SUPPLEMENTAL DECLARATION

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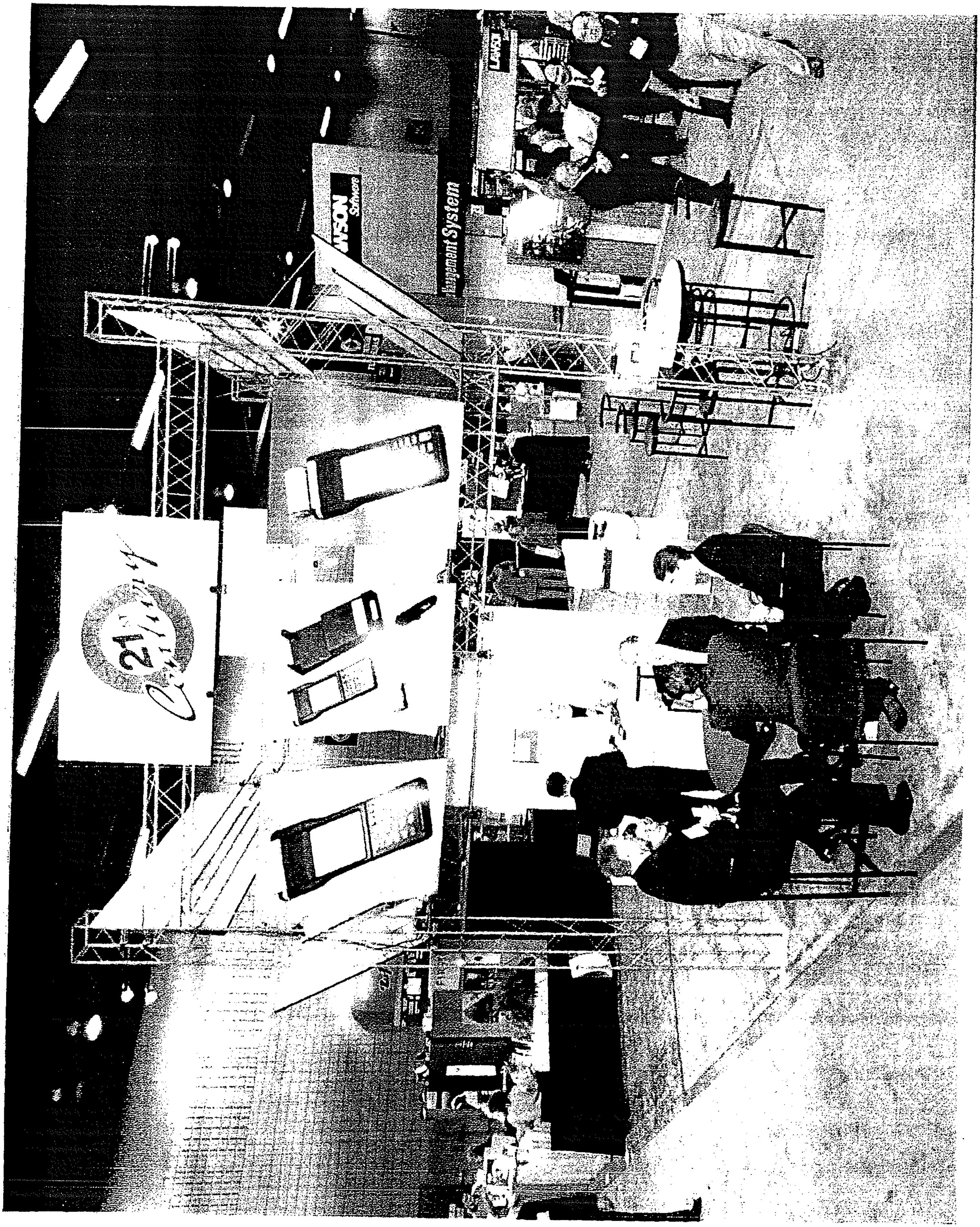
Exhibit 1

Referred To In

EXHIBIT 21



SUPPLEMENTAL DECLARATION

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Exhibit 2

Referred To In

EXHIBIT 21

21st Century Restaurant™

from @ AMERANTH®

Legend

Wireless Link

Wired Link (i.e., LAN)

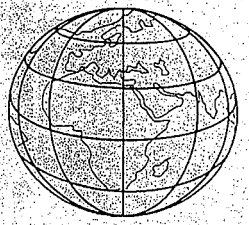
IntraPad™

HOSTESS STATION
- *Table Management*
- *Reservation Management*
- *Waitlist Management*
- *Customer Paging*
- *Valet Paging*

Other Systems:
"The Customer Connection"

JTECH

Internet



Wireless Communications Center

BACK OFFICE
- *IntraPad™ Applications*
- *UltraPad™ Applications*
- *Database Management*
  - *Menu Items*
  - *Prices*
  - *Orders*
  - *Frequent Customers*
- *Kitchen Access*
- *POS Access*
- *Internet Gateway*

