finished dining

## Hostess Station

- Table management
- Reservation management
- Wait-list management
- Frequent Dining tracking
- Customer paging
- Valet paging

## Server

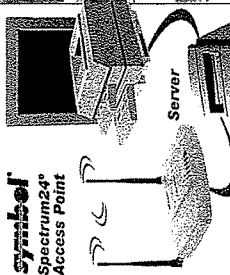
- Touch screen ordering
- Credit card/payment processing
- Signature capturing

## Manager

- Notified of top customers
- Reports safety issues
- Manager functions

## POS Station

Monitor/Printer options  
**Symbol**  
 Spectrum24<sup>®</sup>  
 Access Point



## Back Office

### Microsoft

- Applications software
- Database management
- Menu items
- Prices
- Orders
- Frequent customers
- Kitchen access
- POS access
- Internet gateway

Frequent Dining, credit card processing, POS, Corporate and other systems

## Bus Staff

- Table status
- Real-time messaging

## Kitchen

- Direct wireless server order input
- Wireless ready server notification
- POS system interface

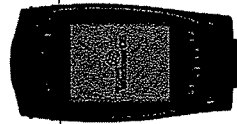
## Real Time Web Access

- Credit card approval
- Frequent Dining data updates
- Corporate data exchange
- Online reservations and waitlisting

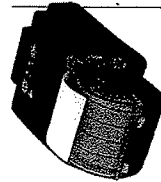
# AMERANTH™ 21<sup>st</sup> Century Restaurant™

## The Customer Connection

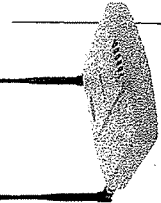
- Frequent Dining Program



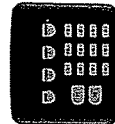
UltraPad™  
2700



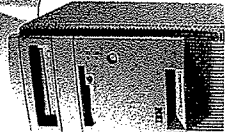
AmPrint™ 2100



Spectrum24<sup>®</sup>  
Access Point



PadLink™  
100



IBM®  
Server

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

1 (888) AMERANTH  
www.ameranth.com

# Exhibit 13

# UltraPad™ 2700

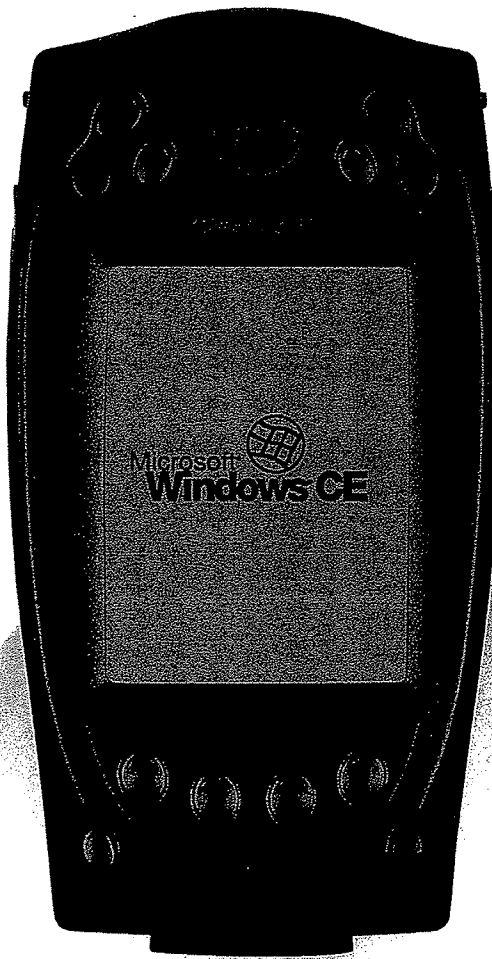
Like the technological revolutions that preceded it, the Wireless Revolution began with technologists recognizing that the emerging technology would change the way people live, work, and play. The years since those initial predictions have been filled with promise and disappointment. Promise has come in the form of proprietary wireless systems developed and installed by large companies, such as car-rental and overnight-shipping companies, that were able to fund the development of hardware and applications specific to their work processes. Disappointment has come with the cost of these proprietary installations and the resulting unavailability of these technologies to the rest of the world.

During this early period of development, it became clear that the sea of changes foreseen as the Wireless Revolution would have to wait for a standard, open-architecture, software-tailorable, wireless, handheld computer with the right form factor and functionality at the right price. With the introduction of Ameranth's UltraPad™ 2700, the wait is over.

**For the first time, there is a mobile, handheld computer that has the same kind of broad applicability as a PC...**

Ameranth's UltraPad 2700 computer is 3.625x7x1 inches and weighs only 12 ounces, complete with radio and barcode scanner, making it easy to carry in hand, in a holster, or in the breast-pocket of a jacket. The UltraPad offers long battery life and is ruggedized to withstand the rigors of commercial use.

The UltraPad 2700 integrates Symbol Technologies™ Spectrum24® wireless local-area network and the Microsoft® Windows® CE operating system. This combination offers unprecedented benefits. For the first time, there is a mobile, handheld computer that has the same kind of broad applicability as a PC, allowing end-users to use the same device for virtually any application. And with Ameranth's Advanced Systems Integration, legacy and current generation applications can be projected easily from existing DOS, Windows, and NT environments into the mobile, wireless, CE environment, making it unnecessary to replace existing systems or to change systems providers.



## Key UltraPad™ 2700 Features

- Compatible with DOS, Windows®, and Windows NT programs
- Palm-size and lightweight
- Windows CE®
- NEC RISC-based processor
- Optional integrated scanner
- Serial HotSynch support
- PIM compatible
- 802.11 wireless LAN option
- IrDA port
- 1400mAhour lithium-ion battery
- Fully ruggedized

## Key Radio Features

- Uses the revolutionary SYMBOL™ Spectrum24® system
- 2Mbps data rate
- 2.4GHz spread-spectrum and frequency hopping for sure, secure communications

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

# Exhibit 14

# RESTAURANT SHOW

MONDAY

MAY 24, 1999

VOLUME 15 • NUMBER 3

PENTON FOODSERVICE NETWORK

This issue courtesy of



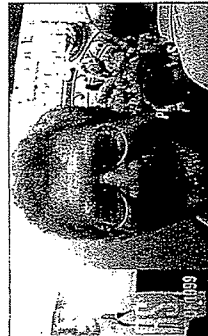
**CHICKEN FOR THE BURGER CROWD.**

Visit us at Booth 6237  
See our ad on page 17

2 Monday, May 24, 1999

RESTAURANT SHOW DAILY

## What's the most interesting thing you've seen or heard during the Show?



"Tomorrow, the Women's Foodservice Forum will be announcing some important info from a study on women executives in the foodservice industry."

—David Winkler, executive vp business development, Marketing Strategy and Planning, Inc., Rocky Mount, NC



"What I thought was really cool was Smucker's Plate Scapers and Ameranth's wireless point-of-sale system. We're looking into it."

—Dean Langfit, director of management information services, Grinders, Minerva, OH



"McFarland's Foods has an all-chicken bacon alternative. Nutrition is the way to go."

—Jeff Guilmette, command foodservice manager, Air Force, Hurlburt Field, FL



"There's a new French fry from Lamb Weston that doesn't need to be frozen. It can sit in the refrigerator for up to five days."

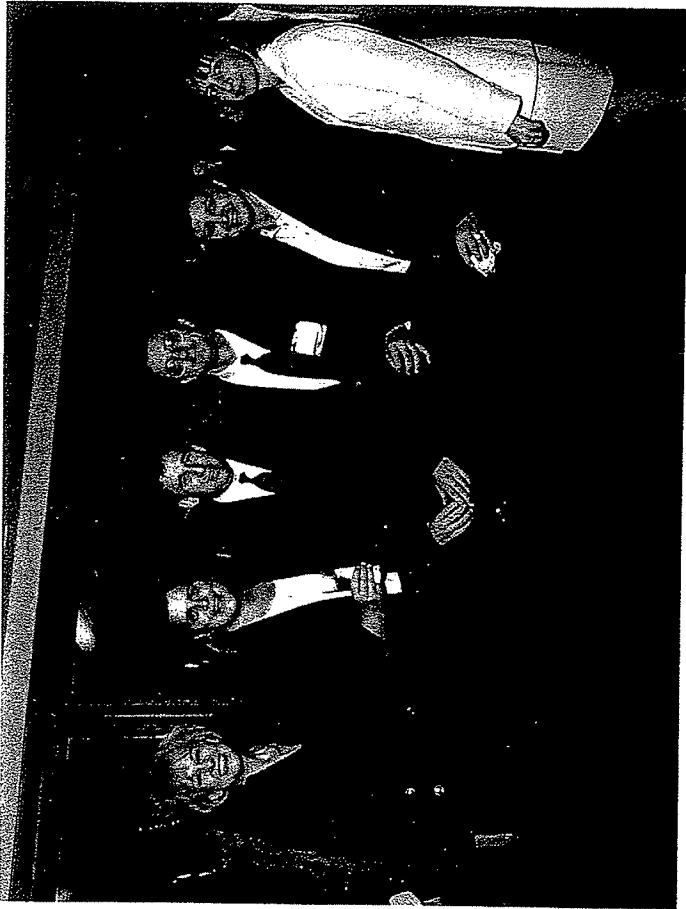
—Karen Roberts, marketing manager, Sodexo Marriott Services, Newark, DE



"Coconut breaded onion rings."

—Michael Dant Miller, Bob Marks, owners, Wilbert's Bar & Grille, Cleveland, OH

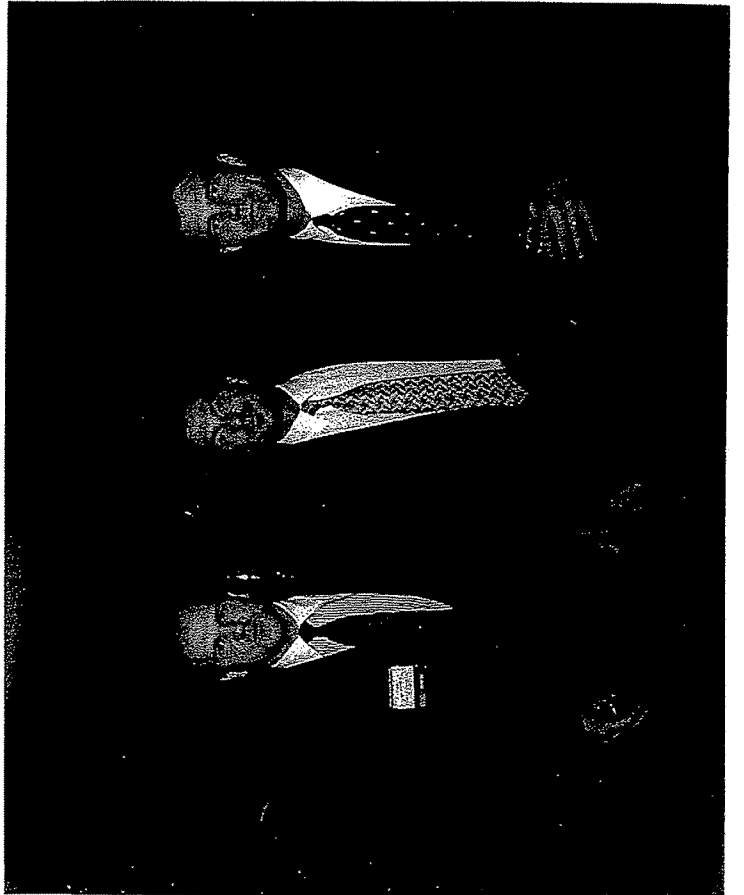
# Exhibit 15



#226

#202

#201



# Exhibit 16





Left to right: Bill Schwartz, president of Systems Concepts Inc. (SCI), Scottsdale, AZ; Ameranth CEO and president Keith McNally; Larry Hausman, publisher of Hospitality Technology and Manny Negreiro, president of Ibertech (Bedford, TX).

**Ameranth Debuts Handheld, Partnerships at NRA**

**CHICAGO**—Ameranth Technology Systems (Rancho Santa Fe, CA) celebrated five partnerships and the launch of its Windows CE-based 21st Century Restaurant System at the 80th annual National Restaurant Association Show.

The Ameranth and Symbol Technologies (Holtsville, NY) strategic alliance has produced a wireless computing solution that marries the UltraPad 2700 Windows CE handheld with the Spectrum24 2.4 GHz data and voice communications system. Operators may process orders and payments, take inventory counts and manage guest-seating arrangements with the portable, handheld solution.

Comtec Information Systems (Warwick, RI) is on-board to produce a portable, POS receipt printer. Other partners with Ameranth include Hospitality Solutions International (HSI, Boca Raton, FL), IBM (Raleigh, NC), JTech Communications (Boca Raton, FL) and The Customer Connection (Escondido, CA).

An Ameranth-hosted cocktail party held at the Ritz Carlton Hotel culminated the most audible "buzz" heard on the show floor at McCormick Place.

Ameranth Technology Systems, infoNOW #200

**Krystal-Lighthouse Union has Radiant Beaming**

**Atlanta**—Quick service hamburger chain, The Krystal Company (Chattanooga, TN), will roll out the Lighthouse Site & Headquarters Management Solution from Radiant Hospitality Systems. The front- and back-of-the-house platform will be installed in about 350 sites company-wide. The Windows NT-based solution "puts information into the hands of store managers, providing them with powerful tools to make decisions that positively impact the business," said David Bibb, director of information systems for Krystal.

Radiant also landed similar installations at 470 owned and domestic-franchised locations of Ruby Tuesday's (Mobile, AL), the casual dining chain that includes three concepts: Ruby Tuesday's, American Café and Tia's Tex-Mex.

Radiant Hospitality Systems, infoNOW # 201

**Foodservice ERP Deals for Lawson**

**Minneapolis**—Lawson Software has added three restaurant chains to its growing list of foodservice operators that have purchased Lawson INSIGHT II, the company's ERP solution. Einstein/Noah Bagel (Golden, CO), a 536-unit chain, has purchased the financials, procurement and human resources process suites, as well as Lawson's Performance Indicator and Web Self-Service modules. Harrigan's Restaurants operator Pinnacle Restaurant Group (Irving, TX) will use INSIGHT II Financials through an implementation team that includes Stonebridge Technologies (Dallas) and Ernst & Young (New York).

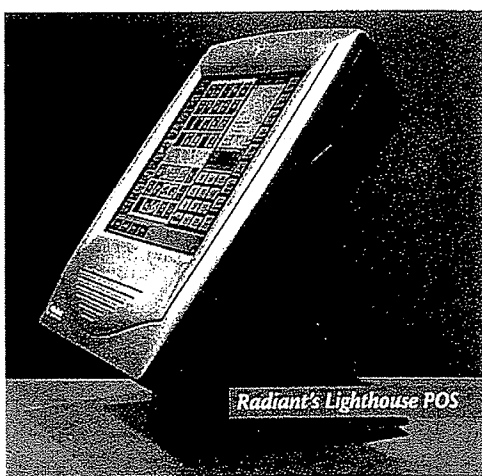
Seattle Crab and Skipper's Seafood 'n Chowder franchisor Skipper's Inc. (Bellevue, WA) purchased INSIGHT Human Resources and Financials suites to process payroll and accounting on the operator's IBM AS/400 midrange system.

Lawson Software, infoNOW #202

**Progressive Adds Distribution Trio**

**Charlotte, NC**—Progressive Software has expanded its presence in the indirect reseller channel with the addition of three distributors for its foodservice technology solutions. Applied Technology Ventures (ATV, Cleveland and Irvine, CA) has 18 years of foodservice integration experience. ATV is providing store training services and installation for Progressive's IRIS POS/Back Office and Smart 2 for Windows NT solution at Krispy Kreme Doughnut Corporation. Century Data Systems (Raleigh, NC) will target mid- and large-sized franchisees from its nine east coast offices. Retail Data Systems (Omaha, NE) has been tabbed to represent Progressive in the small chain and franchisee market, through its 22 nationwide locations.

Progressive Software, infoNOW #203



# Exhibit 17



FOOD.COM  
825 BATTERY STREET  
THE ENTIRE THIRD FLOOR  
SAN FRANCISCO, CA 94111  
PH: 415.981.5505  
FX: 415.981.4801

**FOOD.COM AND AMERANTH TECHNOLOGY ANNOUNCE PARTNERSHIP  
TO DEVELOP LINK FROM FOOD.COM SITE WITH AMERANTH'S 21ST  
CENTURY RESTAURANT SYSTEM**

Partnership Expected to Extend Transmission of Internet Takeout and Delivery Orders to Restaurant Kitchens and to Point of Sale Systems; Online Reservations and Wait-Listing Also Planned

SAN FRANCISCO AND SAN DIEGO, CA - July 15, 1999 - Food.com, the Internet's premiere online takeout and delivery service, and Ameranth Technology Systems, Inc., a leading provider of wireless systems solutions to the hospitality industry, today announced a partnership that company officials expect will extend the transmission of takeout and delivery orders placed online at [www.food.com](http://www.food.com) directly to restaurant kitchens and point of sale systems, thereby speeding transactions, reducing handling, and improving accuracy. Company officials also announced that the partnership will enable users to check wait times for restaurants, to place themselves on wait-lists before leaving for restaurants, and to make reservations online. Ameranth will also work closely with its strategic partners, such as Symbol Technologies, to enable the Food.com site to receive orders wirelessly from the emerging generation of wirelessly enabled smart devices.

"Our partnership with Ameranth fits perfectly into our plans for the delivery of online orders from a consumer's keyboard to a restaurant's kitchen," said Food.com's Chairman and CEO, Rich Frank. "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. The same capabilities that will allow for these improvements in online ordering will also enable users to make reservations, check wait times, and place themselves on wait-lists so that they don't have to spend endless hours waiting to get seated when they decide to dine out."

(more)

Ameranth introduced its 21st Century Restaurant( system in conjunction with Symbol Technologies, the world leader in mobile computing, at the National Restaurant Association tradeshow in Chicago on May 22, 1999. The 21st Century Restaurant system is a fully integrated hardware, software, mobile, and wireless architecture that provides the long-awaited hospitality industry standard for wireless automation and integration. The entire system employs the Microsoft( family of software products and Symbol Technologies Spectrum24 (wireless networks. The centerpiece of the 21st Century Restaurant system is Ameranth's UltraPad( 2700, a 3/4 pound, wireless, handheld computer using Microsoft Windows CE, which provides state-of-the-art capabilities for wireless POS, table management, wait-list management, reservations, frequent dining, Web-based links, management interface, and communications.

"We believe that our partnership with Food.com will provide restaurateurs and their clientele with the most convenient, most efficient solution possible," said Keith McNally, President and CEO of Ameranth. "Orders placed at [www.food.com](http://www.food.com) will find their way directly into the kitchen and into the point of sale system through our relationships with our POS partners - wait times, wait-lists, and reservations will be accessible online to customers, and will be available over the wireless LAN to hosts/hostesses whose handheld terminals will be updated as soon as customers make a reservation or place themselves on a wait-list."

#### **About Ameranth Technology Systems**

Ameranth founders and principals have extensive experience in developing, producing and deploying innovative and totally integrated wireless products, mobile computing and software systems. Based in the San Diego, CA area, Ameranth has established a wide range of key strategic alliances with industry leaders and best-of-breed product suppliers that enable Ameranth to provide breakthrough solutions that optimize efficiency, bust lines and eliminate waits in a wide variety of applications. Ameranth's most important alliances are with Symbol

Technologies(, a world leader in wireless, bar-code scanning and rugged terminals, and Microsoft who provides Windows CE and its comprehensive family of Windows( products around which Ameranth has built the backbone of its wireless system solutions.

#### **About Food.com**

Food.com was founded in December of 1996 and is the largest service of its kind offering home and business meals on the Internet. With over 12,000 restaurants on the service nationwide and over 550,000 members, Food.com is also the exclusive takeout and delivery partner of America Online. Food.com has been a leader in aggregating the highly fragmented restaurant industry in order to provide consumers with a one-stop shopping site on the web for food takeout and delivery ordering. Eventually, Food.com intends to expand its offerings to include restaurant reservations, restaurant reviews, sending meals as gifts, specialty food offerings, and news related to food and dining. Food.com can be found on the World Wide Web at [www.food.com](http://www.food.com). Located in San Francisco, California, Food.com can also be contacted at (415) 981-5505.

# Exhibit 18



Contact: Kathie Sanders (703) 281-4995  
12230 El Camino Real, Ste 330, San Diego, CA 92130  
Tel: (888) AMERANTH Fax: (858) 794-8222  
<http://www.ameranth.com> <mailto:info@ameranth.com>

**AMERANTH TECHNOLOGY SYSTEMS™ AND  
IBERTECH®, CREATORS OF ALOHA POS®, ANNOUNCE  
FORMATION OF A STRATEGIC ALLIANCE**

SAN DIEGO, California, July 26, 1999 -- Ameranth Technology Systems, Inc., a leading provider of Wireless Systems Solutions™, announced today that an Agreement has been reached on the creation of a new Strategic Alliance with Ibertech, Inc., Bedford, Texas, creators of Aloha point-of-sale software. The Ameranth-Ibertech Alliance will leverage Ameranth's existing strategic alliance with Symbol Technologies that was announced on April 19, 1999 and will incorporate Ameranth's 21<sup>st</sup> Century Restaurant™ system into Aloha's offerings.

Under terms of the Ameranth-Ibertech Agreement, Ameranth and Ibertech will integrate Ameranth's 21<sup>st</sup> Century Restaurant solutions and products into Aloha's offerings, and Aloha will designate Ameranth's hardware as its "recommended" wireless products. Ameranth's 21<sup>st</sup> Century Restaurant system is a fully integrated system that provides a long-awaited hospitality industry solution for traditional restaurant processes. The centerpiece of the 21<sup>st</sup> Century Restaurant system is Ameranth's UltraPad™ 2700, a handheld computer that integrates Symbol's Spectrum24 wireless local-area network and the Microsoft Windows CE operating system.

The combination of the three technologies offers unprecedented benefits to restaurateurs and their clientele. The 21<sup>st</sup> Century Restaurant System allows restaurant processes, including order taking, payment processing (credit card, debit card, smart card), inventory control, process control, wait-list management, table management, personnel management, management interface, valet parking, frequent-diner program interface, short- and long-range communications, and other applications, to be managed and controlled from Ameranth's handheld computer, dramatically increasing productivity, reducing cost, and improving customer service.

The Ameranth handheld computer communicates to other restaurant computers and devices by the Symbol Spectrum24 wireless local area network. Symbol's wireless local area network is based on industry standards and is the technology of choice at more than 40,000 customer locations in a number of global markets.

"We are excited about the alliance with Aloha," said Keith McNally, CEO of Ameranth, "because Ibertech is a first-rate organization providing first-rate products. They have been looking for a handheld solution that offers functionality, reliability, and value that is consistent with their other offerings, and we are pleased that they have found that solution in the 21<sup>st</sup> Century Restaurant system."

"All of us at Ibertech are pleased to enter into this alliance with Ameranth," said Manny Negreiro, president and CEO of Ibertech. "We are confident that this partnership will provide outstanding value to customers who seek the latest wireless technology in the new millennium. Ibertech believes that integrating Ameranth handheld computers into our solutions will bring even greater business opportunities for our customers."

Ameranth will showcase its new products at the Western Foodservice & Hospitality Expo in Los Angeles, August 21-23; the Multi-Unit Foodservice Operator Show (MUFOS) in Dallas, September 12-15; the World Gaming Congress & Expo in Las Vegas, September 14-15; the Foodservice Technology Show (FSTEC '99) in Dallas, November 1-3; and the International Hotel, Motel, and Restaurant Show in New York, November 6-9.

-more-

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

*Page 2- Ameranth/Ibertech*

Ameranth Technology Systems, Inc., was founded in 1996 primarily to provide wireless portable computing solutions to the hospitality, gaming, defense, and law enforcement industries. Ameranth's products include handheld computers, scanners, access points, printers, and related software.

Founded in 1992, Ibertech is an innovative software company that provides a comprehensive suite of point-of-sale solutions to the foodservice and hospitality industries. Ibertech's world-renowned products allow customers to implement hospitality systems that precisely meet their needs and demands. Ibertech's family of software products includes Aloha TableService, Aloha QuickService, Aloha Back Office Solutions, Aloha Customer Management Solutions, and aloha enterprise.com. Aloha can be contacted at (800) 79-ALOHA, or visit [www.alohapos.com](http://www.alohapos.com).

-30-

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

# Exhibit 19



8/31/99

To: Ed Rothenberg

From: Keith McNally

Subject: Ameranth POS SDK

We look forward to seeing you at 3:00PM on Thursday. 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. Essentially, we have a standard CE POS GUI we make available to POS partners, we assist them with importing their existing POS databases into this tool..... and then very quickly..... a wireless POS application can be developed-... then all of the special apps, drivers etc.... e.g. credit card processing, signature capture, bar code scanner, mag stripe reader, wireless messaging etc..... can be easily called from the tool and integrated with the application:...

We also 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)..... and translates and exchanges them with the host POS system i.e. Micros... even better... the "Menu Wizard"... will create **both** the Windows CE and HTML code from the same database inputs..... so that when the "master POS" e.g. you guys changes a price and/or POS code and/or product availability status... the "communications wizard"... will update the wireless and web status automatically..... and when you use our tool to develop the wireless POS equivalent of your system.... you will really be "killing tow birds with one stone" in that the web equivalent will be easy to do... also we know that you will want to customize the CE versions for your unique needs... our tools will help you do that... and/or we will be glad to help you... your choice-

So that is a quick overview.... we will give you a complete demonstration and briefing on Thursday... I would appreciate it if you would have a bilateral NDA available for me to sign in a format Micros likes so we can have open exchanges-

Regards,

Keith

# Exhibit 20

**From:** Bnugent <bnugent@food.com>  
**To:** John Laing <jlaing@food.com>; Joan Varrone <jvarrone@food.com>; Tanya Dins <tanya@food.com>; Rich Frank <rfrank@food.com>  
**Date:** Monday, September 13, 1999 3:34 PM  
**Subject:** Ameranth Licenseing Contract

---

I have met with Keith McNally to agree on the deal points on a Licensing Agreement. Here are the products and services we would want.

1. Menu Wizard --- this is a tool which digitally constructs and updates restaurant menus. This benefits to us with this tool would be the following:
  - a) create and update menus faster with significant labor savings
  - b) lower cost of maintenance (restaurant customers will be able to update and change specials themselves)
  - c) exclusive rights to this tool ( barrier to entry)
2. Communications Wizard--- this tool creates a standard that can be used to integrate with any POS terminal and establishes the online ordering protocol.
3. Reservations--- Food.com would have exclusive rights to the online reservation system. They would help us create a hybrid system that can connect with the POS but can also operate through a call center as we establish the POS integration. *This would be a revenue split arrangement 50/50*
4. Registered Users and Order incentives--- we would pay Ameranth a fee for registered users brought to us as well as the initial order placed by new registered users. *We talked about \$1.00 for a new registered user and \$~~1.00~~<sup>5</sup> for the first order a new registered user would place.*

Ameranth would integrate us with the following POS companies that they say they either have contracts or will have signed contracts by the end of the month.

HSI  
Aloha  
Squirrel  
Infogenesis  
Positouch

Ameranth would agree to develop the tools that would give us immediate intergrations with all of the above as well as any POS companies we signed agreements with independently ( Micros and Radiant). Ameranth would give us a NTE ( **not to exceed**) estimate for all of the tools mentioned above of \$200,000 and commit to a goal of \$150,000 for this work. Tiny will be taking these deal points to our lawyers so I would ask you all to make your comments and corrections to myself and Tanya as quickly as possible.

10/6/99

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	4665120
<b>Application Number:</b>	11112990
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	7098
<b>Title of Invention:</b>	Information management and synchronous communications system with menu generation, and handwriting and voice modification of orders
<b>First Named Inventor/Applicant Name:</b>	Keith R. McNally
<b>Customer Number:</b>	27123
<b>Filer:</b>	Angus Robert Gill/Gary Rymer
<b>Filer Authorized By:</b>	Angus Robert Gill
<b>Attorney Docket Number:</b>	3125-4003US1
<b>Receipt Date:</b>	23-JAN-2009
<b>Filing Date:</b>	22-APR-2005
<b>Time Stamp:</b>	14:12:03
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	Reply.pdf	1852133 <small>628e3d76ac0e8b57c3652c84a3542f3c66545262</small>	no	33

### Warnings:

### Information:

2	Oath or Declaration filed	Declaration.pdf	919044	no	17
			b7c6ac6d0527686aa6bed7deb08d5c8903101d2e		
<b>Warnings:</b>					
<b>Information:</b>					
3	Oath or Declaration filed	Exhibits.pdf	5224726	no	49
			275968581582f4569a34b1139f0c73dbc6e36738		
<b>Warnings:</b>					
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<b>Total Files Size (in bytes):</b>				7995903	

**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.**

**New Applications Under 35 U.S.C. 111**

**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.**

**National Stage of an International Application under 35 U.S.C. 371**

**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.**

**New International Application Filed with the USPTO as a Receiving Office**

**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.**



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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
11/112,990		2191	0270



**Correspondence Address/Fee Address Change**

The following fields have been set to Customer Number 85775 on 02/10/2009

- Correspondence Address
- Power of Attorney Address

The address of record for Customer Number 85775 is:

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



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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
11/112,990		2191	0270



**Correspondence Address/Fee Address Change**

The following fields have been set to Customer Number 85775 on 03/30/2009

- Correspondence Address
- Maintenance Fee Address
- Power of Attorney Address

The address of record for Customer Number 85775 is:

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



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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	3125-4003US1	7098
85775	7590	06/26/2009	EXAMINER	
Locke Lord Bissell & Liddell LLP Attn: IP Docketing Three World Financial Center New York, NY 10281-2101			BROPHY, MATTHEW J	
			ART UNIT	PAPER NUMBER
			2191	
			NOTIFICATION DATE	DELIVERY MODE
			06/26/2009	ELECTRONIC

**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 the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptopatentcommunication@lockelord.com



<b>Office Action Summary</b>	<b>Application No.</b> 11/112,990	<b>Applicant(s)</b> MCNALLY ET AL.	
	<b>Examiner</b> MATTHEW J. BROPHY	<b>Art Unit</b> 2191	

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

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

**Status**

- 1)  Responsive to communication(s) filed on 21 January 2009.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 103-110 and 115-127 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 103-110 and 115-127 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  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:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This office action is in response to amendment filed January 21, 2009.
2. Claims 103-127 are pending.

***Response to Amendment***

***Affidavit Under 37 C.F.R. 1.131***

3. The affidavit filed on January 21, 2009, under 37 CFR 1.131 has been considered but is ineffective to overcome the USPN 6,973,437 Olewicz and US PG Pub 20020059405 Angwin references. The evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country after the effective date of the USPN 6,973,437 Olewicz and US PG Pub 20020059405 Angwin references.

Specifically, Applicant's Affidavit does not produce evidence of actual reduction to practice of the details presented in claim 103, including "menu items, menu categories, modifiers and sub-modifiers", "real-time synchronization" and other elements of claim 103. Exhibits 1-6 suggest that there was a prototype of a system of applicant's prior to the reference dates, but do not provide sufficient detail to establish the particular elements in the claim were actually reduced to practice. Additionally, the highlighted portion of Exhibit 7 actually suggests that further modification was necessary to reduce the claimed invention to practice as of January 31, 1999. "Ameranth will modify its Software Wizard development environment to enable POS suppliers and/or customers to quickly develop hand-held POS applications for the CE screen of the 2700."

Exhibits 8-16 include various press releases, corporate literature and pictures regarding Ameranth's successful showing at the May 1999 NRA show in Chicago. However, these also fail to provide the details described previously and are therefore unable to establish actual reduction to practice prior to the date of the references. Finally Exhibits 17-20 describe activities subsequent to the priority data of both references, and therefore are ineffective with regards to actual reduction to practice prior to those dates

In addition, The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the USPN 6,973,437 Olewicz and US PG Pub 20020059405 Angwin references to either a constructive reduction to practice or an actual reduction to practice. Here, there are large gaps in time unaccounted for by applicant's affidavit, For example between November 1998 and January 1999 as well as February 1999 to May of 1999. Applicant has not shown reasonable diligence in detail, and applicant's conclusive statements of diligences are not sufficient to find diligence to connect applicant's conception to the constructive or actual reduction to practice.

Finally, Applicant's attempt to antedate these references is moot with respect to at least claims 103-121 because of the new grounds of rejection provided below.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 103-110, 115-121 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 103 and 118 recites the limitation "the information comprising the second menu" in claim body. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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

7. Claims 103, 105-110, 115-118 and 120-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micros systems Inc. " 8700 HMS 2.10 User's Manual", Copyright 1997 in view of US Patent 5,023,438 –Wakatsuki et al .

Regarding Claims 103 and 118 Micros teaches:

103. (Previously presented) An information management and synchronous communications system for generating and transmitting hospitality menus comprising:  
a. a central processing unit, **(Micros '97 Page 1-2, "The 8700 is an integrated Point-Of-Sal e (POS) system comprising modular hardware and flexible, user-configured software." See also 1-12, "The PC Workstation (PCWS) is a personal computer that functions both as a PC and a User Workstation. ...System board supporting a variety of true 32,bit processors...")**

b. a data storage device connected to said central processing unit, (**Micros '97 1-3, "The SQL module provides an industry standard set of commands that allow you to define, display, and update 8700 database information in tables (similar to a typical spreadsheet). These commands also allow you to import database information into many accounting packages as well as Standard database applications like dBase IV. The Unix cron command allows SQL commands to be executed at specified dates and times. Thus, updates to the 8700 database can be performed unattended."**)

c. an operating system including a first graphical user interface, (**1-4, "User Workstations (UWS) are used to record all sales and time keeping activity in the system.... UWS Procedures This mode of operation is used to perform manager-related duties, (such as changing menu item prices, assigning employee privilege codes, and assigning training status, et c:). U WS Procedures mode is generally used exclusively by managers and supervisors." And 1-7, "Screen Display The Screen Display displays transaction information during POS Operations...This illustration shows the screen display format for UWS/1 and U WS/2." See also Appendix D, detailing GUI procedures for adding/manipulating records)**

d. a master menu including menu categories (**1-18, "A lookup key lists a set of items on the operator display and allows the operator to choose one. It optimizes**

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**keyboard space by linking multi pie menu items or functions to a single key. For example, one set of menu items might be linked to an appetizer lookup. When an operator presses the appetizer lookup, a numbered list of appetizers appear on the display...”),**

menu items **(Micros '97 1-18, “A lookup key lists a set of items on the operator display and allows the operator to choose one. It optimizes keyboard space by linking multiple menu items or functions to a single key. For example, one set of menu items might be linked to an appetizer lookup. When an operator presses the appetizer lookup, a numbered list of appetizers appears on the display...”),**

modifiers and sub-modifiers, **(5-22, “Post Condiments Many menu items are programmed to require or allow condiments. The term "condiment" includes anything that may modify a menu item-accompaniments, toppings, dressing, preparation instructions, etc. You will be prompted for required condiments, but not for condiments that are allowed (not required).” See also, 5-2, “Condiments requiring other condiments”)**

wherein said master menu is capable of being stored on said data storage device pursuant to a master menu file structure **(See “Master Item Menu File” Appendix D, Structure can be seen on Pages D-33 to D-35)**

and said master menu is capable of being displayed in at least one window of said first graphical user interface, **(e.g. 1-18, “A lookup key lists a set of items on the**

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**operator display and allows the operator to choose one. It optimizes keyboard space by linking multi pie menu items or functions to a single key. For example, one set of menu items might be linked to an appetizer lookup. When an operator presses the appetizer lookup, a numbered List of appetizers appear on the display...)**

and e. application software configured to generate a second menu (**Micros '97 Page 3-2, "Default Transaction Touchscreens can be programmed in several files, depending on the establishment's preferences. When an employee signs in, the system reviews these files and produces the correct default transaction touchscreen based on the programming of these files."** See further, touchscreens on e.g. 3-3 to 3-10, applicable to the HHT as indicated by the HHT icon) *[here, Micros '97 anticipates this limitation because the touchscreen files, include a touchscreen menu (i.e. second menu) which is displayed as seen in Chapter 3 of the reference]*

for transmission to a wireless handheld computing device (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),**

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and the **BST transmits guest check information and [menu] database modifications to the HHT.**)

wherein the application software is configured to generate said second menu by utilizing parameters from the master menu file structure defining the categories (e.g.

**Touchscreen Menu Categories: 3-8 “Salads, Entrées, Apps, Sandwich...”**), items

(e.g. **Touchscreen Menu Items: 3-8 “Taco Salad, Caesar Salad, Calamari**

**Salad...”**), modifiers and sub- modifiers (See. E.g. **the dressings & condiments on**

**Touchscreen Menu Page 3-12, “1000 Island, blue cheese, French...yogurt, pepper, ranch...”**) of the master menu

such that the information comprising the second menu is synchronized ...with

analogous information comprising the master menu (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.**” See also Page 5-13)



wherein the application software is further configured to format the second menu such that the second menu may include additional parameters to facilitate user operations with and display of the second menu on the display screen of a second graphical user interface integral with the wireless handheld computing device, said second menu and any additional parameters satisfying any applicable display constraints and conforming to any applicable specialized display characteristics of the wireless handheld computing device screen. **(Micros '97 1-15, "...The HHT's LCD touchscreen displays 12 lines of 20 to 30 character& (It varies by use a proportional font is used.)The touchscreen overlay features 8 columns by 5 rows, for a total of up to 40 touchscreen keys. Two character sizes are available for key legends..." ...Micros '97 Page 3-2, "Default Transaction Touchscreens can be programmed in several files, depending on the establishment's preferences. When an employee signs in, the system reviews these files and produces the correct default transaction touchscreen based on the programming of these files." See further, touchscreens on e.g. 3-3 to 3-10, applicable to the HHT as indicated by the HHT icon) [Inherent here is that the touchscreen menus are programmed to satisfy the display constraints described here above.]**

**Micros '97 does not explicitly teach:**

... synchronized in real time with analogous information comprising the master menu. However, this limitation is taught by Wakatsuki **(Col. 5, Ln 66 to Col 6, Ln 2. "The order data stored in the data memory 16a is instantaneously sent to the data**

**processing device 19 in a wireless manner, by operating the data transmission key 12.”)**

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 and Wakatsuki as both systems teach Handheld wireless terminals, and Wakatsuki teaches the provides the instantaneously update data so as to allow updated wireless communication and allow the servers to be continuously apprised of the menu offerings as contemplated on e.g. 5-13 of Micros '97.

Regarding the different limitation of claim 118:

118: Micros further teaches: such that the second menu as displayed on the second graphical user interface appears to a user to be substantially similar to the first menu as displayed on the first graphical user interface. **(Page 3-1, “...there is little difference between the functionality of a Touchscreen UWS/3 [second menu] and the micro-motion keyboards on the UWS/1 and UWS/2 [first menu]...”)**

105. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 104, further configured to automatically generate and transmit the second menu from the master menu in

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response to at least one of a predetermined time, or the occurrence of an event or a change in the master menu. **(11-9, “Change Serving Period This procedure changes the active Serving Period. A Serving Period is any time span for which sales totals tracking and reporting are desired by management. For example, Breakfast, Lunch, and Dinner.”)**

106. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 103 wherein the second menu relates to hospitality applications including at least one of restaurant service, or point of sale systems, or reservations, or waitlists, or ordering, or customer affinity or frequent customer programs. **(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.”)**

Claim 120 is rejected for the same reasons as Claim 106 here above.

107. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 103 further configured to transmit user selections from the second menu to a receiving computer by wireless link or via the internet. **(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**

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every other operation that is available on a UWS. The HHT communicates by radio frequency with a Base Station, which is cabled to an 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.”)

108. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 103, further configured such that user selections from a second menu on the wireless computing device are automatically reflected in all other storage or display elements of the system. **(5-13 “Post Limited Availability Menu Item The limited availability menu item feature allows you to define menu items to have a limited quantity available: After a programmed number of sales are posted, the system indicates that the menu item is unavailable when that menu item is entered. Example At the beginning of his shift, the manager entered the number of daily special s available during lunch, Near the end of the lunch shift, Mary entered an order for five daily specials. She received the system prompt: "ONLY 4 DAILY SPECIAL REMAINING,'. She returned to her table and informed the group that one would have to order something else which one of the customers was happy to do. She then placed the order for four daily specials, Immediately after service totalling her check, her order, George, tried to enter an order for the daily special and received this message: "NO MORE DAILY SPECIAL REMAINING."**

**Privileges There are no particular privilege restrictions associated with limited availability items Menu Item Counts are set by privileged employees using Workstation Procedure #14 (Change Menu Item Availability).”**

Claim 121 is rejected for the same reasons as Claim 108 here above.

109. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 103, further configured to automatically format the second menu for display as cascaded sets of linked graphical user interface screens appropriate for the display characteristics of the wireless computing device. **(See e.g. set of touchscreen menus on 3-8)**

110. Micro '97 Teaches: The information management and synchronous communications systems in accordance with claim 103 in which the modifiers and sub-modifiers in either the master or second menus may be further configured to be either required or not required. **(5-22, “Post Condiments Many menu items are programmed to require or allow condiments. The term "condiment" includes anything that may modify a menu item-accompaniments, toppings, dressing, preparation instructions, etc. You will be prompted for required condiments, but not for condiments that are allowed (not required).” See also, 5-1)**

115. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 103 in which the wireless computing device is a smart phone or other consumer wireless communications device. **(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.”) [here, the HHT of Micros anticipates the “consumer wireless communication device” as that term is not defined in the applicant’s specification and the HHT is a wireless is used by restaurant industry consumers.]**

116. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 103, further configured to facilitate payment processing from the wireless handheld computing device. **(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-round 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]**

117. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 103, further configured such that both the master and the generated second menus reflect a billing summary to facilitate processing of payments for an order on the wireless handheld computing device. **(See e.g. B-13, “Check Summary Section The summary section of t he guest check will be formatted by the type of tender used (some print trailer lines), the type of tax implemented (exclusive or VAT) and by t h e type of operator printing the check (By-Round or On-Demand).” See also 5-7“Press a menu item key, for example, [N .Y. Strip]. The menu item and price posts to the check detail...”)**

8. Claims 104 and 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micro systems Inc. “ 8700 HMS 2.10 User’s Manual”, Copyright 1997 in view of US Patent 5,023,438 –Wakatsuki et al as applied to claims 103 and 118 above and

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further in view of Micros Systems Inc. "*Preliminary Information Packet for the Micros Hand-Held Touchscreen*" September 2, 1992.

104. Micro '92 Teaches: The information management and synchronous communications system in accordance with claim 103, further configured to automatically generate and transmit the second menu from the master menu. **(Micros '92 page 8, "Changes made to the 4700 HMS database [master menu] using Manager Procedures are automatically downloaded over RF to the appropriate HHT terminals")**

Claim 119 is rejected for the same reasons as Claim 104 here above.

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 and Micros '92 as both systems teach Micros' Handheld wireless touchscreen terminal, and Micros' '92 teaches the provides the ability to automatically update the HHT so as to allow updated wireless communication and allow the servers to be continuously apprised of the menu offerings as contemplated on e.g. 5-13 of Micros '97.



9. Claims 122-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micros systems Inc. " 8700 HMS 2.10 User's Manual", Copyright 1997 in view of US Patent 5,023,438 –Wakatsuki et al and further in view of USPN 5,991,739 Cupps et al hereinafter Cupps.

Regarding Claim 122 Micros teaches: An information management and 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, **(Micros '97 1-3, "The SQL module provides an industry standard set of commands that allow you to define, display, and update 8700 database information in tables (similar to a typical spreadsheet). These commands also allow you to import database information into many accounting packages as well as Standard database applications like dBase IV. The Unix cron command allows SQL commands to be executed at specified dates and times. Thus, updates to the 8700 database can be performed unattended."** See "Master Item Menu File" Appendix D, Structure can be seen on Pages D-33 to D-35)

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

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**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.”)**

e. a communications control module linking the master database, wireless handheld computing device...(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.”)**

such that substantially the same information comprising the hospitality application information is capable of being displayed on the wireless handheld computing device, ... and other display screens of the synchronized system, **(Page 3-1, “...there is little difference between the functionality of a Touchscreen UWS/3 [second menu] and the micro-motion keyboards on the UWS/1 and UWS/2 [first menu]...”)**

wherein the system is configured to utilize parameters from the master database file structure to synchronize the hospitality application information... between the master database, at least one wireless handheld computing device...(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 almost every other operation that is available on a UWS. The HHT communicates by radio frequency with a Base Station, which is cabled to an 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.”)

such that the hospitality application information is synchronized between any connected users, (5-13 “**Post Limited Availability Menu Item**

**The limited availability menu item feature allows you to define menu items to have a limited quantity available: After a programmed number of sales are posted, the system indicates that the menu item is unavailable when that menu item is entered. Example At the beginning of his shift, the manager entered the number of daily**

**specials available during lunch, Near the end of the lunch shift, Mary entered an order for five daily specials. She received the system prompt: "ONLY 4 DAILY**

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**SPECIAL REMAINING,'. She returned to her table and informed the group that one would have to order something else which one of the customers was happy to do. She then placed the order for four daily specials, Immediately after service totalling her check, her order, George, tried to enter an order for the daily special and received this message: "NO MORE DAILY SPECIAL REMAINING."**

**Privileges There are no particular privilege restrictions associated with limited availability items**

**Menu Item Counts are set by privileged employees using Workstation Procedure #14 (Change Menu Item Availability).")**

wherein the communications control module is configured to act as an interface between the elements of the system and any applicable communications protocol and (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.")

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wherein the system is configured to format the hospitality application information for display on both the wireless handheld device ... in conformity with any applicable display constraints of the wireless handheld computing device ...**(Micros '97 1-15, "...The HHT's LCD touchscreen displays 12 lines of 20 to 30 character& (It varies by use a proportional font is used.)The touchscreen overlay features 8 columns by 5 rows, for a total of up to 40 touchscreen keys. Two character sizes are available for key legends..." ...Micros '97 Page 3-2, "Default Transaction Touchscreens can be programmed in several files, depending on the establishment's preferences. When an employee signs in, the system reviews these files and produces the correct default transaction touchscreen based on the programming of these files." See further, touchscreens on e.g. 3-3 to 3-10, applicable to the HHT as indicated by the HHT icon) [Inherent here is that the touchscreen menus are programmed to satisfy the display constraints described here above.]**

Micros '97 does not explicitly teach:

...synchronize the hospitality application information in real time between the master database, at least one wireless handheld computing device... However, this limitation is taught by Wakatsuki (Col. 5, Ln 66 to Col 6, Ln 2. "**The order data stored in the data memory 16a is instantaneously sent to the data processing device 19 in a wireless manner, by operating the data transmission key 12."**)

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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 and Wakatsuki as both systems teach Handheld wireless terminals, and Wakatsuki teaches the provides the instantaneously update data so as to allow updated wireless communication and allow the servers to be continuously apprised of the menu offerings as contemplated on e.g. 5-13 of Micros '97.

Micros does not explicitly teach:

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

wherein the system is configured to utilize parameters from the master database file structure to synchronize the hospitality application information in real time between... 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 ...at least one web page and other display screens of the synchronized system

wherein the system is configured to format the hospitality application information for display on ... web page in conformity with any applicable display constraints of the...web page.

However, these limitations are taught by Cupps:

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

**(Col. 2, Ln 22-25, “The distributed computer system includes a group of customers connected to client computers and at least one server computer system that executes the online ordering machine.”)**

d. at least one web page connected in said system and configured to display said hospitality application information **(Col. 2, Ln 41-44, “The online ordering machine is a Web server including a web creation procedure that dynamically generates menu web pages in response to a customer's request.”)**, and

wherein the system is configured to utilize parameters from the master database file structure to synchronize the hospitality application information in real time between...at least one web server and at least one web page

**(Col. 8, Ln 42 to Col. 9, Ln 7, “Dynamically Created Menu Web Pages: The online ordering machine 106 generates menu web pages 144 that are specific to a particular customer's request. The creation of the menu web pages 144 is done dynamically at runtime in order to provide data that accommodates a customer's request ...each menu web page 144 is configured at runtime and customized for a particular customer's request... FIG. 7 illustrates the components used to dynamically generate a menu web page 144. ....The data included in the menu web page 144 is retrieved from the order database 128 and the menu file system 146. The order database 128 contains information such as the operational time of a vendor, the restaurant's logo, the categories of the food products served, and**

**the like. The menu file system 146 includes menu data associated with each vendor. The menu file system 146 includes a number of menu files stored in an encoded binary format for faster retrieval purposes. The web page creation procedure 126 uses the data in the order database 128 and the menu file system 146 to dynamically generate one or more menu web pages 144 that are customized to a customer's request.”)**

such that substantially the same information comprising the hospitality application information is capable of being displayed ...at least one web page and other display screens of the synchronized system **(Col. 8, Ln 42 to Col. 9, Ln 7, “Dynamically Created Menu Web Pages: The online ordering machine 106 generates menu web pages 144 that are specific to a particular customer's request. The creation of the menu web pages 144 is done dynamically at runtime in order to provide data that accommodates a customer's request ...each menu web page 144 is configured at runtime and customized for a particular customer's request... FIG. 7 illustrates the components used to dynamically generate a menu web page 144. ....The data included in the menu web page 144 is retrieved from the order database 128 and the menu file system 146. The order database 128 contains information such as the operational time of a vendor, the restaurant's logo, the categories of the food products served, and the like. The menu file system 146 includes menu data associated with each vendor. The menu file system 146 includes a number of menu files stored in an encoded binary format for faster retrieval purposes. The web page creation procedure 126 uses the data in the order database 128 and the**



**menu file system 146 to dynamically generate one or more menu web pages 144 that are customized to a customer's request.”)**

wherein the system is configured to format the hospitality application information for display on ... web page in conformity with any applicable display constraints of the...web page. **(Col 10, Ln 7-16, “The customer can then select a particular vendor or restaurant and one or more menu web pages 144 including the selected information that is dynamically created by the web creation procedure 126 and provided to the customer's client computer 102. The customer can then browse through the menu web pages 144 and select items of interest. The user's selection or requests are used by the web creation procedure 126 to generate one or more menu web pages 144 that are displayed to the customer (step 306). FIGS. 8-10 illustrate such exemplary menu web pages 144.”)**

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: “[t]he Internet has provided consumers with a new medium for electronic commerce...Internet services such as Cupp’s invention provides consumers with access to menus for food products that can be ordered online...”

123. Micro '97 Teaches: The information management and synchronous communications system of claim 122, wherein the hospitality application information relates to at least one of restaurant service, or point of sale systems, or reservations, or waitlists, or ordering, or customer affinity or frequent customer programs. **(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.")**

124. Micro '97 Teaches: The information management and synchronous communications system of claim 122, further configured 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. **(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.”)**

125. Micro '97 Teaches: The information management and synchronous communications system of claim 122, further configured 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.”**

126. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 122, wherein the hospitality 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**

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**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]*

127. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 122, wherein the wireless handheld computing device is a smart phone or other consumer wireless communications device. **(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 quest check information and [menu] database modifications to the HHT.”)** *[here, the HHT of Micros anticipates the*

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*“consumer wireless communication device” as that term is not defined in the applicant’s specification and the HHT is a wireless is used by restaurant industry consumers.]*

10. Claims 122-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micros systems Inc. “ 8700 HMS 2.10 User’s Manual”, Copyright 1997 in view of in view of US Patent 5,023,438 –Wakatsuki et al .. and further in view of USPN 6,973,437 Olewicz.

Regarding Claim 122 Micros ‘97 teaches: An information management and 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, **(Micros ‘97 1-3, “The SQL module provides an industry standard set of commands that allow you to define, display, and update 8700 database information in tables (similar to a typical spreadsheet). These commands also allow you to import database information into many accounting packages as well as Standard database applications like dBase IV. The Unix cron command allows SQL commands to be executed at specified dates and times. Thus, updates to the 8700 database can be performed unattended.” See “Master Item Menu File” Appendix D, Structure can be seen on Pages D-33 to D-35)**

b. at least one wireless handheld computing device connected in said system and configured to display said hospitality application information, **(1-15“Hand-Held**

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**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.”)**

e. a communications control module linking the master database, wireless handheld computing device...(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.”)**

such that substantially the same information comprising the hospitality application information is capable of being displayed on the wireless handheld computing device, ... and other display screens of the synchronized system, (**Page 3-1, “...there is little**

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**difference between the functionality of a Touchscreen UWS/3 [second menu] and the micro-motion keyboards on the UWS/1 and UWS/2 [first menu]...”)**

wherein the system is configured to utilize parameters from the master database file structure to synchronize the hospitality application information... between the master database, at least one wireless handheld computing device...(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.”)**

such that the hospitality application information is synchronized between any connected users, (5-13 “**Post Limited Availability Menu Item**

**The limited availability menu item feature allows you to define menu items to have a limited quantity available: After a programmed number of sales are posted, the system indicates that the menu item is unavailable when that menu item is entered. Example At the beginning of his shift, the manager entered the number of daily**

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special s available during lunch, N ear the end of the lunch shift, Mary entered an order for five daily specials. She received the system prompt: "ONLY 4 DAILY SPECIAL REMAINING,'. She returned to her table and informed the group that one would have to order something else which one of the customers was happy to do. She then placed the order for four daily specials, Immediately after service totalling her check, her order, George, tried to enter an order for the daily special and received this message: "NO MORE DAILY SPECIAL REMAI N I NG."

**Privileges** There are no particular privilege restrictions associated with limited availability items

**Menu Item Counts** are set by privileged employees using Workstation Procedure #14 (Change Menu Item Availability).")

wherein the communications control module is configured to act as an interface between the elements of the system and any applicable communications protocol and (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.”)**

wherein the system is configured to format the hospitality application information for display on both the wireless handheld device ... in conformity with any applicable display constraints of the wireless handheld computing device ...**(Micros '97 1-15, “...The HHT's LCD touchscreen displays 12 lines of 20 to 30 character& (It varies by use a proportional font is used.)The touchscreen overlay features 8 columns by 5 rows, for a total of up to 40 touchscreen keys. Two character sizes are available for key legends...” ...Micros '97 Page 3-2, “Default Transaction Touchscreens can be programmed in several files, depending on the establishment's preferences. When an employee signs in, the system reviews these files and produces the correct default transaction touchscreen based on the programming of these files.” See further, touchscreens on e.g. 3-3 to 3-10, applicable to the HHT as indicated by the HHT icon) [Inherent here is that the touchscreen menus are programmed to satisfy the display constraints described here above.]**

Micros '97 does not explicitly teach:

...synchronize the hospitality application information in real time between the master database, at least one wireless handheld computing device... However, this limitation is taught by Wakatsuki **(Col. 5, Ln 66 to Col 6, Ln 2. "The order data stored in the data**

**memory 16a is instantaneously sent to the data processing device 19 in a wireless manner, by operating the data transmission key 12.”)**

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 and Wakatsuki as both systems teach Handheld wireless terminals, and Wakatsuki teaches the provides the instantaneously update data so as to allow updated wireless communication and allow the servers to be continuously apprised of the menu offerings as contemplated on e.g. 5-13 of Micros '97.

Micros does not explicitly teach:

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

wherein the system is configured to utilize parameters from the master database file structure to synchronize the hospitality application information in real time between... 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 ...at least one web page and other display screens of the synchronized system

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wherein the system is configured to format the hospitality application information for display on ... web page in conformity with any applicable display constraints of the...web page.

However, these limitations are taught by Olewicz:

c. at least one web server connected in said system and configured to display said hospitality application information, (**“The present invention in use in a restaurant, for example, includes a central server unit or main data collecting and transmitting unit generally includes a conventional PC or processing unit with a display, memory, including a backup memory, and a keyboard or similar data input mechanism. The central server unit typically is positioned in the manager’s office or can be placed on the floor of the restaurant, at the front of the restaurant or at the hostess stand.”**)

d. at least one web page connected in said system and configured to display said hospitality application information, and(**“Col 14. Ln. 13-21, “Similarly, if the request is part of survey data in step 146, survey information and questions are displayed on the table unit and responses are entered into a database in step 202 from which data is compiled by the central server unit to enable management to combine real time and statistical data in step 203 for inventory control and tracking of service such as wait times, etc., which further information also can be posted to a restaurant Internet website.”**)

wherein the system is configured to utilize parameters from the master database file structure to synchronize the hospitality application information in real time between... at least one web server and at least one web page (**“Col 14. Ln. 13-21, “Similarly, if the request is part of survey data in step 146, survey information and questions are displayed on the table unit and responses are entered into a database in step 202 from which data is compiled by the central server unit to enable management to combine real time and statistical data in step 203 for inventory control and tracking of service such as wait times, etc., which further information also can be posted to a restaurant Internet website.”)**)

such that substantially the same information comprising the hospitality application information is capable of being displayed ...at least one web page and other display screens of the synchronized system (**“Col 14. Ln. 13-21, “Similarly, if the request is part of survey data in step 146, survey information and questions are displayed on the table unit and responses are entered into a database in step 202 from which data is compiled by the central server unit to enable management to combine real time and statistical data in step 203 for inventory control and tracking of service such as wait times, etc., which further information also can be posted to a restaurant Internet website.”)**)

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wherein the system is configured to format the hospitality application information for display on ... web page in conformity with any applicable display constraints of the wireless ...web page. **(e.g. Col 14, Ln 44-62 “FIG. 9 illustrates the updating of the Internet website for the restaurant in which the main computer or central server unit 11 sends a signal in step 220 to update the restaurant website "I". Thereafter, as persons log onto the website in step 221, the user is asked in step 222 whether they are a customer or a manager. If the user is a customer, they are directed to information about seating availability and wait times in step 223, which site page can also provide directions, enable reservations to be made online, and display discounts and/or specials.”)**

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 Olewicz as Olewicz teaches a system of Restaurant Management including the use of a website that would allow customers in the Micros system to view inventory control (e.g. menu) information as well as wait times and availability for the system of Micros over the internet (see Col 14, Ln 44-62)

123. Micro '97 Teaches: The information management and synchronous communications system of claim 122, wherein the hospitality application information relates to at least one of restaurant service, or point of sale systems, or reservations, or waitlists, or ordering, or customer affinity or frequent customer programs. **(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.”)**

124. Micro '97 Teaches: The information management and synchronous communications system of claim 122, further configured 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. **(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.”)**

125. Micro '97 Teaches: The information management and synchronous communications system of claim 122, further configured 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**

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**8700 Revenue Center database. Using the HHT, an operator can post orders, close guest checks, and perform almost every other operation that is available on a UWS. The HHT communicates by radio frequency with a Base Station, which is cabled to an 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.”**

126. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 122, wherein the hospitality 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-round 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)**

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



127. Micro '97 Teaches: The information management and synchronous communications system in accordance with claim 122, wherein the wireless handheld computing device is a smart phone or other consumer wireless communications device. **(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.”) [here, the HHT of Micros anticipates the “consumer wireless communication device” as that term is not defined in the applicant’s specification and the HHT is a wireless is used by restaurant industry consumers.]**

### ***Response to Arguments***

11. 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.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. BROPHY whose telephone number is

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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

4/9/2009

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191

<b>Index of Claims</b> 	<b>Application/Control No.</b> 11112990	<b>Applicant(s)/Patent Under Reexamination</b> MCNALLY ET AL.
	<b>Examiner</b> MATTHEW J BROPHY	<b>Art Unit</b> 2191

✓	<b>Rejected</b>
=	<b>Allowed</b>


-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

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				
	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	✓	✓	✓	✓				

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

<b>SEARCHED</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>
715	810-845	4/9/2009	MJB

<b>SEARCH NOTES</b>		
<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
See EAST search History	4/9/2009	MJB
inventor search in EDAN	4/9/2009	MJB
NPL (Google Scholar, ACM, IEEE)	4/9/2009	MJB

<b>INTERFERENCE SEARCH</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

/MATTHEW J BROPHY/  
Examiner.Art Unit 2191



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes application details for Keith R. McNally and examiner information for Brophy, Matthew J.

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 the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptopatentcommunication@lockelord.com

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

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

- (1) MATTHEW J. BROPHY. (3) John Osborne.  
(2) Li Zhen. (4) Keith McNally.

Date of Interview: 21 July 2009.

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, 118 and 123.

Identification of prior art discussed: Mircos HMS 8700 Manual et al..

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
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## 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 presented an explanation of the invention and its place among the cited references. Applicant stated that they understood the pending rejection, and proposed amendments to change "second menu" to "handheld menu configuration" and that the menu configuration software configuring cascaded sets of related graphical user interface screens, as well as "real time synchronous transmission with the wireless handheld devices. Examiner agreed that the proposed amendment changed the scope of the claims, and should overcome the rejection of record, but the examiner would require further search and consideration of the art. The examiner agreed to interview telephonically with the applicant's representative next week to follow up on the proposed amendments. Additionally, applicant responded to examiner's remarks regarding the 37 CFR 1.131 declaration by describing the activities previous to the filing date, and agreed to submit a supplemental declaration should it be necessary.



# LLB&L

## Locke Lord Bissell & Liddell LLP

Attorneys & Counselors

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### Fax Cover Sheet

July 8, 2009

To:	Organization:	Fax Number:	Phone Number:
Examiner Matthew Brophy	USPTO Art Unit 2191	571-270-2642	

Total Pages (including coversheet): 3

If you do not receive all pages, please call 212-415-8509.

Message:

Our File Number: 1004293.005US

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NY:1004293/005US:606930v1

PTOL-413A (08-09)  
 Approved for use through 07/31/2009. OMB 0651-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## Applicant Initiated Interview Request Form

Application No.: 11/112,990 First Named Applicant: McNally  
 Examiner: Brophy, Matthew Art Unit: 2191 Status of Application: non-final rej.

**Tentative Participants:**

- (1) John Osborne (2) Keith McNally  
 (3) Matthew Brophy (4) \_\_\_\_\_

Proposed Date of Interview: July 20, 2009 Proposed Time: 2:00 PM AM/PM

**Type of Interview Requested:**

- (1)  Telephonic (2)  Personal (3)  Video Conference

Exhibit To Be Shown or Demonstrated:  YES  NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej. 35 USC 112</u>	<u>103-10, 115-21</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rej. 35 USC 103</u>	<u>103-10, 115-27</u>	<u>Micros 8700 Man</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>"</u>	<u>"</u>	<u>USP 5,023,438</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) <u>"</u>	<u>"</u>	<u>Micros HHT Doc</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continuation Sheet Attached

**Brief Description of Argument to be Presented:**

Distinctions over cited references, proposed amendments and 1.131 Declaration to be discussed.

