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Docket No. 1004293.005US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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

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

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

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

Sir:

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

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

2. I make this supplemental declaration providing additional evidence of secondary factors (including an additional #13 exhibits - to the previous #57 exhibits) to further support and confirm the nexus of the establishment of the uniqueness and breakthrough aspects of Ameranth's "menu wizard" and synchronous 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. The additional #13 referenced Exhibits discussed herein and attached hereto supporting this Declaration provide still further evidence of our commercial success - that are related directly to the innovations of the claims of our invention and are provided in this supplemental submission - (as requested by the examiner). These additional references and exhibits reflecting Ameranth's selection as a technology integrator for the worlds largest Hotel Company (IHG- Intercontinental Hotels Group) and the worlds largest Casual/Family Restaurant Chain (Darden Restaurants, Inc.) further confirm the commercial success of Ameranth - as well as other key customer deployments too - subsequent to the introduction of our innovative menu generation and data synchronization invention and overall confirm the truly breakthrough aspects of Ameranth's inventive technology.

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

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

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

restaurants.

6. Exhibit 2 is a February 24, 2003 press release confirming Ameranth's success with its 21<sup>st</sup> Century Restaurant wireless ordering software and Hostalert restaurant seating and reservations system at Seasons 52, Darden's first ever fine dining restaurant including reservations.

7. Exhibit 3 is an April 12, 2003 press release confirming Ameranth's expansion of new features in its 21<sup>st</sup> Century Restaurant wireless ordering software and its continued strategic relationship with Aloha POS, one of the worlds largest POS systems.

12. Exhibit 4 is the 2003 award of the 8<sup>th</sup> annual Microsoft RAD technology award for the software product that provided the point of service solution worldwide in the Hospitality Market. This award was/is very prestigious and was for Ameranth's table management, seating and reservations system – Hostalert. The # 10 member selection panel for this award consisted of leading dignitaries from the entire hospitality market, including top Hospitality Universities e.g. the Cornell School of Hospitality and the competition included written submissions, product demonstrations and executive presentations to the entire selection panel. Mr. McNally made the presentation to the selection committee.

14. Exhibit 5 is an October 27, 2003 press release concerning Darden selecting Ameranth as its Wireless Strategic Partner.

15. Exhibit 6 is an October 27, 2003 Symbol Technologies, Inc. press release highlighting the many successes of Ameranth's wireless deployments, including Medieval Times an NBA themed restaurant and numerous NBA sport stadiums to include

cities and teams such as the Chicago Bulls, Los Angeles Lakers, Denver Nuggets, Toronto Raptors and the Miami Heat. More than #15 other sports stadiums followed including e.g. Lambeau Field with the Green Bay Packers, Madison Square Garden and many others too.

16. Exhibit 7 is a December 8, 2003 Nations Restaurants News Article about Ameranth's success with Darden Restaurants, Inc.

17. Exhibit 8 is a December 8, 2003 All Business article - titled ' May I Take Your Order, Wirelessly'? This article highlighted further Ameranth success with Darden's Seasons 52 restaurant chain.

18. Exhibit 9 is a February 9, 2004 Business Week article titled 'Wireless Finds a Welcome in Hospitality. This was an early article about Ameranth's initial success with its E-Menu technology, first with Holiday Inn of Intercontinental Hotels Group (IHG) and then subsequently expanding to more than 2800 IHG hotels. The article referred to Ameranth's technology as 'not quite Star Trek' as yet another confirmation of Ameranth's revolutionary technology and innovative breakthroughs. Note that Mark Snyder, head of Holiday Inn Hotels confirmed that 'This is the first time technology like this is being used to increase a hotel's productivity' – yet further confirmation of Ameranth's pioneering technology.

19. Exhibit 10 is May 12, 2004 press release of the 'roll out' of Ameranth's 21<sup>st</sup> Century Restaurant Wireless POS software to the Medieval Times Dinner and Tournament chain.

20. Exhibit 11 is June 22, 2004 press release of Ameranth's expansion of E-Menu to additional Holiday Inn hotel properties (note: ultimately Ameranth would

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