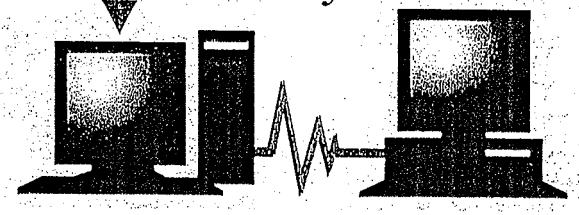
UltraPad™

SERVER
- *Touch Screen*
- *Ordering*
- *Payment Processing*

PadLink™

TABLE SETTER
- *Table Status*
- *Real Time Messaging*

POS and Other Systems



1-888-AMERANTH
www.ameranth.com

SUPPLEMENTAL DECLARATION

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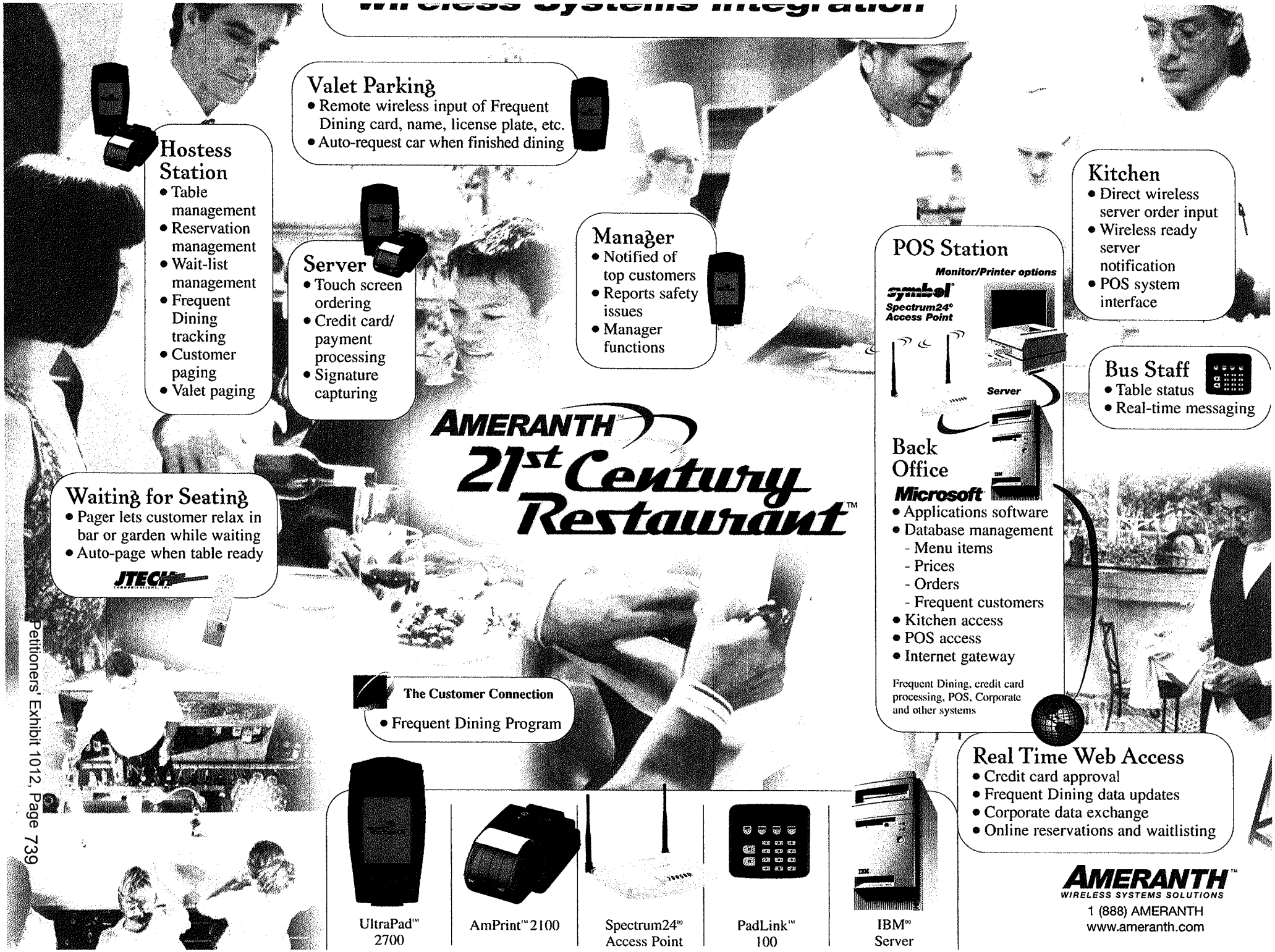
EXHIBIT 22



21st Century Restaurant™

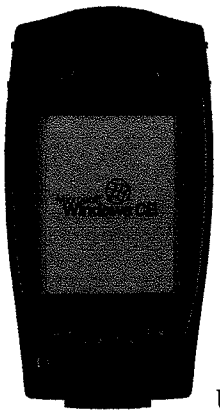
AMERANTH 21st Century Restaurant™

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 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.



UltraPad™ 2700

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

Frequent Dining Program

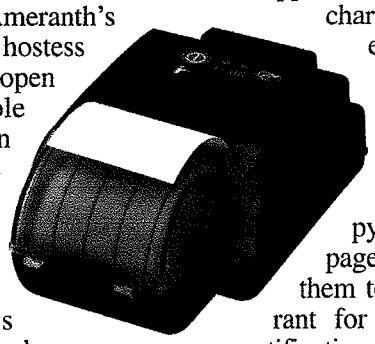
Ameranth's Customer Select frequency application offers the restaurant a seamless way to enroll, track and manage frequent-customer programs. Ameranth's relational database, available both locally on the restaurant's Command Center Server and via the Internet from a central database, gives the restaurant 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 Knowledgy.

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.



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
www.ameranth.com

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

OEM Scanner Sales ◆ Phone: 914-277-2234 ◆ Fax: 914-277-2235 ◆ Internet: Harker@symbol.com
AMARNT.DOT

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 21ST 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 21ST Century System solutions..... i.e. 21ST Century Restaurant™, 21ST Century Retail™ 21ST Century Store™ and 21ST 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. I look forward to hearing from you.

Sincerely,

Keith R. McNally
Chief Executive Officer
Ameranth Technology Systems Inc.