An interview was conducted on the above-identified application on \_\_\_\_\_

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

John W. Osborne  
 Applicant/Applicant's Representative Signature  
 John W. Osborne  
 Typed/Printed Name of Applicant or Representative  
 36,231  
 Registration Number, if applicable

\_\_\_\_\_  
 Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. 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 21 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.

**Issues To Be Discussed – Continuation Sheet**

- (5) Rej. 35 USC 103      103-10, 115-27      USP 5,991,739
- (6)      ”      ”      USP 6,973,437
- (7) Rej. 37 CFR 1.131      ”



UNITED STATES PATENT AND TRADEMARK OFFICE

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes sub-tables for EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, and DELIVERY MODE.

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.

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ptopatentcommunication@lockelord.com

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

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

- (1) MATTHEW J. BROPHY. (3) \_\_\_\_\_.
- (2) John Osborne. (4) \_\_\_\_\_.

Date of Interview: 29 July 2009.

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.

Identification of prior art discussed: Mircos et al.

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: Applicant described amendments clarifying that the second menu was a handheld menu, which was generated from the master menu and that the menu included a cascaded set of menus. Examiner described his interpretation of the art with respect to these amendments. The Applicant suggested that the prior art of record does not teach generation of the handheld menu from the master menu. The examiner suggested possible additional amendments including the clarification that configuration is not done at the handheld, which applicant contends is a difference between the present invention and the art of record. Additionally, the applicant suggested the possibility of a declaration of secondary considerations, which the examiner agreed might be useful as evidence against obviousness. Applicant agreed to consider this possibility in the future. Applicant agreed to confer with his client and prepare an amendment in light of the interviews. Examiner agreed to consider the amendment when entered and if an examiner's amendment becomes appropriate, contact the applicant.

(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)

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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

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**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

**REPLY AND AMENDMENT UNDER 37 C.F.R. 1.111**

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

Sir:

In response to the pending non-Final Office Action dated June 26, 2009, including extensive amendments of the pending claims, a supplemental inventor's declaration under 37 C.F.R. 1.131 and a 37 C.F.R. 1.132 declaration providing substantial evidence of secondary indicia of nonobviousness, 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

**Remarks** begin on page 13 of this paper.



**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application. Claims 1-102 and 111-114 were canceled without prejudice or disclaimer by previous amendments. By the present amendment, Claims 103-110 and 115-127 are amended. Claims 103-110 and 115-127 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 ~~generating~~ 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 and sub-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 ~~displayed~~ 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. application menu configuration software ~~configured~~ enabled to generate a ~~second~~ 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 ~~application menu configuration~~ software is ~~configured~~ enabled to generate said ~~second programmed handheld menu configuration~~ by utilizing parameters from the master menu file structure defining at least the menu categories, menu items [,] and modifiers and sub-modifiers of the master menu such that ~~the information comprising the second menu is 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 ~~application menu configuration~~ software is further ~~configured~~ enabled to ~~format the second menu such that the second menu may include additional parameters 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 second programmed handheld menu configuration on the display screen of a second 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 said second menu and any additional parameters satisfying any applicable display constraints and conforming to any applicable specialized display characteristics of the wireless handheld computing device screen,~~

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.

104. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 103, ~~further configured to automatically generate and transmit the second menu form the master menu~~ 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.

105. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 103, ~~further configured~~ wherein the menu configuration software is further enabled to automatically generate and transmit the second

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.

106. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 103 wherein ~~the second menu relates to~~ 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 [one] two of ~~restaurant service, or~~ point of sale systems, or reservations, or waitlists, ~~or ordering, or customer affinity~~ or frequent customer ~~or~~ ticketing programs.

107. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 103 further ~~configured~~ enabled to transmit user selections from the ~~second~~ programmed handheld menu configuration to a receiving computer ~~by wireless link or~~ via the internet.

108. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 103, further ~~configured~~ enabled such that user selections from ~~a second~~ the programmed handheld menu configuration on the wireless computing device are automatically reflected in ~~all other storage or~~ real time on two or more other different-type display elements of the system.

109. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 103, further ~~configured~~ enabled to automatically format the ~~second~~ programmed handheld menu configuration for display as cascaded sets of linked graphical user interface screens appropriate for the display ~~characteristics~~ parameters of ~~the wireless computing device~~ at least two different wireless handheld computing

device display sizes in the same connected system.

110. (Currently Amended) The information management and real time synchronous communications systems in accordance with claim 103 in which the modifiers ~~and sub-modifiers~~ in either the master menu or ~~second~~ programmed handheld menu[s] configuration may be further configured to be either required or not required.

111-114. (Canceled).

115. (Currently Amended) 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 ~~or other consumer wireless communications device~~.

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

117. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 103, ~~further configured such that both the master and the generated second menus reflect a billing summary to facilitate processing of payments for an order on wherein one or more of~~ 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 the programmed handheld menu configuration for user review prior to transmission 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 ~~generating~~ 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. a sub-modifier menu capable of being stored on said data storage device,~~

~~wherein the application menu configuration software is configured enabled to automatically generate a ~~second~~ programmed handheld menu configuration from said master menu for transmission to display on a wireless handheld computing device, said programmed handheld menu configuration comprising at least menu categories, menu items and modifiers and wherein the application menu configuration software is configured enabled to generate said second 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 ~~and sub-modifiers from the sub-modifier menu~~ such that ~~the information comprising the second menu is~~ 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 and sub-modifier menus,

wherein the application menu configuration software is further configured to format the second menu for use and display 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 second 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, in conformity with any applicable display constraints of such second graphical user interface of the wireless handheld computing device, and

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 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

~~wherein the menu configuration software is also configured to format the second menu for user operations and display on the display screen of the second graphical user interface of the wireless handheld computing device such that the second menu as displayed on the second graphical user interface appears to a user to be substantially similar to the first menu as displayed on the first graphical user interface.~~

119. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 118, ~~further configured to automatically generate the second menu from the master menu, the modifier menu and the sub-modifier menu wherein the system is further enabled such that multiple menu screens are capable of being displayed on the handheld graphical user interface simultaneously.~~

120. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 118, wherein ~~the second~~ information comprising at least part of the programmed handheld menu relates to configuration is synchronized between multiple hospitality software applications including at least [one] two of restaurant service, or point of sale systems, or reservations, or waitlists, or ordering, or customer affinity or frequent customer or ticketing programs.

121. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 118, further ~~configured~~ enabled such that user selections from ~~a second~~ the programmed handheld menu configuration on the wireless handheld computing device are automatically reflected in ~~all other storage or~~ real time on two or more



other different-type display elements of 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. [a] real time communications control ~~module~~ software linking enabled to link and synchronize hospitality application information simultaneously between the master database, wireless handheld computing device, web server and web page,

wherein the ~~system is configured~~ 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 ~~module is configured~~ software is enabled to act as [an] a real time interface between the elements of the system and any applicable communications protocol,

wherein the ~~system is configured to format~~ 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 any applicable display constraints of 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.

123. (Currently Amended) The information management and real time synchronous communications system of claim 122, wherein the hospitality application information ~~relates~~ simultaneously synchronizes to and from at least [one] two of ~~restaurant service, or point of sale systems, or reservations, or waitlists, or ordering, or customer affinity or frequent customer or ticketing programs.~~

124. (Currently Amended) The information management and real time synchronous communications system of claim 122, further ~~configured~~ 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 claim 122, further ~~configured~~ 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.

126. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 122, wherein the hospitality application information relates to payment processing.

127. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 122, wherein the configured wireless handheld computing device is a smart phone ~~or other consumer wireless communications device~~.

**REMARKS**

Claims 1-102 and 111-114 were canceled without prejudice or disclaimer by previous amendments. Claims 103-110 and 115-127 are presently amended. Claims 103-110 and 115-127 are now pending in the application.

**I. SUMMARY OF OFFICE ACTION**

In a non-Final Office Action dated June 26, 2009, the Examiner raised issues regarding the sufficiency of the inventor's 37 C.F.R. 1.131 Declaration and made rejections of the claims. Claims 103-110 and 115-121 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claims 103, 105-110, 115-118 and 120-121 were rejected under 35 U.S.C. 103(a) as being unpatentable over Micros Systems Inc. 8700 HMS 2.10 User's Manual ("Micros '97") in view of USP 5,023,438 ("Wakatsuki"). Claims 104 and 119 were rejected under 35 U.S.C. 103(a) as being unpatentable over Micros '97 in view of Wakatsuki and further in view of Micros Systems Inc. Preliminary Information Packet for the Micros Hand-held Touchscreen (Micros '92). Claims 122-127 were rejected under 35 U.S.C. 103(a) as being unpatentable over Micros '97 in view of Wakatsuki and further in view of USP 5,991,739 ("Cupps"). Claims 122-127 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Micros '97 in view of Wakatsuki and further view of USP 6,973,437 ("Olewicz").

**II. SUMMARY OF EXAMINER INTERVIEWS**

Applicants thank the Examiner for the courtesies extended at the in-person and telephonic Interviews and the helpful and insightful suggestions made by the Examiner directed to obtaining

agreement on allowable subject matter vis-à-vis the prior art references applied in the June 26, 2009 Office Action. The Examiner summarized the Interviews as follows:

Applicants presented an explanation of the invention and its place among the cited references. Applicant stated that they understood the pending rejection and proposed amendments to change 'second menu' to 'handheld menu configuration' and that the menu configuration software configuring cascading sets of related graphical user interface screens, as well as real time synchronous transmission with the wireless handheld devices. Examiner agreed that the proposed amendment changed the scope of the claims and should overcome the rejection of record, but the examiner would require further search and examination of the art. The examiner agreed to interview telephonically with the applicants representative next week to follow up on the proposed amendments. Additionally, applicant responded to examiners remarks regarding the 37 C.F.R. 1.131 declaration by describing the activities previous to the filing date, and agreed to submit a supplemental declaration should it be necessary.

Applicant described amendments clarifying that the second menu was a handheld menu, which was generated from the master menu and that the menu included a cascaded set of menus. The applicant suggested that the prior art of record does not teach generation of the handheld menu from the master menu. The examiner suggested possible additional amendments including the clarification that configuration is not done at the handheld, which applicant contends is a difference between the present invention and the art of record. Additionally the applicant suggested the possibility of a declaration of secondary considerations, which the examiner agreed might be useful as evidence against obviousness. Applicant agreed to consider this possibility in the future. Applicant agreed to confer with his client and prepare an amendment in light of the interviews. Examiner agreed to consider the amendment when entered and if an examiners amendment becomes appropriate, contact the applicant.

Applicants agree with the Examiner's characterizations of the Interviews and, as discussed below, have addressed each of the issues and/or incorporated each of the suggestions made by the Examiner into the presently-amended claims.

As indicated by the Interview Summary, Mr. McNally, the principal inventor, explained how he and the other inventors of the present application were the first to conceive of leveraging GUI-based hospitality information or data (e.g., parameters defining modifiers/sub-modifiers and

other parameters) from a master or central database for, inter alia, the synchronous, real time generation and transmission of configured “menus” to or from other components of the system, and which was displayable dependent on the specialized and unique display characteristics and constraints of each system node or device type, e.g., for wireless handheld computing devices or for web pages. The result of the Applicants’ invention was the first hospitality solution to, inter alia, achieve and maintain real time and synchronous overall consistency of data across all connected system nodes at any given time and to account for the specialized user interface requirements of wireless handheld computing devices. As Mr. McNally explained at the July 21, 2009 Interview, the title of the application “Information Management and Synchronous Communications System with Menu Generation . . .” was specifically chosen to reflect the unique aspects of configuring programmed “menus” and to distinguish the described invention from a database distribution approach (which it was and is not). Nothing in the prior art, including the cited Micros and Wakatsuki references, taught or even remotely suggested such an approach. In fact, as Mr. McNally explained, nothing in the prior art even recognized the inherent problems with a database distribution approach requiring separate configuration and separate programming with respect to different device interfaces, e.g., handheld device interfaces and web pages.

The inventors of the presently-amended claims were the first to understand that to achieve full, real time and synchronous integration of a hospitality system including different display devices with “non-standard sized displays,” the system would have to be capable of synchronously accommodating different display size and format requirements in real time and be capable of converting the data stored on the central database, by leveraging the data parameters

from the central database (while knowing the relevant display characteristics of the target displays), and configuring/programming, generating and transmitting “menus” to each individual system node in a format that could be displayable, useful and actionable on the display of that particular device. The need for such usability is a function of aspects unique to the hospitality market including high time pressures and expectations from customers for “speed of service” and, for example, touchscreen GUIs with the need for linked cascading screens, custom menus with modifiers and other specialized user interface requirements for a particular hospitality environment. The inventors likewise appreciated that user inputs from these nodes would also have to be formatted and recognized by the synchronized system in real time to be the same as if they had been entered into the system from any other node in the system – otherwise the system would be dealing with inconsistent information and this would then not be a truly real time integrated, and synchronized system. None of the cited prior art references, either alone or in combination, teach or suggest the present Applicants’ synchronized system which satisfies all of the above-stated requirements. In fact, the cited prior art reference teachings establish that the cited references could not have been combined to produce the presently claimed invention.

With the above written confirmation of the explanation also provided to the Examiner at the Interview on July 21, 2009 and the amendments directed to the stated unique aspects of the invention as explained below, Applicants respectfully assert that all pending rejections have been overcome and thus all amended claims should be allowed.

**III. SUMMARY OF APPLICANTS' RESPONSE**

Applicants respectfully submit extensively-revised claims in response to the prior outstanding Office Action as well as suggestions made by the Examiner in Interviews. The amendments are believed to address and clearly overcome all of the Examiner's stated concerns.

Also submitted herewith is a supplemental inventor's declaration under 37 C.F.R. 1.131 further supporting the 1.131 Declaration submitted January 23, 2009, as well as a 37 C.F.R. 1.132 declaration of Ms. Kathie Sanders supporting the initial and supplemental 1.131 declarations by addressing one of the issues raised by the Examiner in the Office Action.. The supplemental 1.131 declaration was summarized verbally at the July 21 Interview.

Applicants further submit substantial evidence of secondary considerations clearly indicating nonobviousness of the presently-claimed invention in the form of a 37 C.F.R. 1.132 declaration.

**IV. THE PRIOR ART REJECTIONS OF CLAIMS 103, 105-110, 115-118 AND 120-121 SHOULD BE WITHDRAWN IN VIEW OF THE PRESENT AMENDMENTS****A. Present Claim Amendments**

Independent claims 103 and 118 have been extensively amended to more clearly distinguish over the applied prior art, including multiple suggestions made by the Examiner to further distinguish the applied references.

Claims 103 and 118 have been amended to recite that the generated menu configuration is a "handheld" menu configuration. And Claims 103 and 118 have been amended to more clearly recite that a "programmed handheld menu configuration" is generated from the master menu and that the programmed handheld menu configuration is generated by menu configuration



software. The claimed programmed handheld menu configuration is not merely a “database” nor a database update, it is a “programmed” menu configuration optimized and suitable for display on and operations from a handheld device.

Claims 103 and 118 have been further amended to recite that the programmed handheld menu configuration is configured for display as “cascaded sets of linked graphical user interface screens” appropriate for the handheld GUI, e.g., claim 103 as amended now recites:

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

Claims 103 and 118 have been further amended to clarify that the programmed handheld menu configuration is generated in a real time synchronous communications system wherein the programmed handheld configuration is generated prior to wireless transmission to the handheld device and wherein selections made on the handheld device are transmitted in real time and synchronously to and from the handheld device, e.g., claim 103 as amended now recites:

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

Claims 103 and 118 have been further amended to include more details about the parameters considered by the configuration application software by including the claim recitation

“at least the displayable size of the handheld graphical user interface” into the body of the claims.

Claims 103 and 118 have been further amended to add the term “synchronous” to the body of the claim. This term was previously recited in the preamble of each claim but Applicants do not believe that the Examiner gave it any weight in the prior examination. Applicants drafted the claims originally to include the “synchronous” limitation in the preamble to give meaning to other claim terms defining the claimed synchronous system and thus Applicants assert that the preamble limitation is the recitation of a patentably distinctive element. However, to address the issue and assure that the Examiner considers this limitation in the examination, and without acquiescence, Applicants have simply added “synchronous” to the main body of the claim to indicate that this element is being relied on as one among many recited elements which separately and in combination distinguish over the applied prior art.

**B. The References Applied In The Pending Office Action Do Not Meet The Limitations of The Claims As Amended Either Alone Or In Any Combination**

**1. The Micros References Suffer Critical Deficiencies And Teach Away From The Present Invention**

The above amendments further clearly distinguish over the cited prior art.<sup>1</sup> The Micros '97 reference describes nothing more than a fixed point of sale (“POS”) system capable of very limited communications with a handheld device in a non-real time, non-synchronous manner and with no capability to generate a “programmed” handheld menu configuration from a master

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<sup>1</sup>Applicants submit the present amendments to more explicitly define elements previously claimed, but Applicants do not agree that the recitations presently added by amendment were not present in the prior claims, either expressly or inherently, by the nature of the claimed subject matter. Nor do the Applicants agree that the claims as previously presented prior to the present amendment were not distinguishable from the present or previously applied prior art.

menu for wireless transmission and maintain real time, synchronous communications with it as is claimed in the amended claims submitted herewith. The Micros '92 reference likewise only describes a handheld device capable of limited communications with a backoffice POS system in a non-real time, non-synchronous manner and with no capability to generate a "programmed" handheld menu configuration from a master menu as claimed in the presently-amended claims. In fact, not only does the Micros '92 reference actually teach away from the "menu generation" inventive concept embodied in the present claims, it renders any possible combination of references including Micros '92 unworkable (due, inter alia, to the reference's repeated use of the term "must" in requiring user/installer/ programming actions on the handheld itself), thus negating a prime benefit from the inventive menu configuration software itself.

There is no teaching or suggestion in either Micros reference of an implementation consistent with the presently-claimed invention and the Micros references inherently teach away from the presently-claimed invention. The Micros POS/HHT required dual menu programming/configuration to facilitate display of menus on both the main POS and the handheld. The menus displayed on the Micros HHT were configured separately from the configuration of the backoffice menus of the Micros '97 POS. The only connection between the HHT and the backoffice was in transmitting orders from the HHT and receiving very limited updates from the backoffice. And none of the updates were real time or synchronous as admitted by the Examiner in the Office Action. Moreover, the data updates to the HHT were not a programmed handheld menu configuration as presently claimed. The invention as presently claimed eliminated the dual programming/configuration requirements and enabled an entire POS system including handhelds to operate real time and synchronously based on a single

programming/configuration effort. There was no such solution nor any appreciation for such a solution prior to the conception of the present invention in 1998. At the time, dual menu programming and configuration systems were deemed necessary to provide a functional handheld menu system because of the unique programming/configuration/display requirements of handheld devices because of, inter alia, their small and non-standard screen sizes. This is readily apparent from the Micros '92 document itself, which required separate programming with respect to the handheld menu display. This is a clear teaching away from the presently claimed invention and is highly indicative of nonobviousness under applicable Supreme Court precedent. "[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007) (citing *United States v. Adams*, 383 U. S. 39, 51-52 (1966) (companion case to *Graham v. John Deere*)). All of the elements of the presently claimed invention were not even known at the time of the invention, as discussed separately below, and even the known aspects of the cited prior art references teach away from the present invention.

The Micros references are entirely devoid of any appreciation, teaching or suggestion of the need for and the software required to generate a "programmed handheld menu configuration" from a "master menu" in real time, synchronously, prior to transmission to a handheld device as claimed in independent claims 103 and 118. Claims 103 and 118 have been amended to explicitly recite that the menu configuration is generated in real time and synchronously, i.e., the "programmed" handheld menu configuration is transmitted from the back office to the handheld device and selections from the configuration are transmitted from the handheld. The presently

claimed system is an entirely integrated, real time and synchronous system which avoids the need for dual menu configurations and made practical and affordable the widespread deployments of complex hospitality systems using “non standard graphical screen” sized displays – which widespread deployments did not exist prior to Applicants’ invention.

The HHT device referenced in the Micros ’92 document did not receive a “programmed” handheld menu, fully configured from a master menu. First, the “touchscreens” described in Micros ’97 pp. 3-3 to 3-10 which were relied on by the Examiner as teaching “application software configured to generate a second menu” is in no way a programmed handheld menu configuration as presently claimed, nor are these “touchscreens” even relevant to the HHT. The HHT had its own touchscreen files. The Micros ’92 document makes clear that the HHT touchscreen files that yield the actual HHT menus display “reside in the HHT itself.” (Micros ’92, p. 4). The touchscreens are generated when a key is depressed on the HHT (*Id.*, p. 5) and this functionality is programmed separately (by a “programmer/installer”) from the programming for display of the master menu on standard screens. There is no direct conversion between the Micros ’97 back office menu to the actual HHT programmed display configuration. The proposed amendments clearly recite that the “programmed” handheld menu configuration is generated from the master menu (taking into consideration the display attributes of the target handheld display) in advance and then it is transmitted to the handheld device.

Further, the passage from Micros ’92 cited by the Examiner regarding wireless database modifications transmitted to the Micros HHT does not teach or suggest the configuration of a “programmed” handheld menu from a master menu and subsequent transmission of the handheld menu configuration to the wireless device. Moreover, the transmission of modifications to the

HHT is further inherently constrained by the “non real time” and “non synchronous” limitations of the Micros '97/Micros '92 combination made by the Examiner. A menu configuration is not merely a database and is certainly much more (and different) than a simple database element. Some of the constituents of a menu are stored in a database in the Micros system, but Micros '97 did not involve the generation of a “programmed” configured handheld menu in any form prior to transmission to the wireless device. The HHT menu is configured for its display separate from the Micros 8700 back office/fixed terminal menu display. Transmitting some updated data elements of the Micros 8700 database to the HHT (not in real time and not synchronously) did not involve nor suggest the transmission of “programmed” information regarding how the elements were to be optimally displayed on and operated from the target device. The HHT pre-release document (Micros '92) explicitly stated that the display configuration was manually programmed specifically by the HHT “installer/programmer:”

User-generated screens are completely defined by a user (programmer/installer). They are programmed in a similar fashion to a traditionally keyboard. Each key location, legend and font size is custom chosen and a function code assigned

The user must also choose a touchscreen that will display while the system is awaiting a sign in. After signing in, the system can be set to select one of several transaction touchscreens. The programmer/installer must set a default initial transaction screen but this can be overridden in two ways.

Micros '92, p.5 (emphasis added).

The Micros '92 document further states, with regard to “system generated screens:”

System-generated screens are displayed when a SLU key is depressed or a condiment entry is required. When one of these situations occurs, the software scans through the menu item file and assembles all those items that have been programmed to belong to this SLU or condiment group. The system has a Touchscreen Style file which details how each system generated screen should display. This includes key and font sizes.

*Id.* This is clear and indisputable evidence that the HHT screen definitions and linkages are “programmed” via application software directly on the HHT device, not previous to transmission to the device as occurs by operation of the presently claimed menu configuration software. The Micros '92 document explicitly states that the application software for the HHT resides on the HHT itself:

A MICROS HHT is an intelligent device which contains locally in each HHT, the application database required to service most all transaction requests.

*Id.* at p. 4.

Each HHT terminal contains application software and database

*Id.* at p. 7. There is thus no way the actual screen definitions could be programmed anywhere except on the HHT. The “Touchscreen Style file” referred to in the Micros '92 documents is clearly part of the HHT application software/database and is thus manifestly stored on the HHT, and likewise it is clearly not updated from the backoffice database. Moreover, the “Touchscreen Style file” is programmed separately from menu item programming during the HHT programming process as referenced by the Micros '97 reference to a "separate" HHT programming and operations manual. (Micros '97, p. xvii (“installing, configuring, testing, and operating HHTs”) (emphasis added)). Only menu item updates are stated as being transmitted from the Micros '97 backoffice database to the HHT (and not synchronously and not in real time - as previously admitted by the Examiner). The display configuration of the items is determined by software code resident on the HHT itself as distinguished from the presently claimed invention wherein the claimed menu configuration occurs prior to transmission to the handheld device.

Still further, when items are assembled for display by the application software code on the HHT (via Touchscreen Style file) as described in the Micros '92 document, there is no mention in that document of determining whether the group of items is displayed on a single screen or is broken up into multiple screens for display because of the limited display area of the HHT as compared to a standard PC size display. This is a very important aspect of the invention as claimed, i.e., the capability of generating different cascaded screen sets for display of the handheld menu as compared to the cascaded screen sets for display of the master menu. There is thus a lack of any teaching or suggestion in the Micros references of a synchronous, real time system for menu generation, the lack of any teaching or suggestion of performing menu configuration for a handheld prior to transmitting the configuration to the handheld device, the lack of any teaching or suggestion of generating a handheld menu configuration from a master menu prior to wireless transmission of the handheld menu configuration and the lack of any teaching or suggestion of configuring a handheld menu for display using different cascaded screen relationships as compared to the master menu as configured for display on a PC size display.

Not only is there no teaching or suggestion of real time, synchronous configuration, from a master menu, of assembled menu items for display as cascaded screens on a handheld device different from cascaded screens for display of the master menu, there is no teaching or suggestion whatsoever of display on the HHT of menu items on multiple linked screens, and in fact the HHT Pre-Release document (Micros '02) teaches away by stating the opposite:



Orders occupying more screen space than is available can be scrolled up/down for viewing.<sup>2</sup>

Micros '92, p. 8. This is a further indisputable teaching away from the invention as presently claimed. Moreover, the scrolling function of the HHT reference would be inoperable to provide the handheld menu configuration of cascading screens functionality of the present claims. *KSR v. Teleflex* and *Graham v. John Deere* preclude a combination of inoperable references because, inter alia, there can be no “apparent reason” to combine elements of different references into an inoperable system. *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007) (Relevant inquiry is “whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.”); *see also* M.P.E.P. 2143.01 (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”). *KSR* and *Graham* also put a high value on teaching away as an indicator of nonobviousness. *See KSR*, 550 U.S. at 416. Scrolling in the Micros '92 document is an indication that no menu configuration specific to a handheld display is performed real time synchronously from a master menu remote from, and prior to transmission to, the handheld device as presently claimed. Segmentation into multiple linked screens was not described at all in the Micros '92 document -- the HHT instead relied entirely on scrolling of a single page to show all items in a menu level -- even though the Micros 8700 screens were broken up when there were too many items to display on a single screen. (*See* Micros '97, pp. 3-11, 3-12). Moreover, there is clearly no “HHT icon”

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<sup>2</sup>It is clear that this passage refers to menus displayed on the HHT as evidenced by the immediately following passage:

Orders display with full alphanumeric description. Optionally, an operator may “touch” the screen and view abbreviated menu item descriptors and item prices.

on pages 3-11 and 3-12 of the Micros '97 document, which clearly shows that the "page up/page down" functionality of the Micros 8700 standard terminals was not present in the HHT. The reason for this difference between the Micros 8700 and the Micros HHT is abundantly clear -- the back office and handheld menu configurations were "separate" in the HHT and Micros 8700 systems, the exact opposite of the presently-claimed invention. It should be appreciated, however, that an option of scrolling of menu screens is not precluded in the context of practice of the claimed invention as long as the claimed configuration of a handheld menu from a master menu is present.

The Micros HHT display required manual "programming" and was not generated by menu configuration software directly from the master menu and prior to transmission to the handheld device. Moreover, there is no teaching of real time synchronization of any display configurations between master and handheld menu configurations in either of the Micros references, nor does the simple database update of the Micros references teach or suggest any such real time synchronization of "programmed" menu display configurations between the back office and the handheld device.

Claims 103 and 118 are directed to leveraging data that is displayable on one GUI for optimal display on a second, different GUI, and synchronizing the information in real time between the separate nodes - even though the display constraints and parameters of the different GUIs are very different. Claims 103 and 118 as amended recite that master menu display screens and handheld menu screens are programmed and configured differently. This is a key element of the claimed invention. Fixed terminal and handheld device menu configurations were not synchronously linked in the prior art because of the perceived inability to do so because of

the different display attributes of screens in the different systems. Configurations were done separately in the applied prior art. The current amendment clarifies that the handheld menu configuration is generated from the master menu even though the display configurations are different and with the menu configuration taking into account the known size of the handheld display into its configurations. Micros '92 taught away from real time synchronous configuration of the "programmed" handheld menu because the handheld menu on the HHT had to be configured manually by a user/programmer and separately from the master menu in the Micros 8700 POS. The cascaded nature of menus requires that all links be correct no matter what the display requires. Micros did not even envision the possibility of directly generating a "programmed" handheld configuration from a master menu and converting all of the links required to maintain the correct relationships in a real time and synchronous system. In the invention as presently claimed, once the target device display parameters are entered into the claimed system, manual "programming" of the handheld is not required. That is very different from the separate programming required for the HHT display configuration, in fact it is the opposite and, as previously stated, Micros's repeated use of the term "must" in regards to the requirement for manual programming on the handheld precludes any approach of combining any other prior art with it to remove the separate programming requirement.

Moreover, the Examiner's correct recognition of Micros's inability to provide real time communications and its requirement to "buffer changes until the HHT terminal is available to accept the changes" teaches away from a synchronous system and further precludes any combination of other prior art to fill the large gaps in the Micros references in regards to the "non real time" and "non synchronous" teachings of the Micros references. In fact, combination of

Micros '97 and Micros '92 with any other reference allegedly teaching synchronous real time communication would yield an unworkable system because of the “non real time” and “non synchronous” teachings of the Micros references, just as no combination of any kind with Micros can overcome the recitation of “programmed” in the presently-claimed invention - when Micros (through extensive statements contrary to the present inventive concept and numerous “must” requirements) mandates that “programming” be done on the Micros HHT by a “programmer/installer.” Such a combination is prohibited by applicable Supreme Court and Federal Circuit precedent. *KSR* requires, inter alia, the identification of an “apparent reason” to combine references. There simply cannot be a reason to combine references which would yield an unworkable result. *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007) (Relevant inquiry is “whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.”) (emphasis added); *see also* M.P.E.P. 2143.01 (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”).

The statement in the Micros '92 document regarding downloading a revenue center specific database to the HHT (Micros '92, p. 7) is not a teaching or suggestion of real time synchronous generation of a “programmed” handheld menu configuration from a master menu. First, as admitted by the Examiner, the Micros references do not teach or suggest a real time system, let alone a synchronous system for communicating information involving a programmed handheld menu configuration. Further, this statement in the Micros '92 document does not in any way teach or suggest the generation of a handheld menu configuration from a master menu.

This was, at most, the loading of a set of data and applications software for operation of the separately programmed and configured HHT but there is no teaching or suggestion in either Micros '92 or Micros '97 of any generation of a programmed handheld menu configuration from a back office master menu. The only reasonable inference that could have been drawn by a person of ordinary skill in the art at the time of the present invention in 1998 was that a handheld database and application software specific to the handheld was downloaded via the HHT base station only when the HHT was first turned on (not real time synchronously), and that there was no downloading of a programmed handheld menu configuration even then. In fact, the Micros '92 document itself teaches away from any notion that handheld menus were generated real time synchronously from a master database:

When a HHT terminal is powered on for the first time, the system checks to insure the correct application software and database are loaded over RF to the HHT terminal

*Id.*, p. 8.

The system “buffers” changes until the HHT terminal is available to accept the changes

*Id.* (quotes in original, underline added). These passages from the Micros '92 document clearly show that the HHT was not real time or synchronous as presently claimed in all of the claims as amended. Moreover, as discussed above, Micros '92 is abundantly clear that the HHT menu screens were programmed by a programmer/installer on the HHT. (Micros '92, p. 5). Reading the Micros references any other way would be to impermissibly apply hindsight analysis using the claimed invention as a roadmap.

Supreme Court precedent precludes hindsight analysis in an obviousness determination. *See, e.g.*, M.P.E.P. Sec. 2141 ("[T]he focus when making a determination of obviousness should be on what a person of ordinary skill in the pertinent art would have known at the time of the invention.") (Patent Office interpretation of *KSR v. Teleflex*) (emphasis added). "[H]indsight . . . reasoning is always inappropriate for an obviousness test based on the language of Title 35 that requires the analysis to examine 'the subject matter as a whole' to ascertain if it 'would have been obvious at the time the invention was made.'" *Ortho-McNeil Pharm., Inc., v. Mylan Labs., Inc.*, 520 F.3d 1358, 1364 (Fed. Cir. 2008) (following *KSR* and quoting 35 U.S.C. 103 (emphasis in original)).

The same Supreme Court precedent also precludes an obviousness determination based on a generalized combination of references that does not teach or suggest all of the claimed elements:

When considering obviousness of a combination of known elements, the operative question is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions."

M.P.E.P. Sec. 2141 (*citing KSR v. Teleflex*, 550 U.S. 398, 417 (2007) (emphasis added)).

The Supreme Court in *KSR* gave the following examples of situations that might warrant obviousness determinations based on a claim of patentability of a combination of known elements: "the mere substitution of one element for another known in the field," known elements "in combination did no more than they would in separate, sequential operation" and "simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement." *KSR*, 550 U.S. at 416-17.

None of the situations cited by the Supreme Court in *KSR* is applicable to the presently claimed invention. The invention as presently claimed in amended claims 103 and 118 is not a combination of known elements. Numerous claimed elements are entirely missing from any prior art reference. For example, there is simply no teaching, suggestion or motivation in any prior art reference of software for generating a programmed handheld menu configuration optimized for the display characteristics of the target wireless device prior to transmission of the configuration to a handheld device as claimed. Nor is there any teaching, suggestion or motivation in any prior art reference of generating such handheld menu configuration from a master menu as claimed. Nor is there any teaching, suggestion or motivation in any prior art reference of the incorporation of the recited menu configuration software into a real time synchronous hospitality communications system as claimed. Nor is there any indication that a person of ordinary skill in the art at the time of the invention would have known of the missing, unknown, elements or the unique combination conceived of by the present inventors. Nor could there have been any “apparent reason” as required by *KSR* to combine elements unknown to a person of ordinary skill in the art at the time of the invention to the teachings of the references cited by the Examiner. No principle of law, and manifestly not the *KSR* decision, supports the importation of a previously unknown element into the obviousness determination. An unknown element, *ipso facto*, could not have been known to a person of ordinary skill in the art at the time of the invention. Only impermissible conclusions using hindsight based on the teaching of the application itself could fill in the missing, unknown, elements from the claims as presently amended.

*KSR* applied only to the substitution of an element from a different field of endeavor to the field of the claimed invention. *KSR* is not applicable to the present application because, inter alia, the Examiner's rejections do not involve any substitution of the pertinent elements with elements known at the time of the invention. In *KSR*, an electric switch was substituted for a mechanical switch. A switch existed in the cited prior art reference, the only question was whether it would have been obvious to substitute the mechanical switch disclosed in one prior art reference with an electrical switch from a different field of endeavor. In contrast, there is no teaching or suggestion in any of the applied references of, inter alia, real time synchronous generation of a programmed handheld menu configuration optimized for the display characteristics of the target wireless device from a master menu as presently claimed in amended independent claims 103 and 118. The claimed elements simply do not exist in any of the applied references, either separately or in combination.

The Supreme Court made clear in *KSR* that an obviousness determination involving more than “simple substitution” would be much more difficult than the facts presented in *KSR* itself:

Following these principles may be more difficult in other cases than it is here because the claimed subject matter may involve more than the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for the improvement. Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community 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.

*KSR*, 550 U.S. at 417-18 (emphasis added) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory



statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"). Any view that *KSR* somehow opens up the possibility of a nonspecific type of prima facie obviousness determination is thus improper and is particularly improper when unknown claimed elements are recited in the claims as in the present claims.

The facts regarding the presently-claimed invention are clearly of the type that the Supreme Court in *KSR* warned are not amenable to a generalized conclusion of obviousness based on a combination of elements previously unknown in the prior art. The presently claimed invention includes elements which were wholly new at the time the invention was made in 1998. Moreover, where claimed elements are not even present in the prior art, it is impossible to point to an apparent reason for combining cited references to render a claim obvious as required by *KSR*. See *Takeda Chemical Industries, Ltd. v. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1356-57 (Fed. Cir. 2007) (noting that the Supreme Court in *KSR* acknowledged the importance of identifying "a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in a way the claimed new invention does."). It is clear that there cannot be a reason to combine a reference with a claimed element which did not exist at the time of the invention.

Applicants point out that the "appears to a user to be substantially similar to the master menu as displayed on the first graphical user interface" recitation previously recited in independent claim 118 has been removed from claim 118 but has been added to dependent claim 104 (discussed below). The Applicants disagree with the Examiner's citation of the passage from Page 3-1 of the Micros '97 reference as teaching this limitation. This passage related only

to generic touchscreen functionality as contrasted to a keyboard. Configuration of a menu as claimed in the amended claims is not analogous to or in any way suggested by a touchscreen or touchscreen functionality per se. The “Touchscreen UWS/3” is not a second menu nor does it contain a second or handheld menu as indicated by the Examiner. Nor are the “UWS/1 and UWS/2” a first or master menu. Moreover, the UWS/3 Touchscreen is not generated from keyboards on the UWS/1 and UWS/2 in the Micros ‘97 reference. In any event, the present amendment’s clarification that the second menu is a handheld menu obviates the rejection.

Applicants respectfully submit that the rejections should therefore be withdrawn as to all of the pending claims based on the above distinctions over the Micros references.

**2. The Wakatsuki Reference Does Not Meet  
The Claim Limitations And Is Not Pertinent  
To The Field Of The Present Invention**

The Examiner cited the Wakatsuki reference as teaching aspects of the recitations in independent claims 103 and 118 directed to “real time” wireless communication. The Applicants respectfully disagree with the Examiner’s characterization as explained at the July 21 Interview. Moreover, the present claim amendments obviate the Examiner’s rejections.

Initially, Wakatsuki is not directed to a “hospitality” application as presently claimed in all amended claims. This is especially relevant considering that the claim limitation “hospitality” was accepted by the Applicants after suggestion by the Examiner in a previous Interview. Applicants believe it is improper for the Examiner to apply a reference outside a field specifically excluded by a claim term amendment at the Examiner’s suggestion. Moreover, Wakatsuki was not directed to a handheld menu configuration, it related only to a simple one way data transmission, not configuration and transmission of “programmed” menu

configurations. The differences between the one-way “short burst” type of wireless communication in Wakatsuki and the transmission of a menu configuration as presently claimed in independent claims 103 and 118 are very substantial. Further, with the explicit addition of the term “synchronous” in the body of the claims, which clearly requires bi-directional communications, since Wakatsuki was only a one-way transmission, the Wakatsuki reference has nothing to do with the presently-claimed invention or hospitality menus in general. The menu screens of the “programmed handheld menu configuration” as presently claimed in claims 103 and 118 are generated specifically to satisfy the specialized display constraints of the handheld display screen; i.e., cascading and linked menu screens unique for the handheld display device are generated including the creation and linking of additional screens vis-à-vis the master menu file structure to provide a coherent menu flow for the particular display device and the synchronous maintenance of consistency. Wakatsuki thus in no way teaches or suggests such a menu configuration and generation system. Merely adding the one way, short wireless burst from Wakatsuki to the Micros references would not yield the inventive menu generation concept as embodied in the present claims in any way. Further, as stated above, numerous key limitations of the Micros references inherently preclude such a combination anyway.

Wakatsuki’s one way, non synchronous aspect teaches away from the invention presently-recited in claims 103 and 118 by relying on only a short digital burst communication. The Wakatsuki reference is thus entirely inapplicable to the “hospitality” configured menu environment and specifically is inapplicable to the invention claimed in independent claims 103 and 118, i.e., a system for synchronous generation and transmission of configured hospitality menu information between a master/central database and a wireless handheld device. And none

of the other cited references (Micros '97 and Micros '92) teach or suggest the claimed aspects missing from Wakatsuki because none of the cited references is directed to synchronous generation and transmission of hospitality menu information between a central database and a wireless handheld device having unique display characteristics as well as numerous other inherent limitations. There is no communication of "programmed" configured menus in either reference and they teach away from the claimed invention because the handheld menu in Micros '92 is programmed and configured for display separately from the master menu as well as the Micros HHT being non real time and non synchronous. *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007) ("[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious."). Further the installer/programmer in the Micros system must perform certain "programming" functions on the HHT and as such, no combination with Wakatsuki can negate this mandatory teaching away from the inventive concept as presently claimed. There is thus no motivation or reason to combine the teachings of the Micros references with Wakatsuki, and even if there was a basis to combine these references the combination does not teach or suggest the invention as claimed nor would a person of ordinary skill in the art have been in possession of the missing elements.

Applications respectfully assert that the rejections should therefore be withdrawn as to all of the pending claims based on the above distinctions over the Wakatsuki reference.

**V. THE 35 U.S.C. 112 REJECTIONS OF CLAIMS 103-110 AND 115-118 SHOULD BE WITHDRAWN IN VIEW OF THE PRESENT AMENDMENTS**

As discussed above, independent claims 103 and 118 have been amended to recite that the generated menu configuration is a "handheld" menu configuration and the claims are further

amended to define the handheld menu configuration. The rejection based on insufficient antecedent basis for the prior recitation of “the information comprising the second menu” should thus be withdrawn because this recitation is no longer in the claims.

**VI. THE PRIOR ART REJECTIONS OF CLAIMS 122-127 SHOULD BE WITHDRAWN IN VIEW OF THE PRESENT AMENDMENTS**

**A. Present Claim Amendments**

Independent claim 122 has been extensively amended, similar in numerous respects to the amendments to independent claims 103 and 118, to more clearly distinguish over the applied prior art, including multiple suggestions made by the Examiner to further distinguish the applied references.

Claim 122 has been amended to recite “real time communications control software enabled to link and synchronize hospitality application information simultaneously” between the master database, the wireless handheld device and the internet/web.

Claim 122 has been further amended to recite that 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, the wireless handheld device and the internet/web.

Claim 122 has been further amended to recite that the system includes “communications control software which is enabled to automatically and simultaneously configure” the hospitality application information for display on both the wireless handheld computing device and the web page. The claimed “configured hospitality application information” is not merely a “database”

nor a database update, it is a configuration of information optimized and suitable for display on, and operations from, a handheld device and a web page in a system including a master database.

Claim 122 has been further amended to clarify that the configured hospitality application information is generated in a real time synchronous communications system wherein the configured hospitality application information is generated prior to wireless transmission to the handheld device or transmission to the web/internet and wherein selections made on the handheld device or web page are transmitted in real time and synchronously to and from the handheld device and/or web/internet, e.g., claim 122 as amended now recites:

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

Claim 122 has been further amended to include more details about the parameters considered by the communications control software by including the claim recitation “wherein said display screen parameters comprise at least the displayable size of the handheld computing device display screen or the web page” into the body of the claim.

Claim 122 has been further amended to add the term “synchronous” to the body of the claim. This term was previously recited in the preamble of claim 122 but it does not appear that the Examiner gave it any weight in the examination. Applicants drafted the claim originally to include the “synchronous” limitation in the preamble to give meaning to other claim terms defining the claimed synchronous system and thus Applicants assert that the preamble limitation is the recitation of a patentably distinctive element. However, to address the issue and assure that the Examiner considers this limitation in the examination, and without acquiescence,

Applicants have simply added “synchronous” to the main body of the claim to indicate that this element is being relied on as one among many recited elements which separately and in combination distinguish over the applied prior art.

**B. The Rejections Based On The Combination Of References Including Cupps Should Be Withdrawn**

Independent claim 122 is presently amended to explicitly recite that hospitality application information is automatically and simultaneously configured by communications control software for display on both a wireless device and web page and the configured information is transmitted real time synchronously. The cited references do not teach or suggest these claimed aspects.

The Applicants respectfully assert that the Examiner applied disparate references for which no basis, suggestion or apparent reason has been shown for the combination as urged by the Examiner to render obvious the invention as presently claimed. As fully explained below, each of the applied references is not pertinent to Applicants’ invention as presently claimed and/or teaches away from the invention as presently claimed. Each of the applied references suffer from infirmities vis-à-vis the recited elements of the pending amended claims and none of the references alone, nor the references when combined in the manner stated by the Examiner, render the pending claims obvious when combined with the knowledge of a person skilled in the art. Moreover, the knowledge of a person skilled in the art at the time of the invention would not have sufficed to fill the large gaps in the reference teachings or otherwise provide a reason to combine the references in the manner suggested by the Examiner.

As discussed previously with respect to independent claims 103 and 118, neither Micros '97, Micros '92 nor Wakatsuki described or suggested the configuration of anything from a master database for display on a handheld device prior to transmission to the handheld.

Moreover, Cupps did not describe the configuration of a web menu in a synchronous communication system including handhelds and in fact teaches away from the claimed 3-way synchronization of the present application. Cupps' system did not connect to a restaurant database in either direction or synchronously or in real time. Orders were transmitted to restaurants by phone or fax (Cupps; Col. 2, line 62 – col. 3, line 6) requiring human actions and inputs at the restaurant upon receipt and neither menu configurations nor anything else were transmitted from the restaurants to the Cupps system. This is a clear teaching away from a synchronous system including real time configuration of handheld and web displays automatically and simultaneously. *See KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007) (“[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious.”). Thus, Cupps did not synchronize in either direction, which is very different from the multiple device and multiple direction synchronization of the present invention as claimed in claim 122 which synchronizes multiple devices in multiple directions simultaneously; nor did Cupps generate either menus or configure anything (that was synchronously transmitted to the restaurants in real time).

The rejections of claims 122-127 in view of this combination of references is based on an improper and unworkable combination of different types of communication teachings. There can be no “apparent reason” to combine elements of different references into an inoperable system. *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007) (Relevant inquiry is “whether



there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.”) (emphasis added); *see also* M.P.E.P. 2143.01 (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”).

As an example of an unworkable combination cited by the Examiner in the prior Office Action, independent claim 122 recites that “substantially the same information” is capable of being displayed on both the web and wireless devices. This is not in any way taught by the cited combinations. For instance, the Examiner relied on web page menu generation from Cupps merely for its own use/display on its own controlled web site for the web aspect but did not rely on menu generation or transmission for the handheld aspect. The examiner combined mere web page menu display with touchscreen and keyboard cites. As discussed previously, the Examiner’s touchscreen based rejection was improper because this is not, inter alia, a teaching of a programmed configured menu. Moreover, there is no teaching anywhere of either synchronous web menu generation or handheld menu generation from a master database as claimed.

Further, the rejection based on the simple, non real time “item out” messaging in Micros ’97 is not properly combinable with Cupps (which has no means to even accept or transmit data to/from itself) . There cannot be any real time synchronous reflection of “item out” in Cupps because the Cupps system was not even connected to an actual restaurant nor is Micros “real time.” Once again, this is an improper combination of two different, and incompatible, types of communications teachings into a purported teaching of the 3-way synchronization as presently claimed.

Still further, the rejection is improperly based on menu data of Cupps combined with the one way, short wireless burst of bar code data of the non-hospitality Wakatsuki reference. There is no reason to combine these references into the claimed system reciting the 3-way, real time synchronization of the same information for different display devices nor would such a combination yield a workable solution.

Still further, the rejection is improperly based on a combination of Micros '97 with Wakatsuki to purportedly teach the claimed wireless aspect of claim 122, and combination of Micros '97 with Cupps to purportedly teach the web aspect of claim 122. However, in addition to Micros '97 not properly being combinable with either Wakatsuki or Cupps, the combination of Cupps with Wakatsuki is entirely non-workable. As discussed above with respect to independent claims 103 and 118, *KSR* precludes combinations of references that, when combined, do not produce a system that will work as claimed. There is no reason to combine these disparate systems, and even if there were, they would not work as presently claimed.

**C. The Rejections Based On The Combination Of References Including Olewicz Should Be Withdrawn**

**1. The Inventor's Supplemental 1.131 Declaration Addresses The Issues Raised By The Examiner And Removes Olewicz As A Prior Art Reference**

A 37 C.F.R. 1.131 inventor's declaration antedating the Olewicz references was previously submitted. A further supplemental declaration is submitted herewith, along with a supporting declaration under 37 C.F.R. 1.132. The Olewicz priority date is apparently June 29, 1999 (note that the Olewicz priority provisional application appears to have been filed on June 29, 1999, even though the filing date is mistakenly listed as June 9, 1999 on the issued patent).

The Olewicz reference priority date is later than the invention date to which the present claims are entitled (as confirmed by the inventor's Rule 1.131 Declaration submitted January 26, 2009, the inventor's Supplemental Rule 1.131 Declaration submitted herewith and the Rule 1.132 Declaration of Kathie Sanders submitted herewith). As detailed in the inventor's declaration, the presently-claimed invention was conceived at least as early as August 1998 and reduced to practice as early as November 14, 1998 in connection with the introduction to the public of subject matter embodied by the present claims at a major Hospitality Technology Show in Atlanta, Georgia. Moreover, the inventors continued development of their invention toward commercialization on a constant and diligent basis up to the filing of the priority application on September 21, 1999. Applicants therefore respectfully request withdrawal of the pending rejection based on the Olewicz reference since the remaining applied references, Micros and Wakatsuki, do not alone or together teach or suggest all of the claimed elements of each of the pending claims (as admitted by the Examiner) and a person skilled in the art would not have known how to make the invention from the teaching of the Micros references or Wakatsuki.

**2. The Micros References and Wakatsuki Do Not Meet The Claim Limitations Either Alone Or In Combination**

Applicants repeat their distinctions over the Micros references and Wakatsuki made above with respect to the combination of references including Cupps.

**3. The Olewicz Reference Does Not Meet The Claim Limitations Even If It Were Available As Prior Art**

The Examiner cited the Olewicz reference as teaching the claimed web/internet aspects of independent claim 122 which the Examiner admitted were missing from the Micros references. The Examiner's combination of Olewicz with Micros is unjustified for a number of

separate and distinct reasons. Initially, as discussed above, the Olewicz patent is not prior art to the present application and claims because the Applicants have established an invention date prior to the earliest claimed priority date for the Olewicz patent. Moreover, the Examiner's apparent reading of the Olewicz patent is unjustified even if Olewicz were available as prior art against the present claims.

First, Olewicz does not teach or suggest a real time, synchronous hospitality system. In col. 9, lines 7-12 and col. 12, lines 24-27 of the Olewicz reference, and in the flow charts as step 114, it is admitted that the handheld ordering devices do not "know" whether the items sought to be ordered from the menu are available when the order is entered ("waiter will know immediately after sending the order if the food ordered is still available. If the food is not available, the computer will send the order back to the waiter instead [of] to the kitchen, and allow the waiter to retake the order and send it again."). The salient word is "after" (which means that the menu presented to the waiter is not generated synchronously in real time from a master menu file structure on a central database). Since the Olewicz reference does not teach or suggest a real time synchronous menu generation system, there is thus no basis to conclude that any other hospitality information mentioned by Olewicz would be configured for display on a handheld device synchronously and in real time. There is thus no reason to combine the handheld of Olewicz with any alleged synchronous internet functionality of Olewicz even if it existed (which it does not). The Olewicz reference thus actually teaches away from a real time, synchronous system as presently claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007) ("[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious.").

Further, Olewicz refers to a primary function of the described handheld device as “Up/Down Scroll” (see, e.g., col. 10, lines 2-4) (“The Up/Down Scroll: this will allow the waiter to scroll up and down the selected lists such as: consumer request, food orders, or other.”). This is yet another very significant teaching away from the claimed invention including configuration of programmed handheld screens prior to transmission of the configuration to the handheld device. Scrolling is a very poor technique for displaying information on devices having limited display attributes such as small screen size because such an approach is painstakingly slow for operators and largely ineffective in a time critical hospitality application. The presently claimed invention, inter alia, eliminates the need to rely entirely on scrolling in the display of menu or other hospitality information on small screen devices. The generation of configured hospitality application information optimized for the handheld device user interface screen from a master database file structure as presently claimed substantially eliminates the need for such scrolling because the configured hospitality application information is generated specifically to satisfy the display constraints of the handheld display screen; i.e., the generation of configured screens unique for the handheld device substantially eliminates the need for scrolling because each screen fits properly on the display device and additional user screens are created and linked appropriately to provide a coherent, user friendly flow for the particular display device. In one embodiment of the presently claimed invention, the need for scrolling to display a “screen” of menu/information options can be entirely eliminated because each screen can be configured to accomplish that purpose within the display constraints of the target device. However, it should be appreciated that any combination of the inventive system as claimed, even with some degree of scrolling, falls within the scope of the present claims. The inclusion of “scrolling” by

Olewicz as a primary means to display an entire list of options thus further indicates that Olewicz did not appreciate the inherent benefits of the presently claimed invention and that the teaching of Olewicz in fact teaches away from the Applicant's unique inventive solution. Further, even with "scrolling" and all of its limitations, Olewicz had no idea whatsoever of the many other critical aspects of the inventive technique, all of which are required to yield the total solution of the presently claimed invention. Applicants respectfully note that they distinguished the present invention from the primary scrolling function of Olewicz as applied to claims 103 and 118 in a prior response, and the Examiner subsequently withdrew the rejections of those claims over Olewicz. The same distinctions apply to claim 122 as presently amended.

The Examiner relied on Olewicz Col. 14, lines 13-21 as allegedly describing several of the elements recited in independent claim 122 prior to amendment of that claim. However, the passage from Olewicz quoted by the Examiner states only that "data is compiled by the central server unit to enable management to combine real time and statistical data in step 203 for inventory control and tracking of service such as wait times, etc., which further information can be posted to a restaurant Internet website." Applicants respectfully submit that this passage in no way suggests the unique aspects of the presently claimed invention. Olewicz does not teach or suggest the configuration of information for display in a real time synchronous communications system including both a wireless handheld device and web page simultaneously as presently recited in amended claim 122. Mere posting of information on a web site in no way teaches or suggests the presently claimed invention.

Nor does combining the teachings of Olewicz with Micros produce a real time synchronous system for configuring hospitality information for display on both handheld and

web pages as presently recited in claim 122. The “real time” aspect of Olewicz relied on by the Examiner had to do merely with the compiling of data related to improving customer service but there is no teaching or suggestion in Olewicz of real time, synchronous generation of configured hospitality information for display on a handheld device and web page as presently claimed.

“[C]ompiling real time data” as described by Olewicz merely refers to the storing of data as it is created, which is entirely different from generating and transmitting custom, configured displays throughout a synchronized system in real time and maintaining synchronous real time communications throughout the connected system. Moreover, the Micros references teach nothing about the integration of disparate GUI based operator interfaces having different display characteristics. Contrary to the Examiner’s assertion, the combination of Olewicz and Micros thus does not teach or suggest the real time synchronous web/internet aspects of the invention as presently recited in claim 122.

The Examiner further relied on Olewicz Col. 14, lines 44-62 as allegedly teaching the recitation of independent claim 122 directed to configuration of the system to format the hospitality application information for display on a web page in conformity with any applicable display constraints of the web page. This reading of Olewicz is improper for a number of reasons. First, claim 122 adds the explicit requirement that both handheld and web server/web page elements are connected and synchronized in the same system via “communications control software” acting as an interface between the elements of the system and any applicable communications protocol. Olewicz does not teach or suggest these elements nor provide any reason or motivation to add these additional elements to its teachings, nor was there any reason for a person skilled in the art to have known to supply the missing elements. Moreover, separate

references cannot properly be combined to teach this claimed aspect because, by definition, separate references cannot teach nor suggest the connected and synchronized system comprised of multiple elements which the inventors uniquely conceived over ten years ago. The nature of the present invention was to, inter alia, maintain real-time consistency of information across disparate nodes with very different display characteristics and communications protocols in a synchronous, connected system. The Examiner has pointed to no suggestion, motivation or reason to combine Olewicz and the other cited references and, in fact, the separate references teach away from the present invention by virtue of the total absence of synchronization as claimed from any of the references.

Also, Olewicz makes no mention of synchronous, real time hospitality applications, e.g., reservations, waitlisting, customer frequency etc. (which are encompassed by independent claim 122 and recited by several dependent claims). The mere reference to “wait times,” “seating availability” and “reservations” in the cited passage from Olewicz is not a teaching or suggestion of real time, synchronous waitlisting or reservations in a 3-way synchronized system including a master database, a handheld and a web page. These are merely references to a posting of historical “restaurant service” information and a vague reference to the potential for online reservations, with no mention or suggestion that any such functionality is done synchronously and in real time. Without the present invention, a completely integrated and synchronized hospitality system is not possible and Olewicz did not teach or suggest such a system. The only mention of the internet in Olewicz is in the context of corporate type reporting and the vague reference to enabling reservations to be made online and as such Olewicz did not even remotely envision, teach or suggest the subject matter of independent claim 122 and its dependent claims,



i.e., a real time synchronous system including, inter alia, configuration of hospitality information for both wireless and web page display prior to transmission to the target device/screen. Claim 122 is thus believed allowable on this additional basis vis-à-vis claims 103 and 118. Further, as previously stated in regards to the Micros references, they did not teach the requisite unique aspects of claim 122 either.

Likewise, the inadequacies of Wakatsuki as discussed above (with respect to independent claims 103 and 118) are not remedied by Olewicz. Olewicz does not teach or suggest the configuration of anything from a master database for optimized display on a handheld device prior to transmission to the handheld device on which the transmitted information is to be displayed as presently claimed.

The rejections should therefore be withdrawn as to all of the pending claims based on the above distinctions over the Olewicz reference.

**VII. A NUMBER OF 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. The Applicants also assert that various of the dependent claims are independently patentable as follows.

The Examiner cited the Micros '92 reference as purportedly describing the automatic generation and transmission of the "second menu" from the master menu as previously claimed in dependent claim 104. First, "second menu" has been replaced in the claims with "programmed handheld menu configuration." Further, the citation from page 8 of the Micros '92 reference relied on by the Examiner in no teaches or suggests the generation of a menu configuration from a master menu. As explained previously, a database is not synonymous with nor suggestive of a programmed menu configuration. Thus, the downloading of a database update is not the generation and transmission of a programmed handheld menu configuration, automatic or otherwise. Moreover, claim 104 has been amended to add the following recitation:

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

The Applicants respectfully assert that these further amendments to claim 104 further distinguish over the references cited by the Examiner and that claim 104 is independently patentable.

Applicants thus request that this rejection be withdrawn.

The Examiner cited the Micros '97 reference as describing the additional subject matter recited by dependent claim 105, i.e., that the system is configured to automatically generate and transmit the "second menu" 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. First, "second menu" has been replaced in the claims with "programmed handheld menu configuration." Moreover, as discussed above, the Micros references do not teach or suggest generating a programmed handheld menu configuration from a master menu file structure for transmission to a wireless handheld computing device, and thus the Micros references do not teach or suggest the automatic generation and transmission of such a menu configuration in response to the recited criteria. Applicants therefore respectfully assert that claim 105 is independently patentable and that this rejection should therefore be withdrawn.

Claims 106 and 120 have been amended to further clarify that "information comprising at least a part of the programmed handheld menu configuration is synchronized in real time between multiple hospitality software applications." Claim 123 has been amended to further clarify that "the hospitality application information simultaneously synchronizes to and from at least two" types of hospitality application information systems. The Applicants respectfully assert that nothing in any of the cited references teaches or suggest this claimed aspect. The cited passage from Micros '97 relied on by the Examiner as teaching the recitations of claims 106, 120 and 123 is not applicable to the claimed subject matter. These dependent claims, as amended, further recite that the hospitality applications include at least two of point of sale systems, reservations, waitlists, frequent customer or ticketing programs. The passage from Micros '97 relates merely to database creation and editing, it does not relate to synchronization

of multiple hospitality applications in real time, or simultaneously, as presently claimed. Applicants therefore respectfully assert that claims 106, 120 and 123 are independently patentable and that this rejection should therefore be withdrawn.

Claim 107 has been amended to recite that the system is enabled to transmit user selections from the programmed handheld menu configuration via the internet. The wireless link recitation has been removed. Nothing in any of the cited references teaches or suggests the transmission of user selections from a handheld device via the internet. Applicants therefore respectfully assert that claim 107 is independently patentable and that this rejection should therefore be withdrawn.

Claims 108 and 121 have been amended to recite that the system is enabled to automatically reflect user selections from the programmed handheld menu configuration in “real time on two or more other different-type display elements of the system.” Applicants respectfully submit that nothing in any of the cited references taught or suggested this claimed aspect. The citation from Micros '97 relied on by the Examiner to reject these claims previous to the present amendments relates to ordering of limited availability items and in no way relates to the claims as amended. Applicants thus request that these claims be allowed.

Claim 109 has been amended to recite that the programmed handheld menu configuration is formatted 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.” Applicants respectfully submit that nothing in any of the cited references taught or suggested this claimed aspect. As discussed above, there is no teaching or suggestion in any of the cited references of generating such a programmed handheld

menu configuration for even one size handheld display, let alone two different ones. Applicants therefore request that this rejection be withdrawn.

The cited passage from Micros relied on by the Examiner as teaching the recitation of claim 110 is not applicable to the claimed subject matter. This dependent claim further recites that the modifiers and sub-modifiers in either the master or programmed handheld menu configurations may be further configured to be either "required" or "not required." It is true that the Micros references relate to a POS system which, like most "fixed" POS systems, allowed for "required" or "not required" modifiers and sub-modifiers. However, these functions are special parameters which directly impact the logic flow and user interface linkages of a menu system, fixed or otherwise. Incorporation of such functionality in a handheld menu requires the creation of cascading links of a significantly greater number of smaller screen menus unique to the display characteristics of handhelds and thus the logic flow linkages and their associated rules have to be adapted in the "handheld menu" generation to reflect and maintain these new screen linkages and flows. Having this basic menu feature on a fixed POS system does not translate straightforwardly to handheld/smart phones since the particular menu pages and button links for the handheld menu are substantially different vis-à-vis the master menu. This rejection should therefore also be withdrawn.