SUPPLEMENTAL DECLARATION

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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 Date 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

OEM Scanner Sales ◆ Phone: 914-277-2234 ◆ Fax: 914-277-2235 ◆ Internet: Harker@symbol.com
OEMLOT.DOT

SUPPLEMENTAL DECLARATION

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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 21ST 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

LO7ALA 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/ c\scanner / 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

AMERANTH™
WIRELESS SYSTEMS SOLUTIONS
NEWS

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; 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-

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

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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-

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

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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

SUPPLEMENTAL DECLARATION

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EXHIBIT 30

#205

#206

SUPPLEMENTAL DECLARATION

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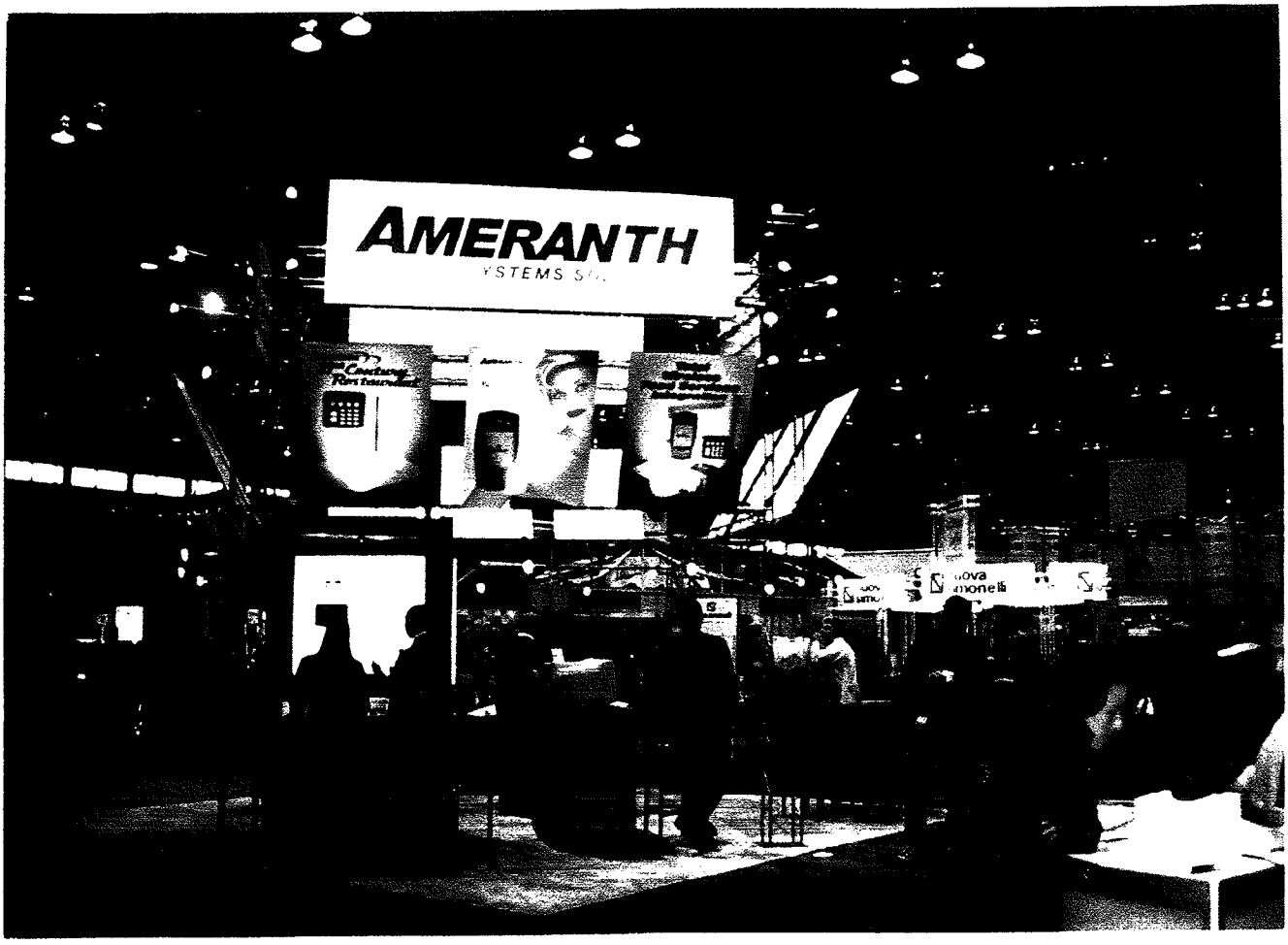
EXHIBIT 31


AMERANTH


AMERANTH
21st Century
Restaurant
PRODUCTS

SUPPLEMENTAL DECLARATION

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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 21s 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: Keith R. Mills TITLE: PRESIDENT

FOR FOOD.COM: TITLE: EVP

Electronic Acknowledgement Receipt

EFS ID:	5928669
Application Number:	11112990
International Application Number:	
Confirmation Number:	7098
Title of Invention:	Information management and synchronous communications system with menu generation, and handwriting and voice modification of orders
First Named Inventor/Applicant Name:	Keith R. McNally
Customer Number:	85775
Filer:	John William Osborne/Erica D. Mitchell
Filer Authorized By:	John William Osborne
Attorney Docket Number:	3125-4003US1
Receipt Date:	21-AUG-2009
Filing Date:	22-APR-2005
Time Stamp:	15:18:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		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
Warnings:					
Information:					
3	Rule 130, 131 or 132 Affidavits	McNally_Exhibits_1_to_12.pdf	2697946 acf29b7bcdab73e44fb2c40216c346b8fb5a1dc0	no	35
Warnings:					
Information:					
4	Rule 130, 131 or 132 Affidavits	McNally_Exhibits_13_22.pdf	2138378 cabb158e2cc40f5c9289b10c5cb9a6355447be56	no	25
Warnings:					
Information:					
5	Rule 130, 131 or 132 Affidavits	McNally_Exhibits_23_to_33.pdf	2153431 37516bb8a8d9e9f5e27d0d7bac3500c3dec366f9e	no	31
Warnings:					
Information:					
6	Rule 130, 131 or 132 Affidavits	McNally_Exhibits_34_to_42.pdf	1528316 11a106356657cc948f5020d26494bffdf7d691bc	no	26
Warnings:					
Information:					
7	Rule 130, 131 or 132 Affidavits	McNally_Exhibits_43_to_51.pdf	1445616 f25bb1355a3b822edaeddd6166fff7d112118ff8	no	26
Warnings:					
Information:					
8	Rule 130, 131 or 132 Affidavits	McNally_Exhibits_52_to_56.pdf	2593821 925d7bfcb66a2fbc1775256cd4cffb8cb404665e	no	24
Warnings:					

Information:					
9	Rule 130, 131 or 132 Affidavits	McNally_Supplemental_Declaration.pdf	266995 d833f13369749d4dbfd34a060ba400b32ad1ab25	no	6
Warnings:					
Information:					
10	Rule 130, 131 or 132 Affidavits	Supplemental_Decl_Exhibits_21_to_32.pdf	2360089 7342a0ae6f3e2a69d06e9654ea9525b27d20cbe7	no	33
Warnings:					
Information:					
			Total Files Size (in bytes):	18552445	

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
11/112,990	04/22/2005	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☒ RATE ($)	SMALL ENTITY ☒ FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 08/21/2009	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 31	Minus	** 97	= 0	X $26 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 6	Minus	***12	= 0	X $110 =	0	OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/DEBORAH NASH/

UNITED STATES PATENT AND TRADEMARK OFFICE

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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 01/20/2010

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

EXAMINER	
BROPHY, MATTHEW J	

ART UNIT	PAPER NUMBER
2191	

NOTIFICATION DATE	DELIVERY MODE
01/20/2010	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

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

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-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 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 **(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**

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…") (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 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…") (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**

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**

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**

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

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

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

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**

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

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 ~~seeong~~ 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 thereo, including "intranets", or intra-corporation networks. These**

communication media meld computing power with network and wireless access, offering users significant leaps in productivity and accessibility.")

Regarding 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*

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 secong programmed handheld menu configuration for display as cascaded sets of linked graphical user interface screens appropriate for the display ~~e~amc,~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:**

Pressing [Service Total] as a By-round operator will print the guest check, If your UWS is programmed to print guest checks at theslip 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**

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)**

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**

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 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 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**

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…

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**

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**

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

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

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

capable of …being dynamically synchronized to alleviate the data coherency problem." (Chase Col. 3, Ln 15-25.)

Regarding Claim 123, Micros '97 teaches:

between multiple hospitality software applications including at least [one] two of restaurant ~~service, or~~ point of sale systems **(UWS1-3, See Chapter 1)**, or reservations , or waitlists **(e.g. order waiting line B-30)**, ~~or ordering, or customer affinity~~ or frequent customer or ticketing programs **(Check Operations Chapter 4)**. **(1-2, "The System Configurator module is an integral part of the 8700 System, providing :the means to create and edit the database files that define the parameters of the system--to program the restaurant's operation into the system.")**

Further Chase teaches: information comprising at least a part of the programmed handheld menu configuration is synchronized in real time **(Chase Col. 11, Ln 63 to Col. 12, Ln 37, "Turning now to FIG. 6B, the software running on the handheld computer H for synchronizing data is shown in greater detail…the desktop C and handheld computer H of the present invention mimic the SMP coherent behavior**

by attacking the synchronization problem in a real-time versus batch-mode manner.")

Regarding Claim 124, Chase teaches: enabled to automatically communicate selections made from a menu on at least one web page or at least one wireless computing device and transmitted over the internet to either the master database or at least one wireless handheld computing device or at least one web page. **(Chase Col. 6 Ln 46 to Col 7, Ln 5, "…Typically, data transmitted via the Internet via the World Wide Web still resembles that of the wireless packets, as the typical Web message size is small. Thus, in addition to wireless carriers, the handheld computer of the present invention can communicate with the desktop computer C via land lines, via wireless lines, or other means, including the Internet and variants thereo, including "intranets", or intra-corporation networks. These communication media meld computing power with network and wireless access, offering users significant leaps in productivity and accessibility.")**

Regarding Claim 125, Micros '97 teaches:enabled to automatically communicate selections made from a menu on at least one wireless handheld computing device to either the master database or the web server. **(1-15"Hand-Held Touchscreen Features "The HHT is a portable User Workstation. Like the UWS/3, it contains an**

8700 Revenue Center database. Using the HHT, an operator can post orders, close guest checks, and perform al most every other operation that is available on a UWS. The HHT communicates by radio frequency with a Base Station, which is cabled roan LCC or RCC in one of the PCs in an 8700 System. The HHT transmits posting and transaction information to the Base Station (BST), and the BST transmits guest check information and [menu] database modifications to the HHT.")