The Examiner applied the Micros '97 reference against the recitations of claims 115 and 127 that the wireless computing device is a smart phone or other consumer wireless communications device. As discussed with the Examiner in the July 21, 2009 Interview, claims 115 and 127 have been amended to delete "or other consumer wireless communications device." This rejection should thus be withdrawn. Moreover, as discussed above, the Micros references

teach away from the claimed synchronous, real time system involving, e.g., programmed handheld menu configurations generated for handheld devices or the internet, by describing configuration and “programming” of displays on the device, not prior to transmission to the target device as presently claimed. Further, “smart phones” inherently require no “installer/programmer” and thus further negate any possible use of the Micros HHT limitations toward this dependent claim and, as previously stated, the aspects of the Micros '97 reference necessary to in combination support the rejection of this claim cannot be found in that reference. The Micros HHT was not a consumer wireless communication device but that rejection has nonetheless been obviated because claims 115 and 127 are now limited to a smart phone, which the HHT clearly was not. The rejections of claims 115 and 127 should thus be withdrawn.

Claim 117 has been amended to recite specifics as to the configuration of the programmed handheld menu configuration, i.e., that “wherein one or more of 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 the programmed handheld menu configuration for user review prior to transmission of the programmed handheld menu configuration” to the wireless handheld computing device. Applicants respectfully submit that nothing in any of the cited references taught or suggested these claimed aspects. Applicants thus request that this claim be allowed.

Claim 119 has been amended to recite that the system is further configured such that “multiple menu screens are capable of being displayed on the handheld graphical user interface simultaneously.” Nothing in any of the cited references teaches or suggests this claimed aspect.

Applicants therefore respectfully assert that claim 119 is independently patentable and that this rejection should therefore be withdrawn.

The Applicants respectfully disagree with the Examiner's citation of the transmission of order information to the base station from the HHT device as teaching the limitations of dependent claims 124 and 125. As discussed above, the HHT/Micros 8700 systems did not comprise, teach nor suggest a real time synchronous system involving selections made from handheld or web page menu configurations.

For the stated reasons, Applicants respectfully request that the above-discussed dependent claims be allowed for these additional reasons.

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

Under long-standing Supreme Court precedent, the analysis of "secondary considerations" is a required part of any obviousness/nonobviousness determination:

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.

*KSR Int'l Co. v. Teleflex Inc. et al.*, 550 U.S. 398, 406 (2007) (quoting *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966)).

The Supreme Court stated further in *KSR*:

While the sequence of these questions might be reordered in any particular case, the factors continue to define the inquiry that controls.

*KSR*, 550 U.S. at 407 (emphasis added).

[O]f particular importance beyond the prima facie analysis, this court also detects evidence of objective criteria showing nonobviousness. Specifically, the record shows powerful unexpected results . . . The record also shows skepticism of experts and copying -- other respected sources of objective evidence of nonobviousness -- as well as commercial success. As this court has repeatedly explained, this evidence is not just a cumulative or confirmatory part of the obviousness calculus but constitutes independent evidence of nonobviousness.

*Ortho-McNeil Pharm., Inc., v. Mylan Labs., Inc.*, 520 F.3d 1358, 1365 (Fed. Cir. 2008)

(following *KSR v. Teleflex*) (emphasis added).

Applicants believe the 37 C.F.R. 1.132 Declaration of Keith R. McNally submitted herewith provides particularly compelling evidence of secondary considerations which confirm the uniqueness and nonobviousness of this breakthrough invention. While “looking back” (a decade or more) at paper documents can provide one perspective on novelty and obviousness, such post-hoc analysis cannot be divorced from what really happened at the time of the invention and thereafter. The contemporaneous actions, decisions and technology/market adoptions (when subject to confirmation, as is the case with this invention) offers a compelling and, Applicants assert, dispositive conclusion of the uniqueness and breakthrough aspects of Ameranth’s invention as presently claimed. See *Ortho McNeil v. Mylan*, 520 F.3d at 1365 (following *KSR v. Teleflex*) (“this evidence is not just a cumulative or confirmatory part of the obviousness calculus but constitutes independent evidence of nonobviousness”).

It was extraordinary for the leading software and wireless computing companies in the entire world (Microsoft/Symbol) to not only have partnered with Ameranth (the assignee of the present application) but to have made strategic, multi-million dollar investments into Ameranth



(during 1999/2000). Likewise, it was a conclusive market confirmation of the value and uniqueness of Ameranth's solution that Food.Com (Cupps patent owner), the then leading internet food ordering company (having raised \$100M), as well as most of the leading point of sale companies (including Micros), and other related technology companies all partnered with, licensed or sought to license Ameranth's inventive technology in 1999 and 2000. Then, on top of these industry technology adoptions, Ameranth won three major, best product/technology awards for its 21<sup>st</sup> Century Restaurant System (the marketing name surrounding the core inventive concepts of the present application and claims), one 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).

As detailed in the 37 C.F.R. 1.132 Declaration of Keith R. McNally submitted herewith, the unprecedented recognition and adoptions of Ameranth's inventions by the industry leaders, strategic partnering from and investing by the worlds most powerful technology companies, the widespread recognition of numerous major technology companies, the universal acclaim in best product technology awards and contemporaneously being recognized in almost all the leading press and publications leads to the undeniable conclusion that Ameranth's synchronous "menu generation" invention was entirely new, unique, nonobvious and a true breakthrough.

\* \* \*

Neither of the cited references, either alone or in combination, describe or suggest the presently-claimed aspects of the Applicants' claimed information management and real time synchronous communications system, nor would a person of ordinary skill in the art have known to supply either of the aspects missing from the descriptions of the cited references. Moreover, for at least the reasons stated above, there is no basis for imputing knowledge of any of the presently-claimed aspects missing from the cited references to a person of ordinary skill in the art or for combining any such imputed knowledge with either of the cited references. Further, the art made of record but not relied on by the Examiner in making the claims rejections does not supply the claimed aspects which are missing from the descriptions of the applied references, nor would the knowledge of a person skilled in the art combined with the art made of record supply the aspects missing from the cited references for the reasons stated above. The Applicants therefore believe the claims as presently presented are patentably distinguishable over the references of record, either alone or in combination.

### **CONCLUSION**

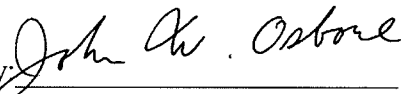
Based on the foregoing remarks and amendments, the Applicants respectfully request entry of the Amendment herein, reconsideration and withdrawal of the pending rejections and allowance of this application. The Applicants respectfully submit that claims 103-110 and 115-127 as amended are patentable and in condition for allowance. An early action passing this case to issue is therefore respectfully requested. Favorable and prompt consideration is requested.

**AUTHORIZATION**

Applicants believe that no additional fee is required as a result of the present Amendment. However, to the extent that any extension of time is necessary or any additional fees are required, Applicants hereby authorize the Commissioner to charge any additional fees, or credit any overpayment, to Deposit Account No. 504827 (Order No. 1004293.005US).

Respectfully submitted,  
LOCKE LORD BISSELL & LIDDELL LLP

Dated: August 21, 2009

By:   
\_\_\_\_\_  
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**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

**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 declaration providing evidence of secondary factors to further support and confirm the establishment of the uniqueness and breakthrough aspects of Ameranth's (the assignee of the present application) "menu wizard" and synchronous 21<sup>st</sup> 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 into the hospitality marketplace thereafter) which are encompassed

by the presently-amended claims of the above-identified application. These technology introductions and innovations marked Ameranth's transformation from its previous product focus on hardware/devices to software and systems integration, (which it has subsequently maintained). All of the attached and referenced enclosures; including business relationships, technology licenses, product announcements, press releases, strategic alliances and news reports all revolve around Ameranth's breakthrough technology innovations originally introduced at the November 1998 FSTEC show and then steadily commercialized by Ameranth on an on-going basis. The referenced Exhibits discussed herein and attached hereto supporting this Declaration primarily focus on the years immediately following the introduction of Ameranth's "menu wizard" and synchronous communications technology (since I believe that this is the pertinent time period in which the contemporaneous market reaction confirmed the novelty and nonobviousness of this innovation). This timeframe focus is certainly not intended to reflect that Ameranth did not continue to excel in subsequent years with additional technology awards and adoptions by the world's largest companies (e.g. Darden, the world's largest casual dining chain) and (Intercontinental Hotels Group, the worlds largest hotel company) and with two additional major technology awards achieved by Ameranth. Both of these subsequent awards were "best product" awards, for the entire hospitality/wireless world/marketplace, one for the most innovative wireless product and the other for the best customer service solution.

3. The collective actions and decisions made by the world's leading technology companies, hospitality focused companies, national press, regional press, hospitality press, major hospitality customers and the public alike clearly and indisputably confirmed that Ameranth had invented an entirely new and truly unique solution to a previously unsolved

problem and for which there was a very significant market need. Both Microsoft and Symbol Technologies, (the respective and recognized world leaders in software and rugged/mobile computing/LAN Wireless technology) not only partnered with Ameranth, but they both made strategic multi million dollar investments into Ameranth in 1999 and 2000 (their only ones in this market segment). Obviously, Microsoft and Symbol could have chosen any systems integrator in the world – yet they chose Ameranth, thus further confirming what the leading contemporaneous experts also confirmed, i.e., that Ameranth’s innovations were unique and breakthrough ones unavailable, at the time, from any other source. The totality of the evidence submitted herewith shows compelling industry recognition and adoption of Ameranth’s breakthrough technologies as encompassed by the claims of the present application.

4. Ameranth’s significant impact in this marketplace was succinctly captured and summarized by Bill Gates’ (Microsoft’s founder and Chairman at the time) testimonial in personally nominating Ameranth for the 2001 Computerworld Honors Program award, which it subsequently won:

[Ameranth] is one of the leading pioneers of the information technology revolution for the betterment of mankind.

5. Further, many of the leading Hospitality “point of sale” companies (including Micros Systems) as well as Food.com (the leading internet food ordering company) and many others also recognized the breakthrough innovations of Ameranth’s technology and either partnered with or sought to partner with Ameranth to obtain that technology. Ameranth was also recognized as the hospitality market wireless leader by numerous National (e.g., The New York Times, Wall Street Journal, USA Today, Time Magazine, Information Week and more) and Hospitality Market publications (Nations

Restaurant News, Hotel Business, Franchise Times, Hospitality Technology and more) for its many revolutionary breakthroughs and innovations encompassed by the claims of the present application.

6. Ameranth has also been repeatedly recognized with and awarded numerous “best product” technology awards as well as numerous technology grants/awards from the National Science Foundation.

7. Supporting materials confirming the above points are attached as Exhibits hereto and summarized in the following paragraphs.

8. Exhibit 1 is a November 14-16, 1998 photograph of Ameranth introducing its revolutionary “menu wizard” and data synchronization technologies as part of its 21<sup>st</sup> Century Restaurant™ product vision at the 1998 FSTEC (Food Service Technology Show held in Atlanta, Georgia). I am seated, second from the left at the front table, with representatives of several of Ameranth’s strategic customers/partners.

9. Exhibit 2 is a November 14-16, 1998 system diagram that was shown in the booth at the November 1998 FSTEC show in Ameranth’s booth as shown in Exhibit 1. This system diagram reflected Ameranth’s inventive breakthroughs and was shown in the center of the booth as well as being distributed to key strategic partners, such as Symbol Technologies. A working demonstration of Ameranth’s invention accompanied this diagram and was shown concurrently in the booth.

10. As detailed in my original and supplemental inventorship declarations under 37 C.F.R. 1.131, Ameranth’s display and demonstration at the November 1998 FSTEC show was of the subject matter encompassed by the claims of the present application. Moreover, the products displayed and demonstrated by Ameranth at the

November 1998 FSTEC show and thereafter were the same technology referred to in all of the Exhibits referenced herein. My 1.131 Declarations together with the present Declaration thus establish a nexus between the evidence submitted herein and the claimed invention, i.e., the objective evidence of nonobviousness presented herein is attributable to the claimed invention.

11. Exhibit 3 is another system diagram from December 1998/January 1999 further reflecting Ameranth's synchronous communications inventive aspects as part of Ameranth's trademark for its 21<sup>st</sup> Century Communications™. This was shown to and discussed with Symbol and John Major, the then CEO of Wireless Knowledge (the joint venture between Qualcomm and Microsoft).

12. Exhibit 4 is a February 3, 1999 signed Memorandum of Agreement between Ameranth and Symbol (who had seen Ameranth's inventions at the November 1998 FSTEC show and subsequently and who made this partnering decision and subsequently a major investment decision based largely on the value of Ameranth's inventive "menu wizard" and synchronous communications technology). At this time, Symbol was the world leader in mobile/rugged handheld devices and in 802.11 wireless technology. The fact that such a company would sign a strategic agreement with Ameranth less than 60 days after first seeing it at the FSTEC show is indisputable confirmation of industry recognition of the breakthrough aspects of Ameranth's inventions

13. Exhibit 5 is an April 19, 1999 press release formally announcing the formation of the Strategic Alliance between Symbol and Ameranth.

14. Exhibit 6 is a May 17, 1999 press release formally announcing the



formation of the Strategic Alliance between Ameranth and Comtec Information Systems. At this time, Comtec was the world leader in mobile printing devices.

15. Exhibit 7 is a May 22, 1999 press release formally announcing the formation of the Strategic Alliance between Ameranth and Hospitality Systems Inc (HSI) with HSI being designated as Ameranth's charter POS partner. At this time HSI was one of the top ten largest restaurant POS companies.

16. Exhibit 8 is a May 22, 1999 press release formally announcing the introduction of Symbol's new wireless devices as part of Ameranth's 21<sup>st</sup> Century Restaurant™ system at the Chicago, Illinois National Restaurant Association (NRA) show.

17. Exhibit 9 is a May 22, 1999 copy of the updated 21<sup>st</sup> Century Restaurant™ system brochure reflecting the addition of Symbol's new Windows CE handhelds and Comtec's mobile printers. This was demonstrated with the HSI POS software.

18. Exhibit 10 is a photograph of Ameranth's booth at the May 22, 1999 NRA show in Chicago taken on or about May 22, 1999.

19. Exhibit 11 is a set of photographs (Nos. 205, 206) from the 1999 NRA Show taken on or about May 22, 1999. In photos 205 and 206 I am shown with Manny Negreiro, President of Aloha POS and Bill Schwartz, President of Foodtrak, along with Larry Hausman, the then Publisher of Hospitality Technology magazine. Both Aloha and Foodtrak subsequently partnered with Ameranth to obtain the technology encompassed by the claims of the present application, further confirming industry recognition of the breakthrough aspects of Ameranth's claimed inventions.

20. Exhibit 12 is a second set of photographs (Nos. 201, 202, 226) from the

1999 NRA Show taken on or about May 22, 1999. In photos 201/202, Dan Drummond, an Ameranth executive, is shown on the left, with John Harker, Director of Hospitality for Symbol on the right and a Comtec executive in the center. In photo 226, Kathie Sanders, Ameranth's Director of Marketing, is shown on the left, I am shown in the center and various executives from other Ameranth partners/customers are standing with us.

21. Exhibit 13 is a May 24, 1999 daily publication from the May 1999 NRA show in which one of the restaurant owners clearly confirms that Ameranth's wireless point-of-sale system was "really cool." While not precisely the same wording used in other confirmations from leading technology companies, the fact that a "non technologist" would also recognize the breakthrough aspects of Ameranth's inventions is additionally compelling.

22. Exhibit 14 is a June 17, 1999 signed Strategic Alliance Agreement between Ameranth and Food.com. Food.com was the then leading internet food ordering company and had raised \$100M in venture funding. It too had seen Ameranth's inventive technology at the May 1999 NRA show and also concluded that it needed Ameranth's inventive technology. The fact that such a company would sign a strategic alliance agreement with Ameranth less than 30 days after first seeing it at the NRA show is yet another indisputable confirmation of the breakthrough aspects of Ameranth's inventions and shows conclusively the high degree of industry recognition and adoption of Ameranth's technology encompassed by the present patent claims.

23. Exhibit 15 is a June 22, 1999 formal press release of the introduction of Ameranth's 21<sup>st</sup> Century Hotel™ system at the June 1999 HITEC show in Atlanta,

Georgia. Ameranth again partnered with Symbol on this introduction.

24. Exhibit 16 is the June 22, 1999 system brochure for Ameranth's 21<sup>st</sup> Century Hotel™ System introduced at the June 1999 HITEC show. The 21<sup>st</sup> Century Restaurant™ and Ameranth's core inventive concepts were integral to all aspects of the hotel market expansion as well.

25. Exhibit 17 is a July/August 1999 article from Hospitality Technology Magazine highlighting the introduction of Ameranth's technology at the May 1999 NRA show and concluding that Ameranth had generated the most "buzz" from the convention floor at the NRA show, yet further confirming the industry recognition of the breakthrough nature of Ameranth's menu generation and synchronization inventions.

26. Exhibit 18 is a July 7-29 1999 article from Hotel Business about the introduction of Ameranth's 21<sup>st</sup> Century Restaurant™ wireless technology.

27. Exhibit 19 is a July 15, 1999 Food.com press release formally announcing their Partnership with Ameranth. Food.com's recognition of the power of Ameranth's technology (despite their having had a patent of their own, Cupps) is confirmed by the following statement from their then Chairman/CEO Rich Franks:

Our partnership with Ameranth fits perfectly into our plans for the delivery of online orders from a consumers keyboard to a restaurant kitchen.

This clearly confirmed that even the then world's largest online food ordering company had instantly recognized the breakthrough Ameranth inventions and immediately concluded that they needed it too.

28. Exhibit 20 is a July 26, 1999 formal press release announcing the Strategic Alliance between Ameranth and Aloha POS. Aloha POS was then one of the top ten

largest POS companies and it was the single largest Windows™ based POS company at that time. This further confirms the value, importance and breakthrough nature of Ameranth's inventions.

29. Exhibit 21 is an August 2, 1999 article from Nations Restaurant News (NRN) about the Food.com and Ameranth partnership. It is especially noteworthy that in this article it is confirmed that Ameranth was, at that time, in fact already targeting its technology and inventive concepts toward the "wirelessly enabled smart devices" market. This is yet another confirmation of Ameranth's unique systemic vision and innovations.

30. Exhibit 22 is an August 7-20, 1999 article from Hotel Business magazine confirming Ameranth's launch of its 21<sup>st</sup> Century Hotel™ system at the June 1999 HITEC show.

31. Exhibit 23 is a September 1999 article from Quick Service Restaurant (QSR) magazine about the Ameranth and Food.com Partnership and includes yet another confirmation of Ameranth' systemic vision including "wirelessly enabled smart devices."

32. Exhibit 24 is a Fall 1999 case study about Ameranth's 21<sup>st</sup> Century Restaurant included in the Microsoft Hospitality Solutions supplement and which focused on "Real World Solutions for the Hospitality Industry." Tony Barbargallo, then Group Product Manager Productivity Appliances Division for Micros stated "With Symbol's proven expertise in mobile computing and wireless networks, Ameranth's vision and integration skills and Microsoft's innovative family of software products and solutions, we share in their vision for the 21<sup>st</sup> Century Restaurant™." John Harker, Director of Hospitality for Symbol added, "[W]ith its 21<sup>st</sup> Century Restaurant Ameranth is providing a system solution that makes Symbol's wireless technology more accessible to the

foodservice industry so that restaurants can move away from fixed terminals and gain the benefits of wireless that other industries have enjoyed.” These two statements from recognized industry leaders clearly confirmed the breakthrough aspects of Ameranth’s inventions as presently claimed.

33. Exhibit 25 is a September 15, 1999 formal press release of Ameranth’s strategic alliance with Infogenesis, another one of the leading POS systems in the foodservice market and arguably the strongest POS company in the gaming/casino market area. This is yet another confirmation of the industry recognition and adoption of Ameranth’s inventions.

34. Exhibit 26 is a September 15, 1999 formal press release for the introduction of Ameranth’s 21<sup>st</sup> Century Casino™ System at the World Gaming Congress in Las Vegas.

35. Exhibit 27 is a September 15, 1999 copy of the 21<sup>st</sup> Century Casino™ system brochure, which also included the 21<sup>st</sup> Century Hotel™ and 21<sup>st</sup> Century Restaurant™ system concepts and the Ameranth core inventions as integral parts of the solution.

36. Exhibit 28 is an October 4, 1999 copy of the formal press release of Ameranth’s winning the prestigious “Innovation of the Year” award at the European Hospitality Technology Show. This is especially noteworthy in that it is rare for Europeans to provide their very top award to an American company and this award was not just for the technology area but rather for the most innovative new product in the entire foodservice market. This is summed up by the judges for the award stating:

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 of these factors in mind, the judges agreed that award for ‘*innovation of the year*’ belongs to Ameranth.

This industry recognition certainly confirmed the breakthrough aspects of Ameranth’s invention and validates many of the factors that clearly distinguished Ameranth’s invention from all prior solutions.

37. Exhibit 29 is an October 7, 1999 copy of the formal press release announcing the Partnership between Ameranth and Systems Concept Inc (SCI), the then leading foodservice company for inventory management with its Foodtrak product line.

38. Exhibit 30 is a November 1, 1999 copy of the formal press release from Squirrel Systems announcing their strategic alliance with Ameranth. Squirrel is yet another of the leading POS companies in the food service market and its desire to obtain Ameranth’s technology is yet another industry recognition and confirmation of the power of Ameranth’s inventions.

39. Exhibit 31 is a November/December 1999 article about Ameranth’s “new technology automates traditional processes” featured in Franchise Times (a leading Hospitality Publication). This is yet additional industry recognition.

40. Exhibit 32 is a November 6, 1999 article about Ameranth’s wireless 21<sup>st</sup> Century Hotel™ - that was shown at the International Hotel/Motel show in NYC in November 1999.

41. Exhibit 33 is a February 3, 2000 letter from Marriott International expressing that they were “very interested” in Ameranth’s 21<sup>st</sup> Century Restaurant™ system technology and that “they believed that many of its innovative features will enhance the efficiency of our operations, increase customer satisfaction and help increase

profitability in our operations.” This provides yet additional evidence of industry recognition for Ameranth’s solution which embodied the presently-claimed invention.

42. Exhibit 34 is an April 19, 2000 copy of the formal press release announcing the deployment of Ameranth’s Wireless Technology with Starwood Hotels.

43. Exhibit 35 is an April 19, 2000 copy of the formal press release announcing the deployment of Ameranth’s Wireless Technology with Jamba Juice restaurants.

44. Exhibit 36 is an April 19, 2000 copy of the formal press release announcing Ameranth’s wireless technology as having been selected by Microsoft to represent “Service Sector Automation” in the launch of its Pocket PC Based Solutions.

45. Exhibit 37 is a Spring 2000 Microsoft Case Study on the application of Ameranth’s wireless and internet technology to uniquely modernize the operations of the Improv Comedy Theatres.

46. Exhibit 38 is a May 22, 2000 copy of the formal press release announcing the integration of Ameranth’s 21<sup>st</sup> Century Communications™ solution with Microsoft’s Pocket PC. Doug Dedo, Group Product Manager of the Mobile Device Division at Microsoft stated:

Ameranth provides a total turnkey solution integrating PocketPC 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.

This is yet another confirmation of the power of Ameranth’s invention and its applicability in uniquely linking wireless, web and central servers through a synchronous real time system as claimed in the present application.

47. Exhibit 39 is a series of photographs taken during the Spring/Summer of

2000 of Ameranth demonstrating its 21<sup>st</sup> Century Restaurant™ System at various Hospitality Shows. Pictured are Kathie Sanders in the three photographs on the left and bottom right and Richard Bergfeld (co-inventor) in the upper right photo (with a customer).

48. Exhibits 40, 41 and 42 comprise a set of representative documents from Micros (then the world's largest POS company) from the Spring/Summer of 2000 which evidence that Micros sought the exclusive rights to Ameranth's inventive technology - in the Spring and Summer of 2000. This quest by Micros had followed my personal demonstration and detailed explanation of Ameranth's inventive technology to Ed Rothenberg and others from the Micros technology team in late 1999 and early 2000. Exhibit 40 is a contemporaneous memo memorializing an Ameranth phone conference with Ed Rothenberg conducted on May 9, 2000. From this call, among other points that were made, it is clear that Ed Rothenberg, then the Director of Software for Micros, stated that he "wants exclusivity" and to "leverage our IP." Exhibit 41 is a copy of a July 1, 2000 agreement which was "being negotiated" at the time between Ameranth and Micros (Micros/Ameranth Intellectual Property License, Development and Marketing Term Sheet). The key aspects of Exhibit 41 include the statement that Micros will be "Ameranth's exclusive reseller of Ameranth's Intellectual Property in the Hospitality industry." (emphasis added). Exhibit 42 is an email sent by Curt Mcleland (then Ameranth's CFO) to Ed Rothenberg on June 22, 2000 (shortly after another phone conversation with Ed Rothenberg) and which included Ameranth's pricing for Micros's proposed licensing of Ameranth's inventive software. Shortly after this, Ameranth decided that with the broad applicability and widespread acceptance of Ameranth's



inventions, that it would not make good business sense to pursue an exclusive deal with any company and Ameranth elected not to agree to an exclusive license of its intellectual property with Micros. With almost all of the other leading POS companies already partnered with Ameranth and the largest POS company (Micros) obviously seeking to “exclusively” license Ameranth’s intellectual property, this is yet further confirmation of the uniqueness, industry recognition and industry adoption of the presently-claimed inventions.

49. Exhibit 43 is a June 16, 2000 copy of the formal press release announcing Microsoft’s strategic investment in Ameranth, Inc. Despite its vast wealth, Microsoft did and does not make extensive investments in small companies and it very carefully chooses them. The fact that the world’s largest and most powerful software company chose Ameranth as its strategic wireless partner in the hospitality market and then elected to invest in Ameranth as well is very compelling confirmation of the uniqueness and innovative aspects of Ameranth’s technology.

50. Exhibit 44 is a July 21, 2000 San Diego Daily Transcript article about the founding of Ameranth and how the founders moved from their previous military backgrounds/experience to revolutionize the restaurant/hospitality business.

51. Exhibit 45 is a September 13, 2000 copy of the formal press release announcing Ameranth being selected for the prestigious Moby Award for its Wireless Mobile Computing Application.

52. Exhibit 46 is a November 13, 2000 article from Microsoft about the historic “Battle of the Century” in which the first ever public debate and face-to-face showdown between Microsoft and Palm (the still then leading handheld) occurred at the

Comdex Show in Las Vegas in November 2000. Each company could have chosen any software applications partner in the world to join them in this demonstration/debate. Microsoft chose me with the 21<sup>st</sup> Century Restaurant™ application to represent it, operating on the then Compaq Ipaq Pocket PC handheld devices. As this article confirms, the consensus was that Microsoft/Ameranth won the “battle” and many in the computing industry believe that this marked the turning point when the marketplace knew that Microsoft would soon overtake and displace Palm (which in fact did soon occur). Ameranth’s role in such a prestigious and historic event is yet another confirmation of its innovations and is an unassailable industry recognition of the importance of Ameranth’s technology encompassed by the present application.

53. Exhibit 47 is a November 13, 2000 Information Week article about various applications of wireless and bar code technology and significant mention of Ameranth and its inventive technology as deployed with the Improv Comedy Theatres is included in the right half of the article.

54. Exhibit 48 is a January 28, 2001 copy of the formal press release of the introduction of Ameranth’s wireless housekeeping/Room Inspection product to Starwood Hotels.

55. Exhibit 49 is an April 16, 2001 copy of the formal press release of Ameranth’s winning a Computerworld Laureate Medal (after having been personally nominated by Bill Gates/Microsoft).

56. Exhibits 50 and 51 further relate to Ameranth’s Computerworld Award. Exhibit 50 is a July 5, 2001 copy of the letter received from Computerworld’s “A search for new Heroes” confirming that Ameranth’s award was formally included in their

archives. Exhibit 51 is a copy of the archive award summary.

57. Exhibit 52 is an August 6, 2001 copy of a Wall Street Journal article about Ameranth's 21<sup>st</sup> Century Restaurant™ wireless innovations, yet further confirming the overwhelming industry recognition of Ameranth's technology encompassed by the present claims.

58. Exhibit 53 is an October 2001 copy of an article about Ameranth's 21<sup>st</sup> Century Restaurant in Time Magazine.

59. Exhibit 54 is a December 12, 2001 copy of a New York Times article about Ameranth's "brainstorm" to revolutionize restaurant operations with its wireless inventive technology and innovations.

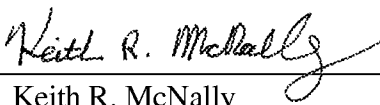
60. Exhibit 55 is a May 16, 2005 Memorandum for Record signed by John Major confirming that he had been briefed by me in January 1999 and shown a copy of Exhibit 3 at that time.

61. Exhibit 56 is a March 29, 2008 memorandum signed by John Harker of Symbol which confirmed all previous statements herein regarding Mr. Harker and the events and actions that occurred between Ameranth/Symbol arising from the November 1998 FSTEC show. Mr. Harker clearly confirms that he received a demonstration of Ameranth's 21<sup>st</sup> Century Restaurant "wizard" technology from me and Kathie Sanders and that this led him and Symbol to promptly partner with Ameranth. Several attachments to the signed memorandum are duplicative of previous exhibits, since this document was intended to be a "stand alone" document at the time of its signing.

62. I respectfully request that the Examiner consider this Declaration as rebuttal evidence of nonobviousness and that the presently pending claims as amended be allowed.

63. 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: August 19, 2009

  
\_\_\_\_\_  
Keith R. McNally

# EXHIBIT 1

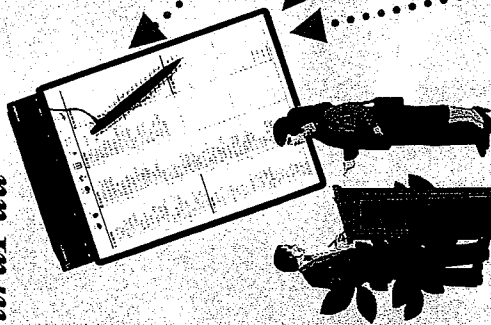


# EXHIBIT 2

# Absolute Hospitality

from **@AMERANTH<sup>®</sup>**

## IntraPad<sup>™</sup>



### HOSTESS STATION

- Table Management
- Reservation Management
- Waitlist Management
- Customer Paging
- Valet Paging

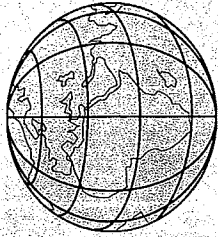
Other Systems:  
"The Customer Connection"



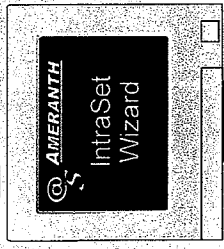
## Legend

- ..... Wireless Link
- Wired Link (i.e., LAN)

## Internet



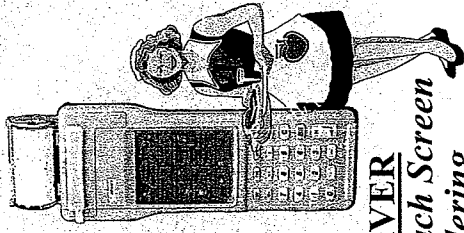
## Wireless Communications Center



### BACK OFFICE

- IntraPad<sup>™</sup> Applications
- UltraPad<sup>™</sup> Applications
- Database Management
- Menu Items
- Prices
- Orders
- Frequent Customers
- Kitchen Access
- POS Access
- Internet Gateway

## UltraPad<sup>™</sup>



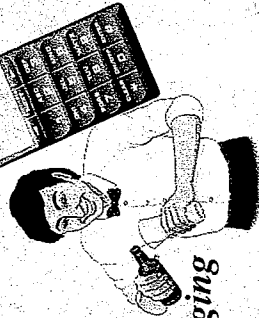
### SERVER

- Touch Screen
- Ordering
- Payment Processing

## POS and Other Systems



## PadLink<sup>™</sup>



### TABLE SETTER

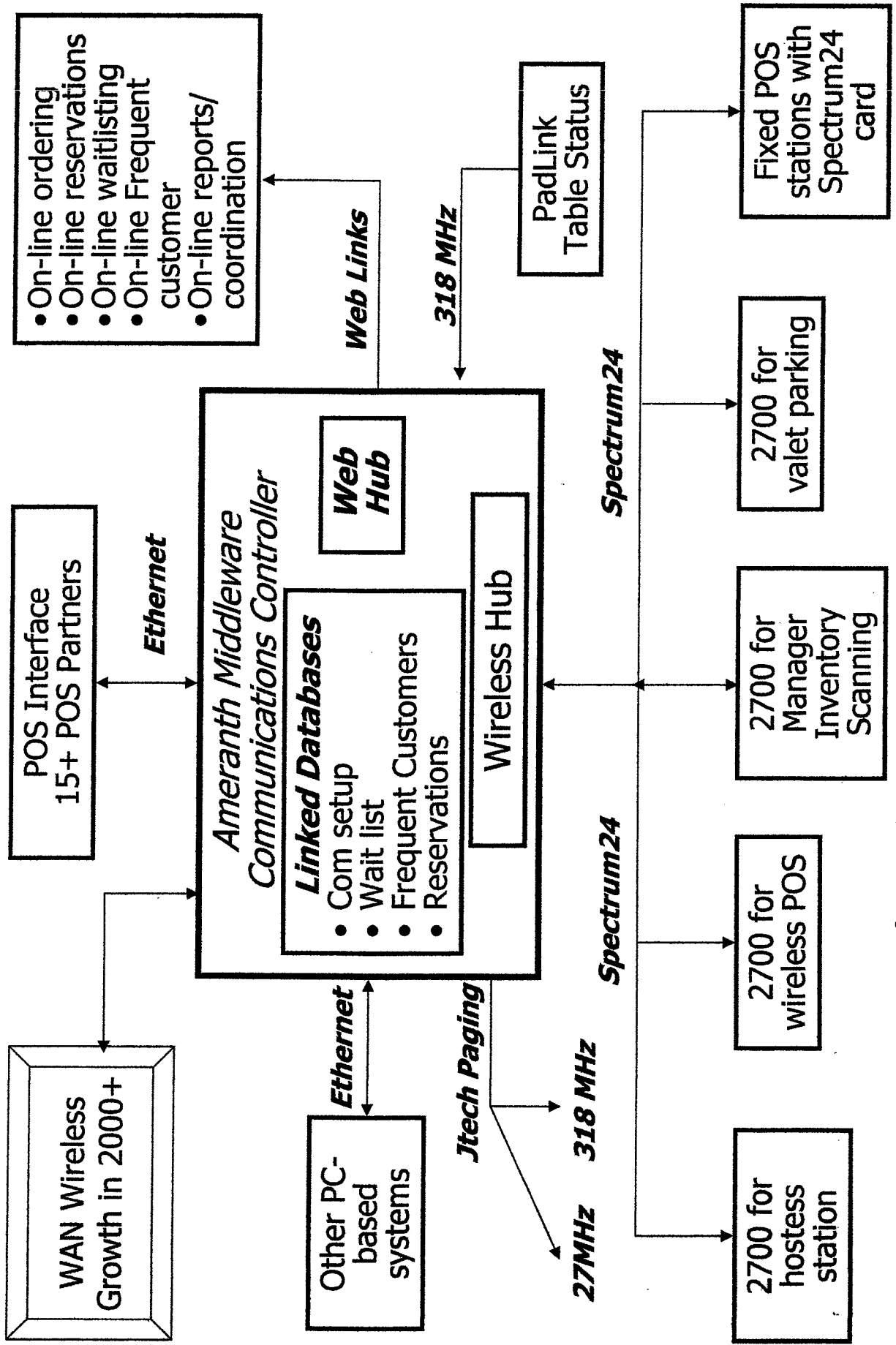
- Table Status
- Real Time Messaging

1-888-AMERANTH  
www.ameranth.com



# EXHIBIT 3

# Ameranth 21<sup>st</sup> Century Communications Integration



*Ameranth Proprietary*

# EXHIBIT 4

PWRW&amp;G Draft:

[ ] 1/29/99

### Memorandum of Agreement

This Memorandum of Agreement (the "Agreement") is entered into as of 3 February, 1999, between Symbol Technologies, Inc. ("Symbol"), having its corporate offices at One Symbol Plaza Holtsville, NY 11742, and Ameranth Technology Systems, [ ] Inc. ("Ameranth"), having its corporate offices at 16079 San Dieguito Road, suite A-1, Rancho Santa Fe, CA.

WHEREAS, the parties believe that a mutually beneficial relationship should be established to leverage their respective capabilities toward the goal of maximizing sales of the parties' products in the Hospitality/Gaming and selected DOD/Law Enforcement markets (the "Markets"):

#### THEREFORE, the parties state and agree as follows:

1. The parties have signed a non-disclosure agreement that is in force and will survive this Agreement.
2. Attached as Exhibit A is a summary of the business agreement setting forth the respective responsibilities of the parties with respect to this Agreement.  
WITHIN 30 DAYS
3. Ameranth and Symbol will also execute a Symbol Distributor Agreement, substantially in the form of Exhibit B, [ ] modified as the parties shall agree, and each party will adhere to all of the standard conditions [ ] and obligations set forth in the agreement.  
DEM
4. The term of this agreement will be one year from the date first written above, renewable [ ] automatically for successive one-year periods, unless written notice of termination is given under paragraph 5 of this Agreement.
5. This Agreement may be canceled upon six months written notice from either [ ] party setting forth the details of a breach of this Agreement or a default of any obligations under this Agreement, provided, however, that the defaulting party shall have ninety (90) days to cure [ ] the breach or default, unless the breach or default cannot be cured in ninety days, in which case, the Agreement shall not be canceled if the defaulting party shall have undertaken commercially reasonable efforts designed to cure the breach or default. If a cancellation of Ameranth's role as the "master distributor" for Symbol products in the Markets occurs, Ameranth shall retain the right to purchase and [ ] use Symbol wireless products [ ] within its products.
6. The nature of this agreement, the fluidity of technology, market evolution, the introduction of new products and related developments require an exceptional level of trust between the parties and flexibility in the implementation of

the Agreement to ensure that the relationship is fair and equitable to both parties. As the "master distributor" for Symbol in the Markets Ameranth will be committing assets and making investments to further the sales of Symbol products. In so doing, Ameranth will realize benefits in margins between the prices it pays for products and those offered to others in the distribution network, and enjoy collateral sales of its products through these efforts and opportunities. Ameranth's efforts in these markets and the benefits that it realizes will be directly related to the value that Ameranth brings to the efforts and in such cases where sales occur in the Markets for which Ameranth did not contribute (e.g. Symbol "exclusions" as indicated in [^] Exhibit A[^]), Ameranth will not realize any direct compensation. The parties will address and resolve any issues in this regard in an equitable and fair manner.

7. The parties will designate within 10 days of the signing of this agreement the official representative for each party through which all actions, changes and/or issues associated with the Agreement will be addressed.

8. Changes will be subject to mutual agreement. [^] The parties will cooperate closely on pricing strategies because it is expected that frequent changes will be required to accommodate competitor actions and market changes.

9. This Agreement will be governed by the laws of the State of New York applicable to contracts made and to be performed entirely in that state. [^]

10. This Agreement, Exhibit A, the non-disclosure agreement and the Symbol Distributor Agreement, as executed, comprise the entire agreement and understanding of the parties relating to the subject matter of this Agreement and supersede all prior agreements, arrangements and understandings, whether written or oral, relating to the subject matter of this Agreement. [^]

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement on the date first written above.

SYMBOL TECHNOLOGIES, INC.

By: Mark Schratz  
Name: MARK SCHRATZ  
Title: V.P. WESTERN AREA

AMERANTH TECHNOLOGY SYSTEMS, INC.

By: Keith R. McNally  
Name: Keith McNally  
Title: Chief Executive Officer

1/29/99**Agreement to Synchronize Efforts in Selected Markets**

1. Symbol Technologies, Inc. ("Symbol") and Ameranth Technology Systems, Inc. ("Ameranth") have agreed to combine their efforts in the Hospitality/Gaming and selected DOD/Law Enforcement markets [^] with the expectation that the resulting cooperation will achieve better results for the companies than if they pursued these markets independently. The cooperation will primarily take the form of a product distribution agreement. To maximize results, however, the two companies will attempt to synchronize their development and marketing efforts in order to achieve the earliest and broadest market results possible.

2. Ameranth responsibilities/key actions:

A. Ameranth will establish the Symbol Spectrum 24™ wireless LAN network as its standard for its 21<sup>ST</sup> Century Restaurant™ System and other 21<sup>ST</sup> Century systems. Ameranth will also change its current product upgrade paths for the Intrapad™, Padlink™[^] and Ultrapad™ from previous wireless baselines to the Spectrum 24 [^]™ network products and ensure that these Ameranth products are interoperable with the Spectrum 24™ network. Ameranth will also seek to link the Spectrum 24™ backbone to/with its other emerging partner links (e.g. CDMA/CDPD) and with web based links designed to achieve a totally integrated solution around the Spectrum 24™ standard.

B. Ameranth will cancel its planned CE upgrade to the Ultrapad™ and switch to the 2700 product family as its future mobile computing device. This will also include switching its outstanding proposals to a 2700 baseline as soon as feasible. Ameranth will work with Symbol to develop a modified version of the standard 2700 (e.g., case color change or other minor changes) to enable Ameranth to market a unique, branded version. Ameranth also [^] reserves the right [^] to produce custom accessory options (e.g. a SMART Card reader, and/or a slightly more EMI robust case) and to offer these options to Symbol for possible broader application in non-Ameranth markets. Additionally, [^] having agreed that there is a mutual desire for broader cooperation, Ameranth will propose to align its future product developments (e.g. Bluetooth enabled devices) to leverage from and complement Symbol's strategic direction.

C. Ameranth will dedicate its resources to making the Spectrum 24™ wireless network and family of products [^] the industry standards within Ameranth's core markets as quickly and as broadly as possible.

D. Ameranth will develop and execute a comprehensive product launch strategy for the Spectrum 24™ network and the 1700/2700 mobile devices for the May[^] 1999 National Restaurant Association ("NRA") Show in Chicago. This strategy will include an advertising campaign, a complete upgrade of

brochures/handouts, a mailing campaign<sup>[^]</sup>, preparation of dealer/distributor packages, a press release, a state-of-the-art booth, pricing strategies, software development kits, and similar actions <sup>[^]</sup> designed to achieve maximum results. Additionally, Ameranth will, in cooperation with Symbol, select 5-10 leading POS companies <sup>[^]</sup>(e.g., Infogenesis, HSI, Aloha, Squirrel, GEAC<sup>[^]</sup> and Radiant) to have the products launched simultaneously in their booths at NRA. These POS companies and other partners will be under <sup>[^]</sup> non-disclosure agreements prior to the product launch. In parallel, <sup>[^]</sup> the parties will jointly select with the Symbol team other best-of-breed partners in additional key areas of the 21<sup>ST</sup> Century Restaurant™ system (e.g. IBM for servers/displays/integration), 1-2 frequent dining database suppliers, 1-2 paging companies (e.g., JTECH, Signologies)<sup>[^]</sup> and 1-2 credit card authorization companies (e.g., NPC)<sub>2</sub> so that a totally integrated system solution is available for customers of <sup>[^]</sup> various sizes and needs, centered around the Spectrum 24™ wireless network and family of products.

E. Ameranth will modify its Software Wizard development environment to enable POS suppliers and/or the customers themselves to quickly develop hand-held POS applications for the CE screen of the 2700. <sup>[^]</sup> Ameranth will work with Symbol, Microsoft and others to offer a [very easy] <sup>[^]</sup> programming environment. <sup>[^]</sup> Ameranth will also provide a tailored version for the smaller screen of the 1700 and work with one or more software developers Symbol selects from its ongoing efforts with the Palm OS <sup>[^]</sup> as an option for the integrated 21<sup>ST</sup> Century Restaurant™ system.

F. Ameranth will prepare and present to Symbol management a detailed 1999/2000 business plan for this coordinated effort. A draft will be presented by March 1, 1999 (assuming the relationship is established not later than February 1, 1999) and it will be finalized approximately April 1, 1999. It is envisioned that the development of this plan will be a team effort leveraging from Symbol's experience in similar product/market launches. Subsequently, the plan will be reviewed at least quarterly and appropriate adjustments will be made to either exploit success or address any shortfalls.

G. Ameranth will initiate infrastructure and personnel expansion efforts in preparation for and in parallel with the product launch at NRA <sup>[^]</sup> so that the proper resources are in place/available not later than May 20, 1999 to ensure quality support for the expected large industry response to the product launch. This will include, but not be limited to, sufficiency of prototypes, software development kits, 1-800 call-in support, rapid repair and equipment support options, technical support, dealer kits, availability of supplies/accessories etc. Additionally, Ameranth will prepare a significant upgrade to its web-site to make all key specifications and product information available over the web and to <sup>[^]</sup> prepare for web commerce. The details of this structure will be coordinated with Symbol in advance and included in the overall business plan referred to in paragraph 2(F) above.

H. Ameranth will develop and support a comprehensive distribution/pricing strategy so that sufficient margin exists at the various channels to provide attractive margins/profits for the family of products to become the runaway success both companies wish them to be. This will require Ameranth to [<sup>^</sup>] work closely with the channel partners, and in coordination with Symbol, to make adjustments to maximize market share and to focus on optimizing the sales volume and market share.

I. Ameranth management will work closely with the Symbol management team to ensure that this cooperative effort is very successful and that problems/issues, if any, are dealt with quickly and through the cooperation of the respective management teams.

J. Ameranth [<sup>^</sup>] registers<sup>DESIRES TO</sup> the following accounts as Ameranth's accounts: Litton, SAIC, Cache Box, HSI, WirelessKnowledge, Tangent, JTECH and 4-5 international military markets with an aggregate potential of approx 50,000 2700's, and many thousands of Spectrum 24 wireless cards/phones and Access Points during the period of Q499 to Q2 03. Note: these are markets/contracts that will be reached through/with Litton as opposed to direct sales. [<sup>^</sup>] Ameranth will respect the [excluded registered accounts] of which Symbol advises it. <sup>LEAD</sup>

*MO SELECTED ACCOUNTS*

3. Symbol Responsibilities/key actions:

A. Symbol [<sup>^</sup>] has selected Ameranth as <sup>PREFERRED</sup> ~~its master distributor~~ <sup>ADD OEM</sup> and launch partner for the Spectrum 24™ and 1700/2700 products within the Hospitality/Gaming and [<sup>^</sup>] certain DOD/Law Enforcement markets. Ameranth will be authorized to brand a version of the 2700. Symbol will support Ameranth's 21<sup>st</sup> Century Restaurant™ System with the Spectrum 24™ family of products.

B. Symbol will assist Ameranth in achieving success through its experience, marketing networks, pricing incentives, engineering support and other appropriate actions that Symbol deems complementary to the overall objectives. Symbol will provide Ameranth a reasonable amount of no-cost loaners, demo units etc. to facilitate preparations for the NRA product launch.

C. Symbol will provide its Spectrum 24™ <sup>APPROX. \$200</sup> PC cards to Ameranth <sup>OEM RADIO MODULE(S)</sup> at very aggressive prices [<sup>^</sup>] (e.g., \$150.00) for those embedded applications only within Ameranth products so as to enable them to meet the requisite price points and to achieve a totally integrated Spectrum 24™ network. Ameranth will not disclose these special prices (nor will they be discernable to the market), except as required by law, and these specially priced cards will only be for Ameranth's embedded product use.

<sup>1/</sup> To be clarified.



SUCCESSFUL KEY

D. Symbol will make its Spectrum 24™ family of products available to Ameranth for overall distribution within Ameranth's markets and at price points that enable Ameranth to be profitable while distributing products to the channel partners/distributors/dealers.

E. Symbol will keep Ameranth reasonably apprised of its future product strategy so as to enable Ameranth to align its strategy to be complementary.

F. Symbol will, from time to time, offer Ameranth an opportunity to bid to provide hardware/software options supportive to the Symbol product line (e.g., a SMART Card reader option). It will be in Symbol's sole discretion to determine if Ameranth's bid provides the best-value solution for [^] Symbol's needs.

G. Symbol will share leads and cooperate on market strategy with Ameranth in areas supportive to the common goals and that do not conflict with Symbol's other partners, commitments and/or relationships.

H. After reviewing Ameranth's business plan in March/April 1999, Symbol will consider providing financial support and/or incentives (e.g., deferred payments, advances etc.) so as to enable Ameranth to achieve [^] greater market penetration and sales. It will be in Symbol's sole discretion to determine what support of this nature, if any, is provided depending on the merits of the business plan and the results achieved.

I. Symbol will assign an Ameranth account manager through which regular business arrangements will be transacted. Strategic actions/decisions will be coordinated with/through the Symbol Director of Hospitality/Gaming.

J. Symbol will support Ameranth's efforts in its registered accounts. Symbol will advise Ameranth of the [registered accounts] to be excluded from this Agreement. A mutually agreed upon list of [registered accounts] will be finalized within ninety (90) days of the date of the Memorandum of Agreement.

# EXHIBIT 5

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 703-281-4995

## **AMERANTH TECHNOLOGY SYSTEMS™ AND SYMBOL TECHNOLOGIES® REACH AGREEMENT ON FORMATION OF STRATEGIC ALLIANCE**

RANCHO SANTA FE, California, April 19, 1999—Ameranth Technology Systems, Inc., a leading provider of Wireless Systems Solutions to the hospitality industry, announced today agreement has been reached on the formation of a strategic alliance with Symbol Technologies, Inc. of Holtsville, New York.

Under terms of the agreement, Ameranth will be Symbol's launch partner for revolutionary new wireless computing products and Ameranth will incorporate Symbol's Radio technologies into Ameranth's family of products.

The first products of the Alliance, operating on Symbol's Spectrum24® Radio System, will be introduced at this year's National Restaurant Association Show in Chicago, May 22-25. These new products will put order taking, payment processing (credit card, debit card, smart card), inventory control, process control, management interface, short and long range communications, and other applications in the palm of the hand, operating on Symbol's Spectrum24 system.

Symbol Technologies Spectrum24 is an affordable, 2.4GHz spread spectrum, frequency hopping, wireless Local Area Network, which is 802.11 compliant and which provides robust, secure, data and voice communications. It communicates at 2 Mbps and handles data and real-time voice simultaneously over the same wireless LAN.

"Our mission is to work with Symbol to provide the world-wide-standard wireless systems solution," said Keith McNally, CEO of Ameranth. "The integration of Symbol's unparalleled technological advancements into our product line will allow our customers to deploy fully integrated software and hardware solutions that will provide for optimal service, efficiency, and profitability for years to come."

-more-

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

“As a world-leading supplier of mobile computing wireless local area networks and related technologies, Symbol already provides the standard wireless solution for many industries. Our Agreement with Ameranth will allow Ameranth to carry our standard of technological excellence into industries where they are already playing a leading role,” said Joe McCormick, Senior Director for Emerging Technologies at Symbol Technologies.

In addition to appearing at the National Restaurant Association Show, Ameranth will showcase its new products at HITEC in Atlanta, June 22-24; The Western Foodservice & Hospitality Expo in Los Angeles, August 21-23; MUFSO in Dallas, September 12-15; The World Gaming Congress & Expo in Las Vegas, September 14-16; FS/TEC’99 in Dallas, November 1-3; and the International Hotel/Motel & Restaurant Show in New York, November 6-9.

Ameranth Technology Systems, Inc. was founded in 1996 primarily to provide wireless computing solutions to the hospitality, gaming, defense, and law enforcement industries and markets. Ameranth’s products include handheld computers, scanners, access points, printers, and related software.

Symbol Technologies, Inc. is a global leader in mobile data management systems and services with innovative customer solutions based on wireless local area networking for voice and data, application-specific mobile computing, and bar code data capture. Symbol’s wireless LAN solutions are installed at more than 40,000 customer locations, and more than seven million Symbol scanners and application specific scanner-integrated mobile computer systems are in use worldwide. Symbol and its global network of business partners provide solutions for retailing, transportation and distribution logistics, parcel and postal delivery, healthcare, education, manufacturing, and other industries.

-30-

For additional information you may e-mail  
Kathie Sanders at [ksanders@ameranth.com](mailto:ksanders@ameranth.com)

12230 El Camino Real, Suite 330  
San Diego, CA 92130-2090  
Tel: (888) AMERANTH Fax: (858) 794-8222  
<http://www.ameranth.com> HYPERLINK <mailto:info@ameranth.com>

# EXHIBIT 6

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 703-281-4995

**AMERANTH TECHNOLOGY SYSTEMS™  
AND COMTEC INFORMATION SYSTEMS  
ANNOUNCE THE FORMATION OF A STRATEGIC ALLIANCE**

RANCHO SANTA FE, California, May 17, 1999—Ameranth Technology Systems, Inc., a leading provider of Wireless Systems Solutions™, announced today that an agreement has been reached on the creation of a new strategic alliance with Comtec Information Systems, Inc., Warwick, Rhode Island. The Ameranth-Comtec alliance will leverage Ameranth's existing strategic alliance with Symbol Technologies, which was announced on April 19, 1999, under terms of which, Ameranth is Symbol's launch partner for revolutionary wireless computer products.

Under terms of the Ameranth-Comtec agreement, Ameranth will make use of Comtec's advanced printing technology to launch a line of printers targeted at automating restaurants. These products will enable on-the-spot printing of customer receipts and other hard-copy records. Comtec will provide engineering, manufacturing, and technical support, thereby freeing Ameranth to concentrate its efforts on mobile computing and wireless communications technology, which are Ameranth's core strengths.

The first new product resulting from the alliance is a portable printer that will print receipts for handheld, point-of-sale applications. The new printer weighs only one pound, clips to the operator's belt, and has a clamshell design for easy paper loading. The printer is shock protected and weatherproofed so as to be usable outdoors in most conditions, and it has an optional bi-directional, dual track, magnetic card reader, which makes it ideal for hospitality applications.

"We are excited about the alliance with Comtec," said Keith McNally, CEO of Ameranth, "because Comtec provides the best portable printing solutions in the world and because Comtec is a first-rate engineering organization that focuses on portable printing and that can be counted on to provide industry leadership in that area for years to come. Comtec consistently delivers rugged, durable, easy-to-use, state-of-the-art products. They are an ideal partner for Ameranth, because we can depend on them to have their part of system development completely covered."

-more-

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

Robert Petteruti, Comtec's President and COO, echoed his counterpart's sentiments. "We strive to design and manufacture the finest portable printing solutions in the world," he explained, "but it takes an association such as this new alliance with Ameranth to really project our printers into new and explosive markets. Partners like Ameranth give us an extra dimension. They integrate our equipment into expert systems that profit business segments that are new to us. This helps us, it helps Ameranth, and I am especially impressed by the potential we now have to help a whole new class of customers in the Hospitality Industry."

The first of new products resulting from the Ameranth-Comtec alliance will be introduced at this year's National Restaurant Association (NRA) Show in Chicago, May 22-25. In addition to appearing at booth 6254 at the NRA Show, Ameranth will showcase its new products at the HITEC Exhibition in Atlanta, June 22-24; the Western Foodservice & Hospitality Expo in Los Angeles, August 21-23; the Multi-Unit Foodservice Operator Show (MUFSO) in Dallas, September 12-15; the World Gaming Congress & Expo in Las Vegas, September 14-15; the Foodservice Technology Show (FSTEC '99) in Dallas, November 1-3; and the International Hotel, Motel, and Restaurant Show in New York, November 6-9.

Ameranth Technology Systems, Inc., was founded in 1996 primarily to provide wireless portable computing solutions to the hospitality, gaming, defense, and law enforcement industries and markets. Ameranth's products include handheld computers, scanners, access points, printers, and related software.

Comtec Information Systems, Inc., is the industry leader in the design, manufacturing, and support of innovative portable and desktop thermal printing solutions. At the forefront in the development of short-range RF and infrared communications, Comtec offers the smallest and lightest portable printers available today. The company's in-house media department offers a variety of preprinted and custom-formatted media supplies.

-30-

For additional information you may e-mail  
Kathie Sanders at [ksanders@ameranth.com](mailto:ksanders@ameranth.com)

12230 El Camino Real, Suite 330  
San Diego, CA 92130-2090  
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*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

# EXHIBIT 7





# News Release

May 22, 1999

Contact: John Cavanaugh

Phone: (888)HSI-POS1

E-mail: [johnc@hsi-pos.com](mailto:johnc@hsi-pos.com)

**Embargoed Material**  
**For Release May 22, 1999**

## **Hospitality Solutions International Signs on as Charter POS Partner for Ameranth Technology System's *21<sup>st</sup> Century Restaurant System***

*Hospitality Solutions International (HSI)*, total solution provider to the international hospitality community, has signed on as the charter POS partner for Ameranth Technology System's *21<sup>st</sup> Century Restaurant System™*, debuting this week at the National Restaurant Association Show in Chicago's McCormick Place. The *21<sup>st</sup> Century Restaurant System* features Ameranth's UltraPad™ 2700, a ¾ pound, wireless, handheld computer utilizing Microsoft Windows™ CE. Other key partners include Symbol® Technologies, Inc., IBM®, JTECH<sup>SM</sup> Communications, Inc., COMTEC Information Systems, Inc., and The Customer Connection, Inc. This state of the art wireless technology will be displayed at the two company's tradeshow exhibit booths, #5571 (HSI) and #6254 (Ameranth), located on the third level of McCormick Place. Hospitality Solutions International is a recognized leader in the development of technology solutions for the hospitality industry. The complete line of HSI products, **HSI POS™, Jaguar™ PMS, Falcon™ CRS and Cobra™ Sales and Catering** are designed utilizing the latest tools in the Microsoft Development Library and realize the inherent benefits of Windows NT™ 4.0 O/S and Microsoft SQL™ Server.

The *21<sup>st</sup> Century Restaurant System* utilizes the Microsoft's family of software products and Symbol Technologies Spectrum24 wireless network. Spectrum24 is an affordable, 2.4 Ghz spread spectrum, frequency hopping, wireless Local Area Network, which is 802.11 compliant and provides robust, secure, data and voice communications. It communicates at 2 Mbps and handles data and real-time voice simultaneously over the same wireless LAN. Microsoft Windows CE offers exceptional capabilities with seamless integration with the databases of information already in place throughout the hospitality industry.

6405 Congress Avenue, Suite 120 • Boca Raton, Florida 33487

Phone: (561) 241-9998 • Fax: (561) 241-8457 • Website: [www.hsi-solutions.com](http://www.hsi-solutions.com)

Hospitality Solutions International – Single Source, Single Platform, Total Solution  
Apple, Exhibit 1012, Page 578

HSI recognizes the positive, long-term effects wireless communications will have on the hospitality technology industry. "HSI is particularly excited about the benefits that wireless communication provide to the end user," says George A. Zugmier, President of HSI. "When coupled with a comprehensive POS application like our own, the rewards for operators of restaurants, hotels, resorts and stadiums are endless. Ameranth and their partners have worked diligently to develop wireless technologies that will serve the hospitality community well into the next century," he adds.

"We are very excited that HSI has chosen to be our charter POS partner. HSI has a strong leadership position in the industry and enjoys a reputation as an innovator," said Keith McNally, CEO of Ameranth.

The 21<sup>st</sup> Century Restaurant System allows for wireless automation and integration of all restaurant processes including order taking, payment processing, inventory control, process control, wait-list management, table management, short and long range communications, and a host of other applications. Palm-in-hand control increases productivity, reduces costs and can dramatically improve customer service.

Ameranth Technology Systems, Inc. was founded in 1996 primarily to provide wireless computing solutions to the hospitality, gaming, Department of Defense, and law-enforcement industries and markets. Ameranth's products include handheld computers, scanners, access points, printers, and related software. You can view their entire line of products at the NRA Show, Booth #6254.

Hospitality Solutions International, a Microsoft Certified Solution Provider, maintains corporate offices strategically located in Scottsdale, Arizona and Boca Raton, Florida. Regional offices are established in Los Angeles and Chicago, with additional satellite offices located throughout the United States. International offices are located in Toronto and Vancouver, Canada as well as London, Paris, Stockholm, Hong Kong and Sydney. HSI is financially backed by GEOCapital Partners.

###

# EXHIBIT 8

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 703-281-4995

**AMERANTH TECHNOLOGY SYSTEMS™  
And SYMBOL TECHNOLOGIES® ANNOUNCE  
21<sup>st</sup> CENTURY RESTAURANT SYSTEM™**

**Handheld Computer and Wireless LAN Technology  
Automates Traditional Restaurant Processes**

CHICAGO, May 22, 1999—Ameranth Technology Systems, Inc., a leading provider of Wireless Systems Solutions™ to the hospitality industry, and Symbol Technologies, Inc., (NYSE: SBL) a world leader in wireless mobile computing, today announced the 21<sup>st</sup> Century Restaurant System at this year's National Restaurant Association (NRA) show.

The 21<sup>st</sup> Century Restaurant System is a fully integrated system that provides a long-awaited hospitality industry solution for traditional restaurant processes. The centerpiece of the 21<sup>st</sup> Century Restaurant System is Ameranth's UltraPad™ 2700, a handheld computer that integrates Symbol's Spectrum24 wireless local-area network and the Microsoft (NSDQ: MSFT) Windows CE operating system.

The combination of the three technologies offers unprecedented benefits to restaurateurs and their clientele. The 21<sup>st</sup> Century Restaurant System allows restaurant processes, including order taking, payment processing (credit card, debit card, smart card), inventory control, process control, waitlist management, table management, personnel management, management interface, valet parking, frequent-diner program interface, short- and long-range communications, and other applications, to be managed and controlled from Ameranth's handheld computer, dramatically increasing productivity, reducing cost, and improving customer service.

The Ameranth handheld computer communicates to other restaurant computers and devices by the Symbol Spectrum24 wireless local area network. Symbol's wireless local area network is based on industry standards and is the technology of choice at more than 40,000 customer locations in a number of global markets.

-more-

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

Other key partners in the 21<sup>st</sup> Century Restaurant™ System include IBM, for back-office server hardware and large-scale implementations; JTECH, the world leader in on-premise paging, for paging systems; Comtec Information Systems, a world leader in mobile printing, for portable printers; The Customer Connection, a leader in frequent dining-programs, for frequency programs; System Concepts, Inc., the developer of FOOD-TRAK®, the industry's first and foremost food and beverage management system for back-office inventory and recipe and menu management; and leading POS, companies, led by the charter POS partner, Hospitality Systems International HSI, a leading POS company for both restaurants and hotels. Additional partners will be announced.