Regarding Claim 126, Micros '97 teaches: wherein the hospitality application information relates to payment processing. **(8-9, "Print Guest Checks [Service Total] initiates guest check printing for By-round operators. For On- demand operators no printing takes place. [Print Check] (which is a service total key programmed to print) initiates guest check printing for On-demand operators and reprints checks for By-round operators. Example On-demand: Pressing [Service Total] as an On-demand operator will not cause a guest check to print. However, if you dose the check with a payment key or press [Print Check], a guest check will print. By-round: Pressing [Service Total] as a By-r ound operator will print the guest check, If your UWS is programmed to print guest checks at the slip printer, you must place the guest check in the printer." *Note the HHT icon on this page, indicating the check printing can be processed from the HHT, see also set up on 11-38)*** *[here, the wireless HHT facilitates payment processing by printing the check to tender to the customer]*

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

Response to Arguments

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

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

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

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

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

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

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

Conclusion

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

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. BROPHY whose telephone number is 571-270-1642. The examiner can normally be reached on Monday-Thursday 8:00AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJB

1/8/2010

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191

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

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

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

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

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

SEARCHED

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

SEARCH NOTES

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

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

/MATTHEW J BROPHY/ Examiner.Art Unit 2191	

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POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	11/112,990
Filing Date	April 22, 2005
First Named Inventor	McNally
Title	Information Management and Synchronous
Art Unit	2191
Examiner Name	Brophy
Attorney Docket Number	1004293.005 US

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

☐ A Power of Attorney is submitted herewith.

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

OR

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

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☒ Firm or Individual Name	Mazzarella Caldarelli LLP				
Address	550 West "C" Street, Suite 700				
City	San Diego	State	CA	Zip	92101
Country	USA				
Telephone	619.238.4900	Email	mfabiano@mazzcal.com		

I am the:

☐ Applicant/Inventor.

OR

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

SIGNATURE of Applicant or Assignee of Record

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

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

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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SAN DIEGO, CA 92101-3235

TELEPHONE: 619 238 4900
FACSIMILE: 619 238 4959

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

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

☐ ORIGINAL WILL FOLLOW

Notes:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 11/112,990	Confirmation No.: 7098
Applicants: McNally, et al.	Group Art Unit: 2191
Filed: April 22, 2005	Examiner: Brophy, Matthew

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

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

PRE-APPEAL BRIEF REQUEST FOR REVIEW

I. Authority.

Applicants' claims have been rejected at least twice, and the most recent Office Action, dated January 8, 2010, was deemed final. Thus, filing a Notice of Appeal with the proper fee and a pre-appeal brief is proper under 35 U.S.C. § 134.

II. Disposition of Claims.

Claims 103-110 and 115-127 are pending in the present application. Claims 103 and 122 are independent claims. The remaining claims depend either directly or indirectly from claims 103 and 122.

III. Remarks.

Claims 103-110 and 115-121 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Micros Systems Inc. "8700 HMS 2.10 Users Manual," copyright 1997 (hereinafter "Micros") in view of U.S. Patent No. 6,300,947 (hereinafter "Kanevsky") and U.S. Patent No. 5,974,238 (hereinafter "Chase"). Claims 122-127 stand rejected

under 35 U.S.C. § 103(a) as being unpatentable over Micros in view of U.S. Patent No. 5,991,739 (hereinafter "Cupps") and Kanevsky and Chase. For the reasons set forth herein, these rejections are respectfully traversed.

In re Fulton, 391 F.3d 1195, 1201 (Fed. Cir. 2004) was misapplied in the January 8, 2010 Office Action, which wrongly denied applicants 'teaching away' argument against the Micros reference (which clearly states that it 'must' execute steps in direct conflict to the present invention) by asserting that a reference may be applied in combination so long as it does not "disparage... the concepts at issue." There is no requirement in *Fulton*, or in the MPEP, that references must "disparage" the concepts of the present invention in order to preclude combination or modification. That is especially so here, where the Micros reference is a product description (which only describes what the product does) and not a patent (in which inventors often reference and sometimes 'disparage' alternatives, if known). The *Fulton* Court held that disparagement is merely one ground, and not the exclusive means, for disqualifying a reference.

The Office Action states, in a conclusory way, that the teachings of Micros could be combined with Kanevsky or Chase (as to Claims 103-110 and 115-121) or with Kanevsky, Chase, and/or Cupps (as to Claims 122-127). (Office Action, pp. 12, 14-15, 28). No explanation is given for the conclusion that these combinations would be obvious to one skilled in the art. Such conclusory statements, without specific objective reasons to combine the references, are not sufficient to establish obviousness. MPEP 2143.01, section IV, citing *Ex Parte Levengood*, 28 USPQ2d 1300 (BPAI 1993). See also *KSR v. Teleflex*, 550 U.S. 398, 82 USPQ2d 1385, 1396-1398 (2007) ("Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of

demands known ... or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.")

Although disparagement is not required by *In re Fulton* or any other authority, Chase does, in fact, disparage and 'teach away' from the present invention's use of a central computing unit and master database for the storage of data within a synchronous system: "The prior resolutions of the data synchronization problem were generally very time consuming and tedious... One solution was to limit the accessibility of files such that only files physically residing with the user were the master. However, this solution dictated that no changes could be made to the other system without the danger of losing those changes. Thus... the combination was not popular... the problem of synchronization limited the potential..." (Chase, col. 2, lines 55-67.) Every claim of the present application utilizes a central computing unit and master database. *In re Fulton* therefore bars the use of Chase as a reference herein, because Chase disparages the concepts of and thus 'teaches away' from the concepts of the present application.

The use of Chase as a reference also violates *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984), and MPEP 2143.01 sec. V, in that using Chase in combination with Micros would render Chase unsatisfactory for Chase's intended purpose of data synchronization involving a handheld device and a central computer without storing the master database on the host/central computer and also requiring a "distributed" system, i.e., with each 'distributed' handheld computer pre-loaded with the 'data synchronization engine' software and a "shared data set" (Chase, col. 3, lines 29-31, 33-35, 44-45).