Spectrum24, Symbol's open-architecture wireless network, provides high-performance data and voice-over-IP communications with excellent immunity to interference. Its frequency hopping technology ensures robust and reliable data throughout. Spectrum24 also features selectable power management for application optimization, as well as encryption capabilities to ensure data security. Spectrum24 is designed to support the IEEE 802.11 wireless LAN standard. Operating in the 2.4GHz band using spread-spectrum modulation, Spectrum24 allows fast, seamless roaming with load balancing among cells. Its capacity and range are expandable through the use of multiple access points.

Microsoft Windows CE offers exceptional capabilities with seamless integration with the databases of information already in place throughout the hospitality industry.

"Our mission is to work with Symbol and Microsoft to provide worldwide-standard wireless systems solutions," said Keith McNally, CEO of Ameranth. "Ameranth's integration of Symbol's unparalleled technological advancements and the Microsoft Windows CE platform with the other capabilities of our partners will allow customers to deploy fully integrated software and hardware solutions that will provide optimal service, efficiency, and profitability for years to come"

"As a world-leading supplier of mobile computing wireless local area networks and related technologies, Symbol already provides the standard wireless solution for many industries. Our agreement with Ameranth and relationship with Microsoft will allow Ameranth to carry our standard of technological excellence into industries where they are already playing a leading role," said Joe McCormick, Senior Director for Emerging Technologies at Symbol Technologies.

"We are pleased that Ameranth and Symbol have chosen Windows CE as the mobile-computing backbone for the introduction of their 21<sup>st</sup> Century Restaurant System," said Tony Barbagallo, group product manager, Productivity Appliances Division, Microsoft Corp. "With Symbol's proven expertise in mobile computing and wireless networks,

-more-

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

Ameranth's vision and integration skills, and Microsoft's innovative family of software products and solutions, we share in their vision for the 21<sup>st</sup> Century Restaurant System."

In addition to appearing at the National Restaurant Association Show, Ameranth/Symbol will showcase their new products at HITEC in Atlanta, June 22-24; The Western Foodservice & Hospitality Expo in Los Angeles, August 21-23; MUFSSO in Dallas, September 12-15; The World Gaming Congress & Expo in Las Vegas, September 14-16; FS/TEC'99 in Dallas, November 1-3; and the International Hotel, Motel & Restaurant Show in New York, November 6-9.

Ameranth Technology Systems, Inc., was founded in 1996 primarily to provide wireless computing solutions to the hospitality, gaming, defense, and law-enforcement industries and markets. Ameranth's products include handheld computers, scanners, access points, printers, and related software.

Symbol Technologies, Inc., is a global leader in mobile data management systems and services with innovative customer solutions based on wireless local-area networking for voice and data, application-specific mobile computing, and bar-code data capture. Symbol's wireless LAN solutions are installed at more than 40,000 customer locations, and more than 7 million Symbol scanners and application-specific scanner-integrated mobile computer systems are in use worldwide. Symbol and its global network of business partners provide solutions for retailing, transportation and distribution logistics, parcel and postal delivery, healthcare, education, manufacturing, and other industries.

-30-

For additional information you may e-mail  
Kathie Sanders at [ksanders@ameranth.com](mailto:ksanders@ameranth.com)

12230 El Camino Real, Suite 330  
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# EXHIBIT 9

# Wireless Systems Integration

## Valet Parking

- Remote wireless input of Frequent Dining card, name, license plate, etc.
- Auto-request car when finished dining

## Hostess Station

- Table management
- Reservation management
- Wait-list management
- Frequent Dining tracking
- Customer paging
- Valet paging

## Server

- Touch screen ordering
- Credit card/payment processing
- Signature capturing

## Manager

- Notified of top customers
- Reports safety issues
- Manager functions

## Waiting for Seating

- Pager lets customer relax in bar or garden while waiting
- Auto-page when table ready

**JTECH**

# AMERANTH™ 21<sup>st</sup> Century Restaurant™

## The Customer Connection

- Frequent Dining Program

## Kitchen

- Direct wireless server order input
- Wireless ready server notification
- POS system interface

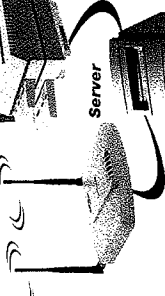
## Bus Staff

- Table status
- Real-time messaging

## POS Station

Monitor/Printer options

**symbol**  
Spectrum24®  
Access Point



## Back Office

**Microsoft**

- Applications software
- Database management
- Menu items
- Prices
- Orders
- Frequent customers
- Kitchen access
- POS access
- Internet gateway

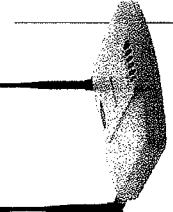
Frequent Dining, credit card processing, POS, Corporate and other systems

## Real Time Web Access

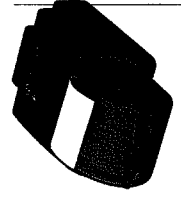
- Credit card approval
- Frequent Dining data updates
- Corporate data exchange
- Online reservations and waitlisting



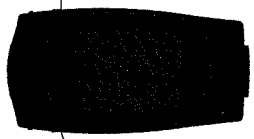
PadLink™ 100



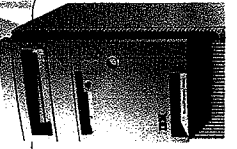
Spectrum24®  
Access Point



AmPrint™ 2100



UltraPad™ 2700



IBM®  
Server

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WIRELESS SYSTEMS SOLUTIONS

1 (888) AMERANTH  
www.ameranth.com



# 21<sup>st</sup> Century Restaurant™

## AMERANTH™ 21<sup>st</sup> Century Restaurant™



The System Control Center is a high-tech blend of key software functions integrated to maximize restaurant efficiency. Imagine having, at your fingertips, real-time access to all critical information pertaining to restaurant operations. Wireless access to e-mail, reservations, frequent-customer data, food menus and the POS system, all at the touch of a button.

*Let's walk through the workflow of a standard restaurant and describe how Ameranth's revolutionary system improves efficiency at each critical node.*

### Reservations

Ameranth's 21st Century Reservation System offers the restaurant manager a variety of means to process reservations. Diners can access the restaurant's reservation in-house reservation system online via **ameranth.com** to view table availability and reserve tables based on specific

**With Ameranth's UltraPad™ 2700, the hostess can graphically review open tables and query table status for wait times for a given table configuration.**

criteria. Diners can also phone in reservations. Office personnel can enter these reservations directly into the Control Center Server, or an employee can enter the data remotely using the UltraPad™ 2700 and wireless network.

**Frequent Dining Program**  
Ameranth's Customer Select frequency application offers the restaurant a seamless way to enroll, track and manage frequent-customer programs. Ameranth's relational database, available both locally on the restaurant's Command Center Server and via the Internet from a central database, gives the restaurant manager access to key customer data. This data include table and dining preferences, anniversary dates and other information that provides the customer with a

higher level of service. Ameranth's Customer Select frequency application also interfaces seamlessly with existing customer frequency programs such as those available from The Customer Connection and Customer Knowledgey.

### Waitlist and Table Management

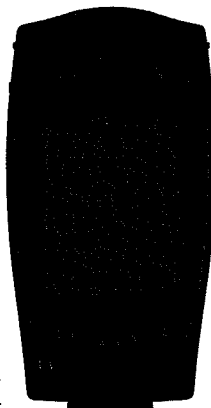
Ameranth's line-busting Waitlist Management application places key restaurant seating functions in the hands of the hostess and/or the restaurant manager. The integration of existing reservations and walk-in wait-listing is critical to customer satisfaction and maximum table turns per shift. With Ameranth's UltraPad™ 2700, the hostess can graphically review open tables and query table status for wait times for a given table configuration, e.g., table for six, non-smoking, by a window. Synchronized with the Command Center Server via the 2.4GHz wireless local area network, the hostess always knows reservation and wait status. The system calculates wait times based upon historical data and standard restaurant practices (day, time, table configuration, number in

party, etc.). The system automatically recommends the next available table for the waiting party and will page the party when the table is being prepared for seating.

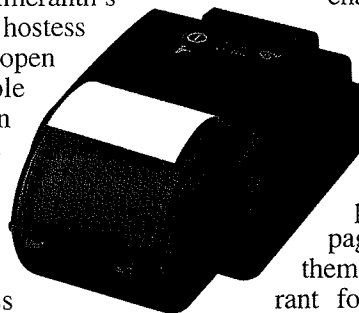
### Table Status Application

How does the Command Center and, therefore, the hostess know the status of a table? Ameranth™ developed the low-cost PadLink™ as a means to send wireless messages indicating table status to the Command Center. Available table status messages include "table available," "table occupied," "bussing in process," "tables x and y connected" and others. For example, when the Waitlist and Table Management Function receives the PadLink™ message "bussing in process," the application identifies the table characteristics and matches

those characteristics to the party waiting the longest for that table. At that time, the hostess can prepare the party to occupy the table, or send a page to the party notifying them to return to the restaurant for seating. Wait times, notifications and other functions formerly performed by the hostess are automatic, allowing the hostess to focus on customer interaction and providing a higher level of service.



UltraPad™ 2700



AmPrint™ 2100

### Key Features

#### Command Center PC Server

- 2.4GHz Connectivity throughout restaurant
- Online reservations
- Frequent-customer application
- Restaurant statistics
  - table turns
  - sales per server
  - peak period analysis
  - other custom functions

#### Server Station

- UltraPad™ 2700 handheld computer communicates with hostess station and Command Center via 2.4GHz wireless LAN

#### Hostess Station

- UltraPad™ 2700 handheld computer talks to Command Center via 2.4GHz wireless LAN

- reservations
- waitlist management
- customer paging/valet parking
- UltraPad™ 2700 communicates with PadLink™ table status indicator via 2.4GHz wireless LAN
  - hostess station updated with table available, occupied or bussing status
  - hostess station updated with status of tables/chairs moved, connected or delete

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

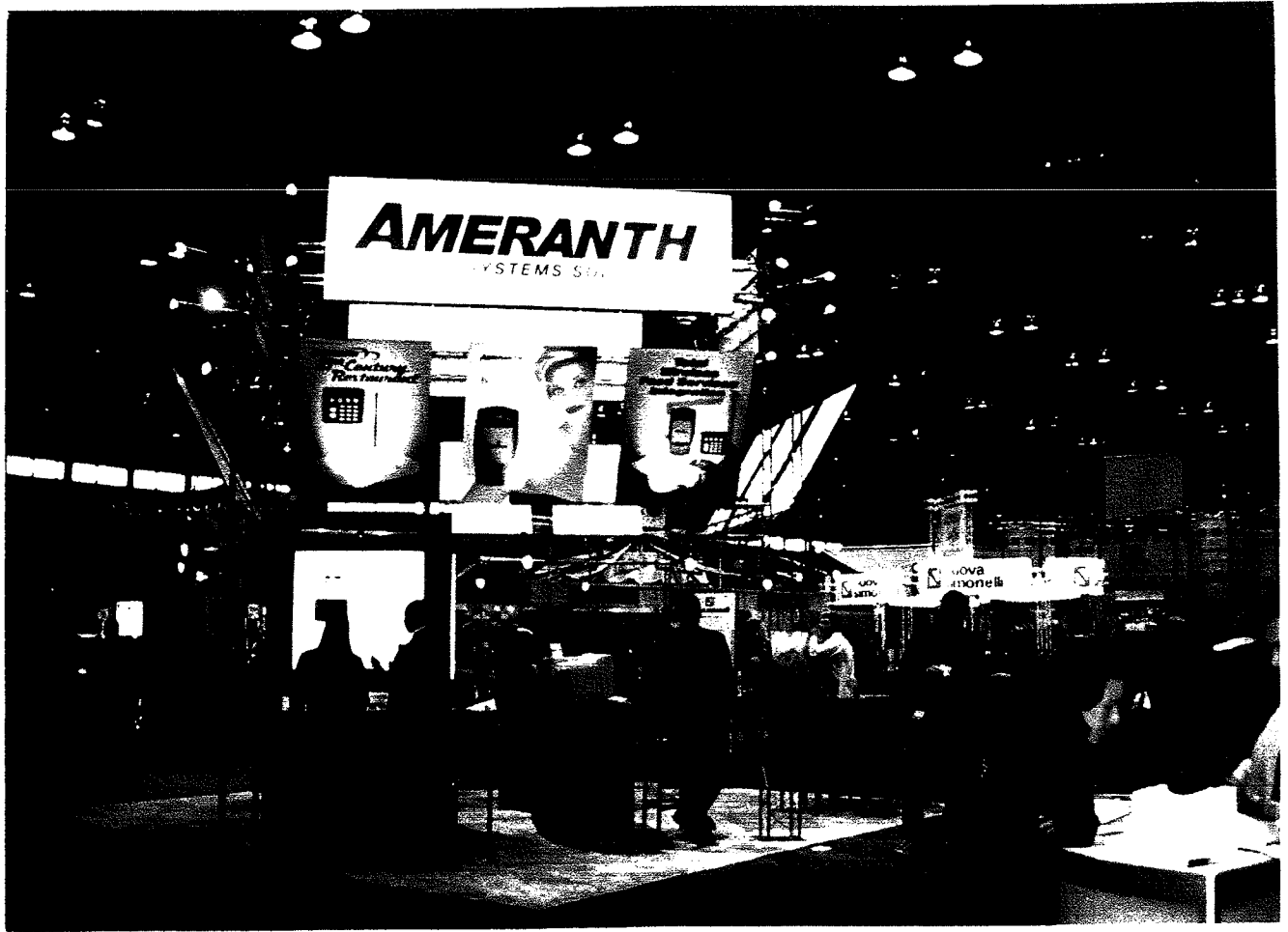
AMERANTH TECHNOLOGY SYSTEMS, INC.

12230 El Camino Real, Suite 330  
San Diego, California 92130-2090

(858) 444-1111  
www.ameranth.com

Apple, Exhibit 100, Page 586

# EXHIBIT 10



# EXHIBIT 11

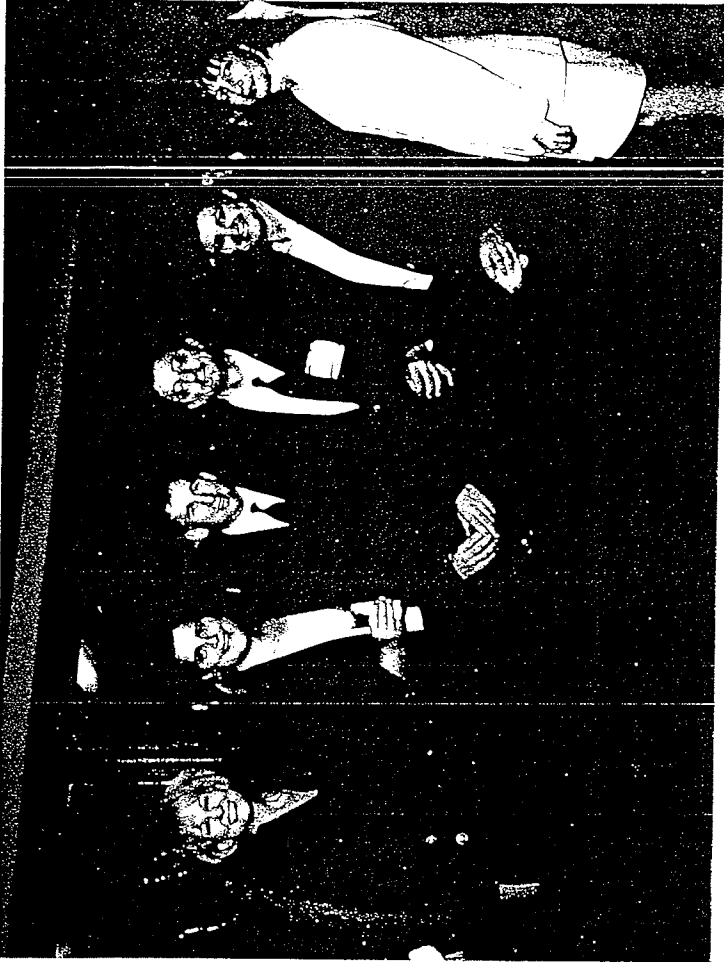
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# 206



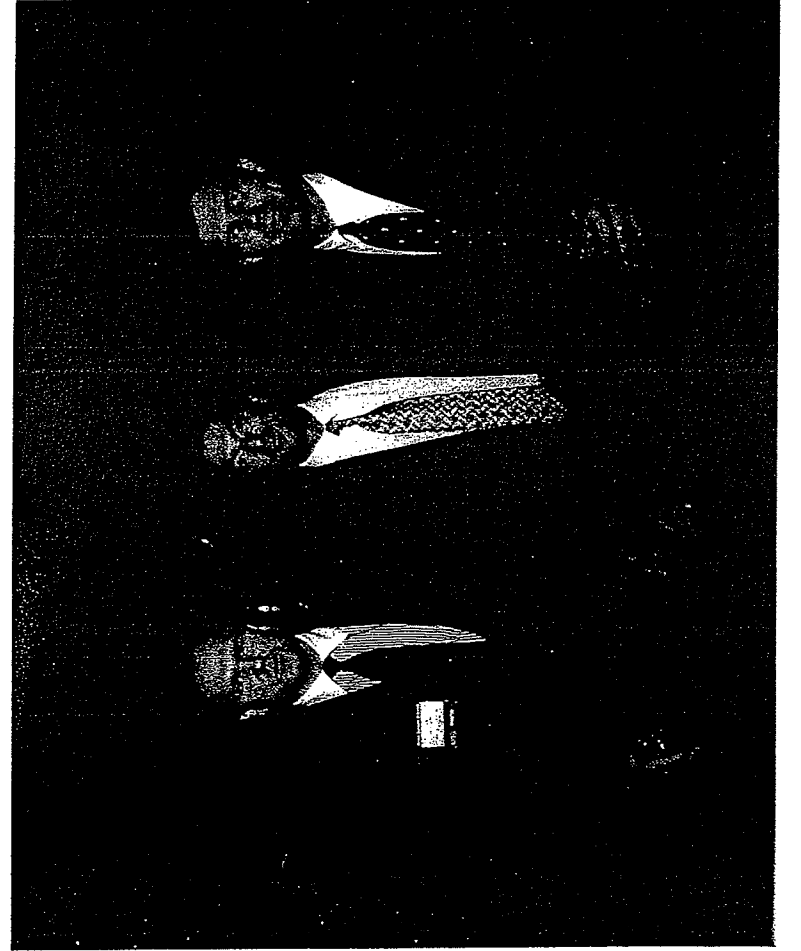
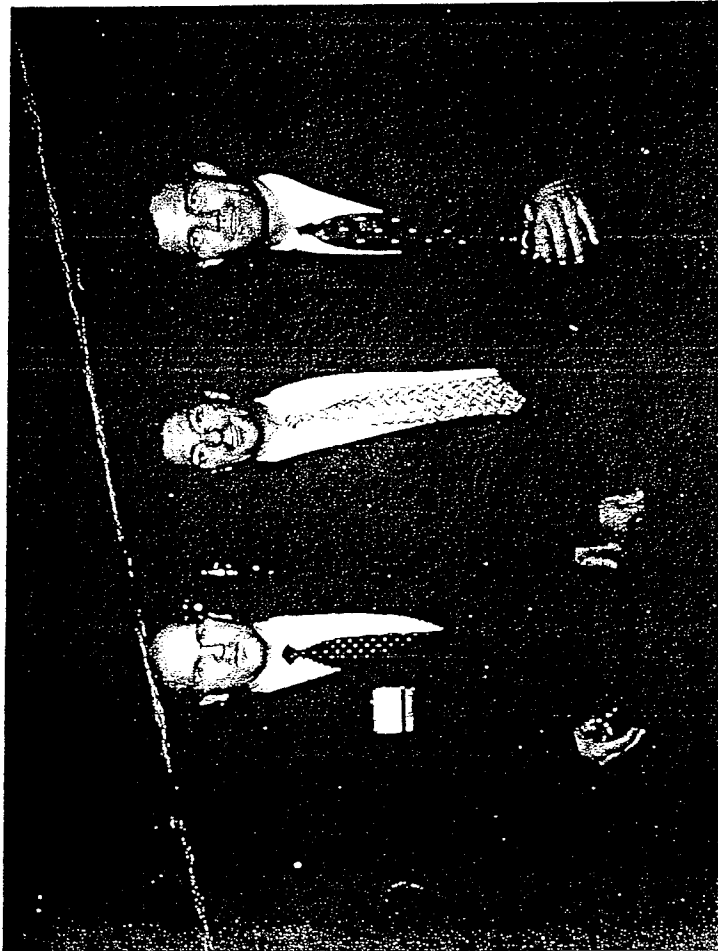
# EXHIBIT 12



#226

#202

#201



# EXHIBIT 13



# RESTAURANT SHOW

**MONDAY**

**MAY 24, 1999**

VOLUME 15 • NUMBER 3

PENTON FOODSERVICE NETWORK

2 Monday, May 24, 1999

RESTAURANT SHOW DAILY

## What's the most interesting thing you've seen or heard during the Show?



"Tomorrow, the Women's Foodservice Forum will be announcing some important info from a study on women executives in the foodservice industry."

—David Winkel, executive vp business development, Marketing Strategy and Planning, Inc., Rocky Mount, NC



"What I thought was really cool was Smucker's Plate Scapers and Ameranth's wireless point-of-sale system. We're looking into it."

—Dean Langfitt, director of management information services, Grinders, Minerva, OH



"McFarland's Foods has an all-chicken bacon alternative. Nutrition is the way to go."

—Jeff Guilmette, command foodservice manager, Air Force, Hurlburt Field, FL



"There's a new French fry from Lamb Weston that doesn't need to be frozen. It can sit in the refrigerator for up to five days."

—Karen Roberts, marketing manager, Sodexho Marriott Services, Newark, DE



"Coconut breaded onion rings."

—Michael Dant Miller, Bob Marks, owners, Wilbert's Bar & Grille, Cleveland, OH

This issue courtesy of

**CHICKEN**  
for  
**THE N**  
**BURGER CROWD™**

Visit us at Booth 6237  
See our ad on page 17

# EXHIBIT 14

Food.com/Ameranth Strategic Alliance

**GENERAL:** Food.com and Ameranth have agreed to establish a strategic alliance to exploit their respective skills and capabilities to optimize the success and value of both companies.

**NATURE OF RELATIONSHIP:** Food.com intends to become the standard in internet food ordering and then to expand that base into other areas. Ameranth not only supports that goal but will assist Food.com in achieving it through its own initiatives as well as those of its other strategic partners. Ameranth will establish Food.com as the standard online food ordering system in its 21st Century Restaurant™ System, 21st Century Hotel™ System, the 21st Century Casino™ System and 21st Century Theme Park™ System. The latter two will be announced in Sept 99 and Q1 2000 respectively. Ameranth will aggressively pursue relationships and interfaces with all of the major POS suppliers and include Food.com ordering interfaces in its back-office software/Windows based communications module. Ameranth will also develop and market wireless links on its Ultrapad™ 2700 Windows CE terminal to the Food.com site through its relationships with Symbol, Microsoft and other partners. The interface between the Ameranth communications modules and Food.com ordering software will be jointly developed. Each side will fund its appropriate portion of the interface and testing. Ameranth will also seek to establish links with its frequent customer partners and customers to offer links to the Food.com site and thus accelerate the acquisition of new customers/partners for Food.com. Food.com will pay a nominal/reasonable payment for Ameranth providing these new customers to Food.com. In parallel, Food.com will establish the Ameranth reservations/wait-listing software as its standard for those functions, offer it to appropriate customers and the two companies will work to establish a seamless interface. Generally, the partner that has the relationship with the end customer will take the lead on a particular opportunity, however the team will work closely together and incorporate the Ameranth software modules into the Food.com web-site/GUI and leverage from that existing standard as much as possible. License fees and/or revenues will be shared based on the appropriate value of each side on the particular opportunity and both companies will be flexible and reasonable in costing to rapidly achieve major market penetrations. Both companies will make it a priority to achieve these interfaces quickly and will cooperate in selected beta-sites for the fall of 1999. Food.com will provide Ameranth reasonable assistance in gaining support from the venture capital community in the next round of financing. The companies will share leads where appropriate, leverage marketing costs and show attendance wherever possible and work toward an overall goal of greatly enhancing the values of the respective companies through this alliance.

**TERM:** The period of this agreement will be for two years from June 17, 1999. The agreement may be terminated by either party with six months notice, however the other side must be given thirty days to correct any issue and termination should be considered an extreme event in response to a major breach or unreasonable position from the other side.

**DELIVERY/PAYMENT TERMS:** These will be industry standard and established in individual purchase orders or financial agreements.

**DISPUTES:** Disputes, if any, will be resolved at the appropriate level if possible and brought to the President's attention for their resolution when not resolved at a lower level.

**CHANGES:** Changes will be made when required subject to mutual agreement.

**GOVERNING LAW:** The laws of the State of California will be in force.

**FOR AMERANTH:** Neil R. Kelly TITLE: PRESIDENT

**FOR FOOD.COM:** [Signature] TITLE: EVP

# **EXHIBIT 15**

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 703-281-4995

## AMERANTH TECHNOLOGY SYSTEMS™ and SYMBOL TECHNOLOGIES® ANNOUNCE 21<sup>ST</sup> CENTURY HOTEL™

### Hand-Held Computer and Wireless LAN Technology Allow Enterprise-wide Wireless Automation

ATLANTA, June 22, 1999—Ameranth Technology Systems, Inc., a leading provider of Wireless Systems Solutions™ to the hospitality industry, and Symbol Technologies, Inc., (NYSE: SBL) a world leader in wireless mobile computing, today announced the 21<sup>st</sup> Century Hotel™ at this year's Hotel Industries Technology Exposition & Conference (HITEC).

The 21<sup>st</sup> Century Hotel is a fully integrated system that provides a long-awaited hospitality industry solution for traditional hotel applications. The centerpiece of the 21<sup>st</sup> Century Hotel system is Ameranth's UltraPad™ 2700, a handheld computer that integrates Symbol Technologies Spectrum24® wireless local area network and the Microsoft Windows® CE operating system.

The combination of the three technologies offers unprecedented benefits to hotel operators and the guests they serve. ***For the first time, there is a single handheld computer and a single wireless systems solution that is ideal for all hotel applications:*** check-in; payment processing (credit card, debit card, smart card); valet parking; VIP and frequency program management; housekeeping management; mini-bar, fixed asset, and expendables inventory; management interface; remote order entry, including pool-side, court-side, and the eighteenth hole; personnel management; facilities maintenance and management; Ameranth's 21<sup>st</sup> Century Restaurant™ applications, including order entry, inventory control, process control, wait-list management and table management; event, meeting, and conference management and control; golf course check-in, management, and control; short- and long-range communications, and more. And with the 21<sup>st</sup> Century Hotel system's advanced systems integration, the UltraPad 2700 will work seamlessly with legacy and current applications so there is no need to change primary vendors.

-more-

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

The Ameranth handheld computer communicates to Ameranth's middleware and then with other hotel computers and devices by way of Symbol's Spectrum24 wireless local area network. Symbol's wireless local area network is based on industry standards and is the technology of choice at more than 40,000 customer locations in a number of global markets.

Other key partners in the 21<sup>st</sup> Century Hotel system include JTECH, the world leader in on-premise paging, for paging systems; Comtec Information Systems, Inc., a world leader in mobile printing, for portable printers; The Customer Connection, a leader in frequency programs, for frequency and VIP programs; and leading hospitality systems providers, led by the charter hospitality systems partner, Hospitality Solutions International (HSI), a leading systems provider for both restaurants and hotels. Food.com "The Internet's Largest Takeout and Delivery Service and Future Food Portal" will be the standard on-line food ordering system for the 21<sup>st</sup> Century Hotel system as well as for the previously announced 21<sup>st</sup> Century Restaurant system, and Ameranth's reservations/waitlisting software will be incorporated into the Food.com solution. Additional partners will be announced.

Spectrum24, Symbol's open-architecture wireless network, provides high-performance data and voice-over-IP communications with excellent immunity to interference. Its frequency hopping technology ensures robust and reliable data throughput. Spectrum24 also features selectable power management for application optimization, as well as encryption capabilities to ensure data security. Spectrum24 is designed to support the IEEE 802.11 wireless LAN standard. Operating in the 2.4GHz band using spread-spectrum modulation, Spectrum24 allows fast, seamless roaming with load balancing among cells. Its capacity and range are expandable through the use of multiple access points.

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"Our mission is to work with Symbol and Microsoft to provide world-wide-standard wireless systems solutions," said Keith McNally, CEO of Ameranth. "Ameranth's integration of Symbol's unparalleled technological advancements and the Microsoft Windows CE platform with the other capabilities of our partners will allow customers to deploy fully integrated software and hardware solutions that will provide optimal service, efficiency, and profitability for years to come."

In addition to appearing with Symbol Technologies at booth 1353 at HITEC in Atlanta, June 22-24, Ameranth will showcase its new products at the Western Foodservice & Hospitality Expo, August 21-23, in Los Angeles; MUFSO, September 12-15, in Dallas; The World Gaming Congress & Expo September 14-16, in Las Vegas; FS/TEC'99, November 1-3, in Dallas; and the International Hotel/Motel & Restaurant Show, in New York, November 6-9.

-more-

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-30-

For additional information you may e-mail  
Kathie Sanders at [ksanders@ameranth.com](mailto:ksanders@ameranth.com)

12230 El Camino Real, Suite 330  
San Diego, CA 92130-2090  
Tel: (888) AMERANTH Fax: (858) 794-8222  
<http://www.ameranth.com> HYPERLINK <mailto:info@ameranth.com>

# EXHIBIT 16



# Wireless Systems Integration

## Valet Parking

- Remote wireless input of name, license plate, VIP or frequency program card, parking ticket number, etc.
- Auto-request car during check-out
- Cost automatically added to bill
- Remote payment

## Remote Check-in/ Check-out

- Airport
- In-route
- Curbside
- Clubhouse
- Conference/  
Meeting/Event
- Restaurant (check-out)

## Inventory Control

- Mini-Bar
- Fixed assets
- Expendables

## Conference/ Meeting Room

- Remote registration/check-in
- Maintain rosters, agendas, and schedules
- Order/modify orders
- Instant access to event information
- Access to internet and E-mail

## Remote Order Entry

- Poolside, courtyard, ninth and eighteenth holes

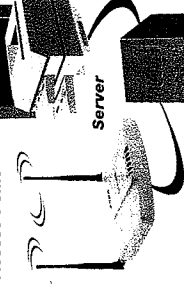
## Manager

- Alerts
- Reports
- Communications
- Management applications

## Mobile Communications

- Guest
- Manager
- Employee

## Back Office Station



## Microsoft

- Applications software
- Ameranth middle-ware
- Database management

VIP and frequency programs, credit card processing, PMS, POS, Corporate, and other systems

## Real Time Web Access

- Golf, event, show, and facility reservations and waitlisting
- VIP and frequency program updates
- Corporate data exchange
- Online food ordering

## Process Control

- Housekeeping
- Groundskeeping
- Maintenance
- Security

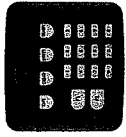
# AMERANTH™ 21<sup>st</sup> Century Hotel



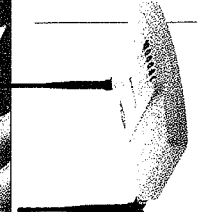
- Includes 21<sup>st</sup> Century Restaurant™ functionality



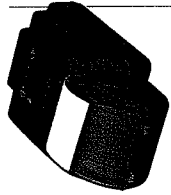
NetVision  
Phone



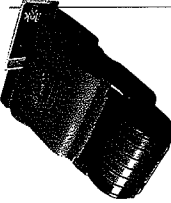
PadLink™  
100



Spectrum24®  
Access Point



AmPrint™ 2100



Portable  
Encoding Printer

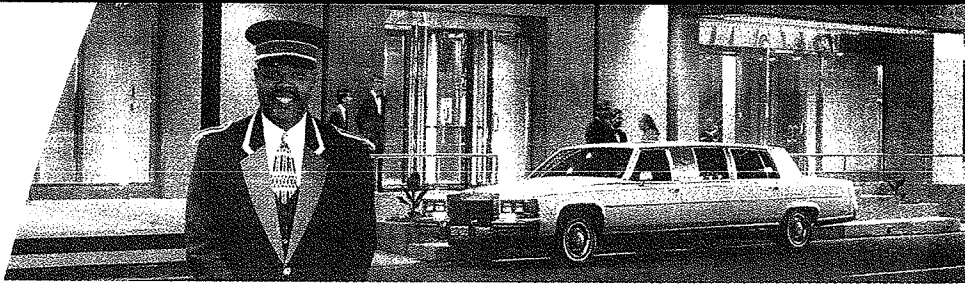


UltraPad™  
2700

**AMERANTH**  
WIRELESS SYSTEMS SOLUTIONS

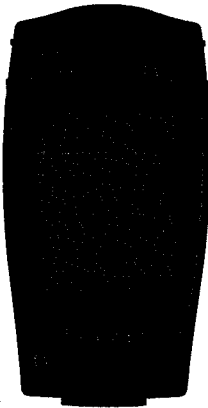
1 (888) AMERANTH  
www.ameranth.com

## AMERANTH™ 21<sup>st</sup> Century Hotel™



The 21st Century Hotel™ is a fully integrated system that provides a long-awaited hospitality industry solution for traditional hotel applications. The centerpiece of the 21st Century Hotel system is Ameranth's UltraPad™ 2700, a handheld computer that integrates Symbol Technologies® Spectrum24 wireless local-area network and the Microsoft Windows® CE operating system.

The combination of the three technologies offers unprecedented benefits to hotel operators and the guests they serve. For the first time, there is a single handheld computer and a single wireless systems solution that is ideal for all hotel applications: remote check-in; payment processing (credit card, debit card, smart card); valet parking; VIP and frequency program management; housekeeping management; mini-bar, fixed asset, and expendables inventory; management interface; remote order entry, including pool-side, court-side, and the eighteenth hole; personnel management; facilities maintenance and management;



UltraPad™ 2700

### For the first time, there is a single handheld computer and a single wireless systems solution that is ideal for all hotel applications

event, meeting, and conference management and control; golf-course check-in, management, and control; short- and long-range communications, Ameranth's 21st Century Restaurant™; and more.

And with the 21st Century Hotel system's advanced systems integration, the UltraPad 2700 will work seamlessly with legacy and current applications so that there is no need to change primary vendors. Ameranth handheld computers communicate to Ameranth's middleware, residing on the Command Center PC Server, and then with other hotel computers and applications by way of Symbol's Spectrum24 wireless local area network, which is based on industry standards and is the technology of choice at more than 40,000 customer locations in a number of global markets.

Because Spectrum24 is an open-architecture wireless network that provides high-performance data and voice-over-IP communications with excellent immunity to interference, Spectrum24 is the perfect network to provide total voice and data communications coverage throughout the enterprise.

#### Remote Check-in/Check-out

Hotel guests can now be checked in and checked out anywhere on or off the facility. Using short-range communications, Ameranth's UltraPad 2700, and the portable encoding key printer, guests can be checked in or out curbside, in the lobby, at the clubhouse, at the conference registration desk or anywhere else in the facility.

Using long-range communications, they can be checked in at the airport, or in transit from the airport to the hotel. And with the 21st Century Hotel's advanced systems integration, guests can even check out of the hotel in the restaurant when they pay for breakfast, or as they finish breakfast on the concierge level, before rushing out on the last morning of their stay.

#### VIP and Frequency Programs

During check-in, the UltraPad 2700 card reader can read VIP and Frequency Program mag-stripe cards and interface directly with VIP and frequency applications.

#### Remote Ordering

With the UltraPad 2700 handheld and Ameranth's AmPrint™ 2100 one-pound portable printer, waiters, waitresses, and other skilled customer service personnel can spend more time with the customer because fewer trips are required and because less qualified personnel can run food and beverages out to the waiters' and waitresses' satellited areas.

#### 21st Century Restaurant

In addition to providing wireless, remote ordering, the 21st Century Restaurant applications available in the 21st Century Hotel, provide table, wait-list, and reservation

management applications that extend from the guest's room via interactive television or telephone to the Command Center PC Server all the way to the handheld computer in the restaurant hostess' hand. Moreover, the 21st Century Restaurant can take inventory, catering, personnel, management, and other applications out of the back office and place them where the work is being done.

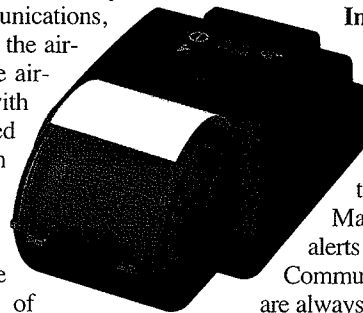
#### Event, Conference, and Meeting Management and Control

Registration for events, conferences, and meetings can now be handled remotely with ease. Information on attendees, schedules, events, and hotel services is always available and can be updated remotely. Communications with employees are always maintained.

#### Inventory Control

Mini-bar inventories, linen inventories, furniture inventories—as the inventory is being done, it is transmitted seamlessly to the controlling application.

Management reports and alerts are available immediately. Communications with employees are always maintained.



AmPrint™ 2100

#### Process Control

The progress of housekeeping, groundskeeping, security inspections, maintenance, and more can be immediately entered. Management reports and alerts are available immediately. Communications with employees are always maintained.

#### Management Interface

Management can access and use hotel applications from anywhere in the facility. Management alerts and reports are available immediately. Communications are always maintained.

#### Mobile Communications

Guests, management, and employees can all communicate on the same wireless LAN, using NetVision phone, UltraPads, and PCs via voice or data.

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

AMERANTH TECHNOLOGY SYSTEMS, INC.  
12230 El Camino Real, Suite 330  
San Diego, California 92130-2090

1 (888) AMERANTH  
www.ameranth.com

# EXHIBIT 17



*Left to right: Bill Schwartz, president of Systems Concepts Inc. (SCI, Scottsdale, AZ); Ameranth CEO and president Keith McNally; Larry Hausman, publisher of Hospitality Technology and Manny Negreiro, president of Ibertech (Bedford, TX).*

**Ameranth Debuts Handheld, Partnerships at NRA**

**CHICAGO**—Ameranth Technology Systems (Rancho Santa Fe, CA) celebrated five partnerships and the launch of its Windows CE-based 21st Century Restaurant System at the 80th annual National Restaurant Association Show.

The Ameranth and Symbol Technologies (Holtsville, NY) strategic alliance has produced a wireless computing solution that marries the UltraPad 2700 Windows CE handheld with the Spectrum24 2.4 GHz data and voice communications system. Operators may process orders and payments, take inventory counts and manage guest-seating arrangements with the portable, handheld solution.

Comtec Information Systems (Warwick, RI) is on-board to produce a portable, POS receipt printer. Other partners with Ameranth include Hospitality Solutions International (HSI, Boca Raton, FL), IBM (Raleigh, NC), JTech Communications (Boca Raton, FL) and The Customer Connection (Escondido, CA).

An Ameranth-hosted cocktail party held at the Ritz Carlton Hotel culminated the most audible "buzz" heard on the show floor at McCormick Place.

Ameranth Technology Systems, infoNOW #200

**Krystal-Lighthouse Union has Radiant Beaming**

**Atlanta**—Quick service hamburger chain. The Krystal Company (Chattanooga, TN), will roll out the Lighthouse Site & Headquarters Management Solution from Radiant Hospitality Systems. The front- and back-of-the-house platform will be installed in about 350 sites company-wide. The Windows NT-based solution "puts information into the hands of store managers, providing them with powerful tools to make decisions that positively impact the business," said David Bibb, director of information systems for Krystal.

Radiant also landed similar installations at 470 owned and domestic-franchised locations of Ruby Tuesday's (Mobile, AL), the casual dining chain that includes three concepts: Ruby Tuesday's, American Café and Tia's Tex-Mex.

Radiant Hospitality Systems, infoNOW # 201

**Foodservice ERP Deals for Lawson**

**Minneapolis**—Lawson Software has added three restaurant chains to its growing list of foodservice operators that have purchased Lawson INSIGHT II, the company's ERP solution. Einstein, Noah Bagel (Golden, CO), a 536-unit chain, has purchased the financials, procurement and human resources process suites, as well as Lawson's Performance Indicator and Web Self-Service modules. Harrigan's Restaurants operator Pinnacle Restaurant Group (Irving, TX) will use INSIGHT II Financials through an implementation team that includes Stonebridge Technologies (Dallas) and Ernst & Young (New York).

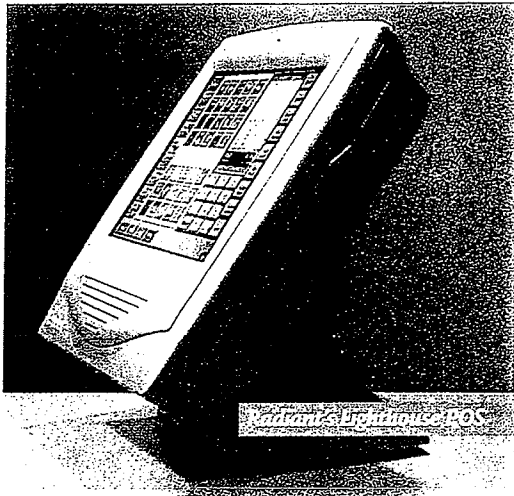
Seattle Crab and Skipper's Seafood 'n Chowder franchisor Skipper's Inc. (Bellevue, WA) purchased INSIGHT Human Resources and Financials suites to process payroll and accounting on the operator's IBM AS/400 midrange system.

Lawson Software, infoNOW #202

**Progressive Adds Distribution Trio**

**Charlotte, NC**—Progressive Software has expanded its presence in the indirect reseller channel with the addition of three distributors for its foodservice technology solutions. Applied Technology Ventures (ATV, Cleveland and Irvine, CA) has 18 years of foodservice integration experience. ATV is providing store training services and installation for Progressive's IRIS POS/Back Office and Smart 2 for Windows NT solution at Krispy Kreme Doughnut Corporation. Century Data Systems (Raleigh, NC) will target mid- and large-sized franchisees from its nine east coast offices. Retail Data Systems (Omaha, NE) has been tabbed to represent Progressive in the small chain and franchisee market, through its 22 nationwide locations.

Progressive Software, infoNOW #203



# EXHIBIT 18

# HOTEL BUSINESS<sup>®</sup>

THE NEWSPAPER FOR LODGING DECISION MAKERS

ICD  
PUBLICATIONS

July 7-20, 1999 • HB • 13

## HOTEL BUSINESS

### TECHNOLOGY TRENDS

## New Wireless Restaurant Technology Now Hitting Streets

RANCHO SANTA FE, CA—Ameranth Technology Systems and Symbol Technologies have a new line of 21st Century Restaurant wireless products. Ameranth's new line of products uses the 2.4Ghz frequency band and provides cost-effective, lightweight, ergonomic, multi-functional Microsoft Windows CE wireless handheld computing solution.

Ameranth's UltraPad 2700 is a lightweight, handheld, pen and/or touch screen, Microsoft Windows CE computer that will work for many hospitality applications such as order taking, payment processing, inventory control and table and wait-list management.

It is palm-sized and has a 1/4 VGA screen, optional integrated laser scanner, 4MB-16MB

RAM, 8MB-16MB Flash RAM, serial HotSync support, IrDA Port, long-life battery, printer support, adjustable backlight, and color screen option in a 12-ounce package that can withstand a four-foot drop and temperatures down to -20C. It also comes with an integrated Symbol, Spectrum24 2.4Ghz spread spectrum radio and optional laser scanner.

Symbol's Spectrum24 radio system is a frequency hopping, wireless local area network (LAN), which provides a solution for total restaurant automation.

The system offers robust, secure, data and voice communications, communicates at 24 Mbps and handles data and real-time voice simultaneously over the same wireless LAN. ☐

# EXHIBIT 19



FOOD.COM  
825 BATTERY STREET  
THE ENTIRE THIRD FLOOR  
SAN FRANCISCO, CA 94111  
PH: 415.981.5505  
FX: 415.981.4801

**FOOD.COM AND AMERANTH TECHNOLOGY ANNOUNCE PARTNERSHIP  
TO DEVELOP LINK FROM FOOD.COM SITE WITH AMERANTH'S 21ST  
CENTURY RESTAURANT SYSTEM**

Partnership Expected to Extend Transmission of Internet Takeout and Delivery Orders to Restaurant Kitchens and to Point of Sale Systems; Online Reservations and Wait-Listing Also Planned

SAN FRANCISCO AND SAN DIEGO, CA - July 15, 1999 - Food.com, the Internet's premiere online takeout and delivery service, and Ameranth Technology Systems, Inc., a leading provider of wireless systems solutions to the hospitality industry, today announced a partnership that company officials expect will extend the transmission of takeout and delivery orders placed online at [www.food.com](http://www.food.com) directly to restaurant kitchens and point of sale systems, thereby speeding transactions, reducing handling, and improving accuracy. Company officials also announced that the partnership will enable users to check wait times for restaurants, to place themselves on wait-lists before leaving for restaurants, and to make reservations online. Ameranth will also work closely with its strategic partners, such as Symbol Technologies, to enable the Food.com site to receive orders wirelessly from the emerging generation of wirelessly enabled smart devices.

"Our partnership with Ameranth fits perfectly into our plans for the delivery of online orders from a consumer's keyboard to a restaurant's kitchen," said Food.com's Chairman and CEO, Rich Frank. "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. The same capabilities that will allow for these improvements in online ordering will also enable users to make reservations, check wait times, and place themselves on wait-lists so that they don't have to spend endless hours waiting to get seated when they decide to dine out."

(more)



Ameranth introduced its 21st Century Restaurant( system in conjunction with Symbol Technologies, the world leader in mobile computing, at the National Restaurant Association tradeshow in Chicago on May 22, 1999. The 21st Century Restaurant system is a fully integrated hardware, software, mobile, and wireless architecture that provides the long-awaited hospitality industry standard for wireless automation and integration. The entire system employs the Microsoft( family of software products and Symbol Technologies Spectrum24 (wireless networks. The centerpiece of the 21st Century Restaurant system is Ameranth's UltraPad( 2700, a 3/4 pound, wireless, handheld computer using Microsoft Windows CE, which provides state-of-the-art capabilities for wireless POS, table management, wait-list management, reservations, frequent dining, Web-based links, management interface, and communications.

"We believe that our partnership with Food.com will provide restaurateurs and their clientele with the most convenient, most efficient solution possible," said Keith McNally, President and CEO of Ameranth. "Orders placed at [www.food.com](http://www.food.com) will find their way directly into the kitchen and into the point of sale system through our relationships with our POS partners - wait times, wait-lists, and reservations will be accessible online to customers, and will be available over the wireless LAN to hosts/hostesses whose handheld terminals will be updated as soon as customers make a reservation or place themselves on a wait-list."

#### **About Ameranth Technology Systems**

Ameranth founders and principals have extensive experience in developing, producing and deploying innovative and totally integrated wireless products, mobile computing and software systems. Based in the San Diego, CA area, Ameranth has established a wide range of key strategic alliances with industry leaders and best-of-breed product suppliers that enable Ameranth to provide breakthrough solutions that optimize efficiency, bust lines and eliminate waits in a wide variety of applications. Ameranth's most important alliances are with Symbol Technologies(, a world leader in wireless, bar-code scanning and rugged terminals, and Microsoft who provides Windows CE and its comprehensive family of Windows( products around which Ameranth has built the backbone of its wireless system solutions.

#### **About Food.com**

Food.com was founded in December of 1996 and is the largest service of its kind offering home and business meals on the Internet. With over 12,000 restaurants on the service nationwide and over 550,000 members, Food.com is also the exclusive takeout and delivery partner of America Online. Food.com has been a leader in aggregating the highly fragmented restaurant industry in order to provide consumers with a one-stop shopping site on the web for food takeout and delivery ordering. Eventually, Food.com intends to expand its offerings to include restaurant reservations, restaurant reviews, sending meals as gifts, specialty food offerings, and news related to food and dining. Food.com can be found on the World Wide Web at [www.food.com](http://www.food.com). Located in San Francisco, California, Food.com can also be contacted at (415) 981-5505.

(###)

# EXHIBIT 20

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders, (703) 281-4995

## **AMERANTH TECHNOLOGY SYSTEMS™ AND IBERTECH®, CREATORS OF ALOHA POS®, ANNOUNCE FORMATION OF A STRATEGIC ALLIANCE**

SAN DIEGO, California, July 26, 1999—Ameranth Technology Systems, Inc., a leading provider of Wireless Systems Solutions™, announced today that an Agreement has been reached on the creation of a new Strategic Alliance with Ibertech, Inc., Bedford, Texas, creators of Aloha point-of-sale software. The Ameranth-Ibertech Alliance will leverage Ameranth's existing strategic alliance with Symbol Technologies that was announced on April 19, 1999 and will incorporate Ameranth's 21<sup>st</sup> Century Restaurant™ system into Aloha's offerings.

Under terms of the Ameranth-Ibertech Agreement, Ameranth and Ibertech will integrate Ameranth's 21<sup>st</sup> Century Restaurant solutions and products into Aloha's offerings, and Aloha will designate Ameranth's hardware as its "recommended" wireless products.

Ameranth's 21<sup>st</sup> Century Restaurant system is a fully integrated system that provides a long-awaited hospitality industry solution for traditional restaurant processes. The centerpiece of the 21<sup>st</sup> Century Restaurant system is Ameranth's UltraPad™ 2700, a handheld computer that integrates Symbol's Spectrum24 wireless local area network and the Microsoft Windows CE operating system.

The combination of the three technologies offers unprecedented benefits to restaurateurs and their clientele. The 21<sup>st</sup> Century Restaurant System allows restaurant processes, including order taking, payment processing (credit card, debit card, smart card), inventory control, process control, waitlist management, table management, personnel management, management interface, valet parking, frequent-diner program interface, short- and long-range communications, and other applications, to be managed and controlled from Ameranth's hand-held computer, dramatically increasing productivity, reducing cost, and improving customer service.

-more-

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

The Ameranth handheld computer communicates to other restaurant computers and devices by the Symbol Spectrum24 wireless local area network. Symbol's wireless local area network is based on industry standards and is the technology of choice at more than 40,000 customer locations in a number of global markets.

"We are excited about the alliance with Aloha," said Keith McNally, CEO of Ameranth, "because Ibertech is a first-rate organization providing first-rate products. They have been looking for a handheld solution that offers functionality, reliability, and value that is consistent with their other offerings. We are pleased that they have found that solution in the 21<sup>st</sup> Century Restaurant system."

"All of us at Ibertech are pleased to enter into this alliance with Ameranth," said Manny Negreiro, president and CEO of Ibertech. "We are confident that this partnership will provide outstanding value to customers who seek the latest wireless technology in the new millennium. Ibertech believes that integrating Ameranth handheld computers into our solutions will bring even greater business opportunities for our customers."

Ameranth will showcase its new products at the Western Foodservice & Hospitality Expo in Los Angeles, August 21-23; the Multi-Unit Foodservice Operator Show (MUFSO) in Dallas, September 12-15; the World Gaming Congress & Expo in Las Vegas, September 14-15; the Foodservice Technology Show (FSTEC '99) in Dallas, November 1-3; and the International Hotel, Motel, and Restaurant Show in New York, November 6-9.

Ameranth Technology Systems, Inc., was founded in 1996 primarily to provide wireless portable computing solutions to the hospitality, gaming, defense, and law enforcement industries. Ameranth's products include handheld computers, scanners, access points, printers, and related software.

Founded in 1992, Ibertech is an innovative software company that provides a comprehensive suite of point-of-sale solutions to the foodservice and hospitality industries. Ibertech's world-renowned products allow customers to implement hospitality systems that precisely meet their needs and demands. Ibertech's family of software products includes Aloha TableService, Aloha QuickService, Aloha Back Office Solutions, Aloha Customer Management Solutions, and aloha enterprise.com. Aloha can be contacted at (800) 79-ALOHA, or visit [www.alohapos.com](http://www.alohapos.com).

-30-

For additional information you may e-mail  
Kathie Sanders at [ksanders@ameranth.com](mailto:ksanders@ameranth.com)

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<http://www.ameranth.com> HYPERLINK <mailto:info@ameranth.com>

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

# EXHIBIT 21

# NATIONS Restaurant News®

THE NEWSWEEKLY OF THE FOODSERVICE INDUSTRY

Vol. 33, No. 31

PUBLISHED EVERY MONDAY • A LEBHAR-FRIEDMAN PUBLICATION® • \$5 PER ISSUE • <http://www.nrn.com>

AUGUST 2, 1999

56 • August 2, 1999

NATION'S RESTAURANT

## TECHNOLOGY

### NEWS DIGESTS

#### Food.com betting on wireless system

SAN FRANCISCO — A new partnership involving Internet takeout and delivery service Food.com and wireless systems provider Ameranth Technology Systems Inc., is expected to extend the transmission of takeout and delivery orders placed on-line directly to restaurant kitchens and point-of-sale systems, officials for both firms said.

Such a direct-transmission system should speed up transactions, reduce handling and improve order accuracy, the new partners reported. What's more, they said, the alliance could enable users to check wait times for specific restaurants, place themselves on the wait-list before leaving for restaurants and make reservations on line.

Sources at Ameranth said that company also would work with its strategic partner Symbol Technologies to enable the Food.com site to receive orders wirelessly from the emerging generation of wirelessly enabled smart devices.

Ameranth sells the 21st Century Restaurant system it developed in conjunction with Symbol Technologies.

The system uses Microsoft software, Symbol Technologies' Spectrum24 wireless networks and Ameranth's UltraPad 2700, a 12-ounce, handheld computer running Microsoft Windows CE.

#### Compaq teams with touch-screen maker

METHUEN, MASS. — MicroTouch Systems Inc., the world leader in computer touch-input technology, said giant Compaq Computer Corp. has selected MicroTouch Tek5 resistive touch screens for its first touch-enabled flat-panel monitors. In a separate announcement

Compaq introduced the TFT5000, a 15-inch touch-screen monitor.

#### Puck, partners pick Elo TouchSystems

FREMONT, CALIF. — Resistive technology touch-screen maker Elo TouchSystems Inc. said its products are part of the Squirrel Systems Inc. restaurant-management package now being used by the multiunit Spago fine-dining restaurant group.

#### TBT to grow, boosters say

NEW ORLEANS — Leading retailer and service company representatives attending a conference here indicated that they would accelerate their use of technology-based training, event organizers said.

The conference was staged by the Retail Industry Council for Interactive Instruction, which was created in 1996 to heighten awareness of both the successes and the best practices of Internet Web- and computer-based training.

#### ChefTec, Palm team for inventory chores

ATLANTA — Culinary Software Services Inc. has introduced a new tool for managing physical inventory: the Palm III pocket-sized organizer preloaded with the inventory application specifically designed to work with ChefTec and ChefTec Plus.

The customized Palm III application lets users move about their operation, entering inventory counts, and then upload the physical counts into the ChefTec application running on a desktop PC.

The Palm III has a backlit display. Packages including ChefTec and the Palm III, start at \$1,295, Culinary Software Services sources said.

<http://www.nrn.com>

# EXHIBIT 22

VOL. 8 NO. 15 AUGUST 7-20, 1999

THE NEWSPAPER FOR LODGING DECISION MAKERS

# HOTEL BUSINESS

ICD  
PUBLICATIONS

34 • HB • August 7-20, 1999

## HOTEL BUSINESS

### TECHNOLOGY TRENDS

#### TECH BYTES

*ATLANTA— Here's just a sampling of some of the products introduced at this year's HITEC 99 conference:*

**AMERANTH TECHNOLOGIES** and **SYMBOL TECHNOLOGIES** launched the 21st Century Hotel, a single, handheld computer and a single wireless systems solution that can be used for a number of applications at

hotels, including check-in, payment processing (credit card, debit card, smart card), valet parking; VIP and frequency program management; housekeeping management; mini-bar, fixed asset, and expendables inventory; management interface; remote order-entry, including poolside, courtside and the 18th hole; personnel management; facilities main-

tenance and management. It also handles Ameranth's existing 21st Century Restaurant applications.

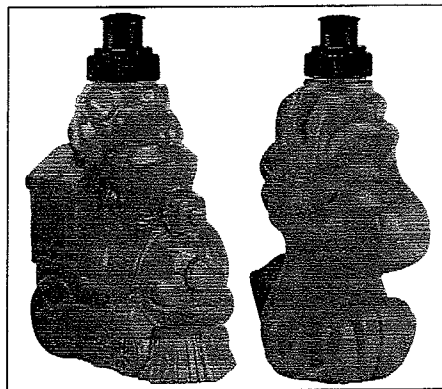
**Circle Reader Action No. 200**



# EXHIBIT 23

# Best New Products

## New for Kids' Meals & Birthday Meals



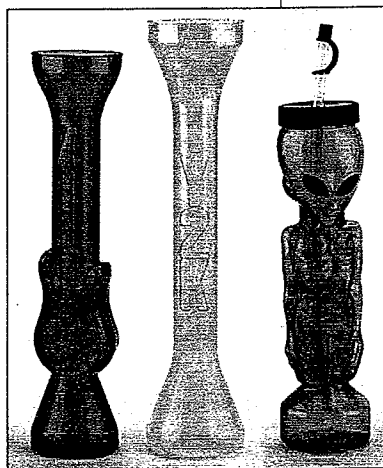
**T**ired of the same imported kids' meal toys? Try something new and exciting! Twelve-ounce Sippers can be sold empty—or fill them with your favorite beverage. They can be sold as a stand-alone drink or added to a kids' or birthday meal! Sippers are made in the U.S.A. with FDA-approved resins, available in a wide variety of characters and colors. Custom characters can be made to order.

For more information, contact Unique Container Corp. at (800) 796-9518 or (949) 646-3934, or visit [www.uniquecontainer.com](http://www.uniquecontainer.com).

## Y2K Containers!

**A**re your containers Y2K compliant? If not, it's time to put a little excitement into your drink sales! Don't be left out on one of the biggest promotions of the millennium!

For more information, contact Unique Container Corp. at (800) 796-9518 or (949) 646-3934, or visit [www.uniquecontainer.com](http://www.uniquecontainer.com).



## Food.com and Ameranth Technology Link Up

**F**ood.com, the Internet's premiere online takeout and delivery service, and Ameranth Technology Systems, Inc., a leading provider of wireless systems solutions to the hospitality industry, announced a partnership to extend transmission of takeout and announced

delivery orders placed at [www.food.com](http://www.food.com) directly to restaurant kitchens and point-of-sale systems, thereby speeding transactions, reducing handling, and improving accuracy.

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 wirelessly enabled smart devices.

Ameranth's 21st Century Restaurant™ system is a fully integrated, hardware, software, mobile, and wireless architecture wireless automation and integration. The entire system employs the Microsoft® family of software products and Symbol Technologies Spectrum24® wireless networks. The centerpiece of the 21st Century Restaurant System is Ameranth's UltraPad 2700, a ¾ pound, wireless, handheld computer using Microsoft Windows CE, which provides state-of-the-art capabilities for wireless POS, table management, wait-list management, reservations, frequent dining, Web-based links, management interface, and communications.

Food.com ([www.food.com](http://www.food.com)) is the largest service of its kind offering home and business meals on the Internet, with more than twelve thousand restaurants on the service nationwide and more than half a million members.

For more information, e-mail Kathie Sanders at [ksanders@ameranth.com](mailto:ksanders@ameranth.com) or call (703) 281-4995.

## National Marketing's Powertech™

**N**ational Marketing, Inc., a longtime supplier of innovative products to the food-service industry, has added to its line the newest tech-

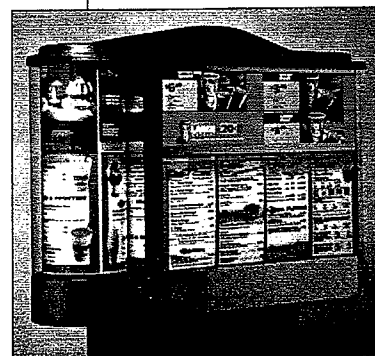


nology for thermal delivery bags—the Powertech™ heat retention element. The UL listed and patented Powertech element uses Microcore® technology and greatly exceeds the performance of the best insulated bags in terms of thermal food quality. Elements are available for all applications of catering, delivery, and in-store warming. This system can store heat for over one hour, which means fresher food and fewer cold food complaints.

Call NMI at (800) 994-4664 or (734) 266-2222, e-mail [nmisales@nminc.com](mailto:nmisales@nminc.com), or visit our Web site at [www.nminc.com](http://www.nminc.com).

## Ordermatic's Carousel Menu Display

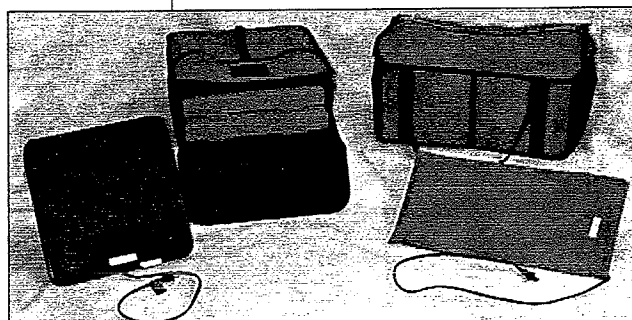
**O**rdermatic offers an interactive menu graphic display for high impact on the drive-in/drive-thru buying experience. Stainless-steel unit is designed for exterior use and long life. Dis-



play interfaces with 3M, HME, and other communication systems. Its unique rotational nose highlights special menu offers, while superior backlit illumination brings a colorful snap to

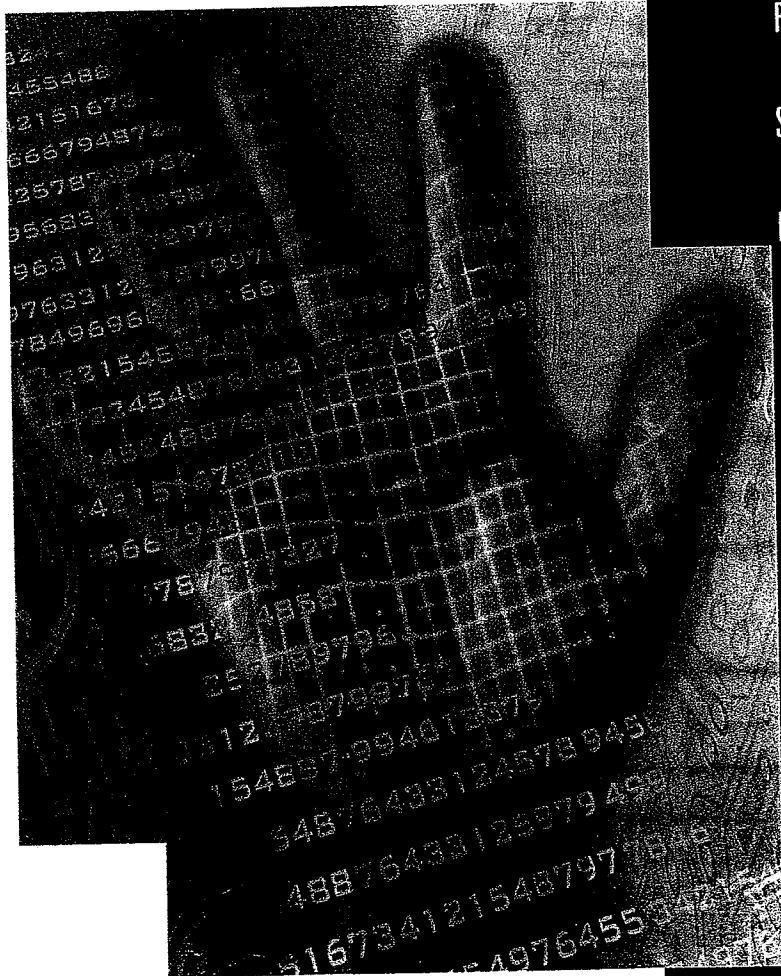
your menu graphics. Color acrylic accents can be customized to match the color scheme of your brand. Whether you choose push-button or auto sensing for customer order placement, the Carousel Menu Display gives you the confidence of knowing that you are on the cutting edge of interactive order placement.

For more information, contact Ordermatic at (800) 767-6733 or (405) 672-1487, e-mail [sales@ordermatic.com](mailto:sales@ordermatic.com), or visit [www.ordermatic.com](http://www.ordermatic.com).



# EXHIBIT 24

# MICROSOFT HOSPITALITY SOLUTIONS



Real-World

Solutions for the

Hospitality Industry

Case Study Supplement

Fall 1999

**Microsoft®**

## Ameranth and 21st Century Restaurant

By combining the power of Microsoft® Windows® CE software and Symbol Technologies Spectrum24® wireless devices in a hand-held computer that has the form factor, elegance, and durability that the foodservice industry needs, and by providing its 21st Century Restaurant system to the industry's solutions providers, Ameranth Technology Systems is changing the choreography of restaurant operations.

In the foodservice industry, information technology has always been like the "grandame" of the ball—someone with whom everyone has felt obliged to dance. Unfortunately, because the hardware platform has always been fixed terminals, the "grandame" hasn't been able to move too well, and her immobility has been central to how the foodservice industry has danced. The result has been that, for some applications, operators, customers, and employees have danced awkwardly around IT's fixed terminals; for other applications, such as inventory control, they have usually chosen not to dance with IT at all. With their introduction of the 21st Century Restaurant System, Ameranth Technology Systems is giving IT new legs—and forever changing the choreography of restaurant operations.

The 21st Century Restaurant System is a fully integrated system that provides a long-awaited hospitality industry mobile wireless solution for traditional restaurant processes. The centerpiece of the 21st Century Restaurant System is Ameranth's UltraPad™ 2700, a small, light, beautifully designed, hand-held computer that operates using the Microsoft Windows CE operating system and communicates by way of Symbol Technologies' Spectrum24® wireless technology. Small enough and light enough to be carried comfortably in the breast pocket of a suit or blazer, the UltraPad offers long battery life and is ruggedized to withstand the rigors of commercial use.

The combination of the UltraPad 2700, Spectrum24 wireless LAN technology, and Windows CE operating system in a hand-held with the form factor and elegance required for restaurant applications offers unprecedented benefits to restaurateurs and the clientele they serve. The 21st Century Restaurant System allows restaurant processes, including order taking, payment processing (credit card, debit card, smart card), inventory control, process control, waitlist management, table management, personnel management, management interface, valet parking, frequent-diner program interface, short- and long-range communications, and other applications, to be managed and controlled from Ameranth's handheld computer, so that customers, employees, and managers are no longer constrained by the need to work with fixed IT terminals.

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

**AMERANTH**  
*21st Century*  
**Restaurant™**

But the advantages of mobile IT terminals cannot be realized unless there is software that will project legacy, current, and future IT capabilities into the wireless, Windows CE environment. Working with Microsoft, Ameranth has developed a family of modules that allow its POS, back end and other systems providers to provide a seamless and elegant wireless interface to their existing and future software installations. Developed using standard Microsoft Windows NT® Server, Windows 98/95, and Windows CE toolsets and application modules, Ameranth's interface modules preserve the significant investment in existing fixed-terminal systems by projecting the capabilities of those systems into the wireless Windows CE environment and by enabling systems providers to create hand-held user interfaces that have a look, feel, and functionality similar to that of the

host fixed-terminal system. The use of the Microsoft toolsets and application software, along with Ameranth's modular approach to using these tools, makes the introduction of wireless a smooth, painless, affordable transition.

Ameranth's hand-held computers communicate with Ameranth's communications-control module and other interface modules and then with other restaurant computers and devices by way of Symbol's Spectrum24 wireless local area network. Symbol's wireless local area network is based on industry standards and is the technology of choice at more than 40,000 customer locations in a number of global markets.

"Our mission is to work with Symbol and Microsoft to provide worldwide-standard wireless systems solutions," said Keith McNally, CEO of Ameranth. "Ameranth's integration of Symbol's unparalleled technological advancements and the Microsoft Windows CE platform with the other capabilities of our partners will allow customers to deploy fully integrated software and hardware solutions that will provide optimal service, efficiency, and profitability for years to come."

"With Symbol's proven expertise in mobile computing and wireless networks, Ameranth's vision and integration skills, and Microsoft's innovative family of software products and solutions, we share in their vision for the 21st Century Restaurant System," said Tony Barbagallo, group product manager, Productivity Appliances Division, Microsoft Corp.

"With its 21st Century Restaurant, Ameranth is providing a system solution that makes Symbol's wireless technology more accessible to the foodservice industry, so that restaurateurs can move away from fixed terminals and gain the benefits of wireless that other industries have enjoyed," said John Harker, Director, Hospitality and Gaming for Symbol Technologies.

Let the dance begin.

# EXHIBIT 25

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 703-281-4995

**AMERANTH TECHNOLOGY SYSTEMS™  
AND INFOGENESIS, CREATORS OF REVELATION, ANNOUNCE  
FORMATION OF A STRATEGIC ALLIANCE**

LAS VEGAS, Nevada, September 15, 1999—Ameranth Technology Systems, Inc., a leading provider of Wireless Systems Solutions, announced today that an agreement has been reached on the creation of a new Strategic Alliance with InfoGenesis, Santa Barbara, California, creators of *Revelation* point-of-sale software. The Ameranth-InfoGenesis Alliance will leverage Ameranth's existing strategic alliance with Symbol Technologies that was announced on April 19, 1999 and will incorporate Ameranth's 21<sup>st</sup> Century Casino™ system into the InfoGenesis product line.

Under terms of the Ameranth-InfoGenesis Agreement, Ameranth and InfoGenesis will integrate Ameranth's 21<sup>st</sup> Century Casino solutions and products into the InfoGenesis product line, and InfoGenesis will designate Ameranth's hardware as its wireless products.

The 21<sup>st</sup> Century Casino is a fully integrated system that provides the long-awaited gaming industry standard for projecting casino applications into the mobile, wireless, handheld environment. The interface of the 21<sup>st</sup> Century Casino is Ameranth's UltraPad™ 2700, a small, light, beautifully designed, handheld computer that operates using Microsoft Windows® CE operating system and communicates using Symbol Technologies Spectrum24 wireless technology. The backbone of the 21<sup>st</sup> Century Casino is Spectrum24, which provides secure, reliable, casino-wide, voice and data connectivity to other casino management information and telecommunication systems.

-more-

*Ameranth Technology Systems, Inc., Wireless Solutions Systems*

The combination of the UltraPad 2700, Spectrum24 wireless LAN technology, and Windows CE operating system in a handheld with the form factor and elegance required for casino applications, offers unprecedented benefits to casino operators and the clientele they serve.

***For the first time, there is a single handheld computer and a single wireless systems solution that is ideal for all casino applications:*** Ameranth's 21<sup>st</sup> Century Casino applications, including remote check-in; payment processing (credit card, debit card, smart card); valet parking; VIP and frequency program management; player tracking; Keno management; food and beverage; housekeeping management; mini-bar, fixed asset, and expendables inventory; management interface; remote order entry, including pool-side, casino floor; personnel management; facilities maintenance and management; Ameranth's 21<sup>st</sup> Century Restaurant applications, including order entry, inventory control, process control, waitlist management and table management; event, meeting, and conference management, and control; short- and long-range communications, and more. And with the 21<sup>st</sup> Century Casino's advanced systems integration, the UltraPad 2700 will work seamlessly with legacy and current-generation applications so that there is no need to change primary vendors.

The Ameranth handheld computer communicates to other casino computers and devices by the Symbol Spectrum24 wireless local area network. Symbol's wireless local area network is based on industry standards and is the technology of choice at more than 40,000 customer locations in a number of global markets.

"We are excited about the alliance with InfoGenesis," said Keith McNally, CEO of Ameranth, "because InfoGenesis is a world-class organization providing state-of-the-art products. They have been looking for a handheld solution that offers the functionality, reliability, and value consistent with their offerings, and we are pleased that they have found that solution in the 21<sup>st</sup> Century Casino system."

Ameranth will showcase its new products at the World Gaming Congress & Expo in Las Vegas, September 14-15; the Foodservice Technology Show (FSTEC '99) in Dallas, November 1-3; and the International Hotel, Motel, and Restaurant Show in New York, November 6-9.

-more-



"Our mission is to work with Symbol and Microsoft to provide world-wide-standard wireless systems solutions," said Keith McNally, CEO of Ameranth. "Ameranth's integration of Symbol's unparalleled technological advancements and the Microsoft Windows CE platform with the other capabilities of our partners will allow customers to deploy fully integrated software and hardware solutions that will provide optimal service, efficiency, and profitability for years to come."

In addition to appearing at booth 4235 at The World Gaming Congress & Expo, September 14-16, in Las Vegas, Ameranth will also display its advanced products and solutions at FS/TEC'99 in Dallas, November 1-3; and at the International Hotel/Motel & Restaurant Show, in New York, November 6-9.

Ameranth Technology Systems, Inc. was founded in 1996 primarily to provide wireless computing solutions to the hospitality, gaming, defense, and law enforcement industries and markets. Ameranth's products include hand-held computers, scanners, access points, printers, and related software.

Symbol Technologies Inc., is a global leader in mobile data management systems and services with innovative customer solutions based on wireless local-area networking for voice and data, application-specific mobile computing, and bar-code data capture. More than 7 million Symbol scanners and application-specific scanner-integrated mobile computer systems are in use worldwide. Symbol and its global network of business partners provide solutions for retailing, transportation and distribution logistics, parcel and postal delivery, healthcare, education, manufacturing, and other industries.

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For additional information you may e-mail  
Kathie Sanders at [ksanders@ameranth.com](mailto:ksanders@ameranth.com)

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San Diego, CA 92130-2090

Tel: (888) AMERANTH Fax: (858) 794-8222

<http://www.ameranth.com> HYPERLINK <mailto:info@ameranth.com>

# EXHIBIT 26

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 703-281-4995

## AMERANTH TECHNOLOGY SYSTEMS™ ANNOUNCES 21ST CENTURY CASINO™

### Hand-Held Computer and Wireless LAN Technology Allow Casino-wide Wireless Automation

LAS VEGAS, September 15, 1999 – Ameranth Technology Systems, Inc., a leading provider of Wireless Systems Solutions™ to the hospitality industry, and Symbol Technologies, Inc., (NYSE: SBL) a world leader in wireless mobile computing, today announced the 21<sup>st</sup> Century Casino™ at this year's World Gaming Congress and Exposition.

The 21<sup>st</sup> Century Casino is a fully integrated system that provides the long-awaited gaming industry standard for projecting casino applications into the mobile, wireless, handheld environment. The interface of the 21<sup>st</sup> Century Casino is Ameranth's UltraPad™ 2700, a small, light, beautifully designed, hand-held computer that operates using Microsoft® Windows® CE operating system and communicates using Symbol Technologies Spectrum24 wireless technology. The backbone of the 21<sup>st</sup> Century Casino is Spectrum24, which provides secure, reliable, casino-wide, voice and data connectivity to other casino management information and telecommunication systems.

The combination of the UltraPad 2700, Spectrum24 wireless LAN technology and Windows CE operating system in a handheld with the form factor and elegance required for casino applications offers unprecedented benefits to casino operators and the clientele they serve. ***For the first time, there is a single handheld computer and a single wireless systems solution that is ideal for all casino applications:*** valet parking; curbside check-in; payment processing (credit card, debit card, smart card); VIP and frequency program management; electronic comping, Keno management, table reservations and waitlisting; security, management, and maintenance interface; Ameranth's 21<sup>st</sup> Century Hotel™

-more-

applications, including housekeeping management, mini-bar, fixed asset, and expendables inventory; remote order entry, including pool-side, court-side, and the eighteenth hole; personnel management; facilities maintenance and management; Ameranth's 21<sup>st</sup> Century Restaurant™ applications, including order entry, inventory control, process control, waitlist management and table management; event, meeting, and conference management and control; golf course check-in, management, and control; short- and long-range communications, and more. And with the 21<sup>st</sup> Century Casino's advanced systems integration, the UltraPad 2700 will work seamlessly with legacy and current-generation applications so that there is no need to change primary vendors.

The UltraPad 2700 communicates to Ameranth's middleware and then with other casino systems by way of Symbol's Spectrum24 wireless local area network. Spectrum24, Symbol's open-architecture wireless network, provides high-performance data and voice-over-IP communications with excellent immunity to interference. Its frequency hopping technology ensures robust and reliable data throughput. Spectrum24 also features selectable power management for application optimization, as well as encryption capabilities to ensure data security. Spectrum24 is designed to support the IEEE 802.11 wireless LAN standard. Operating in the 2.4GHz band using spread-spectrum modulation, Spectrum24 allows fast, seamless roaming with load balancing among cells. Its capacity and range are expandable through the use of multiple access points. Symbol's wireless network technology is based on industry standards and is deployed at more than 40,000 customer locations worldwide.

The UltraPad uses Microsoft's Windows CE operating system. CE offers extraordinary versatility, exceptional capabilities, and seamless integration with systems already in place throughout the gaming industry. "Within the world of gaming, Windows CE is the winning hand."

Ameranth's charter 21<sup>st</sup> Century Casino partner is InfoGenesis. InfoGenesis is a leading point-of-sale systems provider to the gaming industry. InfoGenesis customers are located throughout the U.S., Europe, Latin America and Asia.

Other key partners in the 21<sup>st</sup> Century Casino include: Comtec Information Systems, Inc., a world leader in mobile printing, for portable printers and portable encoding key printers; and other leading systems integrators, including Hospitality Solutions International (HSI). Additional partners will be announced.

-more-

Ameranth Technology Systems, Inc., was founded in 1996 primarily to provide wireless portable computing solutions to the hospitality, gaming, defense, and law enforcement industries. Ameranth's products include handheld computers, scanners, access points, printers, and related software.

Based in Santa Barbara, California, InfoGenesis is a leading developer and marketer of point-of-sale systems for the retail hospitality and food service industries. InfoGenesis customers are located throughout the U.S., Europe, Latin America, Asia, and Australia, and include Park Place Entertainment, Mandalay Resorts Group (Circus Circus Enterprises), House of Blues, Rio Suites Resort & Casino, House of Blues, Four Seasons, Six Flags Theme Parks, Warner Bros. Theme Parks, Starwood Hotels and Resorts Worldwide, and Royal Caribbean International. InfoGenesis can be reached via the internet at [www.infogenesis.com](http://www.infogenesis.com)

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# EXHIBIT 27

# Wireless Systems Integration

## Remote Check-in/ Check-out

- Airport
- In-route
- Curbside
- Clubhouse
- Conference/ Meeting/Event
- Restaurant (check-out)

## Electronic Comping

- Flexible comp configuration
- Seamless redemption
- Interface to player tracking systems

## Table Reservations & Waitlisting

- Provide accurate wait times
- Maintain waitlists
- Automatically associate guest with open table

## Conference/ Meeting Room

- Remote registration/check-in
- Maintain rosters, agendas, and schedules
- Order/modify orders
- Instant access to event information
- Access to internet and E-mail

## VIP Management

- Player ID and status confirmation
- Instant secure access to player account
- Updates automatically

## Keno Management

- Maximize runner efficiency
- Instant Keno tracking

## Mobile Communications

- Guest
- Manager
- Security
- Employee

# AMERANTH™ 21st Century Casino™

## AMERANTH™ 21st Century Casino™

- Includes 21st Century Restaurant™ functionality
- Includes 21st Century Hotel™ functionality

## Management/ Security

- Alerts
- Reports
- Communications
- Applications

## Real Time Web Access

- Golf, event, show, and facility reservations and waitlisting
- VIP and frequency program updates
- Corporate data exchange
- Online food ordering

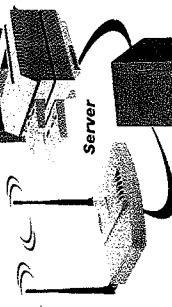
## Valet Parking

- Remote wireless input of name, license plate, VIP or frequency program card, parking ticket number, etc.
- Auto-request car during check-out
- Cost automatically added to bill
- Remote payment

## Management Information System

Monitor/Printer options

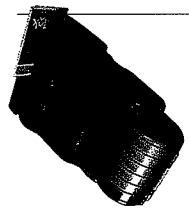
Symbol  
Spectrum24®  
Access Point



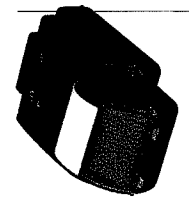
Microsoft

- Applications software
- Ameranth middle-ware
- Database management

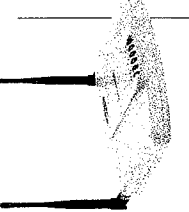
VIP and frequency programs, credit card processing, PMS, POS, Corporate, and other systems



Portable  
Encoding Printer



AmPrint™2100



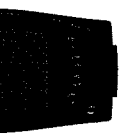
Spectrum24®  
Access Point



PadLink™  
100

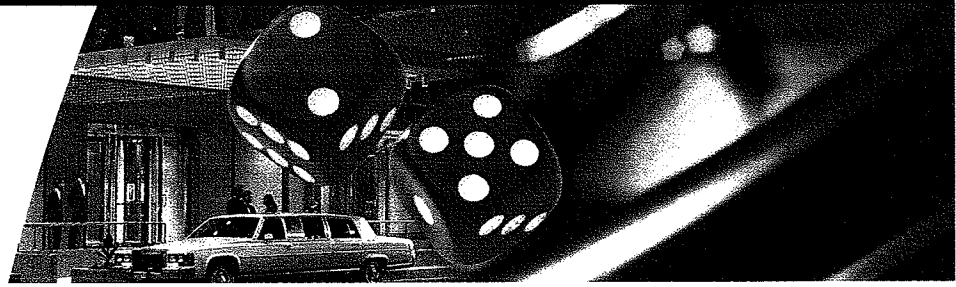


NetVision  
Phone



UltraPad™  
2700

## AMERANTH™ 21<sup>st</sup> Century Casino™



The 21<sup>st</sup> Century Casino is a fully integrated system that provides the long-awaited gaming-industry standard for projecting casino applications into the mobile, wireless, handheld environment. The interface of the 21<sup>st</sup> Century Casino is Ameranth's UltraPad™ 2700, a small, lightweight, beautifully designed, handheld computer that operates using Microsoft® Windows® CE operating system and communicates using Symbol Technologies™ Spectrum24® wireless technology. The backbone of the 21<sup>st</sup> Century Casino is Spectrum24, which provides secure, reliable, casino-wide, voice and data connectivity to other casino management information and telecommunication systems.

The combination of the UltraPad 2700, Spectrum24 wireless LAN technology and Windows CE operating system in a handheld computer with the form factor and elegance required for casino applications offers unprecedented benefits to casino operators and the clientele they serve. For

**For the first time, there is a single handheld computer and a single wireless systems solution that is ideal for all casino applications...**

the first time, there is a single handheld computer and a single wireless systems solution that is ideal for all casino applications: valet parking; curbside check-in; payment processing (credit card, debit card, smart card); VIP and frequency program management; electronic comping; Keno management; table reservations and waitlisting; security, management, and maintenance interface; Ameranth's 21<sup>st</sup> Century Hotel™ applications, including housekeeping management, mini-bar, fixed asset, and expendables inventory; remote order-entry, including pool side, court-side, and the eighteenth hole; personnel management; facilities maintenance and management; Ameranth's 21<sup>st</sup> Century Restaurant™ applications, including order entry, inventory control, process control, wait-list management and table management; event, meeting, and conference management and control; golf-course check-in, management, and control; short- and long-range communications, and more. And with the 21<sup>st</sup> Century Casino's advanced systems integration, the UltraPad 2700 will work seamlessly with legacy and current-generation applications, so there is no need to change primary vendors.

The UltraPad 2700 communicates to Ameranth's middle-ware and then with other casino systems by way

of Symbol's Spectrum24 wireless local-area network. Spectrum24, Symbol's open-architecture wireless network, provides high-performance data and voice-over-IP communications with excellent immunity to interference. Its frequency-hopping technology ensures robust and reliable data throughput. Spectrum24 also features selectable power management for application optimization, as well as encryption capabilities to ensure data security. Spectrum24 is designed to support the IEEE 802.11 wireless LAN standard. Operating in the 2.4GHz band using spread-spectrum modulation, Spectrum24 allows fast, seamless roaming with load balancing among cells. Its capacity and range are expandable through the use of multiple access points. Symbol's wireless network technology is based on industry standards and is deployed at more than 40,000 customer locations worldwide.

The UltraPad uses Microsoft's Windows CE operating system. CE offers extraordinary versatility, exceptional capabilities, and seamless integration with systems already in place throughout the gaming industry. "Within the world of gaming, Windows CE is the winning hand."

### Valet Parking

When a guest arrives, valet parking swipes his or her VIP or frequency card or inputs guest information and parking voucher number. When guests are departing, guest relations, wait staff, bellman, valets, etc., can call guest cars forward.

### Remote Check-in/Check-out

Hotel guests can now be checked in and checked out anywhere on or off the facility. Using short-range communications, Ameranth's UltraPad 2700, and portable encoding key printer, guests can be checked in or out curbside, in the lobby, at the conference registration desk, or anywhere else in the facility. Using long-range communications, they can be checked in at the airport, or in transit from the airport to the casino. And with the 21<sup>st</sup>

Century Casino's advanced systems integration, guests can even check out of the hotel in the restaurant when they pay for breakfast, or even from the casino, before leaving on the last morning of their stay.

### VIP and Frequency-Programs

VIP and frequency-program members no longer have to wait to be treated with special respect. The UltraPad 2700 card reader can read VIP and Frequency Program mag-stripe cards and interface directly with VIP and frequency applications within the casino player-tracking system. Player identification and status can be confirmed immediately. Account information is available instantly and is updated automatically.

### Electronic Comping

Provides connectivity between VIP, Frequency, player-tracking system and floor personnel.

Comps are provided to the guest and immediately entered into the MIS, making redemption and accounting seamless.

### Keno Management

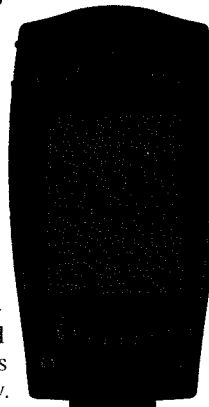
Runners stop running and handle more wagering. Keno wagers are entered into the system immediately and tracked automatically.

### Table Reservations and Waitlisting

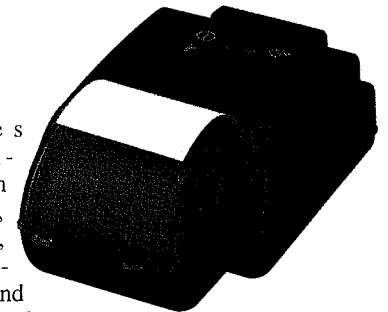
Guests are provided accurate wait times. Reservations and waitlist are tracked automatically. When a table opens, the system automatically pages the guest who should be seated. It can be tied to VIP, Frequency, and player-tracking systems.

### Event, Conference, and Meeting Management and Control

Registration for events, conferences, and meetings can now be handled remotely with ease, and coordinators can carry the same application used for registration, planning, and control on the UltraPad, so all the information on attendees, schedules, events, and hotel services is always



UltraPad™ 2700



AmPrint™ 2100

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

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(619) 491-1111  
www.ameranth.com



# EXHIBIT 28

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 703-281-4995

**AMERANTH TECHNOLOGY SYSTEMS™ AWARDED  
INNOVATION OF THE YEAR AWARD AT EUROPEAN HOSPITALITY  
SOLUTIONS TECHNOLOGY AWARDS**

**Handheld Computer and Wireless Systems  
Solutions™ Win Prestigious Award**

LONDON, October 4, 1999—Ameranth Technology Systems, Inc., a leading provider of Wireless Systems Solutions to the hospitality industry, was announced as the winner of the *Innovation of the Year* award at this year's Hospitality Solutions Technology Show.

Accepting the award at the European hospitality industry awards gala, was Keith McNally, Chief Executive Officer of Ameranth, along with John Harker, Director, Hospitality and Gaming, of Ameranth-partner Symbol Technologies. The *Innovation of the Year* award was the highlight of Hospitality Solutions '99, which is the showcase for information technology for the European hospitality industry. The award recognizes the most innovative hospitality technology product launched during the preceding year.

Ameranth captured this honor with its UltraPad™2700, a small, light, beautifully designed, handheld computer that operates using Microsoft®Windows® CE operating system and communicates using Symbol Technologies Spectrum24 wireless technology. The UltraPad is the interface of Ameranth's 21<sup>st</sup> Century Restaurant™, 21<sup>st</sup> Century Hotel™, and 21<sup>st</sup> Century Casino™ systems, each of which provide long awaited industry standards for projecting hospitality applications into the mobile, wireless, handheld environment. The combination of the UltraPad 2700 and Ameranth's advanced systems integration offer unprecedented benefits to hospitality operators and the clientele they serve. ***For the first time, there is a single handheld computer and a single wireless systems solution that is ideal for all hospitality applications:*** valet parking; curbside check-in; payment processing (credit card, debit card, smart card); VIP and frequency program management; security, management, and maintenance interface; housekeeping management; mini-bar, fixed asset, and expendables inventory; personnel management; facilities maintenance and management; order entry; process control; event, meeting, and conference management; golf course check-in, management, and control; short- and long-range communications, and more.

-more-

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

*Page 2- Ameranth/Innovation of the Year Award*

Judges for the award commented, "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."

Ameranth Technology Systems, Inc. was founded in 1996 primarily to provide wireless computing solutions to the hospitality, gaming, defense, and law enforcement industries and markets. Partnered with Microsoft, Ameranth has developed a family of software modules that will project legacy, current, and future generation IT capabilities into the wireless CE environment. Ameranth's products include handheld computers, scanners, access points, printers, and related software.

Ameranth will display its advanced products and solutions at HFTP Annual Convention and Tradeshow in San Antonio, October 21-23; FS/TEC'99 in Dallas, November 1-3; and at the International Hotel/Motel & Restaurant Show in New York, November 6-9.

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# EXHIBIT 29

FOR GENERAL RELEASE:

October 7, 1999

**SYSTEM CONCEPTS, INC. AND AMERANTH TECHNOLOGY SYSTEMS, INC.  
ANNOUNCE OFFICIAL PARTNERSHIP**

**Scottsdale, AZ**—System Concepts, Inc. (SCI) and Ameranth Technology Systems, Inc. officially announced their professional alliance this week, after negotiating a long-term mutual business goal. The two companies have signed an agreement to exclusively promote each other's products in a combined effort to provide the foodservice, gaming, and hospitality industry with an integrated solution to pairing hardware and software.

SCI is the developer of FOOD-TRAK® Food and Beverage Management Software, the first and most widely used PC-based inventory management system for the foodservice and hospitality industry. Since 1980, SCI's unparalleled expertise has steadily permeated the foodservice market from fast food, grocery, and catering to hotels, clubs, fine dining, and the institutional market. FOOD-TRAK's modular design allows the system to be tailored to fit the needs of any operation, from a single restaurant to a complex multi-unit corporation. Additionally, the FOOD-TRAK Enterprise Information System provides multi-store operators with a powerful resource for consolidating multi-unit food and beverage inventory, sales, costs, and performance at the corporate level. FOOD-TRAK systems provide the most current computing technologies, such as internet-enabled features and an open architecture, giving users the option of designing their own reports with standard SQL queries or off-the-shelf report writers.

Ameranth Technology Systems, Inc., which was founded in 1996, provides wireless computing solutions such as hand-held computers, scanners, access points, printers, and related communications and applications software. Ameranth's 21<sup>st</sup> Century Systems™ line of products supplies restaurants, hotels, and casinos with industry-standard tools that work in concert with legacy and current-generation systems, so their clients have no need to change primary vendors.

"We are very excited about the alliance with Systems Concepts, Inc.," says Keith McNally, CEO of Ameranth Technology Systems. "Systems Concepts, Inc. is the world leader in food and beverage management software. They are an ideal partner for Ameranth because together we are able to provide restaurateurs with the very best of breed computer technology for all of their business needs."

The best of breed solution, referred to by McNally, is one the key philosophies advocated by both Ameranth and SCI. In this environment, users select the individual components of their business systems from highly specialized providers, who've agreed to work under a unified policy regarding their integrated products. To promote this concept, SCI and Ameranth now offer the industry's most comprehensive software system teamed with the industry's most advanced hardware, and not as totally separate entities. Their alliance focuses on the benefits of combining components in order to achieve the optimum product for the end-user.

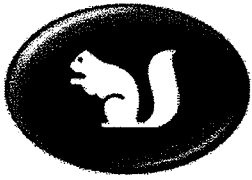
Bill Schwartz, President of SCI, says of the partnership, "We see the alliance between SCI and Ameranth as a true best of breed relationship. The FOOD-TRAK System has been used in conjunction with hand-held scanners for many years, but the Ameranth alliance results in a standardized hardware and software platform from which numerous applications can be run. The integration of the FOOD-TRAK System with many of Ameranth's POS and other application partners further enhances the value of this solution for the client."

Using SCI/Ameranth hand-held devices, larger multi-property and multi-profit center users will be able to perform mobile receiving, purchase order, transfer/requisition, and shopping list functions, in addition to inventory scanning features, all without having to duplicate the data entry tasks at a computer workstation. The portability of these products offers never before seen possibilities for on-site control of key inventory and sales locations within expansive, multi-profit center environments.

The newly formed partnership between these companies serves as a milestone for the way current hardware and software technologies can and should be provided to the foodservice and hospitality industries. And, the close relationship between the development staffs of both companies insures a steady stream of innovations and capabilities for years to come.

For more information contact Mary Ritter from System Concepts, Inc. at (480) 951-8011 or Kathie Sanders from Ameranth Technology Systems, Inc. at (703) 242-0137.

# EXHIBIT 30



squirrelsystems.com

News Release

November 1, 1999

FOR IMMEDIATE RELEASE

## SQUIRREL & Ameranth Technology Systems Announce Strategic Partnership

SQUIRREL® Companies Inc., a subsidiary of Eltrax Systems, Inc. (NASDAQ: ELTX), announced today a new Strategic Partnership with Ameranth Technology Systems™. Ameranth Technology Systems is a leading provider of Wireless Systems Solutions™ based in San Diego, California.

Under the terms of the SQUIRREL/Ameranth Alliance Agreement, SQUIRREL and Ameranth will integrate Ameranth's 21<sup>st</sup> Century Restaurant Solutions with SQUIRREL for Microsoft® Windows NT®. SQUIRREL will designate Ameranth's hardware as its "recommended" wireless products. The centerpiece of the 21<sup>st</sup> Century Restaurant system is Ameranth's UltraPad™ 2700, a handheld computer that integrates Symbol's Spectrum24 wireless local-area network and the Microsoft Windows CE operating system.

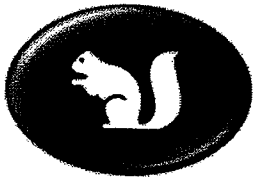
The combination of the three technologies offers unprecedented benefits to restaurateurs and their clientele. The 21<sup>st</sup> Century Restaurant System allows restaurant processes, including order taking, payment processing (credit card, debit card, smart card), inventory control, process control, wait-list management, table management, personnel management, management interface, valet parking, frequent-diner program interface, short- and long-range communications, and other applications, to be managed and controlled from Ameranth's handheld computer. This will dramatically increase productivity, reducing cost, and improving customer service.

The Ameranth handheld computer communicates to restaurant computers and devices by the Symbol Spectrum24 wireless local area network. Symbol's wireless local area network is based on industry standards and is the technology of choice at more than 40,000 customer locations in a number of global markets.

"Ameranth is extremely pleased to be partnering with Squirrel Systems. They are a great company. Our wireless products coupled with Squirrel POS Solutions will uniquely meet the considerable market demand for 21<sup>st</sup> Century Restaurant™ products well into the new millennium." said Keith McNally, Ameranth Technology Systems, Inc., CEO & President.

"SQUIRREL is delighted to bring robust, industry standard mobile hand-held solutions to our restaurant and hotel customers who have selected the SQUIRREL for Windows NT solution," said

An ELTRAX Company



squirrelsyste.ms.com

David Atkinson, Vice President, Sales & Marketing for SQUIRREL. "Ameranth and Symbol are clearly the leading hand-held solution for the hospitality industry."

Ameranth Technology Systems, Inc., was founded in 1996 primarily to provide wireless portable computing solutions to the hospitality, gaming, defense, and law enforcement industries. Ameranth's products include handheld computers, scanners, access points, printers, and related software.

Founded in 1984, SQUIRREL revolutionized the restaurant industry with the first touchscreen restaurant management system. SQUIRREL's newest offering, SQUIRREL for Windows NT was a recent winner of the Microsoft Retail Application Developer Award. SQUIRREL Companies Inc. is a wholly owned subsidiary of Eltrax Systems, Inc. Eltrax provides Internet and network-based applications and services to enterprises worldwide. Eltrax is a global leader in the design, development and management of technology solutions used to improve the quality and availability of business-critical information and data. The company is headquartered in Atlanta with offices, distributors and agents worldwide. The Company's shares are traded on the NASDAQ SmallCap market under the symbol ELTX.

For more information, contact Linda Gillis at 604.412.3300 or visit the web site at [www.squirrelsyste.ms.com](http://www.squirrelsyste.ms.com).

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# EXHIBIT 31

# Franchise Times<sup>TM</sup>

Continental Franchise Review<sup>®</sup>

The News and Information Source for Franchising

www.franchisetimes.com

November/December 1999

## TECHNOLOGY

In an effort to make you, our readers, more techno-savvy, we present a new addition to our magazine—the Technology section. Industry experts are unanimous in their opinion that research and development are imperative for progress. On this page we will present cutting edge technology, sure to benefit companies that embrace it. Every attempt is made to write the story in English, not “technoese.”

### New technology automates traditional processes

By Manali Shah

**T**he scene: It's a Friday evening and you are in the mood to unwind and have a little fun. You head to your favorite watering hole, TGI Friday's. You won't be alone, however. People will be crowding the bar and idly standing in every available corner, awaiting their turn to be seated. The hostess will smile a warm welcome and guesstimate that your wait for a table will be 60 minutes, while handing you a pager that will activate when your name is called. Her grease pencil puts you on page four of her clipboard.

Unwind, eh?

**The Solution:** Enter Ameranth Technology Systems. Here's how Keith McNally, CEO, approaches your situation. McNally logged onto ameranth.com, reached TGI Friday's in-house reservation system and reserved his table 55 minutes



Keith McNally,  
Ameranth  
Technology  
Systems

ago. (He could have called in, too.) His name was entered into the waiting list and he will be seated soon after he arrives. The restaurant manager knows McNally, a busy executive, will want that corner table near the window. It will be ready when he is. And even as he is being seated, the server will fetch his favorite glass of wine.

The server returns, carrying the UltraPad 2700. She punches buttons to enter his order which is instantly relayed to the kitchen. She saves at least three minutes, since she doesn't need to write the order on her notepad and then reenter it at the stationary POS system, where she

would have to wait for two other servers ahead of her to finish.

After a satisfying meal, McNally pays the server at his table. She simply swipes his credit card on her UltraPad. The transaction is complete in 10 seconds. The time saved is seven minutes ordinarily. Today being Friday, it would have taken longer for the server to return with the credit card printout. She can serve a meal and take an order in between.

After McNally leaves, the busboy clears the table and documents the completed task on his PadLink, which costs a couple hundred dollars extra. The UltraPad in the hostess' hand is automatically updated, and finds the longest-waiting customer matching that criteria. Lucky you. Your beeper suddenly stirs. Weary, you are seated at the table McNally vacated—a full 65 minutes after you arrived.

That scenario compares the traditional way restaurants operate today and how things can dramatically improve for restaurant and customer alike with the installation of Ameranth's 21st Century Restaurant System, a fully integrated wireless system consisting of the UltraPad, handheld printer, Spectrum Access Point, PadLink and IBM server.

#### The technology

The UltraPad, a lightweight handheld device, is the key to the system. It is completely wireless and holds the memory for up to, get this, a million customers. All one needs to do is swipe a card or enter a phone number. Ameranth's regional database gives the restaurant manager access to key customer data, including table and dining preferences and anniversary dates.

The UltraPad works seamlessly with Legacy and current applications so there

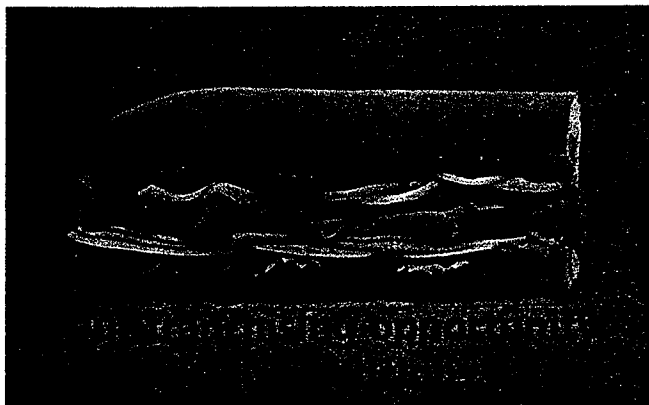
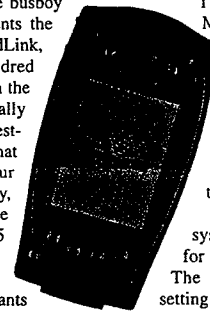
is no need to change primary vendors. Ameranth's handheld computers communicate to Ameranth's communication and integration software through Symbol Technologies' Spectrum 24 wireless local area network. Spectrum 24 is a 2.4 gigahertz spread spectrum, frequency hopping wireless local area network that links Ameranth's handheld devices with the POS, inventory, back-office and other applications.

The UltraLink operates on Microsoft's Windows CE system, just like your PC at home works on Microsoft's Windows 95 operating system. If an operating system is standardized, it is very easy for software vendors to write the software for the system.

Similar to its restaurant system, Ameranth has systems for hotels and casinos, as well. The company is working on setting up Web sites that will allow restaurant customers to put their name on restaurant waiting lists and hotel guests to check into a hotel as soon as they land at the airport.

The cost for the package varies substantially based on size of the restaurant. A large casual dining restaurant with 60 tables using the complete system would need to spend \$30,000. "Since the system is very reliable, it will last for three years or 1,000 operating days. Cost per day is \$30. If the restaurant turns one more table and the average tab per person is \$15 for a four-person table, the cost savings realized are \$60," he explained.

McNally added that the efficiency of his system can cut down by two the restaurant's need for employees. "The bottom line is that it dramatically improves efficiency," he said. In a time when labor is hard to find, that feature of the system is a big plus. PT



Since 1972, Cousins Subs has been a growing legend throughout the Midwest, Central States and Southwest. Media reviewers and consumers alike have hailed Cousins as the favorite subs of Milwaukee, Madison and Minneapolis, among others. Now, become part of the legend as Cousins Subs expands. Inquire today about opportunities for area development, multiple units and single franchises in your area.

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www.cousinssubs.com

## TECH TALK

### Golden Corral signs with Cyntergy

GAITHERSBURG, Md.—Cyntergy has announced that it signed a three-year contract with Golden Corral Corporation to provide technical help desk services for more than 290 corporate and franchise locations in the United States. Golden Corral Corporation (Golden Corral) is a Raleigh, N.C.-based chain of family style restaurants. Cyntergy provides technology

services to the foodservice and other industries including implementation and training, computer-based training, technical help desk, software documentation and project management.

Cyntergy will provide Level 1 and Level 2 operational support for Golden Corral's back office, labor scheduling and point-of-sale software. Cyntergy also will install a duplicate of each system being supported in its in-house lab.

# EXHIBIT 32



Log In

Sign Up



Membership

- Member Log In
- Member Benefits
- E-News Sample
- Sign Up - Free

Features

- Home Page
- Article Library
- Member Polls
- Event Calendar
- Member Feedback
- Contact Us

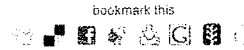
Channels

- Buyer Interactive
- Manage & Develop
- BITAC



Email Article Printable Version

Technology  
**Wireless '21st Century Hotel' Introduced at IH/M&RS**  
 An exciting wireless system was introduced today at the IH/M&RS show by Ameranth Technology Systems, Symbol Technologies and Comtec Information Systems.  
 Saturday, November 06, 1999  
 Brendan Manley



NEW YORK – Hotel wiring nightmares and long lines at hotel front desks, f&b establishments and retail outlets may soon be a thing of the past, due to a promising new handheld wireless solution created through a joint venture between several leading industry systems vendors.



The multi-dimensional system, called the "21st Century Hotel", was introduced today at the IH/M&RS show here by project partners Ameranth Technology Systems, a major systems integrator and leader in wireless systems solutions, Symbol Technologies, a huge player in wireless mobile computing and Comtec Information Systems, specialists in mobile printing solutions. The product combines essential elements from each of those three vendors, as well as products from several other industry suppliers, on highly versatile, standardized handheld computers running the Microsoft Windows CE operating system (OS). The product will be sold to hospitality PMS and POS vendors seeking a consistent wireless component to said vendors' existing and future hotel systems.

"What is unique is that for the first time there are wireless and mobile computing standards that tie together hotel systems," said Keith McNally, CEO of Ameranth. "We've pulled together the best-of-breed solutions and can now offer raw technology to our POS and PMS systems partners, who are our conduits to the marketplace."

The core of the solution is comprised of Ameranth's UltraPad 2700, a handheld computer, Symbol's Spectrum24 wireless local area network (LAN) technology and Microsoft's Windows CE OS. But the real power lies in the system's ability to make practically all hotel systems accessible through this single point of access.

Some of the applications that can be utilized through the system include: check-in; payment processing (credit, debit and smart cards); valet parking; VIP and frequency program management; housekeeping management; mini-bar, fixed asset and expendables inventory; management interfaces; remote order entry, including pool-side, court-side and the 18th hole; personnel management; facilities maintenance and management; Ameranth's 21st Century Restaurant applications, including order entry, inventory control, process control, wait-list management and table management; event, meeting and conference management and control; golf course check-in, management and control; and short- and long-term communications.

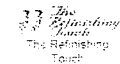
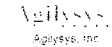
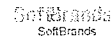
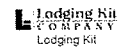
The system has also been designed to work seamlessly with both current and legacy hotel applications, so there is no need for hotels to change vendors or replace existing systems. Ameranth's handheld device communicates with the company's middleware and then with other hotel computers and devices through the Symbol wireless LAN, a product built on the open 802.11 wireless standard and widely accepted in virtually every industry. Symbol has been a trailblazer in technologies such as barcode and laser scanning devices and has now set its sights on the hospitality industry as a major source of future business.

"You're going to see a big proliferation of wireless and handheld technologies in restaurants and hotels," said John Harker, Director of Hospitality & Gaming at Symbol. "There are four key reasons: First, we are no longer dealing with proprietary technologies...second, handhelds are no longer big, bulky devices...third, the technology keeps getting cheaper, and fourth, there are now world-class manufacturers creating hospitality-specific wireless technology."

Comtec, another player in the project, provides the capability to print receipts easily from the handheld devices, and also adds another major value-added feature. The Ultrapad devices contain a magnetic stripe reader/writer, so hotel staff can encode room keys for guests from virtually any location on the property. Lock vendors VingCard, TESA Entry Systems, TimeLox and Saflok have all signed-on for integration with the product.

"It all just makes the hospitality experience easier," said Mark Zaccaria, Channel Marketing Manager at Comtec.

Since the product will be brought to market by way of the systems vendors that choose to incorporate the "21st Century Hotel" solution into their product lines, said vendors will also install, support and provide training for the solution. The product's charter systems partner is technology conglomerate Hospitality Solutions International (HSI).



# EXHIBIT 33



Marriott International, Inc.

Room 701 West Wing, New World Office Building  
20 Salisbury Road, Tsimshatsui  
Kowloon, Hong Kong  
Tel : (852) 2192 6000  
Fax : (852) 2192 6060

February 3, 2000

Mr. Keith R. McNally  
CEO & President  
Ameranth Technology Systems, Inc.  
12230 El Camino Real Suite 330  
San Diego, CA 92130, USA

VIA FAX: 858 794-8222

Dear Keith:

Marriott International Interest in your products

As you are aware, Marriott International is very interested in your 21<sup>st</sup> 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.

Wolfgang Lindlbauer, our Director of International Food and Beverage Development has been involved to source your technology and to introduce that technology into our market later this year. We are also closely monitoring your progress with the domestic side of Marriott and hope that your efforts in establishing a relationship with our POS partner, Micros turns out successfully.

We believe that Windows CE™ wireless terminals linked with laser bar-code scanning of customer frequency cards and an integrated customer database will enable us to provide a leap forward in our level of service, sales and profitability. These features combined with your table and wait-list management functions operating in unison over the web and wireless can take us to the level Marriott needs to be at to maintain a leadership position. We are also aware of your close relationship with Microsoft and Symbol and hope that they will continue to work with you to deliver the breakthrough solutions that we are seeking.

Please keep Wolfgang Lindlbauer informed of your progress with Micros and on the domestic side of the company. We will do all we can to support your progress so that you will be in the position to deliver the extra features we need to meet our objectives starting this summer.

.../P. 2



Page 2

Our selected first test site in the Asia Pacific region would be our JW Marriott in Seoul Korea. If your products deliver the capabilities we envision them to have and you establish the interface with Micros we will be most pleased to recommend you throughout our markets.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Glen".

Steve Glen  
Vice President of Operations, Asia Pacific  
Marriott International

cc: Wolfgang Lindbauer

# EXHIBIT 34



# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 703-281-4995

## **Ameranth Technology Systems and Starwood Hotels Announce Revolutionary Wireless System to Improve Service**

**New York, April 19, 2000**—Starwood Hotels & Resorts Worldwide, Inc. has chosen Ameranth Technology Systems®, to design a customized wireless solution which will be used during housekeeping inspections to track the overall cleanliness of hotel guestrooms. Ameranth will integrate applications from Ameranth's 21<sup>st</sup> Century Hotel™ system, Symbol Technologies wireless local area network, and the Pocket PC-enabled UltraPad™2700 handheld computer.

Ameranth, a Microsoft Pocket PC launch partner, is developing an innovative room inspection application on the UltraPad, for Starwood. Ultimately, Starwood sees the wireless system as a tool that will help them pinpoint ways in which they can improve housekeeping service in their guestrooms. Using a wireless communication solution, the management will have the most current information concerning each room to ensure that the highest possible standards are maintained for each Starwood guest, which is a critical service point because room cleanliness consistently rates as one of the things guests care most about during hotel stays.

The new inspection system will be beta tested this spring at the Sheraton New Orleans, and ultimately rolled out to the entire Sheraton brand. Based upon its success within Sheraton, the Pocket PC-enabled UltraPad will then be introduced in Starwood's other hotel brands.

"Ameranth made an early decision to align its own products and vision with the entire suite of Microsoft products," said Ameranth Vice President and founder, Keith McNally. "The introduction of the new Windows-powered Pocket PC platform validates that decision and will enable us to extend Ameranth's systems well into the 21<sup>st</sup> Century. We are excited to be launching this solution with Starwood."

AMERANTH® Technology Systems Inc. ([www.ameranth.com](http://www.ameranth.com)), founded in 1996 and headquartered in San Diego, California, is a leading systems integrator facilitating data exchange between mobile wireless computers and fixed information systems via Wireless Local Area Networks (WLAN), Local Area Networks (LAN) and/or the World Wide Web. As the leading innovator in the routing and synchronization of data moving between mobile wireless computers, fixed information systems, and the Internet, Ameranth's 21st Century Restaurant™, 21st Century Hotel™, 21st Century Casino™, 21st Century Retail™ and 21st Century Healthcare™ products are set to become the industry standards in enterprise wireless systems.

Starwood Hotels & Resorts Worldwide, Inc., through its St. Regis, Luxury Collection, Westin, Sheraton, Four Points and W brands, is one of the leading hotels and leisure companies in the world with more than 700 hotels in 80 countries and 120,000 employees at its owned and managed properties.

-30-

For additional information you may e-mail  
Kathie Sanders at [ksanders@ameranth.com](mailto:ksanders@ameranth.com)

12230 El Camino Real, Suite 330, San Diego, CA 92130-2090  
Tel: (888) AMERANTH Fax: (858) 794-8222  
<http://www.ameranth.com> mail to: [info@ameranth.com](mailto:info@ameranth.com)

# EXHIBIT 35

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 703-281-4995

## **Ameranth Technology Systems and Jamba Juice Announce Revolutionary Wireless System to “Bust Lines” in Stores, Improve Customer Service**

New York, April 19, 2000—Ameranth Technology Systems® and Jamba Juice Company, are working closely together to finalize a Pocket PC application to enable Jamba Juice to “bust lines” during peak periods using the UltraPad™ 2700 mobile computer, and Symbol Spectrum® 24 wireless network. This innovative solution allows Jamba Juice managers to add mobile Point-of-Sale (POS) stations during busy periods without having to make changes to the store’s infrastructure.

Jamba Juice has chosen Ameranth, a Microsoft Pocket PC launch partner, to design a customized wireless solution integrating Jamba Juices’ Aloha-by-Ibortech POS system, Ameranth’s 21<sup>st</sup> Century Communication Middleware™, Symbol Technologies wireless local area network, and the Pocket PC-enabled UltraPad handheld computer.

“We are excited to work with Ameranth,” said Jamba Juice CIO, Manoj Tripathi, “because they understand that reducing the time to serve each customer is our primary goal and using the wireless-enabled Pocket PCs are a key component in reaching that customer service goal.”

“Ameranth made an early decision to align its own products and vision with the entire suite of Microsoft products,” said Ameranth Vice President, Keith McNally. “The introduction of the new Windows-powered Pocket PC platform validates that decision and will enable us to extend Ameranth’s systems well into the 21<sup>st</sup> Century. We are excited to be launching this solution with Jamba Juice.”

AMERANTH® Technology Systems Inc. ([www.ameranth.com](http://www.ameranth.com)), founded in 1996 and headquartered in San Diego, California, is a leading systems integrator facilitating data exchange between mobile wireless computers and fixed information systems via Wireless Local Area Networks (WLAN), Local Area Networks (LAN) and/or the World Wide Web. As the leading innovator in the routing and synchronization of data moving between mobile wireless computers, fixed information systems, and the Internet, Ameranth’s 21st Century Restaurant™, 21st Century Hotel™, 21st Century Casino™, 21st Century Retail™ and 21st Century Healthcare™ products are set to become the industry standards in enterprise wireless systems.

San Francisco-based Jamba Juice Company ([www.jambajuice.com](http://www.jambajuice.com)) is the industry leader in blended-to-order smoothies, fresh squeezed juices, hot nutritious soups, and healthy breads. The fast growing restaurant company currently has more than 275 locations throughout California, Arizona, Nevada, New Mexico, Texas, Washington, Massachusetts, Wyoming, Oregon, Hawaii, Utah, Illinois, Idaho, Oklahoma, and Washington D.C.

-30-

For additional information you may e-mail  
Kathie Sanders at [ksanders@ameranth.com](mailto:ksanders@ameranth.com)

12230 El Camino Real, Suite 330, San Diego, CA 92130-2090  
Tel: (888) AMERANTH Fax: (858) 794-8222  
<http://www.ameranth.com> mail to: [info@ameranth.com](mailto:info@ameranth.com)

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

# EXHIBIT 36

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 703-281-4995

## Ameranth's Groundbreaking Pocket PC-Based Solutions to Revolutionize Service-Sector Automation

Wireless Systems Integrator Realizes New Products, New Clients Using Pocket PC Advances

New York, April 19, 2000—Ameranth Technology Systems®, a Microsoft Pocket PC launch partner, announced today that they have integrated the Microsoft Windows-powered Pocket PC platform and handheld computing devices from Symbol Technologies (NYSE:SBL) and other vendors with the company's 21st Century Communications™ middleware. The numerous advantages of Pocket PC such as great color screens, a full-featured Web browser, security and integration with Microsoft Office and Microsoft BackOffice products are allowing Ameranth to expand its business opportunities and increase the range of products and services that it can offer customers. As a result, Ameranth has already broken new ground in the field of wireless systems integration by pioneering the use of Pocket PCs in integrated solutions for the hospitality, retail, and healthcare industries.

"Ameranth made an early decision to align its own products and vision with the entire suite of Microsoft products," said Ameranth Vice President and founder, Keith McNally. "The introduction of the new Windows-powered Pocket PC platform validates that decision and will enable us to extend Ameranth's systems well into the 21st Century."

"Developing end-to-end mobile computing solutions is new to many industries, including the hospitality and healthcare industries," said Doug Dedo, Group Product Manager of the Mobile Devices Division at Microsoft Corp. "Ameranth provides a total turnkey solution integrating Pocket PCs 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."

Pocket PC is more versatile than other platforms; it is superior in terms of its ability to integrate into other systems; and it will provide access to a wider variety of top quality commercial applications. These advantages of Pocket PC have been the determinant for Ameranth and its coterie of early adopters:

Starwood Hotels & Resorts Worldwide, Inc.

Ameranth is developing a room inspection application on the Pocket PC-enabled UltraPad™ handheld computer, for Starwood, which will be used during housekeeping inspections to track the overall cleanliness of hotel guestrooms. Ultimately, Starwood sees the wireless system as a tool that will help them pinpoint ways in which they can improve housekeeping

service in their guestrooms. Using a wireless communication solution, the management will have the most current information concerning each room to ensure that the highest possible standards are maintained for each Starwood guest, which is a critical service point because room cleanliness consistently rates as one of the things guests care most about during hotel stays. Starwood, through its St. Regis, Luxury Collection, Westin, Sheraton, Four Points and W brands, is one of the leading hotels and leisure companies in the world with more than 700 hotels in 80 countries and 120,000 employees at its owned and managed properties.

#### Jamba Juice Company

Ameranth and Jamba Juice Company, the industry leader in blended-to-order smoothies, fresh squeezed juices, hot nutritious soups, and healthy breads, are working closely together to finalize a Pocket PC application to enable Jamba to "bust lines" during peak periods using the UltraPad 2700 handheld and Symbol Spectrum 24 wireless network.

The increased computing speed of the Pocket PC is essential for Ameranth's clients in the hospitality and retail sectors where the time required to serve a customer is inversely proportional to the level of customer satisfaction. "We are excited to work with Ameranth," said Jamba Juice CIO, Manoj Tripathi, "because they understand that reducing the time to serve each customer is our primary goal and using wireless-enabled Pocket PCs are a key component in reaching that customer service goal."

"We've built our company providing cutting-edge technology to large enterprises and we know what they want," commented Tomo Razmilovic, President and COO of Symbol. "The Pocket PC is perfect for hotels, restaurants, casinos and healthcare facilities because it provides the speed, memory and screen-readability necessary for highly mobile workers moving quickly in hectic environments. Ameranth is our master distributor and preferred partner in the hospitality arena, and we are extremely pleased that they are developing software solutions based on both Symbol's Spectrum 24 wireless network and the Pocket PC and the range of products from Microsoft."

#### About Pocket PC

Windows-powered Pocket PCs, the next-generation PDAs from Microsoft and its partners, offer customers the best way to connect to their most essential information while away from their desk, yet are versatile enough to satisfy the personal needs of today's busy mobile lifestyle. Pocket PCs already include a broad range of native business, personal productivity, and entertainment applications, yet can easily be expanded to adapt to each customer's changing needs through a continually growing number of industry standard hardware and software expansion options.

#### About AMERANTH TECHNOLOGY SYSTEMS

AMERANTH® Technology Systems Inc., founded in 1996 and headquartered in San Diego, California, is a leading systems integrator facilitating data exchange between mobile wireless computers and fixed information systems via Wireless Local Area Networks (WLAN), Local Area Networks (LAN) and/or the World Wide Web. As the leading innovator in the routing and synchronization of data moving between mobile wireless computers, fixed information systems, and the Internet, Ameranth's 21st Century Restaurant™, 21st Century Hotel™, 21st Century Casino™, 21st Century Retail™ and 21st Century Healthcare™ products are set to become the industry standards in enterprise wireless systems.

For additional information you may e-mail Kathie Sanders at [ksanders@ameranth.com](mailto:ksanders@ameranth.com)

# EXHIBIT 37

**S**eating 260 people, three times a night is a lot easier since the Dallas Improv installed Ameranth Technology Systems, Inc.'s 21st Century Restaurant™. Running on the Microsoft® Distributed interNet Architecture, the solution boasts a commerce-enabled Web site hosted by Microsoft Windows® 2000 Advanced Server that's boosting ticket sales. Ameranth 21st Century Communications™ middleware facilitates integration of customer data from the Web site with Windows CE ticketing software used to wirelessly assign tables.



**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

**symbol®**

Every joke is a tiny revolution, says George Orwell, and if the reverse is true for the kind of revolution that signals progress, everyone must be laughing at the Dallas Improv Comedy Club. Going from phones, pens, paper, and a single laminated seating chart to installing a Web, PC, and wireless system to handle all the ticketing, food ordering, table management, and payment processing for three 260-seatings a night has undoubtedly made owner Tom Castillo a happy man.

And the fact that the Ameranth Technology Systems, Inc. 21st Century Restaurant™ solution he chose for the Dallas Improv is built using 100 percent Microsoft products

and runs on the Microsoft Distributed interNet Architecture (DNA) platform, gave Castillo the security to enjoy his leap into the 21st century.

"I am comforted that Ameranth uses the Microsoft suite of products to provide their integrated solution," he says. "I know that with Microsoft, we will have the flexibility to integrate other software products in the future."

### The Ameranth Advantage

Castillo first came across Ameranth Technology Systems, Inc. last year in Chicago at the National Restaurant Association's annual tradeshow. At that point he told Ameranth that, "the Improv needs to move its systems into 21st Century technology," and he was "won over by the company's demonstration." Looking for a total solution, Castillo was particularly impressed with the fact that Ameranth could develop and install the entire Web, PC, and wireless system—something no other company could match. Because Castillo was

## Solution Overview

### Company Profile

The Improv Comedy Clubs showcase live performances by top, nationally known comedians. The Dallas Improv, located in the Dallas metropolitan area, is one of ten locations across the United States. The Dallas Improv has a full drink and dinner menu, and on the weekends runs a comedy-infused traffic school.

### Situation

Before Improv Comedy Club owner Tom Castillo went looking for a way to automate the ticketing, food ordering, table management, and payment processing at the Dallas Improv, the operation was making do with pens, paper, and a laminated seating chart. The resulting inefficiency compromised customer service and didn't help the bottom line.

### Business Solution

The Improv solution integrates Ameranth Technology Systems, Inc.'s software for Windows CE-based wireless handheld computers (Ameranth UltraPad™ 2700), Microsoft® Windows® NT® Server, and SQL Server™ 7.0 with Ameranth's 21st Century Communications middleware and a Symbol 802.11 FH Wireless LAN. The solution, called 21st Century Restaurant, provides Internet ticketing and payment processing, traffic school reservations and food ordering, phone-based ticketing and payment processing, and wireless handheld ticket authorization and seating assignments. The entire solution is built according to the Microsoft Distributed interNet Architecture and takes advantage of Microsoft Windows 2000 Server to power a new e-commerce enabled Web site. Ameranth has just inked a deal to install the same system in the Phoenix and Washington DC Improvs.

### Benefits

Immediate improvements in efficiency and speed of service increased revenue and dramatically enhanced the customer experience at the Dallas Improv. A new interactive Web site allows customers to pre-order and pre-pay for food and tickets for faster service at the theatre, where staff can quickly process their reservations and assign tables using a wireless handheld computer. Meanwhile the kitchen already has their food prepped and it comes to the table on time—definitely the best time in show business.



basically starting from scratch, this provided a great advantage.

"At the time, the Improv was a very low-tech and inefficient operation, where phone-based reservations were noted with pencil and paper and the table management was done with a grease pencil and a laminated seating chart," Castillo recalls. The company did have a Macintosh for accounting and running an antiquated POS system, as well as a promotional Web site with no interactive capabilities. And there was no database housing customer information.

Castillo immediately saw Ameranth as a way to increase sales by ramping up the

company's efficiency and speed of service throughout the entire customer cycle and e-commerce enabling the Web site. The solution would also provide a way to create a customer database. "Using Ameranth's 21st Century Restaurant, I believe the Improv will be able to increase sales and increase both the efficiency and speed of service," he says. "We are predicting costs will be recovered within a year."

### Microsoft Scales to the Solution

Ameranth's core technology is the 21st Century Communications™ middleware which routes data, regardless of programming language, across a variety of platforms, facilitating the data synchronization required for integrating different systems, including Web-based, Wireless LAN and PC-based client/server systems.