Additionally, using Chase in combination with Micros also violates *In re Ratti*, 270 F.2d 810 (CCPA 1959), and MPEP 2143.01 sec. VI, because the combination, requiring the use of a central computer and master database, changes the principle of operation of Chase, which teaches data synchronization involving a handheld device and a central computer without a master database.

The previous arguments were also applied by the USPTO, and claims confirmed patentable, in a re-examination that also distinguished between a central/master system and a distributed system. "Reasons for Patentability/Confirmation", Control No. 90/006,831 (re patent no. 5,838,906), pp. 21-24 (dated 9/27/2005).

For these reasons, all of the claim limitations in the pending claims are neither taught nor fairly suggested by the combination(s) of cited references. Among other things, any combination of Chase with Micros, Kanevsky, and Cupps is a contradiction because such combination requires the use of a master database, expressly disparaged in Chase, which teaches away from the "centralized" technology of the present application (as well as any combination of the other references cited by the Examiner).

Further, the 37 CFR § 1.132 declaration of Keith R. McNally provides very strong evidence that industry leaders, persons skilled in the art, recognized the present invention as non-obvious, and that this technology is separate and distinct from that of the Micros manual, the Cupps patent, and the other references cited. The McNally declaration confirms both the nexus of the present invention with its widespread market adoption/recognition, and the non-obviousness of the present invention. The McNally declaration includes confirmations from the owners of both the Micros and Cupps references that they licensed or sought to license applicants' technology – the invention

disclosed in the present application – and recognized it as a separate invention over and above their own technologies (i.e., the very references Examiner cited against applicants herein.) Food.com, the company that owned the Cupps patent and was founded by the inventors of that patent, recognized the inventive technology and value of Ameranth's technology over and above that of the Cupps patent, i.e. Food.com's own technology, and entered into a Strategic Alliance in 1999 intended to employ Ameranth's technology, including the present invention, in concert with their own technology. (¶¶ 5, 22, 27, and 29 and Exh. 14, 19, 21, and 23.) Micros Systems (owner of the Micros product) sought to exclusively license Ameranth's intellectual property, including that of the present application, in the year 2000. (¶ 48 and Exh. 40-42.) Inexplicably, and in conflict with MPEP 716, the Office Action does not indicate any consideration of the McNally declaration, even though the Examiner had requested it during a face-to-face interview.

IV. Conclusion.

As set forth herein, the Examiner has failed to show that the teachings of the cited prior art references are sufficient to render the pending claims obvious. Accordingly, Applicants respectfully request a favorable decision from this panel.

Dated: February 11, 2010

Respectfully submitted,

/s/ Michael D. Fabiano

MICHAEL D. FABIANO
Registration No. 44,675
MAZZARELLA ■ CALDARELLI LLP
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San Diego, California 92101
(619) 238-4900 Telephone
(619) 238-4959 Facsimile

Attorney for Applicants

Notice of Fee Due

Date: 02-18-10

Application Number: 11. 112900

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FAX NUMBER:	DATE:
571.273.8300	February 11, 2010
PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
	8
RE:	CLIENT REFERENCE NUMBER::
1660.04	Application No. 11/112,990

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☐ ORIGINAL WILL FOLLOW

Notes:

Attached are the following documents:

1) Notice of Appeal

2) Pre-Appeal Brief Request for Review; and

3) Credit Card Payment Form

PTO/SB/31 (07-09)
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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional): 1004293.005US

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on February 11, 2010

Signature: [signature]

Typed or printed name: Michael D. Fabiano

In re Application of: McNally, et al.

Application Number	Filed
11/112,990	April 22, 2005

For: Information Management and Synchronous Communications System ...

Art Unit	Examiner
2191	Brophy, Matthew

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

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

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ _____
- ☐ A check in the amount of the fee is enclosed.
- ☑ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☑ attorney or agent of record. Registration number 44,675.
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____

[signature]
Signature

Michael D. Fabiano
Typed or printed name

(619) 238-4900
Telephone number

February 11, 2010
Date

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

☑ *Total of 3 forms are submitted.

This collection of information is required by 37 CFR 41.31. 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, 1.14 and 41.6. 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.**

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

CONFIRMATION NO. 7098

POWER OF ATTORNEY NOTICE

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

OC000000040206653

Date Mailed: 02/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

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

/gbien-aime/

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

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

CONFIRMATION NO. 7098

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

POA ACCEPTANCE LETTER

OC000000040206808

Date Mailed: 02/23/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

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

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

/gbien-aime/

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MAZZARELLA ■ CALDARELLI LLP

ATTORNEYS AT LAW

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FAX NUMBER:	DATE:
571.273.8300	February 25, 2010
PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
	3
RE:	CLIENT REFERENCE NUMBER::
1660.04	Application No. 11/112,990

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

☐ ORIGINAL WILL FOLLOW

Notes:

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

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

2) Notice of Fee Due.

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

Thank you.

Adjustment date: 03/01/2010 JVONG1
02718/2010 JVONG1 00000041 11112990
01 FC:1999 -500.00 OP

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

Document Code: IMIS

Notice of Fee Due

Date: 02-18-10

Application Number: 11. 112990

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- ☑ No authorization to charge a deposit account.

Fee code(s) to be applied:	1401	$ 540
Amount in holding fee code:	1506	
	1622/2622	
	1999	$ 100
Total remaining due from applicant:		$ 40

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

7590 03/23/2010

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

EXAMINER	
BROPHY, MATTHEW J	
ART UNIT	PAPER NUMBER
2191	
MAIL DATE	DELIVERY MODE
03/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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

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

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

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

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

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

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

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

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

All participants:

(1) *Wei Y. Zhen*.

(2) *Matthew Brophy*.

(3)*Lewis Bullock*.

(4)_____.

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

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

7590 04/29/2010

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

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BROPHY, MATTHEW J	
ART UNIT	PAPER NUMBER
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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.

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

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

(1) *MATTHEW J. BROPHY*.

(2) *WEI ZHEN*.

(3)*KEITH MCNALLY*.

(4)*MICHAEL FABIANO*.

Date of Interview: *08 April 2010*.

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

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

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

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

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

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

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

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

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

Summary of Record of Interview Requirements

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

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

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

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

———

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

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

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

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

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

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

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

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

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

Examiner to Check for Accuracy

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

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

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PTO/SB/30 (07-09)
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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	11/112,990
Filing Date	April 22, 2005
First Named Inventor	Keith McNally
Art Unit	2191
Examiner Name	Brophy, Matthew
Attorney Docket Number	1004293.005US

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

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

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

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

      ii. ☐ Other _____

   b. ☑ Enclosed

      i. ☑ Amendment/Reply

      ii. ☑ Affidavit(s)/ Declaration(s)

      iii. ☐ Information Disclosure Statement (IDS)

      iv. ☐ Other _____

2. Miscellaneous

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

   b. ☐ Other _____

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

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

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

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

      iii. ☐ Other _____

   b. ☐ Check in the amount of $ _____ enclosed

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

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

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

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

CERTIFICATE OF MAILING OR TRANSMISSION

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

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

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

05/24/2010 FC:2801 405.00 OP

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2009 *(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)*	Docket Number (Optional) 1004293.005US
Application Number 11/112,990	Filed April 22, 2005
For Information Management and Synchronous Communications System...	
Art Unit 2191	Examiner Brophy, Matthew

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

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

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

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

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

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

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

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

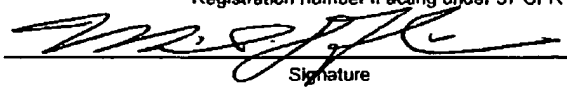
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

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

☑ attorney or agent of record. Registration Number 44675

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



Signature

May 24, 2010
Date

Michael D. Fabiano
Typed or printed name

(619) 238-4900
Telephone Number

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

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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Privacy Act Statement

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

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

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

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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

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

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

Sir:

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

Please amend the above-identified application as follows:

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

Remarks begin on page 14 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application. By the present amendment, Claims 103 to 127 are amended. Previously cancelled claims 111-114 have been replaced by additional dependent claims – in response to the previous rejection. Claims 103 to 127 are now pending in the application. No new matter has been added by the present amendment.

1-102. (Canceled).

103. (Currently Amended) An information management and real time synchronous communications system for configuring and transmitting hospitality menus comprising:

a. a central processing unit,

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

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

d. a master menu including at least menu categories, menu items and modifiers, wherein said master menu is capable of being stored on said data storage device pursuant to a master menu file structure and said master menu is capable of being configured for display to facilitate user operations in at least one window of said first graphical user interface as cascaded sets of linked graphical user interface screens, and

e. menu configuration software enabled to generate a programmed handheld menu configuration from said master menu for wireless transmission to and programmed for display on a wireless handheld computing device, said programmed handheld menu configuration comprising at least menu categories, menu items and modifiers and wherein the menu

configuration software is enabled to generate said programmed handheld menu configuration by utilizing parameters from the master menu file structure defining at least the menu categories, menu items and modifiers of the master menu such that at least the menu categories, menu items and modifiers comprising the programmed handheld menu configuration are synchronized in real time with analogous information comprising the master menu,

wherein the menu configuration software is further enabled to generate the programmed handheld menu configuration in conformity with display screen parameters unique to the wireless handheld computing device to facilitate user operations with and display of the programmed handheld menu configuration on the display screen of a handheld graphical user interface integral with the wireless handheld computing device, wherein said display screen parameters comprise at least the displayable size of the handheld graphical user interface wherein the programmed handheld menu configuration is configured by the menu configuration software for display as programmed cascaded sets of linked graphical user interface screens appropriate for the display screen parameters of the wireless handheld computing device, wherein said programmed cascaded sets of linked graphical user interface screens for display of the handheld menu configuration are configured differently from the cascaded sets of linked graphical user interface screens for display of the master menu on said first graphical user interface, and

wherein the system is enabled for real time synchronous communications to and from the wireless handheld computing device utilizing the programmed handheld menu configuration including the capability of real time synchronous transmission of the programmed handheld menu configuration to the wireless handheld computing device and real time synchronous

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

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

a. A Wireless Hub Application;

b. A Web Hub Application;

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

d. A Communications Setup Application.

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

a. on line reports; and

b. on line coordination.

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

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

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

a. Frequent customer applications; and

b. Point of sale applications; and

c. Reservations applications.

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

a. Frequent customer applications;

b. Point of sale applications; and

c. Ticketing applications.

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

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

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

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

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

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

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

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

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

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

a. Billing;

b. Status; and

c. Payment Information.

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

communications system in accordance with ~~claim~~ any of claims 103 - 116, wherein one or more of the layout, views or fonts of the programmed handheld menu configuration are created in conformity with the display screen parameters of the wireless handheld computing device and wherein the system is enabled to generate a view of the programmed handheld menu configuration for user ~~review~~ preview from the central computing unit and which facilitates a further user manual modification prior to ~~transition of the~~ the transmissions of the programmed handheld menu configuration to the wireless handheld computing device.