The Improv solution integrates Ameranth's software for Windows CE wireless handheld computers, the UltraPad™ 2700, and the Microsoft Windows NT® Server operating system and Microsoft SQL Server™ 7.0 with Ameranth's 21st Century Communications middleware and a Symbol Technologies 802.11 FH WLAN. This total solution provides

Internet ticketing and payment processing, traffic school reservation and food ordering, phone-based ticketing and payment processing with instant database input, and wireless handheld ticket authorization and seating assignments. A new self-service Web site enables customers to pre-order and pre-pay for tickets and food.

Given that the Improv's Ameranth solution spans the range from Web-based, to client/server to wireless technologies running on the Microsoft Windows CE operating system, it's no wonder that Castillo was happy that his solution adheres to Microsoft Windows DNA architecture that provides exceptional interoperability on a comprehensive, scalable platform for building and hosting distributed Web-based applications. "We wanted to use the Microsoft BackOffice® family of technologies and the Windows DNA platform because they are dependable and interoperable with many hardware and software technologies," says Castillo.

And by taking advantage of Microsoft Windows 2000 Advanced Server and its built-in Web server, Internet Information Server 5.0, to host the Improv's new self-service Web site, the Improv can Internet-enable its entertainment business model and set the stage for an enhanced customer experience.

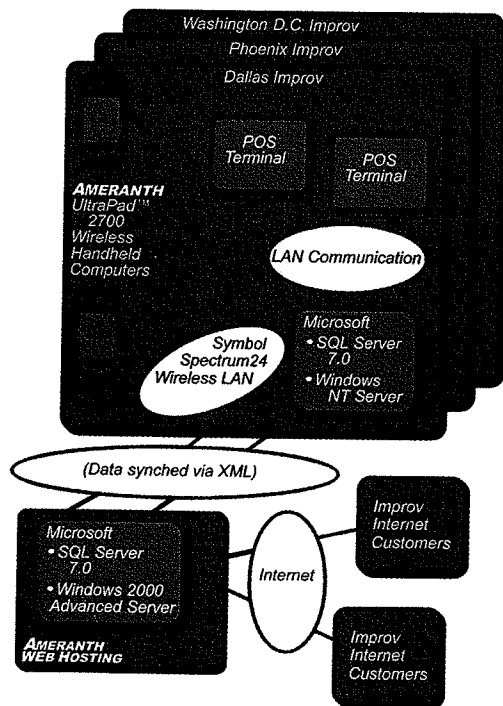
### Front Row Center

The best seat in the house is where everyone likes to sit, but it's not the only thing that contributes to a great evening out. Patrons at the Dallas Improv benefit from the Ameranth solution from the moment they pick up the phone, or log on to the Web site to

#### Improv Comedy Clubs System Architecture

w/ Internet Ticketing and Food Ordering

AN AMERANTH  
21<sup>st</sup> Century  
Restaurant  
SOLUTION



The Improv Comedy Clubs system architecture featuring Ameranth's Technology's 21st Century Restaurant

## For more information

"Thanks to the database system we now know who our customers are. Thanks to the wireless integration, the ticketing system, and the Web site, we now have a few minutes to get to know our customers."

*Tom Castillo, Owner, The Improv*

book their tickets. Over the phone, the Ameranth Desktop Ticketing/Reservations software enables staff to process orders more efficiently with automated table seating assignments. Now that agents can also enter customer information directly into the SQL Server database, management can track sales, implement a frequent customer program and produce mass e-mails.

Both online and phone orders are the first step in speeding up table management at the theater. Using Ameranth's UltraPad 2700 wireless computers and the Symbol Spectrum 24 Wireless LAN Access Point, staff can wirelessly process each customer either through scanning the bar code on tickets they printed out when purchasing online, or by inputting the authorization code they received over the phone. Using the UltraPad 2700 computer to access the database, table assignments are quickly and efficiently given to customers. Internet-ordered food expedites the wait staff's job as orders can be started upon the customer's arrival, leaving them more time to sell revenue-generating drinks and desserts.

Theater management also benefits from the use of Ameranth's 21st Century Database Wizard for updating the Web site prices, menus, show listings, and comedian bios and photos — without any knowledge of HTML.

### About Microsoft

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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 office.

For more information about Microsoft BackOffice-based hospitality solutions, visit the Microsoft hospitality industry home page on the World Wide Web, at <http://www.microsoft.com/industry/hospitality>.

### About Ameranth

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Ameranth Technology Systems  
12230 El Camino Real, Suite 330  
San Diego, California 92103-2090  
Tel.: 858-794-8282  
Fax: 858-794-8222  
E-mail address: [info@ameranth.com](mailto:info@ameranth.com)  
Web site: [www.ameranth.com](http://www.ameranth.com)

Ameranth Technology Systems Inc., founded in 1996, is a systems integrator facilitating data exchange between mobile wireless computers and fixed information systems. Through routing and synchronizing data moving between Wireless Local Area Networks and fixed information systems, including Internet servers, Ameranth's systems integration, software products and related services increase the speed, scope and efficiency of information processing for various industries, including hospitality and healthcare. Ameranth's customized products, solutions, and services are revolutionizing the way these industries operate by introducing them to the extraordinary benefits that mobile, wireless communications have to offer. Along with its strategic partner, Symbol Technologies, Ameranth is dedicated to establishing the wireless system standards around Symbol's Spectrum24 802.11 Wireless Local Area Network and Microsoft's Windows CE operating system.

### Database Information

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Version Used: Microsoft SQL Server 7.0  
Size of Total Database: 1.5 GB  
Size of Largest Database: 1.5 GB

### Microsoft Software Used

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Microsoft Visual Studio®  
Windows CE Toolkit  
Microsoft SQL Server 7.0  
Microsoft Windows 2000 Advanced Server  
Microsoft Windows NT Server  
Microsoft Office 2000

# EXHIBIT 38

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 858-794-8282

## Ameranth Announces Integration of Pocket PC with Ameranth's 21st Century Communication™ Middleware

Chicago, May 22, 2000—Ameranth® Technology Systems, a Microsoft Pocket PC launch partner, is announcing their integration of the Microsoft Windows-powered Pocket PC platform and handheld computing devices from Symbol Technologies (NYSE:SBL) and other vendors with Ameranth's 21st Century Communication™ middleware. The numerous advantages of Pocket PC—such as color screens, a full-featured Web browser, security and integration with Microsoft Office and Microsoft BackOffice products—are allowing Ameranth to expand its business opportunities and increase the range of products and services. As a result, Ameranth has already broken new ground in the field of wireless systems integration by pioneering the use of Pocket PCs in integrated solutions for the restaurant, hospitality, retail, and healthcare industries. The Company will make the formal announcement at a press conference today, May 22nd, at 11:30 a.m. at The National Restaurant Association Show, Room N230A.

"Ameranth made an early decision to align its own products and vision with the entire suite of Microsoft products," said Ameranth Executive Vice President of Business Development and founder, Keith McNally. "The introduction of the new Windows-powered Pocket PC platform validates that decision and will enable us to extend Ameranth's systems well into the 21st Century."

"Developing end-to-end mobile computing solutions is new to many industries, including the hospitality and healthcare industries," said Doug Dedo, Group Product Manager of the Mobile Devices Division at Microsoft Corp. "Ameranth provides a total turnkey solution integrating Pocket PCs 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. "

Pocket PC is more versatile than other platforms; it is superior in terms of its ability to integrate into other systems; and it will provide access to a wider variety of top quality commercial applications. These advantages of Pocket PC have been the determinant for Ameranth and its coterie of early adopters, that includes:

### Jamba Juice Company

Ameranth and Jamba Juice Company, the industry leader in blended-to-order smoothies, fresh squeezed juices, hot nutritious soups, and healthy breads, are working closely together to finalize a Pocket PC application to enable Jamba Juice to "bust lines" during peak periods using Ameranth's UltraPad 2700 handheld and Symbol Spectrum 24 wireless network.

proportional to the level of customer satisfaction. "We are excited to work with Ameranth," said Jamba Juice CIO, Manoj Tripathi, "because they understand that reducing the time to serve each customer is our primary goal and using wireless-enabled Pocket PCs is a key component in reaching that customer service goal."

"We've built our company providing cutting-edge technology to large enterprises and we know what they want," commented Tomo Razmilovic, President and COO of Symbol. "The Pocket PC is perfect for hotels, restaurants, casinos and healthcare facilities because it provides the speed, memory and screen-readability necessary for highly mobile workers moving quickly in hectic environments. Ameranth is our master distributor and preferred partner in the hospitality arena, and we are extremely pleased that they are developing software solutions based on both Symbol's Spectrum 24 wireless network and the Pocket PC and the range of products from Microsoft."

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Windows-powered Pocket PCs, the next-generation PDAs from Microsoft and its partners, offer customers the best way to connect to their most essential information while away from their desk, yet are versatile enough to satisfy the personal needs of today's busy mobile lifestyle. Pocket PCs already include a broad range of native business, personal productivity, and entertainment applications, yet can easily be expanded to adapt to each customer's changing needs through a continually growing number of industry standard hardware and software expansion options.

#### About Ameranth Technology Systems

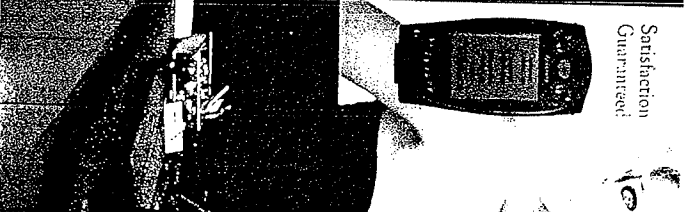
AMERANTH® Technology Systems Inc., founded in 1996 and headquartered in San Diego, California, is a leading systems integrator facilitating data exchange between mobile wireless computers and fixed information systems via Wireless Local Area Networks (WLAN), Local Area Networks (LAN) and/or the World Wide Web. As the leading innovator in the routing and synchronization of data moving between mobile wireless computers, fixed information systems, and the Internet, Ameranth's 21st Century Restaurant™, 21st Century Hotel™, 21st Century Casino™, 21st Century Retail™ and 21st Century Healthcare™ products are set to become the industry standards in enterprise wireless systems.

#### About Symbol Technologies

SYMBOL TECHNOLOGIES, INC. is a global leader in mobile data management systems and services with innovative customer solutions based on wireless local-area networking for voice and data, application-specific mobile computing, and bar-code data capture. More than 7 million Symbol scanners and application-specific, scanner-integrated mobile computer systems are in use worldwide. Symbol and its global network of business partners provide solutions for retailing, transportation and distribution logistics, parcel and postal delivery, healthcare, education, manufacturing, and other industries.

For additional information you may e-mail [info@ameranth.com](mailto:info@ameranth.com)  
or call (858) 794-8282

# EXHIBIT 39



# **EXHIBIT 40**



Ed Rothenberg Phone Call, 09MAY00

1. hardware price is the most critical (price to customer needs to be less than \$ 1000 w/ RF)
2. everything oriented toward joint marketing
3. wants exclusivity
4. response time
5. requirements to keep development team focused on hospitality
6. negotiable margins
7. want to sell new POS systems as a whole that include handheld terminals
8. don't want to sell to currently installed base (this only represents value to Ameranth, not to Micros)
9. many of Micros' customers own the interface to their product
10. development conditions: use current tools, etc.
11. leverage our IP
12. Micros has relationship with HP to resell their products
13. Hardware is a cutthroat business, Micros knows because they are in the business
14. Expect large sales overseas (difficult sales, VAT calculations, foreign languages, etc.)
15. Technical resources are earmarked to begin in 30 to 45 days.

# EXHIBIT 41

MICROS-AMERANTH  
INTELLECTUAL PROPERTY LICENSE, DEVELOPMENT AND  
MARKETING TERM SHEET

INTELLECTUAL PROPERTY LICENSE AND DEVELOPMENT

1. License of Ameranth Intellectual Property: Ameranth shall license to MICROS certain software (the "Ameranth Intellectual Property") for use by MICROS and sublicense to end-users of MICROS's products ("End Users"). During the term of the Agreement for so long as Micros meets its sales objectives as set forth in Exhibit A, Micros will be Ameranth's exclusive reseller of Ameranth Intellectual Property in the hospitality industry. As Ameranth's exclusive reseller of Ameranth Intellectual property in the hospitality industry, Micros shall have the right to resell Ameranth Intellectual property to other hospitality-system vendors and to end-user customers. However, any reseller contract entered into by Ameranth prior to June 15, 2000 will be allowed to run its course. ALOHA. IMPLICATIONS TO CONTROL OF A PROTOCOL.
2. License Fees for Ameranth Intellectual Property: MICROS shall pay Ameranth the license fees set forth in Exhibit B within thirty days of the last day of the month in which the particular license or sublicense was granted.
3. Hardware Sales: MICROS may purchase hardware products from Ameranth at the most favored rates offered by Ameranth in the hospitality industry, taking into account all the terms and conditions of sale.
4. Custom Development: Ameranth shall be the subcontractor for all development work based on the Ameranth Intellectual Property. Ameranth shall have a right of first offer and first refusal to serve as the subcontractor of MICROS with respect to all custom development for the hospitality industry related to those areas in which Ameranth then has those development capabilities.  
  
MICROS will submit requests for proposals for custom development services, to which Ameranth will have ten business days in which to respond with a binding proposal for a customer. A proposal shall be binding for a period of ninety days. Upon acceptance of a proposal, Ameranth shall commence work no greater than twenty days after acceptance by MICROS, unless otherwise noted in the proposal. Each proposal shall be subject to the terms and conditions contained therein.
5. Feature Releases: Ameranth will maintain a development team focused on producing and enhancing software products for the hospitality industry and interfaced to MICROS products, producing Feature Release of various handheld solutions on a mutually agreed time-frame as defined on an annual basis by Ameranth and MICROS. Ameranth and MICROS will jointly develop the Applicable Requirement for these Feature Releases. A "Feature Release" is one that provides new functionality to the

marketplace. Intellectual property rights for Feature Releases will reside with Ameranth and will be licensed to MICROS according to the terms of the standard Ameranth/Micros Licensing and Distribution Agreements.

6. Enhancements & Modifications: Ameranth shall provide, at its own expense, initially two dedicated developers and additional developers based upon agreed sales metrics as set forth in Exhibit C, who will work with MICROS on any and all enhancements or modifications. Additionally, Ameranth will develop the modifications and enhancements contained in and according to the schedule in Exhibit D. Intellectual property rights for Enhancements and Modifications will reside with Ameranth and will be licensed to MICROS according to the terms of the standard Ameranth/Micros Licensing and Distribution Agreements.
7. System Requirements: All Custom Development, Feature Releases, and Enhancements & Modifications as integrated with MICROS software products and peripherals shall: (i) satisfy all applicable international translation, taxation, and reporting requirements; and (ii) operate properly with the then current version of the target operating systems environment, compilers, and other associated development tools.
8. Testing and Reliability: MICROS and Ameranth shall strive for 100% availability and reliability of all integrated solutions. Ameranth shall provide the responsiveness to reported problems during pre-release testing (alpha and beta) and post release customer support, as stipulated in Exhibit E. MICROS will train no fewer than 3 Ameranth personnel on MICROS products. MICROS will provide test equipment for Ameranth to use to test, evaluate and troubleshoot the Intellectual Property.

## MARKETING

9. Ameranth Marketing: Ameranth shall continue efforts to market wireless solutions in the hospitality marketplace.
10. Marketing Support to MICROS: Based on a first year mutually agreed upon static budget and (ii) as a percentage of MICROS Hospitality Industry generated sales thereafter as set forth in Exhibit E. Ameranth shall provide to MICROS sales and marketing support, as reasonably requested by MICROS. If MICROS requests that Ameranth support a sales meeting or presentation, Ameranth shall make good faith efforts to make available a qualified person at no cost to MICROS.
11. Referral Fee: Micros shall pay Ameranth a Referral Fee as set forth in Exhibit F for all referrals that lead to a sale. If the parties determine that a customer will be better served if Ameranth take the lead for a particular account and if the account is obtained through a Micros referral to Ameranth, then Ameranth shall pay Micros a Referral Fee as set forth also in Exhibit F.

## MISCELLANEOUS

11. Training Support to MICROS: Ameranth shall reasonably participate in MICROS sales training in the form of product training classes and updates on product development efforts.
13. Product Support: Ameranth shall provide Level II technical support. Shall pay Ameranth a portion of the support revenues associated with any installation/license of Ameranth Intellectual Property according to the schedule set forth as Exhibit H.
12. Demo-Systems Support: Ameranth shall provide MICROS with demo software free of charge and demo hardware at cost, and assist in routinely maintaining the demo systems in their most current embodiment.
13. Coordination Meetings: Ameranth and MICROS shall meet face to face as needed, but at a minimum on a monthly basis, alternating location of the meeting between the two companies' respective offices or a mutually agreed location, for the purpose of reviewing and updating development, test, and marketing efforts. Each company shall maintain senior representatives in the areas of development, marketing, and support, who will need to be represented at this meeting.
14. Microsoft Participation: Ameranth shall use commercially reasonable efforts to support and coordinate meetings between MICROS and Microsoft for purposes of having Microsoft assist MICROS.
15. Non Disclosure: The existence and terms of this proposal will not be disclosed to any third party (other than each party's professional advisors and such third parties as may be required to consent to a transaction) without the prior written consent of the other party.
16. Non Binding Effect: The provisions of this term sheet reflect a non-binding expression of interest except for those contained under the Non Disclosure Provision, which shall be binding.

# EXHIBIT 42

## W.J. Kitchen

---

**From:** Curt Mcleland [cmcleland@ameranth.com]  
**Sent:** Thursday, June 22, 2000 6:21 PM  
**To:** Ed Rothenberg (E-mail)  
**Cc:** WJ Kitchen (E-mail)  
**Subject:** Updated license structure



MICROS licenses  
#2.xls

Dear Ed,

Thanks for getting back to me regarding the license schedule. As discussed, I have updated the format to break out the middleware from the per handheld charge so that we can move towards a \$1,000 per handheld solution. There are two tabs in the excel workbook that outline the software licenses and overall configuration. The first spreadsheet summarizes the per handheld cost structure and the recommended MSRP. As you can see, the MSRP is higher than the \$1,000. However, there is \$149 per handheld gross profit using the current cost structure if MICROS was to price each handheld at \$1,000. The biggest cost of the solution is clearly the hardware which should come down in price by the time MICROS and Ameranth would be ready to deliver the wireless solution in late 2000. There is also estimated pricing for the access point so that you can estimate the cost of the full wireless solution.

The second tab basically breaks down the license minimums for the handhelds and the middleware. This is very similar to the last spreadsheet you received earlier this past week. As you can see, I've proposed price breaks for middleware depending on the number of handhelds as discussed. I've taken a ratio of 10 handhelds per 1 installation to determine the number of respective licenses for the handheld and the middleware. I've calculated the minimum on the middleware using the > 10 handhelds per installation. However, any combination of the different configurations could equal the minimum as long as the revenue number equals the monthly \$ minimum. For example, you could meet the minimum by selling 100 (10 unit installs) or 200 (5 unit installs) or any combination thereof.

Ultimately, I believe that MICROS/Ameranth can work towards a \$1,000 handheld solution. We are very sensitive to what the market is looking for in a handheld solution and that is why we have been moving towards a non-ruggedized solution to compliment our ruggedized solution.

We are very excited about the prospect of working with MICROS. I realize that both of us will be on vacation next week, however, we are dedicated to moving this process forward ASAP. If you have a chance to review this and could call us tomorrow morning it would be greatly appreciated. This would then give us the opportunity to make any necessary changes to the pricing and license structure and finalize our legal review next week so that when you and I return from vacation we haven't lost any time. WJ will be here all next week and he has your cell phone number to ensure we maintain communication. I will also check in periodically during the week to assist in any way I can.

Thanks again.

Curt

**System Configuration**

<b>Handheld</b>	<b>Current</b>	
	<b>MSRP</b>	<b>Cost</b>
Software License	399	200
Compaq Hardware	499	400
Radio Card	395	251
Total	1,293	851

← **Estimate**

If sold for \$1,000 MICROS would realize an estimated \$149 per handheld Gross Profit

<b>Other items:</b>	<b>Current</b>	
	<b>MSRP</b>	<b>Cost</b>
Access point	1,495	1,050

Middleware(see next spreadsheet for license breakdown).

Other Software items to be discussed that are not included in the middleware or per handheld license examples:

**Valet Parking**  
**Hostess/Table management**  
**Frequent Diner**

**Ameranth's internet and ASP solutions**

The information presented above is for informational purposes only and does not constitute any contractual obligations by Ameranth.



**EXHIBIT B**

**SOFTWARE LICENSE PER HANDHELD (Avg 10 per installation)**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5 and after</b>
Minimum <b>Monthly</b> Per handheld Licenses	1,000	2,000	4,000	7,500	10,000
<b>Per handheld license fee due AMERANTH</b>					
POS Extension - Per handheld (MSRP \$399)	\$200	\$200	\$200	\$200	\$200
Total Monthly Minimum \$	\$200,000	\$400,000	\$800,000	\$1,500,000	\$2,000,000
Annual Minimum \$	\$2,400,000	\$4,800,000	\$9,600,000	\$18,000,000	\$24,000,000

**MIDDLEWARE LICENSE PER INSTALLATION**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5 and after</b>
Minimum <b>Monthly</b> Per Install Licenses	100	200	400	750	1,000
<b>Per Installation license fee due AMERANTH</b>					
Middleware - Per Installation (MSRP \$495 for sites with < 5 handholds)	\$250	\$250	\$250	\$250	\$250
Middleware - Per Installation (MSRP \$995 for sites with 5 -10 handholds)	\$500	\$500	\$500	\$500	\$500
Middleware - Per Installation (MSRP \$1,995 for sites with 10 - 15 handholds)	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Middleware - Per Installation (MSRP \$1,995 for sites with > 20 handholds)	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500
Total Monthly Minimum \$ (Minimum based on > 10 handholds per site)	\$150,000	\$300,000	\$600,000	\$1,125,000	\$1,500,000
Annual Minimum \$	\$1,800,000	\$3,600,000	\$7,200,000	\$13,500,000	\$18,000,000
Total Annual \$ Minimum for Handheld software and Middleware	\$4,200,000	\$8,400,000	\$16,800,000	\$31,500,000	\$42,000,000

The information presented above is for informational purposes only and does not constitute any contractual obligations by Ameranth.

# EXHIBIT 43

# NEWS

FOR IMMEDIATE RELEASE  
Contact: Kathie Sanders 858-794-8282

## Ameranth Technology Systems™ Inc. Announces Investment by Microsoft

**San Diego, June 16, 2000**—Ameranth Technology Systems Inc. today announced that Microsoft Corp. is making an undisclosed investment in their company. Ameranth is a San Diego-based wireless software development company specializing in the integration of wireless handheld computers, back office systems and the Internet. Ameranth's products and solutions allow service providers to take automation directly to the customer via Internet and wireless, thereby improving service and reducing cost. As a Microsoft Pocket PC launch partner, Ameranth recently announced the integration of its revolutionary 21st Century Communication™ middleware with Microsoft's Pocket PC platform handheld computing devices. The investment was exchanged for an undisclosed amount of equity in the privately held Ameranth.

"We are very pleased with the Microsoft investment," said Ameranth CEO, Dr. W.J. Kitchen. "From the beginning, Ameranth made a unilateral decision to align its products and vision with the entire suite of Microsoft products. We are extending this integration to the Microsoft Windows-powered Pocket PC platform because the platform will enable us to offer the handheld computer interfaces and systems integration our customers are demanding."

"Ameranth is occupying a critical space in information technology, and we are confident it has the wherewithal to exploit this space to great end," said Doug Dedo, group product manager of the Mobile Devices Division at Microsoft Corp. "Ameranth provides a total turnkey solution integrating Pocket PCs 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."

Ameranth has recently announced a number of wins:

- Pyxis Corporation and Ameranth developed the PyxisVeri5™ Medication Verification and Documentation System for healthcare facilities. This application will allow healthcare professionals to use the Symbol PPT 2740 with Pocket PC to access patient records—via Ameranth's 21st Century Communication middleware—in order to verify prescriptions and check for allergies and interactions prior to administering medications.

- Starwood Hotels & Resorts Worldwide, Inc. and Ameranth have developed a room inspection application on Ameranth's Pocket PC-enabled UltraPad™ handheld computer, which will be used during housekeeping inspections to track the overall cleanliness of hotel guestrooms.
- The Jamba Juice Company and Ameranth are working closely together to finalize a Pocket PC application to enable Jamba Juice to "bust lines" during peak periods using the UltraPad 2700, a Symbol Spectrum 24 wireless network., and Ameranth's 21st Century Communication middleware.
- The Improv Comedy Clubs is currently using Ameranth developed software for their wireless, Internet and box office ticketing system.

About AMERANTH TECHNOLOGY SYSTEMS AMERANTH® Technology Systems Inc., founded in 1996 and headquartered in San Diego, California, is a leading systems integrator facilitating data exchange between mobile wireless computers and fixed information systems via Wireless Local Area Networks (WLAN), Local Area Networks (LAN) and/or the World Wide Web. As the leading innovator in the routing and synchronization of data moving between mobile wireless computers, fixed information systems, and the Internet, Ameranth's 21st Century Restaurant™, 21st Century Hotel™, 21st Century Casino™, 21st Century Retail™ and 21st Century Healthcare™ products are set to become the industry standards in enterprise wireless systems.

For additional information you may e-mail [info@ameranth.com](mailto:info@ameranth.com).

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# **EXHIBIT 44**

## Ameranth Serves Up Customer Friendly Cold War Technology

By JENNIFER DAVIES  
*San Diego Daily Transcript*

When the Cold War ended, many a San Diego defense company had to take its technology and re-apply it to the new peace-time reality.

Keith McNally, a co-founder of San Diego-based Ameranth Technologies and a former Litton and SAIC employee, said he surveyed the post-Cold War landscape and determined that in spite of the geopolitical shifts, one thing would remain unchanged.

"When peace broke out, I thought about it and decided that, no matter what, people will be eating for the foreseeable future," McNally said.

So with two former Army buddies, Daniel Drummond and Bill Roof, McNally started Ameranth Technologies, a company that aims to use wireless technology to improve the efficiency of the notoriously inefficient restaurant industry.

Working as a middleware product with a variety of point-of-sale computerized restaurant systems, Ameranth's technology

allows servers to enter in orders on wireless devices as well as provide a whole host of functions from automatic valet service to table side check-out. In addition, the system can also provide real-time analysis of table turnover so managers can pinpoint problems quickly and also allow busboys to alert the host station wirelessly when a table is clean.

Ameranth's technology works with Microsoft's Pocket PC operating system and uses a co-branded handheld technology developed with Symbol Technologies, both of which are investors in the company.



W.J. Kitchen, a former Motorola executive who came on board four

*Please Turn to Page 8A*

## Ameranth

*Continued From Page 1A*

months ago, said by wirelessly automating restaurant processes, Ameranth's technology allows eating establishments to turn tables at much faster rates, both improving the diners' experiences and bolstering the bottom line.

"The restaurant business is really a real estate business, and that real estate is the table," Kitchen said. "With our technology, during peak hours, restaurants can turn one-and-a-half to two times the numbers of tables they would have without it."

The promise of efficiency is not limited to the restaurant industry, Kitchen said. Ameranth is also targeting hotels, casinos and cruise ships as part of its market share, as

well as sports stadiums.

Aside from high-profile investors like Microsoft, Ameranth recently was awarded close to \$200,000 through the San Diego Regional Technology Alliance. Cliff Numark, the CEO of the SDRTA, said Ameranth was one of 25 companies statewide to receive the grant and is a classic example of San Diego's successful push to retool its defense industry.

"They epitomize the conversion of the San Diego economy from one that was focused on the defense industry to a commercially focused economy," Numark said.

But aside from the company's ability to morph defense technology into practical applications, Numark said Ameranth is also impressive

because it is working to build a niche in a potentially huge market.

Ameranth has inked a number of deals to provide its technology to hospitality companies such as Jamba Juice, a purveyor of fruit smoothies, and Starwood Hotels & Resorts Worldwide Inc. In addition, The Improv Comedy Clubs has also signed with Ameranth to use its software to bundle its wireless, Internet and box office ticketing system to allow patrons to preorder seats, food and drinks.

"They are really working the business development side of things," Numark observed. "They are making the right partnerships and with the right companies."

jennifer.davies@sddt.com  
Source Code: 20000720tba

# EXHIBIT 45

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 888-AMERANTH

## Ameranth Receives Moby Award™ For Wireless Mobile Computer Application

LAS VEGAS, NV, September 13, 2000—Ameranth Technology Systems Inc. has received the entertainment sector Moby Award™ for its mobile computer software applications. 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.

“We are honored to receive this recognition for our wireless computer software applications,” commented Dr. W.J. Kitchen, Ameranth’s CEO. “Mobile Insights is the leading authority on mobile computing, and we are privileged to receive this prestigious award.”

Ameranth’s wireless handheld computer ticket authorization and seating assignment application for the Dallas Improv Comedy Club is part of an Ameranth created Internet and site-based ticketing system. The Ameranth mobile computer software application runs on a Symbol Technologies PPT 2740 wireless mobile computer and is integrated with the ticketing database via the Ameranth 21<sup>st</sup> Century Communication™ Controller server. With this system, customers with ticketing reservations can bypass the ticketing office and proceed directly to the theater entrance for ticket verification and seating assignments.

The Moby Awards™ were presented at the Mobile 2000 conference, held from September 10-12 at the Bellagio hotel in Las Vegas, Nevada. Mobile Insights, Inc., a professional services firm focused on mobile computing and data communications, received several nominations for thirteen categories, which ranged from education, field services and transportation, to healthcare, manufacturing and entertainment. Vendor nominations were reviewed by the Mobile Insights analyst team, which included, Gerry Purdy, Craig Mathias, Theresa Barry Nozick, and Tim Scannell.

AMERANTH® Technology Systems Inc. ([www.ameranth.com](http://www.ameranth.com)) is a leading provider of wireless system software to the hospitality industry. The Company’s software applications, which run on PocketPC wireless handheld computers, communicate with legacy back office systems over wireless LANs—moving the point of activity from fixed terminals to where it belongs—by the customer’s side. Ameranth’s 21st Century Restaurant™ system is set to become the industry standard for wireless ordering and payment processing in restaurants.

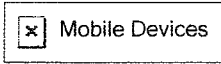
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# EXHIBIT 46



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Pocket PC

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## Battle of the Century: Palm versus Pocket PC

By Dale Coffing, Nov 13, 2000

*This exciting session was a classic debate between three panelists representing Palm versus three representing Microsoft. Microsoft is in an unfamiliar role of David taking on Palm, the Goliath of the PDA market industry. Who comes out the winner?*

I got to this session early because I have learned very quickly at COMDEX that parking and traffic may be the biggest battle you may encounter during this week in Las Vegas. The real battle I came to witness though wasn't out on the streets but down in the conference halls of the Venetian Hotel.

J. Gerry Purdy of Mobile Insights, Inc., who came up with this popular session's idea, moderated the debate. The "David" in this battle complete with a sling filled with the Windows® Powered Smartphone 2002 (code-named Stinger) was Phil Holden of Microsoft who headed a team for the Pocket PC of Ted Clark, Compaq, and Keith McNally, Amerath. They were pitted against the "Goliath" with his armor of historical market dominance slides by Michael Mace of Palm, Inc. and his team of Joe Sipher; Handspring, and Greg Zerkis; Motorola.

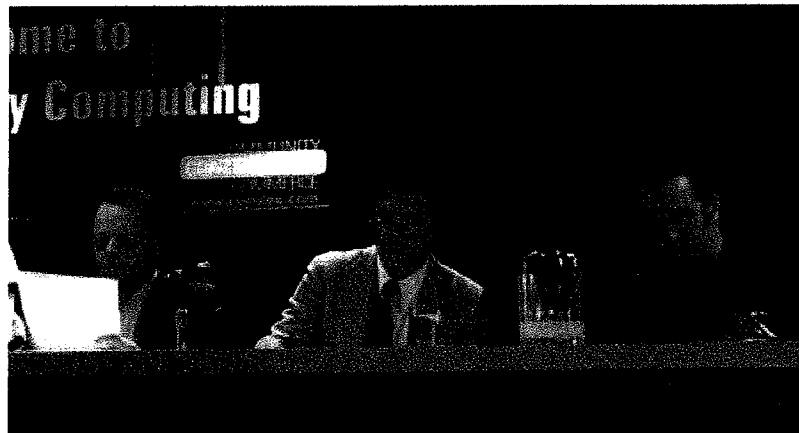


Figure 1: The Pocket PC panelists of Ted Clark, Keith McNally, and Phil Holden.

Gerry opened up the session by giving everyone the intended format for the session. Each side would be timed as they spoke and have opening remarks that would then follow with each team responding and have rebuttal comments. Closing comments of each team wrapped up the debate. This format and topic was apparently popular as the room filled to capacity, which I would estimate at around 1,000 people.

### Question Posed About the Future of These Devices

Phil opened the debate with some humbling comments about the poor product that had been the initial release of Windows CE and how Palm had done it right and has a great installed base to prove it. "Palm is clearly the market leader" Phil acknowledged. He then shifted his comments to have the debate not center on the history of the PDA but instead focus on the future of it. He brought up topics to cover, such as telephone, e-mail with attachments, games, multi-tasking, connectivity, readability of eBooks. Phil asked, "What is the right path for the future?" as he wanted to hear where Palm was

going in the future to meet customers needs.

Michael opened up with an impressive set of slides showing the market dominance of Palm devices over Windows-powered devices over the last several years. The slides detailed everything from the relatively small user base of product for Windows Powered Pocket PCs compared to the large quantity of available software for Palm. He started throwing the first arrows, as Gerry put it later, with a counter comment about how it is possible to grow a business quickly when he showed the fast-paced growth of Handspring as evidence. This drew us in with some light humor and was a sign of the good times to come for the audience. Michael mentioned, "People don't buy the most features, they buy the best solution."

### **Palm's Demonstration and Pocket PC Team Rebuttal**

Michael drew some audience laughter when he joked a couple of times that in line with the presidential debates they would ignore the charges made by the other side. Unfortunately for the Palm team, it became apparent over the course of the session that this was more of a prepared presentation from Palm rather than to confront and debate many of the questions and issues brought up by the Pocket PC team.

Keith for the Pocket PC team brought out concerns of BackOffice connectivity and screen resolution. He also provided one of the biggest laughs of the session with his comment comparing the Palm solution to that of a VW automobile's small size, light weight, and inability to carry a big load.

Joe countered very well for the Palm team showing prepared slides with the theme of "Simple doesn't mean Simplistic." His example was how people only want to hit one button to get to their today information. The attendee sitting next to me commented immediately with "When I power on my Pocket PC I get the Today screen without pressing *any* button."

### **Palm Shortcomings Pointed Out**

Greg brought out specific shortcomings of the Pocket PC such as short battery life, AvantGo being hard to implement and cost being prohibitive to the corporate environment.

Ted Clark had comments around the need for a true enterprise side solution complete with tools. He also responded to an earlier remark from the Palm team about a joke that the iPAQ with its large expansions sleeves could pull down your pants if you put it in your pocket, compared to Palm. Ted drew one of the largest laughs when he inferred that given the choice some would choose to have their pants fall down.

Palm showed several accessories with the comments that the user can choose what he wants and is not forced to buy it. The MP3 player was shown for the Handspring Visor and when someone in the audience asked "How much?" the response was that it was around U.S.\$249. Phil quickly chimed in with "Do the math! Do the math!" which drew another laugh. The audience was treated to fun jabs back and forth by both teams like this throughout the session that made it exciting and entertaining.

### **Wireless Demo to Connect to the Internet -- Inconclusive**

During the closing remarks Michael did something for Palm that I thought was very ingenious. He planted two Palm employees in the front row with the intent to demonstrate wireless connection speed. One had a Palm VII and the other had the iPAQ. He gave them a few things to pull up live off the Internet such as stock performance and commanded them to "Go!" The Palm VII with its' quick flip of the antenna was off and running while the poor iPAQ guy was there fumbling around unable to slide the Pocket PC in its expansion pack or insert in the wireless PC Card with any ease.

I thought Michael had hit a home run with this demonstration until Phil countered with a quick wit remark along the lines of "Now, pull up COMDEX.com!" Unfortunately the signal strength wasn't strong enough in the recesses of this building to pull off the

speed comparison test. Earlier in the session Phil even pulled out a Smartphone 2002 mobile phone to try and call the Handspring with its expansion slot mobile phone that had been brought but the lack of signal prevented it.

### Deciding the Winner

I asked Phil later what he thought. Overall he felt the debate was good for the industry and would like to see it happen again with maybe a demo challenge shoot out. He believes Microsoft offers a solution that meets the people's needs today and doesn't lack any of the power or functionality required for the future. Although the Pocket PC is not perfect it will continue to improve. On the other hand, Palm never responded to the questions to show what they are going to do to get better.

This was the most fun and entertaining session I have been able to attend. I think both sides presented very well and the audience was most certainly pulled in to it. Gerry asked at the very end for a show of hands to see who preferred Palm or Pocket PC. He estimated about 60 percent Palm and 40 percent Pocket PC. Then he asked who the crowd felt "won" this debate and he estimated about 70 percent Pocket PC and 30 percent Palm. I would conclude with the vote of the audience that little "David" with his Smartphone 2002 phone from his pocket slew the over-confident "Goliath" with his large Palms.

### Related Articles:

- Display Pocket PC Screens on a PC with Virtual CE
- ActiveSync Network Connection
- Wireless P2P Gaming
- Printing with PocketClipPrint
- Give Your Pocket PC a New Look with PocketBlinds
- Use Your Pocket PC as a Console Terminal
- Common Queries about the Pocket PC
- Using the Remote Display Control to Create Screen Shots of Your Pocket PC
- Pocket PC User Group of the Month
- Attracting Vendors
- Enlisting Members
- Setting Goals for Your Group
- Finding a Meeting Site
- Developing a Web Site and Newsletter
- The IT World Meets in Germany at CeBIT
- Securing Information in Pocket Excel
- New Gear & Rich Media
- Meet Your New Best Friend: Microsoft's Smartphone Solution
- Security, Storage, and Real-Time Rendering for the Pocket PC
- Adventures in the Wireless Jungle
- Raider of the Lost Today Banner
- Pocket PC Goes Extreme
- Palmax's Coming Out Party
- Dale's Diary
- Data Streaming to Pocket PC
- It's Not Just Technology!
- Dale's Diary
- Fall COMDEX 2000: Talk to the Pocket PC!
- Dale's Diary
- Team Votes for Best of COMDEX ... for the Pocket PC!
- Fall COMDEX 2000: If It's Tuesday, It Must Still Be COMDEX
- Welcome to the Las Vegas Pocket PC Fan Fest!

# EXHIBIT 47

# Here's My Order—And Don't Forget The Milk

BAR-CODE SCANNING TECHNOLOGY EASES GROCERY SHOPPING, SPEEDS COMEDY-CLUB RESERVATIONS

**B**ar coding, traditionally a dull, behind-the-scenes technology, is coming out of the warehouse as Safeway Inc. and the Improv Comedy Club in Dallas add wireless capabilities and high-quality printing to create unique customer applications.

Safeway supermarkets in the United Kingdom plan to expand a program that lets customers scan bar codes of the foods in their refrigerators and pick them up—all packaged and ready to go—at their local store. Also, the Improv Comedy Club said last week that it plans to use bar codes to automate reservations, ticketing, seating, and food ordering, as well as to create a customer database.

Safeway is giving British customers free Palm Pilots equipped with scanners from Symbol Technologies Inc. Each week, users can scan bar codes of products in their homes that they'd like to buy, check off the time they'll be at the store, and send the information via dial-up lines to Safeway. At the store, customers go to a reserved aisle to pick up their orders. Safeway is also considering delivering the groceries or letting customers pick up their orders at central sites, such as train stations.

About 1,000 customers at two U.K. Safeways use the Easi-Order system; six more stores will come on board after New Year's. Of those, about 600 regular customers generate 4,000 orders a month—figures that back up Safeway's claim that Easi-Order has generated customer loyalty.

"One of our main concerns was losing the incremental business of customers making impulse purchases as they walk through the aisles," says IT systems director Tony Mather. "But we actually found that people give themselves a finite amount of time to shop, and they forget things." Customer purchases actually increased by 15% to 20%, he says.

One reason for the growth may be the new database Safeway uses to push items such as dip to people who already buy chips. Customers receive a personalized shopping list each week

based on their buying patterns. Included in that list is an ideas section that lists other items they may want. Safeway also provides a loyalties section that tracks points customers can redeem for purchases. There's also a recipes section that will soon be automated. Customers will be able to click on a specific recipe, and all the ingredients needed would automatically be added to their shopping cart.

Easi-Order runs on an OS/390 IBM mainframe hosted and maintained by IBM Global Services. The mainframe collects and mines customer data and delivers to the Palm Pilots the personalized shopping lists. Customers then can indicate the items they want, in addition to scanning bar codes.

Safeway will add more front-end options, so consumers can enter their orders in more ways. In February, it will link Easi-Order to a Web site, and it's looking to offer interactive TV access as well. IBM is exploring the feasibility of a speech-recognition system that would let Safeway customers call in orders by phone.

The Improv also is relying on bar-code technology to improve customer service. The new program is the brainchild of Tom Castillo, owner of the Dallas Improv and an investor in two other Improv clubs. Earlier this year, he realized that the need for technology in a business focused on speed was no laughing matter. Unable to find a solution for the time-and-motion problems

inherent in seating and feeding 230 customers in 90 minutes three times every Saturday night, Castillo hired Ameranth Wireless to create one.

Ameranth's solution includes a Web site on which customers can order and pay for tickets and dinner, then print out bar-coded receipts that contain their seating and menu selections. At the club, customers bypass the box office altogether and are seated by personnel who scan the bar codes with Symbol PPT2740 pocket PCs, connected wirelessly to the LAN.

Information from online sales also downloads into a customer database that can track who shows up for Jerry Seinfeld, for example, and E-mail them the next time he's doing a show in town. "It's not just getting people in and out, but [tracking] the enormous amount of customer data of who's showing up and when," says Doug Lloyd, Symbol's hospitality business development director.

Castillo declined to disclose costs but says he expects a full return on investment within six months.

The Improv bar-code system will be available to clubs in Hollywood, Dallas, and Irvine, Texas, by year's end. Copeland Industries, the majority investor in the Improv chain, also will install the system in 12 Improvs currently open and another dozen that are scheduled to be built within four years. —CHERYL ROSEN

## Old Technology With New Uses

Two very different kinds of companies are relying on bar-code technology in combination with wireless and printing technologies to provide better customer service.

### Improv Comedy Club

- **Problem:** Processing, seating, and feeding 230 people in less than 90 minutes, three times every Saturday night

- **Solution:** Customers order and pay for dinner and a show on the Web site, print bar-coded tickets at home, and bypass the Improv box office; workers use a wireless device to scan tickets at their seats

### Safeway

- **Problem:** Providing an easier way for customers to shop that builds loyalty and increases sales

- **Solution:** Customers use handheld devices to scan bar codes on groceries in their homes, transmit orders, then pick groceries up at the store; also provides personalized shopping lists and offers

More on bar coding and wireless: [informationweek.com/812/improv.htm](http://informationweek.com/812/improv.htm)

For company Web addresses, see p. 374

# EXHIBIT 48

**AMERANTH®**  
WIRELESS AT WORK™  
**NEWS**

FOR IMMEDIATE RELEASE

Contact: Laura Smith 888-AMERANTH

**Ameranth Wireless™ Introduces the 21<sup>st</sup> Century Hotel™ Room Inspection System to Starwood Hotels & Resorts Worldwide, Inc.**

Waltham, Massachusetts, January 28, 2001--Ameranth Wireless™ is demonstrating its 21<sup>st</sup> Century Hotel™ Room Inspection System at the Starwood Housekeeping Conferences for Westin and W Hotels. The conferences, which are scheduled to take place on January 28<sup>th</sup>, February 1<sup>st</sup>, and February 8<sup>th</sup> in Waltham, MA, Cincinnati, OH, and Los Angeles, CA respectively, will give hotel operators the first opportunity to purchase and view the room inspection system that Ameranth® has developed.

Ameranth's 21<sup>st</sup> Century Hotel Room Inspection System was developed according to Starwood's specifications for a housekeeping inspection survey program. The software, which runs on Microsoft® Windows® powered Pocket PC handheld computers, allows room inspectors to follow a prefabricated survey that leads them through all the necessary items to check. The data is then downloaded to Ameranth back office software, which compiles and offers reports based upon inspector, housekeeper, or other cleanliness issues.

"The Room Inspection System is the first step towards Ameranth's vision for the 21<sup>st</sup> Century Hotel," says WJ Kitchen, CEO and Chairman of Ameranth Wireless. "Ameranth Wireless expects handheld software to improve a variety of hotel operations in the future...everything from room inspection surveys, to wireless ordering in the restaurants, to wireless check in and check out modules."

"Starwood is very excited to be able to offer Ameranth's software to our hotels in North America," said Tina Edmundson, Vice President, Rooms, Starwood Hotels and Resorts Worldwide. "The handheld room inspection system will help us to ensure that our guests receive the quality and service that they have come to expect from the Starwood name."

Ameranth's strategic partner, Symbol Technologies will supply their Microsoft® Windows® powered Pocket PC terminals for those Starwood Hotels requiring rugged computers.

About Ameranth

AMERANTH Technology Systems, Inc. (<http://www.ameranth.com>) is a leading provider of wireless system software to the hospitality industry. The Company's software applications, which run on PocketPC wireless handheld computers, communicate with legacy back office systems over wireless LANs—moving the point of activity from fixed terminals to where it belongs—by the customer's side. Ameranth's 21<sup>st</sup> Century Restaurant system is set to become the industry standard for wireless ordering and payment processing in restaurants.



About Starwood

Starwood Hotels & Resorts Worldwide Inc. (NYSE:HOT) is one of the leading hotel and leisure companies in the world with more than 725 properties in 80 countries and 120,000 employees at its owned and managed properties. With internationally renowned brands, Starwood is a fully integrated owner, operator and franchiser of hotels and resorts including: St. Regis, The Luxury Collection, Sheraton, Westin, Four Points by Sheraton and W brands, as well as Starwood Vacation Ownership Inc., one of the premier developers and operators of high quality vacation interval ownership resorts.

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*Ameranth Wireless and 21<sup>st</sup> Century Hotel are trademarks of Ameranth Technology Systems, Inc.  
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# EXHIBIT 49

# NEWS

FOR IMMEDIATE RELEASE

Contact: Laura Smith 888-AMERANTH

## **Ameranth Wireless™ awarded Computerworld Honors 21st Century Achievement Laureate Medal**

San Francisco, C.A. April 16, 2001--- Ameranth Wireless became part of the Computerworld Honors Archive on Information Technology for its innovative work on the Improv Comedy Club Solution.

"The Computerworld Honors are presented on an annual basis to men and women around the world who have achieved outstanding progress for society through visionary use of information technology" said Patrick J. McGovern, Chairman of the Computerworld Honors Chairmen's Committee and the Founder of International Data Group.

Nominated by William H. Gates: Chairman of Microsoft Corporation, in the Media Arts & Entertainment category, Ameranth Wireless's work is now part of a collection that includes over 300 of the year's most innovative applications of technology and will be housed in the archival institutions of the Academic Council across the world.

Utilizing Ameranth's software, Improv patrons can not only book their tables online, they can also enter their meal orders, dramatically improving service in an environment where patrons all arrive at the same time for a show.

"Each year, The Computerworld Honors Program identifies and honors men and women from around the world whose visionary use of Information Technology produces and promotes positive social, economic and educational change," said Alan Guibord, President, Computerworld. "The innovators represented in this Collection are true revolutionaries in their industry and have been recognized by the leading chairmen of the industry as such".

"The Class of 2001 continues an outstanding tradition of IT innovation in which service to real people doing important work in the real world takes precedence over anything else," according to Dan Morrow, Executive Director. "The 2001 Laureates are a source of pride and inspiration."

"We are honored to be included with such a prestigious class of innovators and IT creators," said WJ Kitchen, Chairman and CEO of Ameranth Wireless. "We believe Ameranth's software positively affects the lives and jobs of hospitality and foodservice employees, increasing their efficiency while decreasing their workloads. This means improvements in customer service as well as bottomline profits."

Case studies from the 2001 Computerworld Honors Collection will be available at <http://www.cwheroes.org>, the official internet site of the Computerworld Honors Program, where the entire Collection is available to scholars, researchers and the general public worldwide.

Each year, the Computerworld Honors Chairmen's Committee nominates organizations who are using information technology to improve society for inclusion in the Computerworld Honors online Archive and the Collections of the Academic Council. The Academic Council represents the forty plus countries with case studies in the Collection. Founded in 1988/89, the Computerworld Honors Program searches for and recognizes individuals who have demonstrated vision and leadership as they strive to use information technology in innovative ways across ten categories: Business and Related Services; Education and Academia; Environment, Energy and Agriculture; Finance, Insurance and Real Estate; Government and Non-Profit Organizations; Manufacturing; Media, Arts and Entertainment; Medicine; Science; and Transportation. For further information please contact: Simone Ross Computerworld Honors Program 617.357.1977.

About Ameranth®

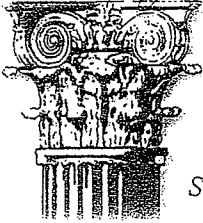
AMERANTH WIRELESS, INC. (<http://www.ameranth.com>) is a leading provider of wireless system software to the hospitality industry. The Company's software applications, which run on PocketPC wireless handheld computers, communicate with legacy back office systems over wireless LANs—moving the point of activity from fixed terminals to where it belongs—by the customer's side. Ameranth's 21<sup>st</sup> Century Restaurant® system is set to become the industry standard for wireless ordering and payment processing in restaurants.

###

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<http://www.ameranth.com> mail to: [info@ameranth.com](mailto:info@ameranth.com)

# **EXHIBIT 50**

*A Search for New Heroes*



HONORING THOSE WHO USE INFORMATION TECHNOLOGY TO BENEFIT SOCIETY  
A COMPUTERWORLD HONORS PROGRAM

Serial Number: 2001473

The Chairmen's Committee

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International Data Group  
Alan Guibord,  
Computerworld, Inc.  
Daniel Morrow  
Computerworld Honors Program

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Lycos • Macromedia  
Madge Networks  
Matsushita Panasonic America  
Microsoft  
Morgan Stanley Dean Witter  
Motorola  
NCR  
NEC Technologies  
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SAGA Software • SAIC  
SAP America • SAS Institute  
SBC Communications  
Scientific Atlanta  
SCO • SGI • Siemens • Sprint  
Storage Technology  
Sun Microsystems  
Sybase • Symantec  
Telcordia Technologies  
Texas Instruments  
Tivoli • Toshiba America  
Unisys • Verizon  
WorldCom • Wyse Technology  
Xerox • Yahoo!

Ms. Laura M. Smith  
Marketing Coordinator  
Ameranth Wireless  
12230 El Camino Real  
Suite 330  
San Diego, CA 92130  
USA

July 5, 2001

Dear Ms. Smith,

Please accept this record of the 2001 Computerworld Honors Program and Collection with my personal thanks and sincere congratulations.

The Case Study of your exceptional use of information technology —Ameranth Wireless's Improv Comedy Club Solution— has been included in the Computerworld Honors Online Archive as an example of the revolutionary change you have created at the commencement of a new century. It is now available to researchers, scholars, and the public, at [www.cwheroes.org](http://www.cwheroes.org). We are grateful to you for sharing your story for future generations.

For the past 13 years the Program has worked to help document, preserve, and disseminate some of the most important and interesting stories of the information-technology revolution. In pursuit of this goal, we would also like to present a copy of your case study to another museum, research institute, or library of your choice. If there is a particular one that you would like to see your case study presented to, please e-mail complete contact information to Michael Cooper, our Director of Research and Scholarship, at [mcooper@cwheroes.org](mailto:mcooper@cwheroes.org) by August 31, 2001.

We would also be most grateful if you would share with us any media coverage garnered by your achievement and recognition. In return, we promise to make certain we send you any coverage of your achievement which crosses our desks.

I hope we will have the opportunity in the future to connect you with your peers from the Collection to share your creativity, insights, and vision. In the mean time, if I may be of any assistance to you, please do not hesitate to contact me, and if you have ideas about how we might improve our services to nominees and Laureates, I would appreciate your recommendations.

Once again, congratulations and thank you.

Yours sincerely,

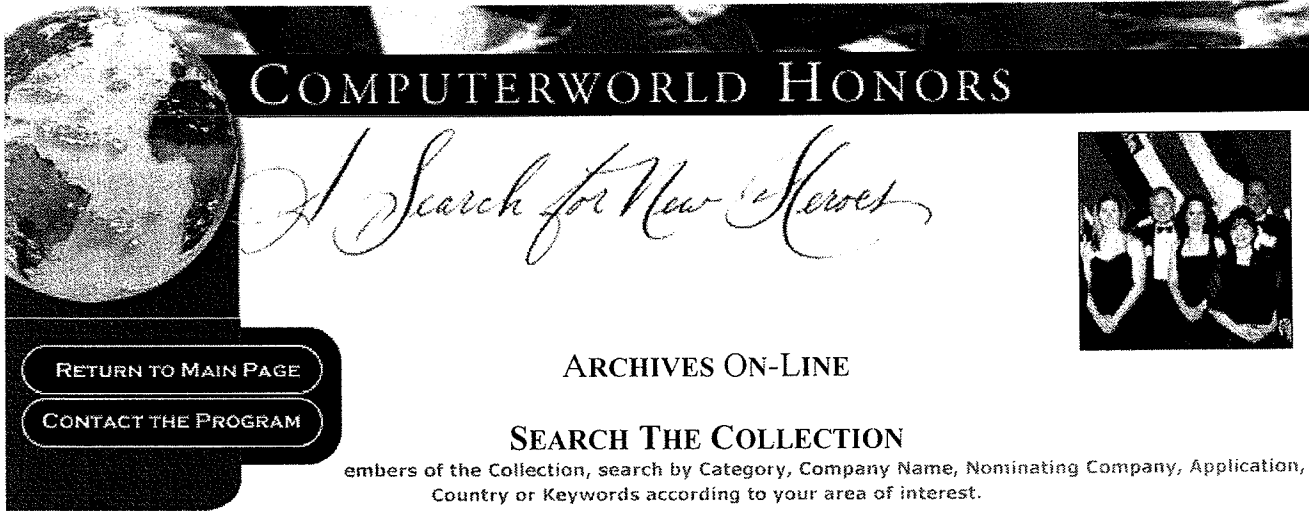
Daniel S. Morrow  
Executive Director

Enclosure

Computerworld • The Academic Council • The Chairmen's Committee

CAPTURING THE HISTORY OF A REVOLUTION IN PROGRESS

# **EXHIBIT 51**



**COMPUTERWORLD HONORS**  
*A Search for New Heroes*

**ARCHIVES ON-LINE**

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<p><b>GENERAL INFORMATION</b></p>	<p><b>Ameranth Wireless</b>                  Ameranth Wireless's Improv Comedy Club Solution                  Carmel, Ny                  USA</p> <p><b>Year:</b> 2001  <b>Status:</b> Laureate  <b>Category:</b> Media Arts &amp; Entertainment  <b>Nominating Company:</b> Microsoft Corporation</p>
<p><b>SUMMARY</b></p>	
<p><b>LONG SUMMARY</b></p>	<p>The Improv solution integrates Ameranth's software for Windows CE 3.0 wireless handheld computers, Windows NT Server, and SQL 7.0 Server with Ameranth's 21st Century Communications middleware and a Symbol 802.11 FH Wireless LAN. The solution, based on Ameranth's 21st Century Restaurant vision, provides Internet ticketing and payment processing, traffic school reservations, food ordering, phone-based ticketing and payment processing, and wireless handheld ticket authorization and seating assignments. By integrating the Web, the Wired, and the Wireless, the Improv Comedy Clubs are able to take full advantage of the benefits of cutting edge technology.</p> <p>Immediate improvements in efficiency and speed of service have increased revenue and dramatically enhanced the customer experience at the Dallas Improv. A new interactive Web site allows customers to pre-order and pre-pay for food and tickets for faster service at the theater since staff can quickly process their reservations and assign tables using a wireless handheld computer. When the customers arrive for the show, the kitchen has already prepped their food and it comes to the table on time.</p> <p>The Ameranth Advantage                  Tom Castillo, owner of the Improv Comedy Clubs, first came across Ameranth in Chicago at the National Restaurant Association's annual tradeshow. At that point he told Ameranth that, "the Improv needs to move its systems into 21st Century technology," and he was "won over by the company's demonstration." Looking for a total solution, Castillo was particularly impressed with the fact that Ameranth could develop and install the entire Web, PC, and wireless system—something no other company could match. Because Castillo was basically starting from scratch, this provided a great advantage.</p> <p>"At the time, the Improv was a very low-tech and inefficient operation, where phone-based reservations were noted with pencil and paper and the table management was done with a grease pencil and a laminated seating chart," Castillo recalls. The company did have a Macintosh for accounting and running an antiquated POS system, as well as a promotional Web site with no interactive capabilities. And there was no database housing customer information.</p>



Castillo immediately saw Ameranth as a way to increase sales by ramping up the company's efficiency and speed of service throughout the entire customer cycle and e-commerce enabled the Web site. The solution would also provide a way to create a customer database. "Using Ameranth's 21st Century Restaurant, I believe the Improv will be able to increase sales and increase both the efficiency and speed of service," he says. "We are predicting costs will be recovered within a year."

Ameranth's core technology is the 21st Century Communications™ middleware, which routes data, regardless of programming language, across a variety of platforms, facilitating the data synchronization required for integrating different systems, included Web-based, Wireless LAN and PC-based client/server systems. The Improv solution integrates Ameranth's software for Windows CE wireless handheld computers, Microsoft back office servers, and an interactive web site with Ameranth's 21st Century Communications middleware over an 802.11 FH Wireless LAN. This total solution provides Internet ticketing and payment processing, traffic school reservation and food ordering, phone-based ticketing and payment processing with instant database input, and wireless handheld ticket authorization and seating assignments. A new self-service Web site enables customers to pre-order and pre-pay for tickets and food.

**Show Biz. Benefits**  
The best seat in the house is where everyone likes to sit, but it's not the only thing that contributes to a great evening out. Patrons at the Dallas Improv benefit from the Ameranth solution from the moment they pick up the phone, or log on to the Web site to book their tickets. Over the phone, the Ameranth desktop ticketing/reservations software enables staff to process orders more efficiently with automated table seating assignments. Now that agents can also enter customer information directly into the SQL Server database, and management can track sales, implement a frequent customer program and produce mass e-mails.

**Both on-line**  
and phone orders are the first step in speeding up table management at the theater. Using wireless computers and the Symbol Spectrum 24 Wireless LAN Access Point, staff can wirelessly process each customer either through scanning the bar code on tickets they printed out when purchasing online, or by inputting the authorization code they received over the phone. Using the handheld computer to access the database, table assignments are quickly and efficiently given to customers. Internet-ordered food expedites the wait staff's job as orders can be started upon the customer's arrival, leaving them more time to sell revenue-generating drinks and desserts. Theater management also benefits from the use of Ameranth's 21st Century Database Wizard for updating the Web site prices, menus show listing and comedian bios and photos - without any knowledge of HTML.

"Thanks to the database system, we now know who our customers are. Thanks to the wireless integration, the ticketing system, and the Web site, we now have a few minutes to get to know our customers"  
-Tom Castillo, Owner

**BENEFITS**

The Improv project has helped customers receive better service, has helped the Improv managers to run their clubs more efficiently, and has helped club staff members to better handle the busy periods of the night. The Improv Comedy Clubs differ from restaurants in that all their customers arrive and place food orders at the same time. This places a huge burden on the club's staff. Now, reservations and food orders can be placed online, allowing the kitchen to prepare the food in advance. Ticketing is automated and done faster at the door with a handheld computer, and the manager is able to change menu items or show schedules and arrange seating intuitive back office software, which communicates with the Web site and the handhelds computers in real time.

We believe that the Improv system has significantly increased efficiency and improved the customer experience. At each stage of the customer's evening, from planning what show to see, to making reservations, to buying and presenting tickets, to ordering drinks and food, the process has become automated and less susceptible to errors. In addition, service is faster and the burden placed upon

employees is lessened.

Let's walk through a typical experience using the Ameranth system:

- 1) Planning the evening: Previously, customers logged on to the Improv Web site to find outdated information and no method for making reservations. With Ameranth's integrated system in place, customers can not only see current scheduling (as it is integrated with the manager's own scheduler,) but they can also make online reservations, print tickets, and even pre-order and pay for their meal.
- 2) Arriving at the Improv: The night of the show is an exciting one, but previously it also meant waiting on a long line despite having purchased a ticket in advance. Now, thanks to Ameranth's software and the Symbol PPT 2740 handheld computer, attendants at the door can either scan customers' tickets or look up their reservation by name or code number and present the customer with their seating assignment. This efficient way of accessing the database gets people to their tables faster and "busts the line" at the front door.
- 3) Placing an order: With the whole restaurant sitting down to eat at one time, competition for a server's attention could be fierce. Savvy customers have already ordered their meal online and have gotten their order into the kitchen before others have even opened their menus.

From the owner's point of view, by increasing the efficiency of club operations, he is able to 1) decrease labor needs, 2) improve customer service, and 3) keep track of valuable customer data.

The Improv project helped seed Ameranth's new product, the 21st Century Restaurant®. The 21st Century Restaurant product integrates legacy point-of-sale systems in restaurants with wireless handheld software. This system, which will roll out in March 2001, will give restaurants the ability to use handhelds for tableside ordering and payment processing. This will revolutionize the way that data is recorded and communicated within restaurants. Typically, restaurant staff has to record each order twice—once at the table on paper, and then again at the computer touch screen terminal. This inefficiency leads to inputting errors (resulting in unhappy customers,) an unnecessarily long delay before the order reaches the kitchen, and a poor allocation of labor resources (servers should be on the restaurant floor, not standing in front of a computer.) Ameranth believes that wireless ordering and payment processing will be an inevitable improvement in restaurants across the world.

**IMPORTANCE**

As new technology continues to be developed, integration becomes an ever-growing concern. The Improv owner, Tom Castillo, had looked around for a company that could provide his clubs with online ticketing, reservations, and food ordering in such a way that the Web site would actually interact with his back office software. Furthermore, he wanted to incorporate some of the new handheld technology into the system. Ameranth was the only company that could accomplish such reasonable goals.

The integration of Web/Wireless/and Wired is a natural evolution of technology, which Ameranth has brought into the workplace. The Improv project is just the beginning...with the 21st Century Restaurant system, wireless, wired and Web integration will become accessible to virtually every restaurant in the nation.

The technology behind the Improv's innovative ticketing solution is a combination of e-commerce Web design, back office database management, and a wireless interface to the databased information. The project is unique in its ability to route and synchronize data across the three platforms—from the Web site (running on Microsoft Distributed InterNetwork Architecture) to the Windows CE handhelds to the back office server (Microsoft Windows NT Server or Microsoft SQL Server 7.0.)

**ORIGINALITY**

As stated above, Ameranth's Improv project is unique in its ability to route and synchronize data across the three Web/Wireless/Wired platforms—from the web site (running on Microsoft Distributed InterNetwork Architecture) to the Windows CE handhelds to the back office server (Microsoft Windows NT Server or Microsoft SQL Server 7.0.) This is the only application of its kind.

	<p>The Improv project continues to evolve into Ameranth's vision of the 21st Century Restaurant. Ameranth now offers wireless ordering and payment processing through the wireless handheld computers. This system interfaces with a restaurant's legacy point-of-sale system, and is set for full-scale rollout in March 2001.</p>
<p><b>SUCCESS</b></p>	<p>Tom Castillo, owner and manager of the Dallas Improv Comedy Club, described the club's old way of doing business. "The Improv was a very low-tech and inefficient operation, where phone-based reservations were noted with pencil and paper and the table management was done with a grease pencil and a laminated seating chart." There was a promotional Web site, with no interactive capabilities. There was no database housing customer information, and the long lines at the door were indicative of the inefficiencies behind the greeting station.</p> <p>"Using Ameranth's 21st Century Restaurant, I believe the Improv will be able to increase sales and increase both the efficiency and speed of service," he goes on to say. "We are predicting costs will be recovered within a year." The value of this integrated system goes beyond simply improving customer service. With orders placed ahead of time, the Improv is able to increase the capacity of the kitchen. Internet reservations provide access to a whole new customer market, and the increased knowledge of the Improv's customer base lets manager Castillo target his events and promotions.</p> <p>"Thanks to the database system, we now know who our customers are. Thanks to the wireless integration, the ticketing system, and the Web site, we now have a few minutes to get to know our customers."          -Tom Castillo,          Manager/Owner</p>
<p><b>DIFFICULTY</b></p>	<p>Working with emerging technologies always provides its share of difficulties. As the hardware and operating systems developed, not only did Ameranth have to keep up with the changes, but also we were placed in a position of testing, not only our software, but outside hardware as well. Plus, the system is dependant upon this emerging hardware, which places many of the difficulties outside of Ameranth's realm of control. This, in itself can be extremely frustrating. Luckily, Ameranth's strong partnerships and the excellent quality of the technology used, reduced these difficulties to a minimum.</p>

# EXHIBIT 52

# The Wireless Waiter: A Tasty Gadget Spreads

By LEILA JASON  
Staff Reporter of THE WALL STREET JOURNAL

**R**ESTAURATEUR JIMMY LU fell in love with the wireless hand-held gadgets waiters were using when he first saw them while on vacation in Paris several years ago.

Rather than spending a lot of time entering orders into the point-of-sale systems, or POS, back in the kitchen, waiters used the gadgets to record orders, and then were free to schmooze with patrons, providing them with better service and, one hopes, earning bigger tips.

The owner of an Asian bistro in Dallas that bears his name, Mr. Lu set out to find someone who made the device in the U.S. That someone turned out to be Keith McNally.

Mr. Lu bumped into the founder and senior vice president of Ameranth Wireless Inc. at a technology-industry conference in Dallas two years ago and immediately volunteered his restaurant as a test site for a new device.

Ameranth has developed wireless hand-held software called 21st Century Restaurant, which allows a waiter to exchange his classic pen and notepad for a wireless hand-held device. The software connects waiters to wireless hand-held terminals, enabling them to plug in orders that are then instantaneously fired off to, and picked up in, the kitchen.

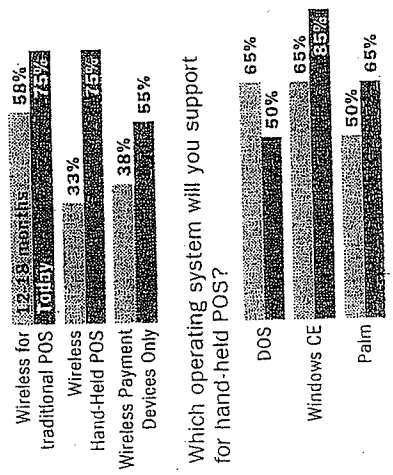
With multimillion-dollar funding from Microsoft Corp. and Springboard Capital Inc., a venture-capital firm, San Diego-based Ameranth has partnered with POS companies Allahah Technologies Inc. and InfoGenesis Inc.; wireless-device maker Symbol Technologies Inc.; and Microsoft's Pocket PC, a mobile operating system that provides the hand-held gadget.

Unlike other companies developing similar technology, 21st Century Restaurant works with existing POS systems. Since its debut last year, the system is now be-

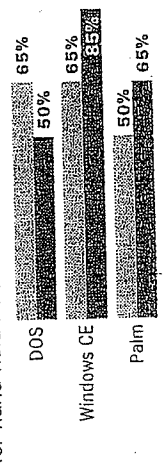
## Serving Up Wireless

Suppliers to restaurants believe that the use of wireless technology tied to point-of-sale systems (POS) will continue to grow in that sector.

When will you support wireless for POS?

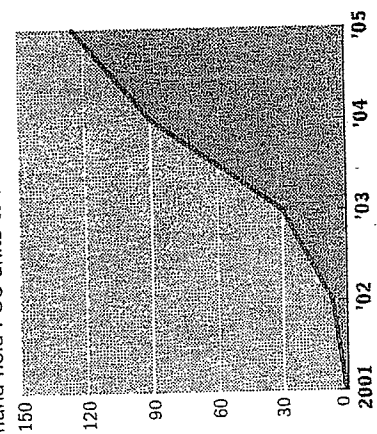


Which operating system will you support for hand-held POS?



Note: May 2001 survey of 25 POS suppliers

Forecast of annual shipments of wireless hand-held POS units to restaurants



Source: IHL Consulting Group, Retail Systems Reseller

"Other hand-holds aren't as flexible. Ameranth has adapted technology to easily work with any POS system, making it more desirable. Their competitors can only integrate their hand-holds with their own POS system," says Rob Grimes, chairman and chief executive of Maryland-based CynterCon Technology Advisors Inc., a consulting and publishing company specializing in food-service technology.

Ameranth has a patent pending on its technology. One of its features, Advance Ordering, allows waiters to order drinks and appetizers or get meals cooking before patrons waiting for a table are seated. The software also allows restaurants to e-mail regular customers with special announcements or on special dates.

When paying the bill, the server swipes a credit card on the stripe meter of the hand-held gadget that prints out a receipt, like car-rental return stations at airports. Patrons sign their name, and the

transaction is complete. The devices can also send a message to retrieve a patron's car from valet parking.

The system also allows a restaurant to store and update multiple menus on the hand-held. For instance, a lunch menu will change to a "Happy Hour" menu, at exactly 5 p.m. "Restaurants can track down every slice of tomato if they want to," said Mr. McNally, who notes that even a small increase in sales can increase a restaurant's profits.

But the key difference between Ameranth and its competitors is the company's decision to partner with existing POS companies. Closely held Ameranth claims it has the only product on the shelves that talks to all major POS systems.

"We've come up with a technical solution that works with virtually everyone," explains Mr. McNally, who is no relation to the prominent New York restaurateur with the same name. He is hoping Ameranth's system will become the industry standard.

With 80% of restaurants in the U.S. hooked up with POS systems, hand-held devices are on the brink of taking off, industry analysts say. "Hand-holds haven't taken off as quickly in the U.S. because the earlier versions were very expensive, and the software running on the POS system was proprietary. What has changed is that prices have come down and you no longer need custom development," said Mr. Grimes.

The hand-held devices aren't completely free of upkeep. The battery has to be recharged for an hour after five hours of use. And glitches do occur. At Big Jim's, a Dallas restaurant now testing the system, waiters have had to temporarily switch back to pen and paper on a couple of occasions.

But even they say the gadget makes their jobs much easier. "There are no order mistakes with the hand-held. You plug in the order at the table and it's sent right then to the kitchen," says Mike Benner, a waiter at Big Jim's. "It frees my mind up."

# EXHIBIT 53

# g o a BRIEFING

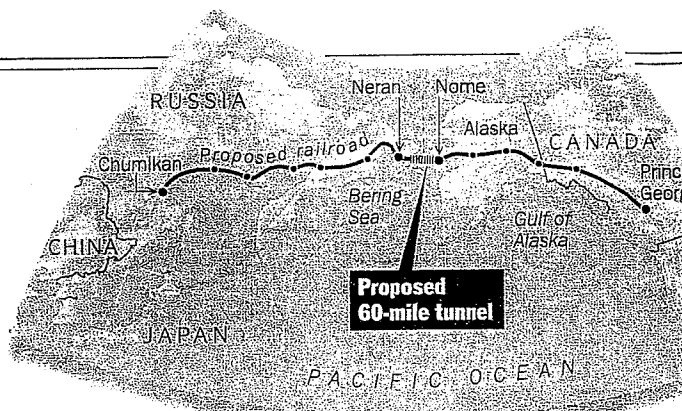
BY DESA PHILADELPHIA

## THE WIRELESS WAITRESS



BILL KALIB FOR TIME

In some European restaurants, waiters have abandoned their pencils and pads for handheld devices on which they message orders directly to the bar and the kitchen. Initially, the system didn't transfer well to the U.S. Most restaurants here offer many more choices, and prices change more often. San Diego software company Ameranth Technology may have solved the problem. Its wireless system allows communication between handhelds and fixed computers, so menus are instantly updated. Waiters can also process credit-card payments and print receipts right at the table—and even signal valet parking to fetch your car when you're ready to leave. Ameranth says the technology can be adapted to any service industry. It is launching a system to help hospitals dispense medicine.



## A U.S.-Russia Rail Link?

Business and political leaders in the U.S., Canada and Russia are mulling a plan to build a railroad tunnel beneath the Bering Strait. A rail link, they say, could carry 30 billion tons of cargo a year and cut shipping time from Los Angeles to Vladivostok as much as two weeks. It's an attainable feat: the strait is only 60 miles wide at its narrowest point (twice as wide as the English Channel Tunnel, which took seven years and \$15 billion to construct). But to make the Bering tunnel accessible on the North American side, connecting lines would have to be laid from the strait to Fairbanks, Alaska (about 750 miles of track), and then to British Columbia, Canada (an additional 900 miles). On the Russian side, at least 2,000 miles of track would have to be connected. All that track could cost as much as \$60 billion.

## >> From Our Readers: A CEO Responds



ROBERT TRIPPETT—SIPA FOR TIME

**M**ICHAEL ELLIOTT'S COLUMN "HOW TO TALK TO PROTESTERS" (Aug. 13) focuses on the pluses of corporations seeking accommodation with protest groups but neglects the minuses. Many radical protest groups don't want accommodation. They are driven by intense hatred of corporations, free enterprise and technology, and by a need to keep collecting money from corporations to fund more protests. Corporations should reject the idea of surrender to these extremists. Instead, they should tell the world some basic truths. Free enterprise and trade help millions get jobs. Animal research saves human lives. Chemicals eradicate pests that spread diseases. Biotechnology increases crop yields and prevents starvation.

—By Nick Nichols, Nichols-Dezenhall

# EXHIBIT 54



## Brainstom eases restaurant ordering process

By SARAH E. MORAN  
Staff Writer

Keith McNally had a nifty brainstorm when he invented a way for waiters and waitresses to toss out their pads and pens in favor of hand-held ordering devices.

Called 21st Century Restaurant, McNally's new integrated system uses hand-held wireless ordering gadgets from Symbol Technologies that resemble Palm Pilots.

With a stylus, restaurant employees plug in orders on the hand-held keypad, which immediately transmit to terminals through existing point-of-sale equipment to kitchen and bar.

No muss, no fuss — and certainly less of a wait than what patrons have come to expect for that medium-rare hamburger with provolone or Bombay tarragon, shaken not stirred.

Americans are always in a hurry, nowhere more vociferously than when they go out to eat.

McNally estimates that the technology shaves 10 minutes of ordering and retrieving time from each table, which translates into more table turns and potentially, more profits for an industry whose profits are often razor-thin.

Forty percent of U.S. restaurants already use some type of POS system, so the fit of existing technology with special software and handheld devices is an apt one.

Center City's The Plow & the Stars, a popular Irish bar and restaurant, will be the first Philadelphia-area spot to test the new technology.

Donovan said that the system will allow for more efficient food and drink service at his restaurant, often packed at night with a lively singles crowd.

"Waiters can be on the floor the whole time, taking orders and plugging them in," said Donovan, who will invest \$2,000 each in two handheld units and their supporting software early next month. "Then runners bring food and drink from the bar and kitchen much faster and more efficiently."

Donovan expects that the system will allow him to hire fewer wait staff, and keep better track of orders.

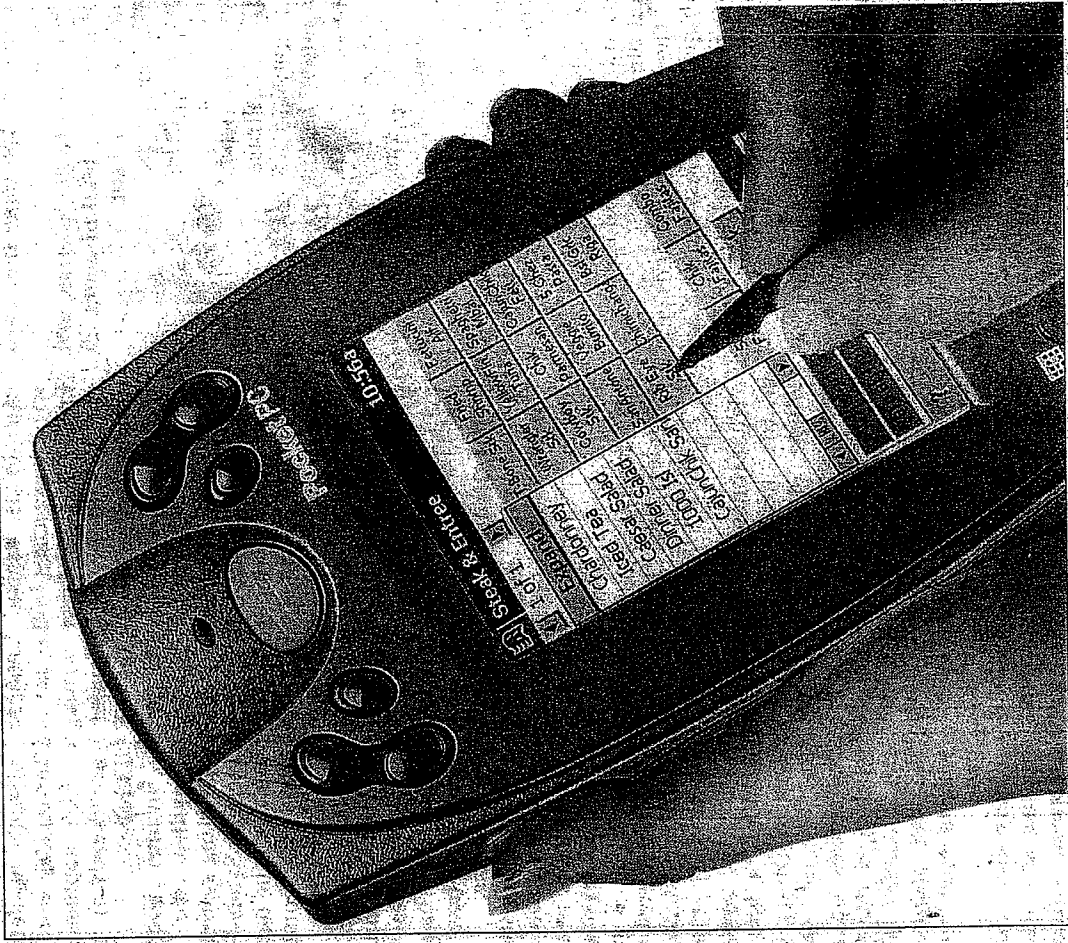
Another advantage: On the spot, the server can swipe a credit card along the gadget's stripe meter and print out an instant receipt, much like the express checkout service that car rental companies have used for several years at airports.

The gadget can also be programmed to send a message that a customer's car should be retrieved from valet parking.

Philadelphia restaurateur Stephen Starr, who owns such fabled upscale Center City spots as Buddakan, Tangerine, Pod, Alma de Cuba and the new Morimoto, is interested in the new technology, said Stephen Passas, president of Advanced Hospitality Systems of Voorhees, N.J., a regional distributor of the point-of-sale systems that Ameranth uses.

Microsoft is a big investor and part owner of Ameranth, as is Springboard Capital, a venture capital firm.

A U.S. patent is pending for the



21st Century Restaurant uses hand-held wireless systems to make ordering a meal in a restaurant easier and accurate.

# Cheat

(From Page B9)

One phrase in particular stuck out: "tragedy in the classical sense of the word." Wyatt ran the string of words through an Internet search engine and instantly found an article on the topic that used the same phrase.

"I'm new to the Internet, and it took me a total of about 20 minutes," he said.

When he asked the student to explain what the phrase meant, the student began talking in circles. Ultimately, the student admitted to asking a roommate for some help, which included downloading part of the paper off the Internet.

The student ended up dropping the class rather than have the professor give him a failing grade for the assignment.

While the Internet makes plagiarism easier, there's more to the issue of plagiarism than ease of access to information.

"The Internet is not the problem," said Dr. Neil Browne, an economics professor at Bowling Green State University in Ohio and academic honesty committee member. "The Internet isn't doing the plagiarizing."

Part of the issue involves the fact that some professors

For example, many sites offer large amounts of information on the writings of Mark Twain, Browne said.

"But suppose I was to say, 'Which of Mark Twain's novels seems most relevant to the Bush-Gore conflict?' What are they going to find on the Internet?"

Another thing professors can do is assign frequent writing exercises so they get to know their students' writing styles, said Becky Bolander, assistant director of the UT writing center.

Too many students, she said, find themselves in higher education without a firm base in paper writing and without a good idea about what constitutes plagiarism.

"I think some students are really, really naive," Bolander said. "I don't think it's explained very well in high school."

What concerns some experts is the next generation of college students who have been using the Internet since elementary school.

A study in progress by McCabe appears to show very high levels of Internet-assisted plagiarism by high school students — about 20 percent hoisting entire papers or large parts of them from the Internet and about 50 percent stealing smaller snippets.

"My concern is those kids are going to graduate into

# Order

(From Page B9)

Ameranth technology; the 47-year-old McNally expects it to be issued by year-end.

Advanced Hospitality's Passas described Ameranth as the "integrator of the various systems needed to make the technology work."

Less sophisticated systems are already up and running in Europe.

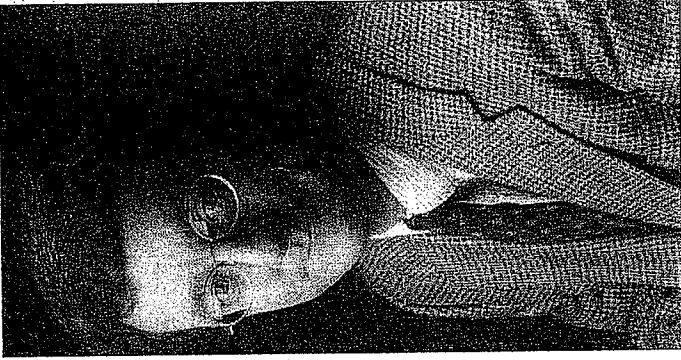
Besides Microsoft, which provides the Pocket PC operating system, participants include Symbol Technologies, maker of the hand-held device, and POS companies Aloha Technologies Inc. and InfoGenesis Inc.

Annual maintenance fees per gadget total \$250. And the hand-held's battery must be charged an hour for every five hours of use.

Darden Restaurants Inc., which owns Olive Garden and Red Lobster, wants to give the Ameranth system a try. And Schlotski's, a chain of 800 quick-serve restaurants, is also interested, McNally said.

The only type of eatery where the system probably wouldn't be apropos is at the likes of Center City's Le Bec Fin, where waiters pride themselves on remembering whether a customer ordered the *quenelles de saumon* or the *filet mignon au poivre* without ever touching pen to pad.

The system is already up and running at restaurants in the American Airlines Center in Dallas, where the Mavericks and Stars play, as well as at Jimmy Lu's and Big Jim's in Dallas and a handful of other



KEITH MCNALLY

McNally, who said he always had an entrepreneurial bent, started Ameranth five years ago after working for Litton Industries and the U.S. military.

A graduate of West Point, McNally developed wireless computers for the U.S. Army, Marine Corps and the Air Force in the late 1980s and early 1990s.

One of his inventions: A computerized maintenance instructions for the B-2 bomber, eliminating the need to cart around hundreds of thousands of pages.

Down the road, the Ameranth technology could also be used in hospitals to help nurses keep drugs and dosages straight. Hospitals in New Orleans and St. Louis are already testing the system,

# Video cassette an endgame!

By MARK WOLF

Scripps Howard News Service

Mike Vester doesn't have to look far to see the future of home video.

All it takes is a glance around Theater Video, the rental store he owns in Denver, Colo. While a few hundred VHS cassettes, mainly of new movies, are on display, the place is packed with more than 3,000 DVDs.

"A year from now I doubt if I'll have any VHS," said Vester, who opened the store in 1997.

As DVD claims an increasing share of home video sales and rentals, neighborhood stores as well as chains such as Blockbuster are increasingly tilting their inventory away from tapes and toward shiny discs.

Vester got ahead of the DVD curve because three other video stores were nearby when he opened. Rather than try to compete head-on, he stocked a large inventory of laser discs, then moved to DVDs when the laser market died.

Today, his store has a deep DVD inventory that includes not only the newest titles but foreign films and older movies. And the other three video stores are gone.

"If I'm out of a title on DVD, my customers won't take a tape. They'll wait," he said.

Although many DVDs offer an array of special features, including documentaries about the films and commentaries by directors and actors, Vester said most of his customers are drawn

# **EXHIBIT 55**

**DATE:** May 16, 2005

**SUBJECT:** Memorandum for Record

Keith McNally and I met in 1998. In December 1998, I was appointed as CEO of Wireless Knowledge - a new, joint venture between Qualcomm and Microsoft to pursue the emerging synergy between cell phone technology and mobile/fixed software applications. Previously, I had been the EVP of Qualcomm.

Keith and I met for lunch at the Inn of Rancho Santa Fe, California in January, 1999 to privately discuss his company, Ameranth Wireless and possible synergy with Wireless Knowledge and to seek my support in his links with Microsoft. Keith had already initiated the discussions with Microsoft - which would lead to Microsoft making a strategic investment in Ameranth a year later. Ameranth's primary focus was the Hospitality Market- defined as restaurants, hotels, casinos etc.

Keith presented the attached "21<sup>st</sup> Century Communications Chart" to me and discussed how the WAN links (as shown in the diagram) e.g. the cell phones would ultimately be linked in to all of the hospitality systems and how he saw that Ameranth's plans to synchronize the data between these various media, protocols, nodes etc would ultimately provide a new, totally synchronized solution for the marketplace-

Signed: \_\_\_\_\_

  
John Major

# **EXHIBIT 56**

**DATE:** March 29, 2008

**SUBJECT:** MEMORANDUM FOR RECORD:

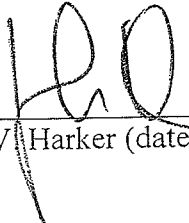
In 1998, I was appointed as the Director of Hospitality/Gaming for Symbol Technologies, Inc. of Holtsville, NY. At that time, Symbol had historically focused on other markets e.g. Retail/Warehouses etc, but was seeking to expand into new markets. This new market thrust led to my appointment to this new position for Symbol. At this time, Symbol was the world leader in rugged and wireless computing and it was developing two new mobile, handheld computers, (one for the Palm OS and the others for Microsoft's Windows CE OS). These were 'unannounced' products at that time.

As I began to study the Hospitality/Gaming market and assess the opportunities, it became clear to me that Symbol needed a systems integrator and partner - to enable its new family of handheld products to be easily and seamless integrated with the Point of Sale (POS) and other hospitality market companies that I knew we would need to partner with for actual distribution into these markets. I was uncertain as to exactly what the solution would be and whom the partner would be, yet I did appreciate that I needed a solution that would overcome the limitations of interfacing such systems, then presently available in 1998. I decided to attend the November 1998 Food Service and Technology Show (FSTEC) and seek a potential strategic software partner there. Not only did I find one in Ameranth, but they were even more than I had hoped for, since they had just developed an innovative new solution - that they called their 21<sup>st</sup> 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. This breakthrough Ameranth innovation solved a previously major hurdle as to how the hospitality 'point of sale' and property management system' (PMS) system user interfaces could easily be ported and transferred to wireless devices. Without this new solution, the 'barriers to entry' would have remained enormous and prohibitive to allow wireless devices to move from 'niche areas' of the market - to the mainstream. I saw Ameranth in the booth (as shown in the attached photo/figure) and I was briefed and shown Ameranth's 21<sup>st</sup> Century Restaurant system and 'wizard' interface technology - (as shown in the attached system graphic) - by Keith McNally and Kathie Sanders of Ameranth (both shown in this photo). I expressed great interest to Keith at this FSTEC show in my intentions for Symbol to partner with Ameranth and I advised him that I would be in touch the following month with proposed next steps.

Subsequent to this technology show and meeting, I contacted Ameranth by phone during November and December 1998 and then I followed this up with a series of written correspondence as are attached - dated December 30, 1998, January 15, 1999 and January 16, 1999. This then led to meetings between Keith and the senior management of Symbol at our office in Holtsville, NY in January 1999 - which led to the signing of a long term strategic alliance agreement (attached) . In this agreement dated February 3, 1999 , on page 4, (para 2e) the exceptional importance of Ameranth's innovative software 'wizard' technology was duly noted.

Subsequent to the signing of the February 1999 alliance agreement , Ameranth did, in fact (with Symbol's support) introduce its breakthrough software wizard technology on Symbol's Windows CE devices, ( integrated with/to numerous leading POS systems/companies) and Ameranth was arguably recognized as the overall most innovative company/technology at the May 1999 NRA show in Chicago with hundreds of customers coming to its booth, which I personally attended as well as the Fall 1999 Gaming and FSTEC shows. In addition to this, Keith McNally and I introduced the 21<sup>st</sup> Century Restaurant system at the October 1999 European Restaurant Show in London and Ameranth's 21<sup>st</sup> Century Restaurant was awarded the 'Innovation of the Year" award for the entire European Hospitality Technology market. Ameranth was selected from first ahead of hundreds of different technology companies and this special and prestigious award further validated the uniqueness of Ameranth's technology and its innovative vision.

Symbol then followed this up with a strategic, multi million dollar investment in Ameranth in late 1999, which was then followed by a strategic investment by Microsoft and thus with the world's leading mobile computing and software companies placing multi million dollar investments into Ameranth, this too further validated that Ameranth's technology was truly unique and that it had developed and owned a new and an unprecedented technology solution to solve a very important market need.

  
\_\_\_\_\_  
John V. Harker (dated as above) 3/29/01

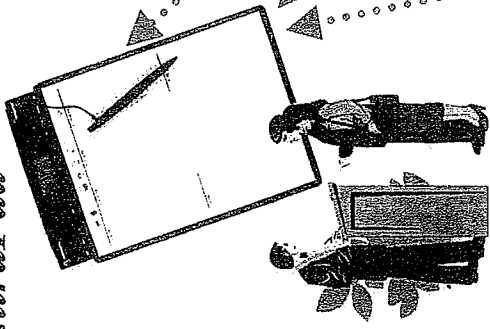




NEW

# 21st Century Hospitality

## IntraPad™



### HOSTESS STATION

- Table Management
- Reservation Management
- Waitlist Management
- Customer Paging
- Valet Paging

## PadLink™



### TABLE SETTER

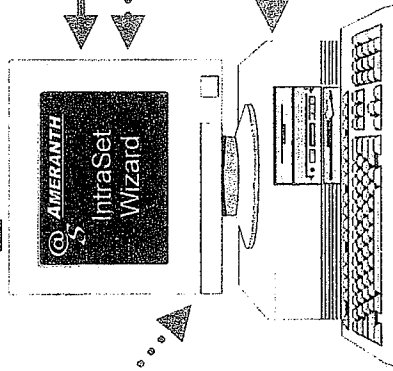
- Table Status
- Real Time Messaging

from **@AMERANTH®**

Other Systems:  
"The Customer Connection"



## Wireless Communications Center



### BACK OFFICE

- IntraPad™ Applications
- UltraPad™ Applications
- Database Management
- Menu Items
- Prices
- Orders
- Frequent Customers
- Kitchen Access
- POS Access
- Internet Gateway

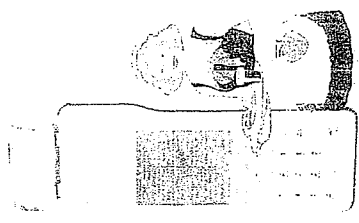
Internet



## Legend

- ..... Wireless Link
- ..... Wired Link (i.e., LAN)

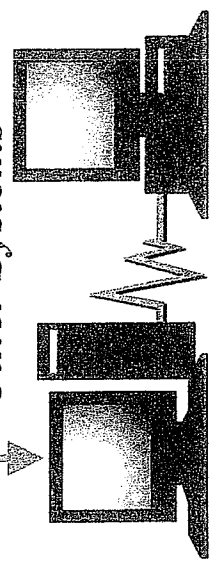
## UltraPad™



### SERVER

- Touch Screen
- Ordering
- Payment Processing

## POS and Other Systems



1-888-AMERANTH  
www.ameranth.com

**Symbol Technologies, Inc.**

72 Colonel Enoch  
Carmel, NY 10512

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December 30, 1998

**Keith McNally**  
Ameranth Technology Systems  
16079 San Dieguito Road  
Rancho Santa Fe, CA 92067

**Dear Mr. McNally:**

I want to thank you for your time the other day. Per our conversation, Symbol Technologies would like to have the opportunity to work with Ameranth. Symbol's Spectrum 24 Wireless LAN Technology, I believe, would be a great compliment to your 21st Century Restaurant System.

On January 18 - 20th, in New York City will be the National Retail Federation Show (NRF). Symbol will be exhibiting and will have conference rooms available to meet. I want to extend to Ameranth the opportunity to meet with Symbol Technologies, review our Mobile and Wireless products, and discuss how we might possibly work together. It would be a great opportunity to meet with Symbol Senior Executives and address your concerns of working with a Billion dollar company.

I look forward to meeting with you. I would like to target the 19th at Jacob Javitz to get together. Please call me to schedule a time convenient to you.

Very truly yours,

John V. Harker  
Symbol Technologies

January 2, 1999

Mr. John Harker  
Director of OEM Sales  
Symbol Technologies  
72 Colonel Enoch  
Carmel, NY 10512

Subject: Possible Symbol/Ameranth Alliance

Dear John:

Happy New Year! I hope that you had a wonderful holiday season. We have given a lot of thought to your offer of a relationship between Symbol and Ameranth and we would like to pursue this on the timeline and in the manner you suggested.

As I conveyed to you in our last discussion, we have considerable trepidation in establishing an alliance with a company of your size, breadth of products/technology and the wherewithal to "push us aside" if we open up our market and product strategy/technology baseline to you. That being said; I do admit that Symbol has a good reputation for both supplying its key components to industry partners and competing fairly at the terminal/systems level as well. Your assurances that this would be so in a relationship with Ameranth resulted in our decision to attempt to go forward with you.

I was actually surprised that you apparently recognized from the FS/TEC Show the imminent impact we are going to have in the Hospitality and other markets with our unique products and systems solutions. I believe that your assessment of us will prove itself by mid 1999 and that our impact in the markets will grow from there. We have numerous unannounced products, technology innovations, and key relationships with major partners that will be known in the coming months and will enable us to truly set numerous standards. We also just closed a major financing deal.

There are a few key factors that will influence our decision to move to Symbol technology and away from our current technology baseline in wireless and scanning technology:

- Your ability to make quick decisions and to consummate a strategic relationship at or near to the proposed January 19, 1999 meeting at NRF. This is key as we will barely have enough time to change and still meet our required product roll-out dates and major launch at NRA in May 99. We can not afford months or even weeks of legal/contractual negotiations normal for major corporations.
- Assurances that our niche will not be overwhelmed by Symbol when and if we establish your wireless network as the baseline for our various 21<sup>ST</sup> Century system solutions. Details TBD.
- Pricing that is truly competitive for our lower level requirements. Thus, many of our niche and product/system solutions only require short messages of a few hundred bytes and do not need 4MBPS data rates and as such can not afford high RF prices. An alternative might be to link our lower rate/cost network to Spectrum 24 and offer hybrid solutions to our customers, but it would be better if we only had to integrate a single wireless system.
- An aggressive offer from Symbol to assist our 1999 launch with reduced pricing, loans of beta-site equipment, extra engineering support to recover schedule if we shift to your baseline, reduced pricing for the first 1000, and 5000 quantity orders to assist us in achieving early profitability and as a sign of your desire for a strategic and long term relationship with Ameranth.

January 15, 1999

Mr. John Harker  
Director of OEM Sales  
Symbol Technologies  
72 Colonel Enoch  
Carmel, NY 10512

Subject: Request for ROM Quote on Symbol 1700

Dear John:


We look forward to meeting with you on Tuesday. As we discussed, Ameranth urgently needs a ROM quote for 2000 Symbol 1700 units to support a government bid. Approximate program schedule would be 100 units/month starting 9/99 and 200 units/month starting 01/00. We are interested in the CE version; in that we are developing a relationship with Microsoft and envision their software as the backbone for our various 21<sup>ST</sup> Century System implementations.

Questions?

- 1.) Can we get a demo unit for 1-2 days in February to support a briefing to the customer?
- 2.) When can we get software development kits?
- 3.) When can we get 10 prototypes?
- 4.) When can we get the first 100 production units?
- 5.) Will the unit operate at -20C?
- 6.) Approximate size/weight? Not to exceed is OK.
- 7.) Can we brand the units Ameranth? If yes, what is required? NOTE: obviously this would be under the assumption that we made the unit our standard for much greater quantities than this initial order and as part of a broader alliance.
- 8.) If enhancements to the unit are needed, e.g. integration of SMART Card reader, will we be allowed to make them and will you provide us access to the necessary data to make changes e.g. pin-outs, firmware data etc?
- 9.) What is the ROM pricing for the unit with scanner? With Spectrum 24 card included? Assume 8MB RAM/ROM .
- 10.) Does the unit have an IRDA port?
- 11.) Which Microprocessor?

John, sorry for the short notice, if you can not provide a written ROM by the end of your day..... please at least call and provide your best verbal estimate , to be followed by a written ROM as soon as feasible.

Thanks,

  
Keith R. McNally  
Chief Executive Officer  
Ameranth Technology Systems, Inc.

LOTTALR B

**Symbol Technologies, Inc.**72 Colonel Enoch  
Carmel, NY 10512

January 16, 1999

**Keith McNally**  
**Ameranth Technology Systems**  
**16079 San Dieguito Road**  
**Rancho Santa Fe, CA 92067**

**Dear Keith:**

Thank you for the letter detailing the question that need to be resolved. Below, I have answered what I can. At our meeting on the 20th, I should have all the answers.

1700: Batch Palm      1740: Spect 24 Palm      2700: CE Batch      2740: Spec 24

- 1) My suggestion is to demo the SPT 1500 and display the mock up of the 1700 and 2700.
- 2) Yes, Symbol can provide application development kits for the 1740 and 2700 (CE) 3)  
Beta units will be available in May, production in June/July.
- 4) Production units June and July
- 5) Both 1700 and 2700 will operate at-20C.
- 6) I will have spec sheets at NRF
- 7) Branding issues can be discussed Tuesday.
- 8) Smart Card integration is vital for Symbol moving forward. Will discuss on Tuesday.
- 9) All units will have scanner, options for Spectrum 24, multiple RAM, NVRAM configs.
- 10) All units have IRDA
- 11) Dragonball 68328 for the 1700.

I have requested list pricing and cost from my Mobile Computing organization. As you requested, my best guest pricing can be plus or minus 15%. We should sharpen pencil and get more details for you on Tuesady. The 1740 w/ scanner / 24 Radio will be around \$ 1200. The 2740 w/ clscanner / 24 radio and 8MB RAM & 8MB NVRAM should be around \$ 1500.

Please look for me at booth on Monday, I can be reached by cell at 914-643-0788 and pager at 888-360-3471. See you soon.

Very truly yours,

John V. Harker  
 Symbol Technologies

OEM Scanner Sales ♦ Phone: 914-277-2234 ♦ Fax 914-277-2235 ♦ Internet: Harker@symbol.com  
 KEITH2.DOT

[ ] 1/29/99

Memorandum of Agreement

This Memorandum of Agreement (the "Agreement") is entered into as of 3 February, 1999, between Symbol Technologies, Inc. ("Symbol"), having its corporate offices at One Symbol Plaza Holtsville, NY 11742, and Ameranth Technology Systems, [ ] Inc. ("Ameranth"), having its corporate offices at 16079 San Dieguito Road, suite A-1, Rancho Santa Fe, CA.

WHEREAS, the parties believe that a mutually beneficial relationship should be established to leverage their respective capabilities toward the goal of maximizing sales of the parties' products in the Hospitality/Gaming and selected DOD/Law Enforcement markets (the "Markets"):

THEREFORE, the parties state and agree as follows:

1. The parties have signed a non-disclosure agreement that is in force and will survive this Agreement.

2. Attached as Exhibit A is a summary of the business agreement setting forth the respective responsibilities of the parties with respect to this Agreement.

3. Ameranth and Symbol will also execute a Symbol Distributor Agreement, substantially in the form of Exhibit B, [ ] modified as the parties shall agree, and each party will adhere to all of the standard conditions [ ] and obligations set forth in the agreement. WITHIN 30 DAYS W/ DEMO W/ RFP

4. The term of this agreement will be one year from the date first written above, renewable [ ] automatically for successive one-year periods, unless written notice of termination is given under paragraph 5 of this Agreement.

5. This Agreement may be canceled upon six months written notice from either [ ] party setting forth the details of a breach of this Agreement or a default of any obligations under this Agreement, provided, however, that the defaulting party shall have ninety (90) days to cure [ ] the breach or default, unless the breach or default cannot be cured in ninety days, in which case, the Agreement shall not be canceled if the defaulting party shall have undertaken commercially reasonable efforts designed to cure the breach or default. If a cancellation of Ameranth's role as the "master distributor" for Symbol products in the Markets occurs, Ameranth shall retain the right to purchase and [ ] use Symbol wireless products [ ] within its products.

6. The nature of this agreement, the fluidity of technology, market evolution, the introduction of new products and related developments require an exceptional level of trust between the parties and flexibility in the implementation of

the Agreement to ensure that the relationship is fair and equitable to both parties. As the "master distributor" for Symbol in the Markets Ameranth will be committing assets and making investments to further the sales of Symbol products. In so doing, Ameranth will realize benefits in margins between the prices it pays for products and those offered to others in the distribution network, and enjoy collateral sales of its products through these efforts and opportunities. Ameranth's efforts in these markets and the benefits that it realizes will be directly related to the value that Ameranth brings to the efforts and in such cases where sales occur in the Markets for which Ameranth did not contribute (e.g. Symbol "exclusions" as indicated in [^] Exhibit A[^]), Ameranth will not realize any direct compensation. The parties will address and resolve any issues in this regard in an equitable and fair manner.

7. The parties will designate within 10 days of the signing of this agreement the official representative for each party through which all actions, changes and/or issues associated with the Agreement will be addressed.

8. Changes will be subject to mutual agreement. [^] The parties will cooperate closely on pricing strategies because it is expected that frequent changes will be required to accommodate competitor actions and market changes.

9. This Agreement will be governed by the laws of the State of New York applicable to contracts made and to be performed entirely in that state. [^]

10. This Agreement, Exhibit A, the non-disclosure agreement and the Symbol Distributor Agreement, as executed, comprise the entire agreement and understanding of the parties relating to the subject matter of this Agreement and supersede all prior agreements, arrangements and understandings, whether written or oral, relating to the subject matter of this Agreement. [^]

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement on the date first written above.

SYMBOL TECHNOLOGIES, INC.

By: Mark Schratz  
Name: MARK SCHRATZ  
Title: V.P. WESTERN AREA

AMERANTH TECHNOLOGY SYSTEMS, INC.

By: Keith R. McNally  
Name: Keith McNally  
Title: Chief Executive Officer

1/29/99Agreement to Synchronize Efforts in Selected Markets

1. Symbol Technologies, Inc. ("Symbol") and Ameranth Technology Systems, Inc. ("Ameranth") have agreed to combine their efforts in the Hospitality/Gaming and selected DOD/Law Enforcement markets [^] with the expectation that the resulting cooperation will achieve better results for the companies than if they pursued these markets independently. The cooperation will primarily take the form of a product distribution agreement. To maximize results, however, the two companies will attempt to synchronize their development and marketing efforts in order to achieve the earliest and broadest market results possible.

2. Ameranth responsibilities/key actions:

A. Ameranth will establish the Symbol Spectrum 24™ wireless LAN network as its standard for its 21<sup>ST</sup> Century Restaurant™ System and other 21<sup>ST</sup> Century systems. Ameranth will also change its current product upgrade paths for the Intrapad™, Padlink™[^] and Ultrapad™ from previous wireless baselines to the Spectrum 24 [^]™ network products and ensure that these Ameranth products are interoperable with the Spectrum 24™ network. Ameranth will also seek to link the Spectrum 24™ backbone to/with its other emerging partner links (e.g. CDMA/CDPD) and with web based links designed to achieve a totally integrated solution around the Spectrum 24™ standard.

B. Ameranth will cancel its planned CE upgrade to the Ultrapad™ and switch to the 2700 product family as its future mobile computing device. This will also include switching its outstanding proposals to a 2700 baseline as soon as feasible. Ameranth will work with Symbol to develop a modified version of the standard 2700 (e.g., case color change or other minor changes) to enable Ameranth to market a unique, branded version. Ameranth also [^] reserves the right [^] to produce custom accessory options (e.g. a SMART Card reader, and/or a slightly more EMI robust case) and to offer these options to Symbol for possible broader application in non-Ameranth markets. Additionally, [^] having agreed that there is a mutual desire for broader cooperation, Ameranth will propose to align its future product developments (e.g. Bluetooth enabled devices) to leverage from and complement Symbol's strategic direction.

C. Ameranth will dedicate its resources to making the Spectrum 24™ wireless network and family of products [^] the industry standards within Ameranth's core markets as quickly and as broadly as possible.

D. Ameranth will develop and execute a comprehensive product launch strategy for the Spectrum 24™ network and the 1700/2700 mobile devices for the May[^] 1999 National Restaurant Association ("NRA") Show in Chicago. This strategy will include an advertising campaign, a complete upgrade of



brochures/handouts, a mailing campaign<sup>[^]</sup>, preparation of dealer/distributor packages, a press release, a state-of-the-art booth, pricing strategies, software development kits, and similar actions <sup>[^]</sup> designed to achieve maximum results. Additionally, Ameranth will, in cooperation with Symbol, select 5-10 leading POS companies <sup>[^]</sup> (e.g., Infogenesis, HSI, Aloha, Squirrel, GEAC<sup>[^]</sup> and Radiant) to have the products launched simultaneously in their booths at NRA. These POS companies and other partners will be under <sup>[^]</sup> non-disclosure agreements prior to the product launch. In parallel, <sup>[^]</sup> the parties will jointly select with the Symbol team other best-of-breed partners in additional key areas of the 21<sup>ST</sup> Century Restaurant™ system (e.g. IBM for servers/displays/integration), 1-2 frequent dining database suppliers, 1-2 paging companies (e.g., JTECH, Signologies)<sup>[^]</sup> and 1-2 credit card authorization companies (e.g., NPC), so that a totally integrated system solution is available for customers of <sup>[^]</sup> various sizes and needs, centered around the Spectrum 24™ wireless network and family of products.

E. Ameranth will modify its Software Wizard development environment to enable POS suppliers and/or the customers themselves to quickly develop hand-held POS applications for the CE screen of the 2700. <sup>[^]</sup> Ameranth will work with Symbol, Microsoft and others to offer a [very easy] <sup>[^]</sup> programming environment. <sup>[^]</sup> Ameranth will also provide a tailored version for the smaller screen of the 1700 and work with one or more software developers Symbol selects from its ongoing efforts with the Palm OS <sup>[^]</sup> as an option for the integrated 21<sup>ST</sup> Century Restaurant™ system.

F. Ameranth will prepare and present to Symbol management a detailed 1999/2000 business plan for this coordinated effort. A draft will be presented by March 1, 1999 (assuming the relationship is established not later than February 1, 1999) and it will be finalized approximately April 1, 1999. It is envisioned that the development of this plan will be a team effort leveraging from Symbol's experience in similar product/market launches. Subsequently, the plan will be reviewed at least quarterly and appropriate adjustments will be made to either exploit success or address any shortfalls.

G. Ameranth will initiate infrastructure and personnel expansion efforts in preparation for and in parallel with the product launch at NRA <sup>[^]</sup> so that the proper resources are in place/available not later than May 20, 1999 to ensure quality support for the expected large industry response to the product launch. This will include, but not be limited to, sufficiency of prototypes, software development kits, 1-800 call-in support, rapid repair and equipment support options, technical support, dealer kits, availability of supplies/accessories etc. Additionally, Ameranth will prepare a significant upgrade to its web-site to make all key specifications and product information available over the web and to <sup>[^]</sup> prepare for web commerce. The details of this structure will be coordinated with Symbol in advance and included in the overall business plan referred to in paragraph 2(F) above.

H. Ameranth will develop and support a comprehensive distribution/pricing strategy so that sufficient margin exists at the various channels to provide attractive margins/profits for the family of products to become the runaway success both companies wish them to be. This will require Ameranth to [^] work closely with the channel partners, and in coordination with Symbol, to make adjustments to maximize market share and to focus on optimizing the sales volume and market share.

I. Ameranth management will work closely with the Symbol management team to ensure that this cooperative effort is very successful and that problems/issues, if any, are dealt with quickly and through the cooperation of the respective management teams.

J. Ameranth [^] registers the following accounts as Ameranth accounts: Litton, SAIC, Cache Box, HSI, WirelessKnowledge, Tangent, JTECH and 4-5 international military markets with an aggregate potential of approx 50,000 2700's, and many thousands of Spectrum 24 wireless cards/phones and Access Points during the period of Q499 to Q2 03. Note: these are markets/contracts that will be reached through/with Litton as opposed to direct sales. [^] Ameranth will respect the [excluded registered accounts] of which Symbol advises it.

MO  
SELECTED  
ACCOUNTS

DESIRES TO [^] KRM

LEAD [^] KRM

3. Symbol Responsibilities/key actions:

A. Symbol [^] has selected Ameranth as ~~its master distributor~~ and launch partner for the Spectrum 24™ and 1700/2700 products within the Hospitality/Gaming and [^] certain DOD/Law Enforcement markets. Ameranth will be authorized to brand a version of the 2700. Symbol will support Ameranth's 21<sup>st</sup> Century Restaurant™ System with the Spectrum 24™ family of products.

Processed by KRM  
ADA OEM

B. Symbol will assist Ameranth in achieving success through its experience, marketing networks, pricing incentives, engineering support and other appropriate actions that Symbol deems complementary to the overall objectives. Symbol will provide Ameranth a reasonable amount of no-cost loaners, demo units etc. to facilitate preparations for the NRA product launch.

C. Symbol will provide its Spectrum 24™ ~~PC~~ PC-cards to Ameranth at very aggressive prices [^] (e.g. \$150.00) for those embedded applications only within Ameranth products so as to enable them to meet the requisite price points and to achieve a totally integrated Spectrum 24™ network. Ameranth will not disclose these special prices (nor will they be discernable to the market), except as required by law, and these specially priced cards will only be for Ameranth's embedded product use.

~~ATTN: [^]~~ OEM RADIO MODULE(S) [^] KRM

1/ To be clarified.

*Successor MD K&H*

D. Symbol will make its Spectrum 24™ family of products available to Ameranth for overall distribution within Ameranth's markets and at price points that enable Ameranth to be profitable while distributing products to the channel partners/distributors/dealers.

E. Symbol will keep Ameranth reasonably apprised of its future product strategy so as to enable Ameranth to align its strategy to be complementary.

F. Symbol will, from time to time, offer Ameranth an opportunity to bid to provide hardware/software options supportive to the Symbol product line (e.g., a SMART Card reader option). It will be in Symbol's sole discretion to determine if Ameranth's bid provides the best-value solution for [^] Symbol's needs.

G. Symbol will share leads and cooperate on market strategy with Ameranth in areas supportive to the common goals and that do not conflict with Symbol's other partners, commitments and/or relationships.

H. After reviewing Ameranth's business plan in March/April 1999, Symbol will consider providing financial support and/or incentives (e.g., deferred payments, advances etc.) so as to enable Ameranth to achieve [^] greater market penetration and sales. It will be in Symbol's sole discretion to determine what support of this nature, if any, is provided depending on the merits of the business plan and the results achieved.

I. Symbol will assign an Ameranth account manager through which regular business arrangements will be transacted. Strategic actions/decisions will be coordinated with/through the Symbol Director of Hospitality/Gaming.

J. Symbol will support Ameranth's efforts in its registered accounts. Symbol will advise Ameranth of the [registered accounts] to be excluded from this Agreement. A mutually agreed upon list of [registered accounts] will be finalized within ninety (90) days of the date of the Memorandum of Agreement.

**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. § 1.131**

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 following my originally submitted declaration dated January 22, 2009 and respond with the attached additional Exhibits 21-32 and clarifications that address the issues raised by the Examiner in the Office Action of June 26, 2009. Note that, in parallel with submission of this 37 C.F.R. 1.131 Declaration, I am also submitting contemporaneously herewith (at the examiner's suggestion) a secondary considerations declaration under 37 C.F.R. 1.132 detailing and confirming the widespread

market recognition and adoption of Ameranth's invention reflected in the present claims of the application. Some of the documents referenced in my 1.132 Declaration are duplicates of documents referenced in my original and this supplemental 1.131 Declaration so that the 1.132 Declaration is complete without reference to the 1.131 Declarations. Additionally, I respectfully assert that some of the documents in the 1.132 Declaration further confirm conception and reduction to practice of the claimed invention in the 1998/1999 timeframe - since the actions and announcements in the time period immediately following the inventive activities reflect what customers/partners saw and had demonstrated/briefed to them in this time period (due to the natural time lag of corporate decision-making).

3. In the introduction and demonstration of Ameranth's 21<sup>st</sup> Century Restaurant System at the November 1998 FSTEC show, I led numerous demonstrations of our newly conceived and first publicly introduced "menu wizard" technology to numerous potential partners and customers. I was assisted in these demonstrations by Kathie Sanders, an Ameranth employee. I specifically led a demonstration and numerous partnering discussions with John Harker of Symbol Technologies. These demonstrations of Ameranth's "menu wizard" technology included generation of computerized menus for wireless handheld devices which included categories, items, modifiers and sub modifiers - as well as real time communications.

4. Exhibit 21 is an August 6, 2009 Declaration of Kathie Sanders (shown in the center of the photo in Exhibit 1 to my January 22, 2009 Declaration and attached again here) confirming that she assisted me in demonstrating the complete working prototype of the invention to Mr. Harker of Symbol and others at the November 1998 FSTEC show. Exhibits 1 and 2 attached to Ms. Sanders Declaration are duplicates of those in my initial

1.131 Declaration reflecting the system graphic shown at the November 1998 FSTEC show and the photograph of the Ameranth booth. Note that “real time” appears in the lower left corner of the system diagram.

5. Exhibit 22 is the reverse side of Exhibit 12 (Ameranth’s 21<sup>st</sup> Century Restaurant System Brochure) as it was distributed at the May 1999 National Restaurant Show in Chicago, Illinois. This reverse side of the brochure was inadvertently omitted in the scanning process for the prior submission of Exhibit 12. The text description on the reverse side that went along with the front graphical representation of Ameranth’s system vision includes the following statement about the system:

Ameranth 21<sup>st</sup> Century Restaurant: The System Control Center is a high tech blend of key software functions integrated to maximize restaurant efficiency. Imagine having at your fingertips, “real time” access to all critical information pertaining to restaurant operations

Thus, “real time” communication was central and integral to Ameranth’s inventive concept and further “real time communications” is also shown in the lower right portion of the front side of this brochure (Exhibit 12 from my first 1.1.3.1 Declaration and which is attached again here) and in the lower left portion of the November 1998 brochure previously submitted as Exhibit 3 to my January 22, 2009 Declaration.

6. Exhibits 23-27 are a series of letters between myself and John Harker of Symbol detailing Ameranth’s and Symbol’s ongoing activities to advance Ameranth’s technology in the marketplace via our partnering activities in December 1998 and January 1999, leading up to the signing of a strategic alliance agreement on February 3, 1999. Of particular note is the reference in my January 2, 1999 letter to John Harker, Director of Hospitality for Symbol Technologies (the world leader in rugged mobile handheld devices).

This letter confirmed that Symbol had recognized the uniqueness of Ameranth's inventive "menu wizard" technology and the subsequent actions and partnering between our companies detail the initial actions and events between Symbol and Ameranth subsequent to our meeting at the November 1998 FSTEC show (in which the inventive "menu wizard" technology was demonstrated to John Harker). Symbol's rapid partnering decision with Ameranth further confirms that Mr. Harker/Symbol were shown the complete working prototype of the invention by Keith McNally and Kathie Sanders at the November 1998 FSTEC show. Mr. Harker is also shown in the photos in Exhibit 15 attached to my January 22, 2009 Declaration. Further, Mr Harker detailed his summary of this time period and the associated events in his statement in the document referenced as Exhibit 56 in my "secondary factors" Declaration under 37 C.F.R. 1.132 submitted herewith. That statement clearly confirms and corroborates that Ameranth's "menu wizard" invention was operational, shown and demonstrated at the November 1998 FSTEC show, leading Symbol to execute a rapid strategic alliance with Ameranth.

7. Exhibit 28 is an April 19, 1999 press release establishing and formally and publicly announcing the strategic alliance with Symbol Technologies as well as announcing that the product suite would be shown at the upcoming NRA show in May 1999.

8. Exhibit 29 is a May 17, 1999 press release of a strategic relationship formed between Ameranth and Comtec Information Systems – (which included a mobile printer in the system) and also confirming that the product suite would be announced at the upcoming NRA Show in May 1999.

9. Exhibit 30 is a series of photos from the May 1999 NRA Show in which Ameranth further exhibited and demonstrated its full working "menu wizard" technology.

In these photos, along with Mr. McNally is Rich Hausman (Editor of Hospitality Technology magazine) and Manny Negreiro (President of Aloha POS) and Bill Schwartz (President of Systems Concept Inc), all of whom had been shown Ameranth's "menu wizard" technology by me at the May 1999 NRA Show. Both Aloha POS and Systems Concept Inc strategically partnered with Ameranth in the months following the May 1999 NRA show.

10. Exhibit 31 is two photos of the actual Ameranth booth at the May 1999 NRA Show in Chicago where Ameranth again showed its "menu wizard" technology.

11. Exhibit 32 is the signed June 17, 1999 Strategic Alliance Agreement between Food.com (original assignee of Cupps USP 5,991,739) and Ameranth. Food.com had also met Ameranth at the May 1999 NRA show and also had seen a demonstration of Ameranth's "menu wizard" technology and immediately concluded that it too needed Ameranth's technology, leading it to the signing of this strategic agreement within less than 30 days of the NRA show. This June 17, 1999 agreement was then followed with the previously provided Exhibit 17 (the July 15, 1999 public press release of the Ameranth/Food.com alliance) and which was then followed by previously provided Exhibit 20 in which Food.com further clearly acknowledged that they needed Ameranth's "menu wizard" technology for the generation and transmission of programmed/configured menus and to achieve a fully real time and synchronous communication system with/to restaurants (both which were completely unavailable in the Food.com system as reflected in/by the Cupps patent).

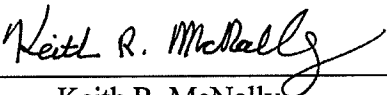
12. I respectfully request the Examiner to accept my January 22, 2009 Declaration and this Supplemental Declaration as establishing conception and reduction to



practice of the claimed invention as early as the FSTEC show in November 1998 based on the additional exhibits and clarifications provided herein.

13. 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: August 19, 2009

  
\_\_\_\_\_  
Keith R. McNally

# SUPPLEMENTAL DECLARATION

\*\*\*\*

## EXHIBIT 21

**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

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

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

Sir:

I, the undersigned, Kathie Sanders, declare and state that:

1. I have first hand knowledge as to all of the facts, and all of the referenced exhibits and all of the information contained herein.

2. From 1997 – 2000, I was the Director of Marketing for Ameranth, Inc. In November 1998, I attended the Food Service Technology (FSTEC) show held in Atlanta, Georgia from the 14<sup>th</sup> to the 16<sup>th</sup>. At this show, I assisted with the demonstration of Ameranth's 21<sup>st</sup> Century Restaurant System in our large booth.

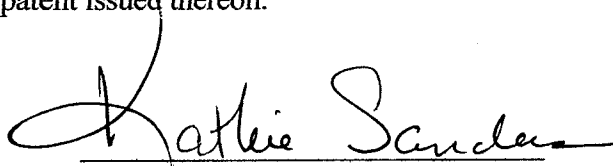
3. In the attached photograph taken at the FSTEC show (Exhibit 1), I am the individual shown in the center of Ameranth's booth at our demonstration station with a customer directly in front of me. The 21<sup>st</sup> Century Restaurant System diagram (Exhibit 2)

was shown in our booth and a very large version of this diagram was prominently located on one side of the booth (just above my head to the right) as shown in Exhibit 1.

4. During the November 1998 FSTEC show, I helped to demonstrate the 21<sup>st</sup> Century Restaurant System with its “menu wizard” technology to many customers and partners (including John Harker of Symbol). The actual demonstration system included complete computerized restaurant menus including menu categories, items, modifiers, sub-modifiers as well as prices/payment information.

5. 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.

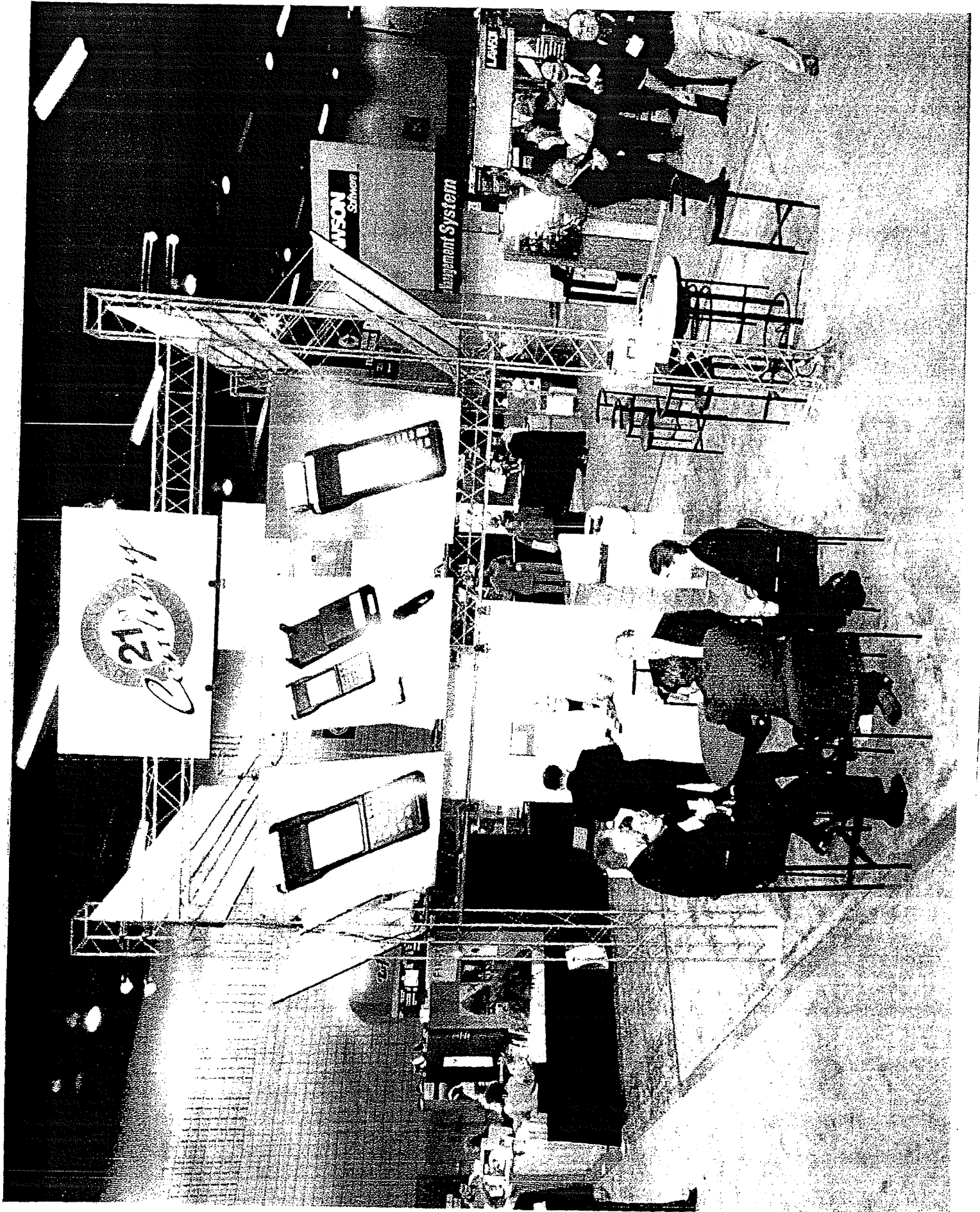
Dated: August 6, 2009

  
Kathie Sanders

# SUPPLEMENTAL DECLARATION

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Exhibit 1  
Referred To In  
**EXHIBIT 21**



# SUPPLEMENTAL DECLARATION

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Exhibit 2  
Referred To In  
**EXHIBIT 21**

# Restaurant Technology

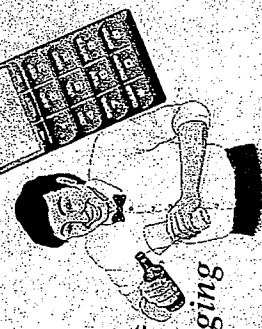
from @AMERANTH®

## IntraPad™



- HOSTESS STATION**
- Table Management
  - Reservation Management
  - Waitlist Management
  - Customer Paging
  - Valet Paging

## PadLink™

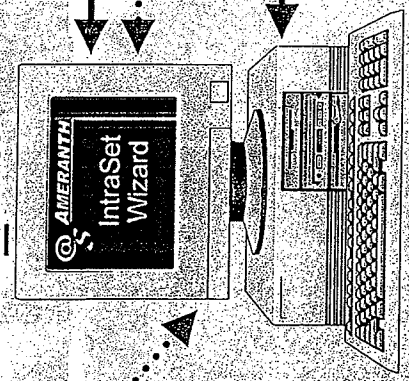


- TABLE SETTER**
- Table Status
  - Real Time Messaging

Other Systems:  
"The Customer Connection"



## Wireless Communications Center

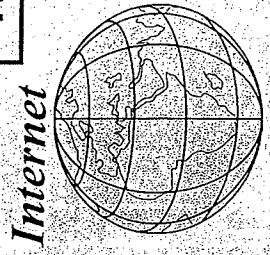


## BACK OFFICE

- IntraPad™ Applications
- UltraPad™ Applications
- Database Management
- Menu Items
- Prices
- Orders
- Frequent Customers
- Kitchen Access
- POS Access
- Internet Gateway

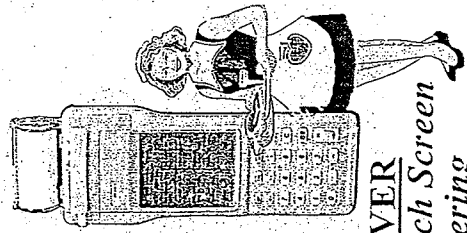
## Legend

- ..... Wireless Link
- Wired Link (i.e., LAN)



Internet

## UltraPad™



## SERVER

- Touch Screen
- Ordering
- Payment Processing

## POS and Other Systems



1-888-AMERANTH  
www.ameranth.com



# SUPPLEMENTAL DECLARATION

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## EXHIBIT 22

### Valet Parking

- Remote wireless input of Frequent Dining card, name, license plate, etc.
- Auto-request car when finished dining

### Hostess Station

- Table management
- Reservation management
- Wait-list management
- Frequent Dining tracking
- Customer paging
- Valet paging

### Manager

- Notified of top customers
- Reports safety issues
- Manager functions

### Server

- Touch screen ordering
- Credit card/payment processing
- Signature capturing

### Waiting for Seating

- Pager lets customer relax in bar or garden while waiting
- Auto-page when table ready



# AMERANTH™ 21<sup>st</sup> Century Restaurant™

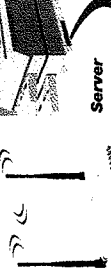
### Kitchen

- Direct wireless server order input
- Wireless ready server notification
- POS system interface

### Bus Staff

- Table status
- Real-time messaging

### POS Station



### Back Office

#### Microsoft

- Applications software
- Database management
- Menu items
- Prices
- Orders
- Frequent customers
- Kitchen access
- POS access
- Internet gateway

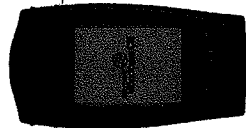
Frequent Dining, credit card processing, POS, Corporate and other systems

### Real Time Web Access

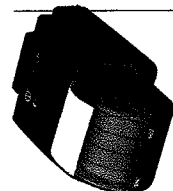
- Credit card approval
- Frequent Dining data updates
- Corporate data exchange
- Online reservations and waitlisting

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

1 (888) AMERANTH  
www.ameranth.com



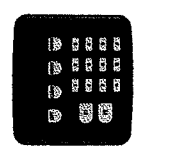
UltraPad™  
2700



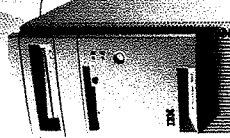
AmPrint™ 2100



Spectrum24®  
Access Point



PadLink™  
100



IBM®  
Server

# 21<sup>st</sup> Century Restaurant™

## AMERANTH 21<sup>st</sup> Century Restaurant™



The System Control Center is a high-tech blend of key software functions integrated to maximize restaurant efficiency. Imagine having, at your fingertips, real-time access to all critical information pertaining to restaurant operations. Wireless access to e-mail, reservations, frequent-customer data, food menus and the POS system, all at the touch of a button.

*Let's walk through the workflow of a standard restaurant and describe how Ameranth's revolutionary system improves efficiency at each critical node.*

### Reservations

Ameranth's 21st Century Reservation System offers the restaurant manager a variety of means to process reservations. Diners can access the restaurant's reservation in-house reservation system online via *ameranth.com* to view table availability and reserve tables based on specific

**With Ameranth's UltraPad™ 2700, the hostess can graphically review open tables and query table status for wait times for a given table configuration.**

criteria. Diners can also phone in reservations. Office personnel can enter these reservations directly into the Control Center Server, or an employee can enter the data remotely using the UltraPad™ 2700 and wireless network.

### Frequent Dining Program

Ameranth's Customer Select frequency application offers the restaurant a seamless way to enroll, track and manage frequent-customer programs. Ameranth's relational database, available both locally on the restaurant's Command Center Server and via the Internet from a central database, gives the restaurant manager access to key customer data. This data include table and dining preferences, anniversary dates and other information that provides the customer with a

higher level of service. Ameranth's Customer Select frequency application also interfaces seamlessly with existing customer frequency programs such as those available from The Customer Connection and Customer Knowledgey.

### Waitlist and Table Management

Ameranth's line-busting Waitlist Management application places key restaurant seating functions in the hands of the hostess and/or the restaurant manager. The integration of existing reservations and walk-in waitlisting is critical to customer satisfaction and maximum table turns per shift. With Ameranth's UltraPad™ 2700, the hostess can graphically review open tables and query table

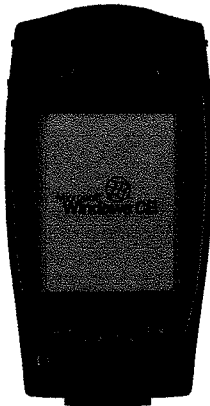
status for wait times for a given table configuration, e.g., table for six, non-smoking, by a window. Synchronized with the Command Center Server via the 2.4GHz wireless local area network, the hostess always knows reservation and wait status. The system calculates wait times based upon historical data and standard restaurant practices (day, time, table configuration, number in

party, etc.). The system automatically recommends the next available table for the waiting party and will page the party when the table is being prepared for seating.

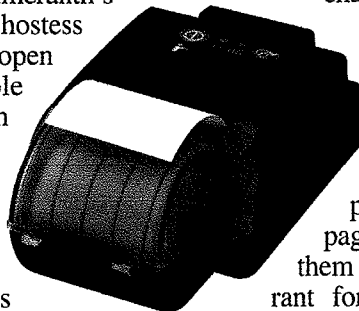
### Table Status Application

How does the Command Center and, therefore, the hostess know the status of a table? Ameranth™ developed the low-cost PadLink™ as a means to send wireless messages indicating table status to the Command Center. Available table status messages include "table available," "table occupied," "bussing in process," "tables x and y connected" and others. For example, when the Waitlist and Table Management Function receives the PadLink™ message "bussing in process," the application identifies the table characteristics and matches

those characteristics to the party waiting the longest for that table. At that time, the hostess can prepare the party to occupy the table, or send a page to the party notifying them to return to the restaurant for seating. Wait times, notifications and other functions formerly performed by the hostess are automatic, allowing the hostess to focus on customer interaction and providing a higher level of service.



UltraPad™ 2700



AmPrint™ 2100

### Key Features

#### Command Center PC Server

- 2.4GHz connectivity throughout restaurant
- Online reservations
- Frequent-customer application
- Restaurant statistics
  - table turns
  - sales per server
  - peak period analysis
  - other custom functions

#### Server Station

- UltraPad™ 2700 handheld computer communicates with hostess station and Command Center via 2.4GHz wireless LAN

#### Hostess Station

- UltraPad™ 2700 handheld computer talks to Command Center via 2.4GHz wireless LAN

- reservations
- waitlist management
- customer paging/valet parking
- UltraPad™ 2700 communicates with PadLink™ table status indicator via 2.4GHz wireless LAN
  - hostess station updated with table available, occupied or bussing status
  - hostess station updated with status of tables/chairs moved, connected or delete

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

AMERANTH TECHNOLOGY SYSTEMS, INC.  
12230 El Camino Real, Suite 330  
San Diego, California 92130-2090  
(619) 444-7400  
www.ameranth.com

Apple, Exhibit Booth # 740

# SUPPLEMENTAL DECLARATION

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## EXHIBIT 23

**Symbol Technologies, Inc.**

72 Colonel Enoch  
Carmel, NY 10512

---

December 30, 1998

**Keith McNally**

**Ameranth Technology Systems**  
16079 San Dieguito Road  
Rancho Santa Fe, CA 92067

**Dear Mr. McNally:**

I want to thank you for your time the other day. Per our conversation, Symbol Technologies would like to have the opportunity to work with Ameranth. Symbol's Spectrum 24 Wireless LAN Technology, I believe, would be a great compliment to your 21st Century Restaurant System.

On January 18 - 20th, in New York City will be the National Retail Federation Show (NRF). Symbol will be exhibiting and will have conference rooms available to meet. I want to extend to Ameranth the opportunity to meet with Symbol Technologies, review our Mobile and Wireless products, and discuss how we might possibly work together. It would be a great opportunity to meet with Symbol Senior Executives and address your concerns of working with a Billion dollar company.

I look forward to meeting with you. I would like to target the 19th at Jacob Javitz to get together. Please call me to schedule a time convenient to you.

Very truly yours,

John V. Harker  
Symbol Technologies

# SUPPLEMENTAL DECLARATION

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## EXHIBIT 24

January 2, 1999

Mr. John Harker  
Director of OEM Sales  
Symbol Technologies  
72 Colonel Enoch  
Carmel, NY 10512

Subject: Possible Symbol/Ameranth Alliance

Dear John:

Happy New Year! I hope that you had a wonderful holiday season. We have given a lot of thought to your offer of a relationship between Symbol and Ameranth and we would like to pursue this on the timeline and in the manner you suggested.

As I conveyed to you in our last discussion, we have considerable trepidation in establishing an alliance with a company of your size, breadth of products/technology and the wherewithal to "push us aside" if we open up our market and product strategy/technology baseline to you. That being said; I do admit that Symbol has a good reputation for both supplying its key components to industry partners and competing fairly at the terminal/systems level as well. Your assurances that this would be so in a relationship with Ameranth resulted in our decision to attempt to go forward with you.

I was actually surprised that you apparently recognized from the FS/TEC Show the imminent impact we are going to have in the Hospitality and other markets with our unique products and systems solutions. I believe that your assessment of us will prove itself by mid 1999 and that our impact in the markets will grow from there. We have numerous unannounced products, technology innovations, and key relationships with major partners that will be known in the coming months and will enable us to truly set numerous standards. We also just closed a major financing deal.

There are a few key factors that will influence our decision to move to Symbol technology and away from our current technology baseline in wireless and scanning technology:

- Your ability to make quick decisions and to consummate a strategic relationship at or near to the proposed January 19, 1999 meeting at NRF. This is key as we will barely have enough time to change and still meet our required product roll-out dates and major launch at NRA in May 99. We can not afford months or even weeks of legal/contractual negotiations normal for major corporations.
- Assurances that our niche will not be overwhelmed by Symbol when and if we establish your wireless network as the baseline for our various 21<sup>ST</sup> Century system solutions. Details TBD.
- Pricing that is truly competitive for our lower level requirements. Thus, many of our niche and product/system solutions only require short messages of a few hundred bytes and do not need 4MBPS data rates and as such can not afford high RF prices. An alternative might be to link our lower rate/cost network to Spectrum 24 and offer hybrid solutions to our customers, but it would be better if we only had to integrate a single wireless system.
- An aggressive offer from Symbol to assist our 1999 launch with reduced pricing, loans of beta-site equipment, extra engineering support to recover schedule if we shift to your baseline, reduced pricing for the first 1000, and 5000 quantity orders to assist us in achieving early profitability and as a sign of your desire for a strategic and long term relationship with Ameranth.

In return for a relationship with and support from Symbol, Ameranth would provide Symbol:


- ~~An accelerated thrust into Hospitality and other markets e.g. DOD where we are very active~~ leveraging from ongoing/imminent Ameranth business and establishing the Spectrum 24 network as the industry standard wireless LAN for Ameranth's various 21<sup>ST</sup> Century System solutions..... i.e. 21<sup>ST</sup> Century Restaurant™, 21<sup>ST</sup> Century Retail™ 21<sup>ST</sup> Century Store™ and 21<sup>ST</sup> Century Communications™. Symbol might also want to incorporate one or more of our trademarks into a joint marketing campaign as the millenium nears.
- Synergy of marketing/shows as Ameranth is quite active in shows and has a wide range of contacts and key relationships.
- Reciprocal technology transfers as Ameranth has access to a wide range of emerging innovations through the tremendous wireless industry in and around San Diego.
- A new partner that could become one of its most important and largest in the years ahead.
- A long term commitment from Ameranth to Symbol technology.

If you and your management want to pursue the relationship along these lines, I will arrange my travel to meet with you and the appropriate Symbol management at NRF on January 19, 1999. In order to have us at or close to a signing by then, please fax a mutual NDA ASAP, FEDX detailed brochures, developer kit info etc. for your smallest, lowest cost scan engines, Spectrum 24 products and wireless chip sets. We also need very early your best OEM volume pricing estimates as if that does not work for us, it might not make sense to proceed to the next steps. I also request you to draft a MOU or appropriate alliance document that would capture the salient points of a relationship you think would be attractive to Symbol and Ameranth.

I apologize for seeking such a fast timeline but if your call/offer came only a few weeks later it would have been too late to change from our current baseline/other suppliers and if we are going to do it, we will have to both move quickly together.

I can be reached at our office number, by text page at 1-800-864-8444 (Text Message Code 1334053), or by E-mail at [keith@Ameranth.com](mailto:keith@Ameranth.com). I look forward to hearing from you.

Sincerely,

  
Keith R. McNally  
Chief Executive Officer  
Ameranth Technology Systems Inc.



# SUPPLEMENTAL DECLARATION

\*\*\*\*

## EXHIBIT 25



**Symbol Technologies, Inc.**

**January 4, 1999**

**Keith McNally**  
Chief Executive Officer  
Ameranth Technology Systems  
16079 San Dieguito Road  
Rancho Santa Fe, CA 92067

**Dear Mr. McNally:**

I hope you had a great holiday season. I am very anxious to start the new year and am happy that you want to fast track a relationship. I would like to set up a meeting for 8:30 a.m. on Tuesday, January 19th. I am trying to get a conference room at the Jacob Javitz Center for our meeting. From 10:15 until 11:15 a.m. Rich Bravman, Senior VP Symbol will be presenting a Communications Session. This session is more directed towards retailers, but should be informative. The topic will be on Converging Voice and Data Networks.

I will be calling tomorrow to discuss the letter. You should have received a NDA today, if it did not get to you, please call me.

Very truly yours,

John V. Harker  
Symbol Technologies

# SUPPLEMENTAL DECLARATION

\*\*\*\*

## EXHIBIT 26

January 15, 1999

Mr. John Harker  
Director of OEM Sales  
Symbol Technologies  
72 Colonel Enoch  
Carmel, NY 10512

Subject: Request for ROM Quote on Symbol 1700

Dear John:

We look forward to meeting with you on Tuesday. As we discussed, Ameranth urgently needs a ROM quote for 2000 Symbol 1700 units to support a government bid. Approximate program schedule would be 100 units/month starting 9/99 and 200 units/month starting 01/00. We are interested in the CE version; in that we are developing a relationship with Microsoft and envision their software as the backbone for our various 21<sup>ST</sup> Century System implementations.

Questions?

- 1.) Can we get a demo unit for 1-2 days in February to support a briefing to the customer?
- 2.) When can we get software development kits?
- 3.) When can we get 10 prototypes?
- 4.) When can we get the first 100 production units?
- 5.) Will the unit operate at -20C?
- 6.) Approximate size/weight? Not to exceed is OK.
- 7.) Can we brand the units Ameranth? If yes, what is required? NOTE: obviously this would be under the assumption that we made the unit our standard for much greater quantities than this initial order and as part of a broader alliance.
- 8.) If enhancements to the unit are needed, e.g. integration of SMART Card reader, will we be allowed to make them and will you provide us access to the necessary data to make changes e.g. pin-outs, firmware data etc?
- 9.) What is the ROM pricing for the unit with scanner? With Spectrum 24 card included? Assume 8MB RAM/ROM.
- 10.) Does the unit have an IRDA port?
- 11.) Which Microprocessor?

John, sorry for the short notice, if you can not provide a written ROM by the end of your day..... please at least call and provide your best verbal estimate, to be followed by a written ROM as soon as feasible.

Thanks,



Keith R. McNally  
Chief Executive Officer  
Ameranth Technology Systems, Inc.

# SUPPLEMENTAL DECLARATION

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## EXHIBIT 27

FROM : HAMILTON O'HARA

LOTHAR B


**Symbol Technologies, Inc.**

 72 Colonel Enoch  
 Carmel, NY 10512

January 16, 1999

**Keith McNally**  
 Ameranth Technology Systems  
 16079 San Dieguito Road  
 Rancho Santa Fe, CA 92067

**Dear Keith:**

Thank you for the letter detailing the question that need to be resolved. Below, I have answered what I can. At our meeting on the 20th, I should have all the answers.

1700: Batch Palm      1740: Spect 24 Palm      2700: CE Batch      2740: Spec 24

- 1) My suggestion is to demo the SPT 1500 and display the mock up of the 1700 and 2700.
- 2) Yes, Symbol can provide application development kits for the 1740 and 2700 (CE) 3) Beta units will be available in May. production in June/July.
- 4) Production units June and July
- 5) Both 1700 and 2700 will operate at-20C.
- 6) I will have spec sheets at NRF
- 7) Branding issues can be discussed Tuesday.
- 8) Smart Card integration is vital for Symbol moving forward. Will discuss on Tuesday.
- 9) All units will have scanner, options for Spectrum 24, multiple RAM, NVRAM configs.
- 10) All units have IRDA
- 11) Dragonball 68328 for the 1700.

I have requested list pricing and cost from my Mobile Computing organization. As you requested, my best guest pricing can be plus or minus 15%. We should sharpen pencil and get more details for you on Tuesady. The 1740 w/ scanner / 24 Radio will be around \$ 1200. The 2740 w/ clscanner / 24 radio and 8MB RAM & 8MB NVRAM should be around \$ 1500.

Please look for me at booth on Monday, I can be reached by cell at 914-643-0788 and pager at 888-360-3471. See you soon.

Very truly yours,

  
 John V. Harker  
 Symbol Technologies

OEM Scanner Sales ♦ Phone: 914-277-2234 ♦ Fax: 914-277-2235 ♦ Internet: Harker@symbol.com  
 KEITH2.DOT

# SUPPLEMENTAL DECLARATION

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## EXHIBIT 28



Contact: Kathie Sanders (703) 281-4995  
12230 El Camino Real, Ste 330, San Diego, CA 92130  
Tel: (888) AMERANTH Fax: (858) 794-8222  
<http://www.ameranth.com> <mailto:info@ameranth.com>

## AMERANTH TECHNOLOGY SYSTEMS™ AND SYMBOL TECHNOLOGIES® REACH AGREEMENT ON FORMATION OF STRATEGIC ALLIANCE

RANCHO SANTA FE, California, April 19, 1999 -- Ameranth Technology Systems, Inc., a leading provider of Wireless Systems Solutions to the hospitality industry, announced today agreement has been reached on the formation of a strategic alliance with Symbol Technologies, Inc. of Holtsville, New York.

Under terms of the agreement, Ameranth will be Symbol's launch partner for revolutionary new wireless computing products and Ameranth will incorporate Symbol's Radio technologies into Ameranth's family of products.

The first products of the Alliance, operating on Symbol's Spectrum24® Radio System, will be introduced at this year's National Restaurant Association Show in Chicago, May 22-25. These new products will put order taking, payment processing (credit card, debit card, smart card), inventory control, process control, management interface, short and long range communications, and other applications in the palm of the hand, operating on Symbol's Spectrum24 system.

Symbol Technologies Spectrum24 is an affordable, 2.4 Ghz spread spectrum, frequency hopping, wireless Local Area Network, which is 802.11 compliant and which provides robust, secure, data and voice communications. It communicates at 2 Mbps and handles data and real-time voice simultaneously over the same wireless LAN.

"Our mission is to work with Symbol to provide the world-wide-standard wireless systems solution," said Keith McNally, CEO of Ameranth. "The integration of Symbol's unparalleled technological advancements into our product line will allow our customers to deploy fully integrated software and hardware solutions that will provide for optimal service, efficiency, and profitability for years to come."

"As a world-leading supplier of mobile computing wireless local area networks and related technologies, Symbol already provides the standard wireless solution for many industries. Our Agreement with Ameranth will allow Ameranth to carry our standard of technological excellence into industries where they are already playing a leading role," said Joe McCormick, Senior Director for Emerging Technologies at Symbol Technologies.

In addition to appearing at booth 6254 at the National Restaurant Association Show, Ameranth will showcase its new products at HITEC in Atlanta, June 22-24; The Western Foodservice & Hospitality Expo, August 21-23, in Los Angeles; MUFSSO, September 12-15, in Dallas; The World Gaming Congress & Expo September 14-16, in Las Vegas; FS/TEC'99, November 1-3, in Dallas; and the International Hotel/Motel & Restaurant Show, in New York, November 6-9.

-more-

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*



*Page 2- Ameranth/Symbol*

Ameranth Technology Systems, Inc. was founded in 1996 primarily to provide wireless computing solutions to the hospitality, gaming, defense, and law-enforcement industries and markets. Ameranth's products include handheld computers, scanners, access points, printers, and related software.

Symbol Technologies, Inc. is a global leader in mobile data management systems and services with innovative customer solutions based on wireless local area networking for voice and data, application-specific mobile computing, and bar code data capture. Symbol's wireless LAN solutions are installed at more than 40,000 customer locations, and more than seven million Symbol scanners and application specific scanner-integrated mobile computer systems are in use worldwide. Symbol and its global network of business partners provide solutions for retailing, transportation and distribution logistics, parcel and postal delivery, healthcare, education, manufacturing, and other industries.

-30-

# SUPPLEMENTAL DECLARATION

\*\*\*\*

## EXHIBIT 29

**AMERANTH™**  
WIRELESS SYSTEMS SOLUTIONS

# NEWS

FOR IMMEDIATE RELEASE

Contact: Kathie Sanders 703-281-4995

**AMERANTH TECHNOLOGY SYSTEMS™  
AND COMTEC INFORMATION SYSTEMS  
ANNOUNCE THE FORMATION OF A STRATEGIC ALLIANCE**

RANCHO SANTA FE, California, May 17, 1999—Ameranth Technology Systems, Inc., a leading provider of Wireless Systems Solutions™, announced today that an agreement has been reached on the creation of a new strategic alliance with Comtec Information Systems, Inc., Warwick, Rhode Island. The Ameranth-Comtec alliance will leverage Ameranth's existing strategic alliance with Symbol Technologies, which was announced on April 19, 1999, under terms of which, Ameranth is Symbol's launch partner for revolutionary wireless computer products.

Under terms of the Ameranth-Comtec agreement, Ameranth will make use of Comtec's advanced printing technology to launch a line of printers targeted at automating restaurants. These products will enable on-the-spot printing of customer receipts and other hard-copy records. Comtec will provide engineering, manufacturing, and technical support, thereby freeing Ameranth to concentrate its efforts on mobile computing and wireless communications technology, which are Ameranth's core strengths.

The first new product resulting from the alliance is a portable printer that will print receipts for handheld, point-of-sale applications. The new printer weighs only one pound, clips to the operator's belt, and has a clamshell design for easy paper loading. The printer is shock protected and weatherproofed so as to be usable outdoors in most conditions, and it has an optional bi-directional, dual track, magnetic card reader, which makes it ideal for hospitality applications.

"We are excited about the alliance with Comtec," said Keith McNally, CEO of Ameranth, "because Comtec provides the best portable printing solutions in the world and because Comtec is a first-rate engineering organization that focuses on portable printing and that can be counted on to provide industry leadership in that area for years to come. Comtec consistently delivers rugged, durable, easy-to-use, state-of-the-art products. They are an ideal partner for Ameranth, because we can depend on them to have their part of system development completely covered."

-more-

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

Robert Petteruti, Comtec's President and COO, echoed his counterpart's sentiments. "We strive to design and manufacture the finest portable printing solutions in the world," he explained, "but it takes an association such as this new alliance with Ameranth to really project our printers into new and explosive markets. Partners like Ameranth give us an extra dimension. They integrate our equipment into expert systems that profit business segments that are new to us. This helps us, it helps Ameranth, and I am especially impressed by the potential we now have to help a whole new class of customers in the Hospitality Industry."

The first of new products resulting from the Ameranth-Comtec alliance will be introduced at this year's National Restaurant Association (NRA) Show in Chicago, May 22-25. In addition to appearing at booth 6254 at the NRA Show, Ameranth will showcase its new products at the HITEC Exhibition in Atlanta, June 22-24; the Western Foodservice & Hospitality Expo in Los Angeles, August 21-23; the Multi-Unit Foodservice Operator Show (MUFSO) in Dallas, September 12-15; the World Gaming Congress & Expo in Las Vegas, September 14-15; the Foodservice Technology Show (FSTEC '99) in Dallas, November 1-3; and the International Hotel, Motel, and Restaurant Show in New York, November 6-9.

Ameranth Technology Systems, Inc., was founded in 1996 primarily to provide wireless portable computing solutions to the hospitality, gaming, defense, and law enforcement industries and markets. Ameranth's products include handheld computers, scanners, access points, printers, and related software.

Comtec Information Systems, Inc., is the industry leader in the design, manufacturing, and support of innovative portable and desktop thermal printing solutions. At the forefront in the development of short-range RF and infrared communications, Comtec offers the smallest and lightest portable printers available today. The company's in-house media department offers a variety of preprinted and custom-formatted media supplies.

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For additional information you may e-mail  
Kathie Sanders at [ksanders@ameranth.com](mailto:ksanders@ameranth.com)

12230 El Camino Real, Suite 330  
San Diego, CA 92130-2090

Tel: (888) AMERANTH Fax: (858) 794-8222

<http://www.ameranth.com> HYPERLINK <mailto:info@ameranth.com>

*Ameranth Technology Systems, Inc., Wireless Systems Solutions*

# SUPPLEMENTAL DECLARATION

\*\*\*\*

## EXHIBIT 30

# 205



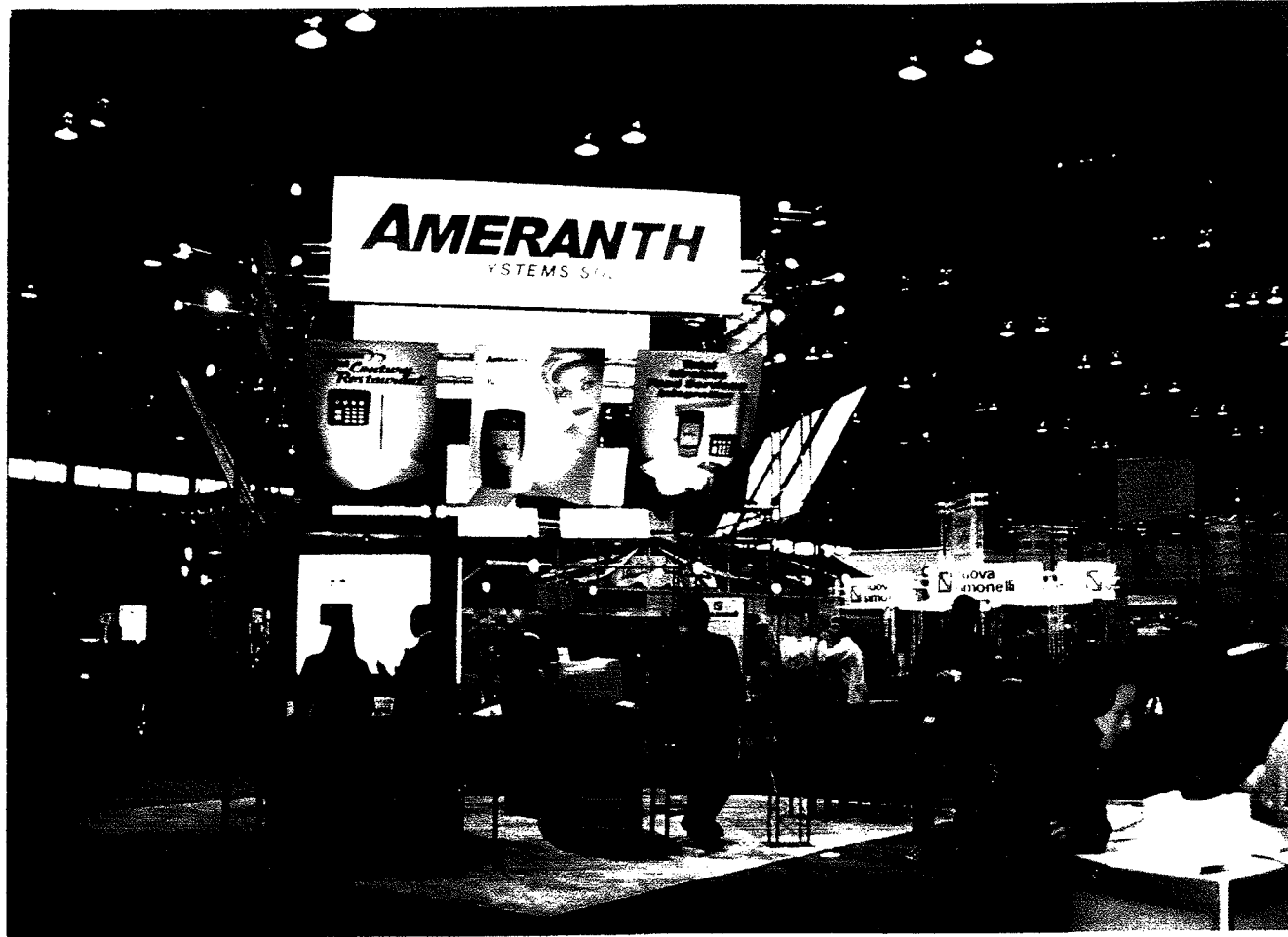
# 206



# SUPPLEMENTAL DECLARATION

\*\*\*\*

## EXHIBIT 31





# SUPPLEMENTAL DECLARATION

\*\*\*\*

## EXHIBIT 32

Food.com/Ameranth Strategic Alliance

**GENERAL:** Food.com and Ameranth have agreed to establish a strategic alliance to exploit their respective skills and capabilities to optimize the success and value of both companies.

**NATURE OF RELATIONSHIP:** Food.com intends to become the standard in internet food ordering and then to expand that base into other areas. Ameranth not only supports that goal but will assist Food.com in achieving it through its own initiatives as well as those of its other strategic partners. Ameranth will establish Food.com as the standard online food ordering system in its 21st Century Restaurant™ System, 21st Century Hotel™ System, the 21st Century Casino™ System and 21st Century Theme Park™ System. The latter two will be announced in Sept 99 and Q1 2000 respectively. Ameranth will aggressively pursue relationships and interfaces with all of the major POS suppliers and include Food.com ordering interfaces in its back-office software/Windows based communications module. Ameranth will also develop and market wireless links on its Ultrapad™ 2700 Windows CE terminal to the Food.com site through its relationships with Symbol, Microsoft and other partners. The interface between the Ameranth communications modules and Food.com ordering software will be jointly developed. Each side will fund its appropriate portion of the interface and testing. Ameranth will also seek to establish links with its frequent customer partners and customers to offer links to the Food.com site and thus accelerate the acquisition of new customers/partners for Food.com. Food.com will pay a nominal/reasonable payment for Ameranth providing these new customers to Food.com. In parallel, Food.com will establish the Ameranth reservations/wait-listing software as its standard for those functions, offer it to appropriate customers and the two companies will work to establish a seamless interface. Generally, the partner that has the relationship with the end customer will take the lead on a particular opportunity, however the team will work closely together and incorporate the Ameranth software modules into the Food.com web-site/GUI and leverage from that existing standard as much as possible. License fees and/or revenues will be shared based on the appropriate value of each side on the particular opportunity and both companies will be flexible and reasonable in costing to rapidly achieve major market penetrations. Both companies will make it a priority to achieve these interfaces quickly and will cooperate in selected beta-sites for the fall of 1999. Food.com will provide Ameranth reasonable assistance in gaining support from the venture capital community in the next round of financing. The companies will share leads where appropriate, leverage marketing costs and show attendance wherever possible and work toward an overall goal of greatly enhancing the values of the respective companies through this alliance.

**TERM:** The period of this agreement will be for two years from June 17, 1999. The agreement may be terminated by either party with six months notice, however the other side must be given thirty days to correct any issue and termination should be considered an extreme event in response to a major breach or unreasonable position from the other side.

**DELIVERY/PAYMENT TERMS:** These will be industry standard and established in individual purchase orders or financial agreements.

**DISPUTES:** Disputes, if any, will be resolved at the appropriate level if possible and brought to the President's attention for their resolution when not resolved at a lower level.

**CHANGES:** Changes will be made when required subject to mutual agreement.

**GOVERNING LAW:** The laws of the State of California will be in force.

**FOR AMERANTH:** Neil R. Hill TITLE: PRESIDENT

**FOR FOOD.COM:** [Signature] TITLE: EVP

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	5928669
<b>Application Number:</b>	11112990
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	7098
<b>Title of Invention:</b>	Information management and synchronous communications system with menu generation, and handwriting and voice modification of orders
<b>First Named Inventor/Applicant Name:</b>	Keith R. McNally
<b>Customer Number:</b>	85775
<b>Filer:</b>	John William Osborne/Erica D. Mitchell
<b>Filer Authorized By:</b>	John William Osborne
<b>Attorney Docket Number:</b>	3125-4003US1
<b>Receipt Date:</b>	21-AUG-2009
<b>Filing Date:</b>	22-APR-2005
<b>Time Stamp:</b>	15:18:46
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Reply_and_Amendment.pdf	3267422 89bd5ec4c7e0ebc306dd4f4836cd1f14977469d5	yes	60

Multipart Description/PDF files in .zip description			
	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Amendment Copy Claims/Response to Suggested Claims	2	12
	Applicant Arguments/Remarks Made in an Amendment	13	60

**Warnings:**

**Information:**

2	Rule 130, 131 or 132 Affidavits	McNally_Declaration_1_132.pdf	100431 3d2af305f8785afaf55ed2b140be3eb81ba905af	no	17
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**Warnings:**

**Information:**

3	Rule 130, 131 or 132 Affidavits	McNally_Exhibits_1_to_12.pdf	2697946 acf29b7bcdab73e44fb2c40216c346b8fb5a1dc0	no	35
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**Warnings:**

**Information:**

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**Warnings:**

**Information:**

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**Warnings:**

**Information:**

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**Warnings:**

**Information:**

7	Rule 130, 131 or 132 Affidavits	McNally_Exhibits_43_to_51.pdf	1445616 f25bb1355a3b822edaeddd6166ff7d112118ff8	no	26
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**Warnings:**

**Information:**

8	Rule 130, 131 or 132 Affidavits	McNally_Exhibits_52_to_56.pdf	2593821 925d7bfc66a2fbc1775256cd4cfb8cb404665e	no	24
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**Warnings:**

Information:					
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Warnings:					
Information:					
10	Rule 130, 131 or 132 Affidavits	Supplemental_Decl_Exhibits_21_to_32.pdf	2360089 7342a0ae6f3e2a69d06e9654ea9525b27d20cbe7	no	33
Warnings:					
Information:					
<b>Total Files Size (in bytes):</b>			18552445		
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>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.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>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.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>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.</b></p>					

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.

<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875	Application or Docket Number <b>11/112,990</b>	Filing Date <b>04/22/2005</b>	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	SMALL ENTITY <input checked="" type="checkbox"/>	OR			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	minus 20 =	*	X \$ =		OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =			X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	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).						
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>							
* 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				
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT	08/21/2009	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	* 31	Minus ** 97	= 0	X \$26 =	0		X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	* 6	Minus *** 12	= 0	X \$110 =	0		X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE	0		TOTAL ADD'L FEE	

	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus **	=	X \$ =			X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus ***	=	X \$ =			X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE			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".

Legal Instrument Examiner:  
 /DEBORAH NASH/

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. 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, 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.



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes sub-tables for EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, and DELIVERY MODE.

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 the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptopatentcommunication@lockelord.com





### **DETAILED ACTION**

1. This office action is in response to amendment filed August 21, 2009.
2. Claims 103-110 and 115-127 are pending.
1. The 35 U.S.C. §112 rejections have been withdrawn in view of applicants' amendments.

#### ***Response to Amendment***

#### ***Affidavit Under 37 C.F.R. 1.131***

1. The declarations by Keith McNally and Kathie Sanders filed on August 21, 2009 under 37 CFR 1.131 to overcome the Olewicz (USPN 6,973,437), the only reference previously applied that was not available under 35 U.S.C. 102(b), a statutory bar, is moot as the grounds of rejection based on Olewicz have been withdrawn in view of the applicant's claim amendments. Insofar as they might be applied, the affidavits are ineffective in antedating the references currently applied under 102(e) as they do not cover in sufficient detail the period prior to September 1998.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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

4. Claims 103-110, 115-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micros systems Inc. " 8700 HMS 2.10 User's Manual", Copyright

Art Unit: 2191

1997 in view of US Patent 6,300,947 Kanevsky et al hereinafter Kanevsky and further in view of US Patent 5,974,238 Chase Jr. hereinafter Chase Jr.

Regarding Claims 103 and 118, Micros '97 teaches: An information management and ... communications system for configuring and transmitting hospitality menus comprising:

a. a central processing unit, (**Micros '97 Page 1-2, "The 8700 is an integrated Point-Of-Sale (POS) system comprising modular hardware and flexible, user-configured software."** See also 1-12, "The PC Workstation (PCWS) is a personal computer that functions both as a PC and a User Workstation. ...System board supporting a variety of true 32,bit processors..."

b. a data storage device connected to said central processing unit, (**Micros '97 1-3, "The SQL module provides an industry standard set of commands that allow you to define, display, and update 8700 database information in tables (similar to a typical spreadsheet). These commands also allow you to import database information into many accounting packages as well as Standard database applications like dBase IV. The Unix cron command allows SQL commands to be executed at specified dates and times. Thus, updates to the 8700 database can be performed unattended."**)

Art Unit: 2191

c. an operating system including a first graphical user interface, (1-4, “**User Workstations (UWS) are used to record all sales and time keeping activity in the system.... UWS Procedures This mode of operation is used to perform manager-related duties, (such as changing menu item prices, assigning employee privilege codes, and assigning training status, et c:). U WS Procedures mode is generally used exclusively by managers and supervisors.”** And 1-7, “**Screen Display The Screen Display displays transaction information during POS Operations...This illustration shows the screen display format for UWS/1 and U WS/2.”** See also Appendix D, detailing GUI procedures for adding/manipulating records)

d. a master menu including menu categories (1-18, “**A lookup key lists a set of items on the operator display and allows the operator to choose one. It optimizes keyboard space by linking multi pie menu items or functions to a single key. For example, one set of menu items might be linked to an appetizer lookup. When an operator presses the appetizer lookup, a numbered list of appetizers appear on the display...”**),

menu items (Micros ‘97 1-18, “**A lookup key lists a set of items on the operator display and allows the operator to choose one. It optimizes keyboard space by linking multiple menu items or functions to a single key. For example, one set of menu items might be linked to an appetizer lookup. When an operator presses the appetizer lookup, a numbered list of appetizers appears on the display...”**),

Art Unit: 2191

modifiers **(5-22, “Post Condiments Many menu items are programmed to require or allow condiments. The term “condiment” includes anything that may modify a menu item-accompaniments, toppings, dressing, preparation instructions, etc. You will be prompted for required condiments, but not for condiments that are allowed (not required).” See also, 5-2, “Condiments requiring other condiments”)**

wherein said master menu is capable of being stored on said data storage device pursuant to a master menu file structure **(See “Master Item Menu File” Appendix D, Structure can be seen on Pages D-33 to D-35)**

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 **(Micros ‘97 Page 3-2, “Default Transaction Touchscreens can be programmed in several files, depending on the establishment's preferences. When an employee signs in, the system reviews these files and produces the correct default transaction touchscreen based on the programming of these files.”)** [*Here the UWS3 includes cascaded menus as seen in Chapter 3]*

... said programmed handheld menu configuration comprising at least menu categories, menu items and modifiers and ...**(1-18, “A lookup key lists a set of items on the operator display and allows the operator to choose one. It optimizes keyboard**

Art Unit: 2191

space by linking multiple menu items or functions to a single key. For example, one set of menu items might be linked to an appetizer lookup. When an operator presses the appetizer lookup, a numbered list of appetizers appear on the display...” (Micros ‘97 1-18, “A lookup key lists a set of items on the operator display and allows the operator to choose one. It optimizes keyboard space by linking multiple menu items or functions to a single key. For example, one set of menu items might be linked to an appetizer lookup. When an operator presses the appetizer lookup, a numbered list of appetizers appears on the display...”), (5-22, “Post Condiments Many menu items are programmed to require or allow condiments. The term "condiment" includes anything that may modify a menu item-accompaniments, toppings, dressing, preparation instructions, etc. You will be prompted for required condiments, but not for condiments that are allowed (not required).” See also, 5-2, “Condiments requiring other condiments”)

...master menu file structure defining at least the menu categories, menu items [,] and modifiers of the master menu such that the-at least the menu categories, menu items and modifiers comprising the programmed handheld menu configuration... (1-18, “A lookup key lists a set of items on the operator display and allows the operator to choose one. It optimizes keyboard space by linking multiple menu items or functions to a single key. For example, one set of menu items might be linked to an appetizer lookup. When an operator presses the appetizer lookup, a numbered

Art Unit: 2191

**list of appetizers appear on the display...”) (Micros ‘97 1-18, “A lookup key lists a set of items on the operator display and allows the operator to choose one. It optimizes keyboard space by linking multiple menu items or functions to a single key. For example, one set of menu items might be linked to an appetizer lookup. When an operator presses the appetizer lookup, a numbered list of appetizers appears on the display...”),**

**(5-22, “Post Condiments Many menu items are programmed to require or allow condiments. The term "condiment" includes anything that may modify a menu item-accompaniments, toppings, dressing, preparation instructions, etc. You will be prompted for required condiments, but not for condiments that are allowed (not required).” See also, 5-2, “Condiments requiring other condiments”)**

Micros ‘97 does not teach:

e. menu configuration software enabled to generate a second programmed handheld menu configuration from said master menu for wireless transmission to and programmed for display on a wireless handheld computing device...

wherein the menu configuration software is enabled to generate said programmed handheld menu configuration by utilizing parameters from the master menu file structure  
...

wherein the application 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,

However, these limitations are taught by Kavensky:

e. menu configuration software enabled to generate a second programmed handheld menu configuration from said master menu for wireless transmission to and programmed for display on a wireless handheld computing device... ( **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. The display adaptor of the present invention efficiently provides for special marks to be incorporated into scripts (e.g., URL) which describe format and link hierarchy. For example, let a first page (in some**

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**standard format) have icons I1, I2 I3, and I4 and links L1, L2, L3 and L4. Assume that icons I1 and I2 have a common topic that can be represented by the icon I12 and icons I3 and I4 have another common topic that can be represented by icon I34. Similarly, assume links L1, L2 and L3 are related to some topic that can be represented by a link L123. Then, according to the invention, if the web site is viewed on a display that is much smaller than a standard display, the viewer sees, e.g., icons I12 and I34 and links L123 and L4, i.e., four items instead of eight items...”)**

wherein the menu configuration software is enabled to generate said programmed handheld menu configuration by utilizing parameters from the master menu file structure ... ( 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. The display adaptor of the present invention efficiently provides for special marks to be incorporated into scripts (e.g., URL) which describe format and link hierarchy. For example, let a first page (in some standard format) have icons I1, I2 I3, and I4 and links L1, L2, L3 and L4. Assume that icons I1 and I2 have a common topic that can be represented by the icon I12 and icons I3 and I4 have another common topic that can be represented by icon I34. Similarly, assume links L1, L2 and L3 are related to some topic that can be represented by a link L123. Then, according to the invention, if the web site is viewed on a display that is much smaller than a



**standard display, the viewer sees, e.g., icons I12 and I34 and links L123 and L4, i.e., four items instead of eight items...”)**

wherein the application 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 **(Kavensky Col. 6, Ln 20-28, “Simultaneously with the request message 102, a client sends a display mode message 103. This display mode message 103 includes several characteristics or parameters of the client display 113. One parameter is a display size that is represented as a height and width (e.g., 360 by 400 pixels). Other characteristics can include, for example: a character format and size; memory related information such as, for example, a memory address; window size, etc.”)**

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. **(Kavensky Col. 6, Ln 20-28, “Simultaneously with the request message 102, a client sends a display mode message 103. This display**

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**mode message 103 includes several characteristics or parameters of the client display 113. One parameter is a display size that is represented as a height and width (e.g., 360 by 400 pixels). Other characteristics can include, for example: a character format and size; memory related information such as, for example, a memory address; window size, etc.”)**

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. ( **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. The display adaptor of the present invention efficiently provides for special marks to be incorporated into scripts (e.g., URL) which describe format and link hierarchy. For example, let a first page (in some standard format) have icons I1, I2 I3, and I4 and links L1, L2, L3 and L4. Assume that icons I1 and I2 have a common topic that can be represented by the icon I12 and icons I3 and I4 have another common topic that can be represented by icon I34. Similarly, assume links L1, L2 and L3 are related to some topic that can be represented by a link L123. Then, according to the invention, if the web site is viewed on a display that is much smaller than a standard display, the viewer sees, e.g., icons I12 and I34 and links L123 and L4, i.e., four items instead of eight items. In order to access I1 or I2, the**

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**user must select icon I12 (e.g., by clicking on the icon using a conventional computer mouse) and the icons I1 and I2 are displayed. Similarly, the user can view other hierarchically ordered links. Conversely, if the user views the web site on a screen that is larger than a standard display screen, not only are icons I1, I2, I3, I4 and links L1, L2, L3, L4 displayed, but some other icons and links that are hierarchically related to those items are displayed.”**

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 as Micros teaches the use of Handheld terminals (see e.g. Micro '97 1-15) and Kavensky “preferably provides a semantic interpreter module that automatically decides how to fold or expand the content... depending on a size of a screen.” (Kavensky Col. 2, Ln 45-47.)

In addition, Micros '97 also does not teach:

the programmed handheld menu configuration are synchronized in real time with analogous information comprising the master menu

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

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and real time synchronous transmissions of selections made from the handheld menu configuration on the wireless handheld computing device.

However, these limitations are taught by Chase:

the programmed handheld menu configuration are synchronized in real time with analogous information comprising the master menu, (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. In FIG. 6B, the corresponding modules to those of FIG. 6A are shown for the handheld computer H. A communications module 213 runs on the handheld computer H. The communications module 213 is in turn connected to a coherency protocol engine 211, which is in turn connected to a PIM data synchronization module 215. The data synchronization module 215 connects to the data synchronization API 223... By strict adherence to a set of protocols, data coherency is achieved because the system always knows who owns the data, who has a copy of the data, and who has modified the data. ...the desktop C and handheld computer H of the present invention mimic the SMP coherent behavior by attacking the synchronization problem in a real-time versus batch-mode manner.”)

wherein the system is enabled for real time synchronous communications to and from the wireless handheld computing device utilizing the programmed handheld menu

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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. (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. In FIG. 6B, the corresponding modules to those of FIG. 6A are shown for the handheld computer H. A communications module 213 runs on the handheld computer H. The communications module 213 is in turn connected to a coherency protocol engine 211, which is in turn connected to a PIM data synchronization module 215. The data synchronization module 215 connects to the data synchronization API 223... By strict adherence to a set of protocols, data coherency is achieved because the system always knows who owns the data, who has a copy of the data, and who has modified the data. ...the desktop C and handheld computer H of the present invention mimic the SMP coherent behavior by attacking the synchronization problem in a real-time versus batch-mode manner.”)

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

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

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

Regarding Claim 104, Kavensky further teaches: 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. (e.g. 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. The display adaptor of the present invention efficiently provides for special marks to be incorporated into scripts (e.g., URL) which describe format and link hierarchy. For example, let a first page (in some standard format) have icons I1, I2 I3, and I4 and links L1, L2, L3 and L4. Assume that icons I1 and I2 have a common topic that can be represented by the icon I12 and icons I3 and I4 have another common topic that can be represented by icon**

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**I34. Similarly, assume links L1, L2 and L3 are related to some topic that can be represented by a link L123. Then, according to the invention, if the web site is viewed on a display that is much smaller than a standard display, the viewer sees, e.g., icons I12 and I34 and links L123 and L4, i.e., four items instead of eight items...)**

Regarding Claim 105, Micros '97 teaches:

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. **(11-9, "Change Serving Period This procedure changes the active Serving Period. A Serving Period is any time span for which sales totals tracking and reporting are desired by management. For example, Breakfast, Lunch, and Dinner.")**

Regarding Claims 106 and 120, 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~~

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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 synchronization problem in a real-time versus batch-mode manner.”**)

Regarding Claim 107, Chase teaches:

enabled to transmit user selections from the ~~seeing~~ programmed handheld menu configuration to a receiving computer ~~by wireless link or via the internet~~. (**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 thereof, including "intranets", or intra-corporation networks. These**



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**communication media meld computing power with network and wireless access, offering users significant leaps in productivity and accessibility.”)**

Regarding Claims 108 and 121, Micros '97 teaches:

enabled such that user selections from a ~~second~~ the programmed handheld menu configuration on the wireless computing device are automatically reflected in ~~all other storage or~~ real time on two or more other different-type display elements of the system.

**(e.g. 5-13 “Post Limited Availability Menu Item The limited availability menu item feature allows you to define menu items to have a limited quantity available: After a programmed number of sales are posted, the system indicates that the menu item is unavailable when that menu item is entered. Example At the beginning of his shift, the manager entered the number of daily special s available during lunch, N ear the end of the lunch shift, Mary entered an order for five daily specials. She received the system prompt: "ONLY 4 DAILY SPECIAL REMAINING,'. She returned to her table and informed the group that one would have to order something else which one of the customers was happy to do. She then placed the order for four daily specials, Immediately after service totalling her check, her order, George, tried to enter an order for the daily special and received this message: "NO MORE DAILY SPECIAL REMAI N I NG."**

**Privileges There are no particular privilege restrictions associated with limited availability items Menu Item Counts are set by privileged employees using Workstation Procedure #14 (Change Menu Item Availability).”) [Here, is an example**

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*of input from a handheld terminal in Micro'97 which would update to all the POS displays (UWS1,2,3, & HHT) of Micros '97 when updated via the automatic update of Chase]*

Regarding Claim 109, Kavensky teaches:

enabled to automatically format the second programmed handheld menu configuration for display as cascaded sets of linked graphical user interface screens appropriate for the display ~~e-ame, fist~~ parameters of the ~~wireless computing device~~ at least two different wireless handheld computing

device display sizes in the same connected system. (Kavensky Col. 6, Ln 20-28,

**“Simultaneously with the request message 102, a client sends a display mode message 103. This display mode message 103 includes several characteristics or parameters of the client display 113. One parameter is a display size that is represented as a height and width (e.g., 360 by 400 pixels). Other characteristics can include, for example: a character format and size; memory related information such as, for example, a memory address; window size, etc.”)**

Regarding Claim 110, Micros '97 teaches:

in which the modifiers ~~and sub-modifiers~~ in either the master menu or second programmed handheld menu[s] configuration may be further configured to be either required or not required. **(5-22, “Post Condiments Many menu items are**

**programmed to require or allow condiments. The term "condiment" includes anything that may modify a menu item-accompaniments, toppings, dressing, preparation instructions, etc. You will be prompted for required condiments, but not for condiments that are allowed (not required)." See also, 5-1)**

Regarding Claim 115, Kavensky teaches:

in which the 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..."**)

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

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**Pressing [Service Total] as a By-round 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 117, Chase teaches:

wherein one or more of 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 the programmed handheld menu configuration for user review prior to transmission of the programmed handheld menu configuration to the wireless handheld computing device.

**(“The display mode message can be represented as a mode number that uniquely defines display parameters. For instance, it is contemplated by the invention that tables may be created which contain display characteristics or parameters associated with a given display terminal and each table can be identified by a unique mode number. Eventually, if the adaptor server 107 contained tables (stored in its mass storage 18) of most common display parameters associated with display screens, then the user's machine 100 need only transmit the mode number and, in response, the adaptor server 107 could locate the appropriate**

**table and use the information accordingly.”) [here, in all embodiments of Chase the layout, views etc are determined based on display screen parameters. Further, in the embodiment including Web Adaptor Server 107, where the display parameters are stored on the server, the Server would be inherently able to generate the handheld display for review prior to transmission because in that embodiment the display constraints are stored on the server and used for generation prior to transmission.]**

Regarding Claim 119, Kavensky teaches:

wherein the system is further enabled such that multiple menu screens are capable of being displayed on the handheld graphical user interface simultaneously. (**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. The display adaptor of the present invention efficiently provides for special marks to be incorporated into scripts (e.g., URL) which describe format and link hierarchy. For example, let a first page (in some standard format) have icons I1, I2 I3, and I4 and links L1, L2, L3 and L4. Assume that icons I1 and I2 have a common topic that can be represented by the icon I12 and icons I3 and I4 have another common topic that can be represented by icon I34. Similarly, assume links L1, L2 and L3 are related to some topic that can be represented by a link L123. Then, according to the invention, if the web site is viewed on a display that is much smaller than a standard display, the**

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**viewer sees, e.g., icons I12 and I34 and links L123 and L4, i.e., four items instead of eight items...”)**

5. Claims 122-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micros systems Inc. “ 8700 HMS 2.10 User’s Manual”, Copyright 1997 in view of US Patent 5,991,739 Cupps hereinafter Cupps and further in view of US Patent 6,300,947 Kanevsky et al hereinafter Kanevsky and further in view of US Patent 5,974,238 Chase Jr. hereinafter Chase Jr.

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

a. a master database connected in said system and configured to store hospitality application information pursuant to a master database file structure, **(Micros ‘97 1-3, “The SQL module provides an industry standard set of commands that allow you to define, display, and update 8700 database information in tables (similar to a typical spreadsheet). These commands also allow you to import database information into many accounting packages as well as Standard database applications like dBase IV. The Unix cron command allows SQL commands to be executed at specified dates and times. Thus, updates to the 8700 database can be performed unattended.” See “Master Item Menu File” Appendix D, Structure can be seen on Pages D-33 to D-35)**

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

e. ...communications control ~~module~~ software enabled to link and synchronize hospitality application information ... between the master database, wireless handheld computing device, (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

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**information to the Base Station (BST), and the BST transmits guest check information and [menu] database modifications to the HHT.”)**

wherein the communications control software is enabled to utilize parameters from the master database file structure to synchronize the hospitality application information in ... between the master database, at least one wireless handheld computing device... such that substantially the same information comprising the hospitality application information is capable of being displayed on the wireless handheld computing device... such that the hospitality application information is synchronized between any connected users (“(5-13 “**Post Limited Availability Menu Item The limited availability menu item feature allows you to define menu items to have a limited quantity available: After a programmed number of sales are posted, the system indicates that the menu item is unavailable when that menu item is entered. Example At the beginning of his shift, the manager entered the number of daily special s available during lunch, N ear the end of the lunch shift, Mary entered an order for five daily specials. She received the system prompt: "ONLY 4 DAILY SPECIAL REMAINING,'. She returned to her table and informed the group that one would have to order something else which one of the customers was happy to do. She then placed the order for four daily specials, Immediately after service totalling her check, her order, George, tried to enter an order for the daily special**



**and received this message: "NO MORE DAILY SPECIAL REMAINING."**

**Privileges There are no particular privilege restrictions associated with limited availability items**

**Menu Item Counts are set by privileged employees using Workstation Procedure #14 (Change Menu Item Availability)."** *[Here, is an example of input from a handheld terminal in Micro'97 which would update to all the POS displays (UWS1,2,3, & HHT) of Micros '97 when updated via the automatic update of Chase described below]*

Micros '97 does not explicitly teach:

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

[synchronizing the] web server and web page,

... at least one web server and at least one web page... such that substantially the same information comprising the hospitality application information is... 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.

However, these limitations are taught by Cupps:

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

**(Col. 2, Ln 22-25, “The distributed computer system includes a group of customers connected to client computers and at least one server computer system that executes the online ordering machine.”)**

d. at least one web page connected in said system and configured to display said hospitality application information **(Col. 2, Ln 41-44, “The online ordering machine is a Web server including a web creation procedure that dynamically generates menu web pages in response to a customer's request.”)**, and

[synchronizing the] web server and web page, **(Col. 8, Ln 42 to Col. 9, Ln 7, “Dynamically Created Menu Web Pages: The online ordering machine 106 generates menu web pages 144 that are specific to a particular customer's request. The creation of the menu web pages 144 is done dynamically at runtime in order to provide data that accommodates a customer's request ...each menu web page 144 is configured at runtime and customized for a particular customer's request... FIG. 7 illustrates the components used to dynamically generate a menu web page 144. ...”)**

... at least one web server and at least one web page... such that substantially the same information comprising the hospitality application information is... 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 **(Col. 8, Ln 42 to Col. 9, Ln 7, “Dynamically Created Menu Web Pages: The online ordering machine 106 generates menu web pages 144 that are specific to a particular customer's request. The creation of the menu web pages 144 is done**

**dynamically at runtime in order to provide data that accommodates a customer's request ...each menu web page 144 is configured at runtime and customized for a particular customer's request... FIG. 7 illustrates the components used to dynamically generate a menu web page 144. ....The data included in the menu web page 144 is retrieved from the order database 128 and the menu file system 146. The order database 128 contains information such as the operational time of a vendor, the restaurant's logo, the categories of the food products served, and the like. The menu file system 146 includes menu data associated with each vendor. The menu file system 146 includes a number of menu files stored in an encoded binary format for faster retrieval purposes. The web page creation procedure 126 uses the data in the order database 128 and the menu file system 146 to dynamically generate one or more menu web pages 144 that are customized to a customer's request.”)**

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: “[t]he Internet has provided consumers with a new medium for electronic commerce...Internet services such as Cupp’s invention provides consumers with access to menus for food products that can be ordered online...”

Micros '97 further does not teach:

wherein the format 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 screen parameters unique to any applicable display constraints of 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.

However, these limitations are taught by Kavensky:

wherein the format 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 screen parameters unique to any applicable display constraints of 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. (**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. The display adaptor of the present invention efficiently provides for special marks to be incorporated**

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**into scripts (e.g., URL) which describe format and link hierarchy. For example, let a first page (in some standard format) have icons I1, I2 I3, and I4 and links L1, L2, L3 and L4. Assume that icons I1 and I2 have a common topic that can be represented by the icon I12 and icons I3 and I4 have another common topic that can be represented by icon I34. Similarly, assume links L1, L2 and L3 are related to some topic that can be represented by a link L123. Then, according to the invention, if the web site is viewed on a display that is much smaller than a standard display, the viewer sees, e.g., icons I12 and I34 and links L123 and L4, i.e., four items instead of eight items...”)**

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 as Micros teaches the use of Handheld terminals (see e.g. Micro '97 1-15) and Kavensky “preferably provides a semantic interpreter module that automatically decides how to fold or expand the content... depending on a size of a screen.” (Kavensky Col. 2, Ln 45-47.)

Micros '97 further does not teach:

e. [a] real time communications control module-software enabled to link and synchronize hospitality application information simultaneously between the master database, wireless handheld computing device

...synchronize the .... in real time between the master database, at least one wireless handheld computing device...

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wherein the communications control ~~module is configured~~ software is enabled to act as [an] a real time interface between the elements of the system and any applicable communications 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.

However, these limitations are taught by Chase:

e. [a] real time communications control ~~module~~ software enabled to link and synchronize hospitality application information simultaneously between the master database, wireless handheld computing device, **(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. In FIG. 6B, the corresponding modules to those of FIG. 6A are shown for the handheld computer H. A communications module 213 runs on the handheld computer H. The communications module 213 is in turn connected to a coherency protocol engine 211, which is in turn connected to a PIM data synchronization module 215. The data synchronization module 215 connects to the data synchronization API 223... By strict adherence to a set of protocols, data coherency is achieved because the**

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**system always knows who owns the data, who has a copy of the data, and who has modified the data. ...the desktop C and handheld computer H of the present invention mimic the SMP coherent behavior by attacking the synchronization problem in a real-time versus batch-mode manner.”)**

...synchronize the .... in real time between the master database, at least one wireless handheld computing device...(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. In FIG. 6B, the corresponding modules to those of FIG. 6A are shown for the handheld computer H. A communications module 213 runs on the handheld computer H. The communications module 213 is in turn connected to a coherency protocol engine 211, which is in turn connected to a PIM data synchronization module 215. The data synchronization module 215 connects to the data synchronization API 223... By strict adherence to a set of protocols, data coherency is achieved because the system always knows who owns the data, who has a copy of the data, and who has modified the data. ...the desktop C and handheld computer H of the present invention mimic the SMP coherent behavior by attacking the synchronization problem in a real-time versus batch-mode manner.”)

wherein the communications control module is configured software is enabled to act as [an] a real time interface between the elements of the system and any applicable communications protocol (Chase Col. 11, Ln 63 to Col. 12, Ln 37 “...FIG. 1E is