118. (Currently Amended) An information management and real time synchronous communications system for configuring and transmitting hospitality menus comprising:

a. a central processing unit;

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

c. an operating system including a first graphical user interface, said operating system configured to interoperate with the central processing unit, the data storage device and application software;

d. a master menu including menu categories and menu items, wherein said master menu is capable of being stored on said data storage device pursuant to a master menu file structure and said master menu is capable of being configured for display to facilitate user operations in at least one window of said first graphical user interface as cascaded sets of linked graphical user interface screens; and

e. a modifier menu capable of being stored on said data storage device, and ~~[f]~~ menu configuration software enabled to automatically generate a programmed handheld menu configuration from said master menu for display on a wireless handheld computing device, said

programmed handheld menu configuration comprising at least menu categories, menu items and modifiers and wherein the menu configuration software is enabled to generate said programmed handheld menu configuration by utilizing parameters from the master menu file structure defining at least the categories and items of the master menu and modifiers from the modifier menu ~~such that~~ at least the menu categories, menu items and modifiers comprising the programmed handheld menu configuration are synchronized in real time with analogous information comprising the master and modifier menus wherein the menu configuration software is further enabled to generate the programmed handheld menu configuration in conformity with display screen parameters unique to the wireless handheld computing device to facilitate user operations with and display of the programmed handheld menu configuration on the display screen of a handheld graphical user interface integral with the wireless handheld computing device, wherein said display screen parameters comprise at least the displayable size of the handheld graphical user interface, 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~~ related graphical user interface screens for display of the master menu on said first graphical user interface, and

wherein the system is enabled for real time synchronous communications to and from the wireless handheld computing device utilizing the programmed handheld menu configuration

including the capability of real time synchronous transmission of at least the menu categories, menu items and modifiers comprising the programmed handheld menu configuration to the wireless handheld computing device and real time synchronous transmissions of selections made from the handheld menu configuration on the wireless handheld computing device, and

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

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

119. (Currently Amended) The information management and real time synchronous communications system in accordance with claim 118, ~~wherein the system is further enabled such that multiple menu screens are capable of being displayed on the handheld graphical user interface simultaneously~~ further including a communications systemic relationship comprising:

a. A Wireless Hub Application;

b. A Web Hub Application;

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

d. A Communications Setup Application.

120. (Currently Amended) The information management and real time synchronous communications system in accordance with ~~claim~~ any of claims 118 or 119, ~~wherein the information comprising at least part of the programmed handheld menu configuration is synchronized between multiple hospitality software applications including at least two point of sale systems, or reservations, or waitlists, or frequent customer or ticketing programs~~ further enabled to facilitate and complete payment processing directly from the wireless handheld

computing device including:

a. Billing;

b. Status; and

c. Payment Information.

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

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

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

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

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

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

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

hospitality application information simultaneously between the master database, wireless handheld computing device, web server and web page,

wherein the communications control software is enabled to utilize parameters from the master database file structure to synchronize the hospitality application information in real time between the master database, at least one wireless handheld computing device, at least one web server and at least one web page such that substantially the same information comprising the hospitality application information is capable of being displayed on the wireless handheld computing device, at least one web page and other display screens of the synchronized system, such that the hospitality application information is synchronized between any connected users,

wherein the communications control software is enabled to act as a real time interface between the elements of the system and any applicable communications protocol,

wherein the communications control software is enabled to automatically and simultaneously configure the hospitality application information for display on both the wireless handheld computing device and the web page in conformity with display screen parameters unique to the wireless handheld computing device or the web page, wherein said display screen parameters comprise at least the displayable size of the handheld computing device display screen or the web page, and

wherein the system is enabled for real time synchronous transmission of the configured hospitality application information to the wireless handheld computing device, the web server and the web page and real time synchronous transmissions of inputs responding to the configured hospitality application information from the wireless handheld computing device, or the web server or the web page, and

wherein the system is enable to automatically import the information from the POS (point of sale) database into the system, and

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

123. (Currently Amended) The information management and real time synchronous communications system ~~of~~ in accordance with claim 122, ~~wherein the hospitality application information simultaneously synchronizes to and from at least two of point of sale systems, or reservations, or waitlists, or frequent customer or ticketing programs.~~ further including a communications systemic relationship comprising:

a. A Wireless Hub Application;

b. A Web Hub Application;

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

d. A Communications Setup Application.

124. (Currently Amended) The information management and real time synchronous communications system of either claim 122 or claim 123, further enabled to automatically communicate selections made from a menu on at least one web page or at least one wireless computing device and transmitted over the internet to either the master database or at least one wireless handheld computing device or at least one web page.

125. (Currently Amended) The information management and real time synchronous communications system of either claim 122 or claim 123 , further enabled to automatically communicate selections made from a menu on at least one wireless handheld computing device to either the master database or the web server.

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

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

REMARKS

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

SUMMARY OF MOST RECENT OFFICE ACTION

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

II. SUMMARY OF APPLICANTS' RESPONSE

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

Applicants further submit substantial additional evidence of secondary considerations clearly indicating the nonobviousness of the presently-claimed invention in the form of a supplemental 37 C.F.R. 1.132 declaration to the previously provided but yet to be considered 1.132 declaration. As stated in the supplemental 1.132 declaration and in VIII below, applicants strongly believe that in addition to the totality of the secondary factors declaration confirming 'non obviousness' that as a minimum, the actual, contemporaneous documents from the inventive timeframe clearly invalidate both the Micros and the Cupps references, since no opinion of hindsight can nullify what actually occurred and which represents the true reality of the actual inventive timeframe.

Applicants also reiterate their strong belief (as expressed in the pre-appeal brief) on the inappropriateness of the combinations of the prior art references in the January 8, 2010 Office Action. The references cited by the Examiner would not be combined by one skilled in the art, and cannot be combined according to applicable case law (*Fulton*, *Gordon*, *Ratti*) because such combinations made would require changes to the each of the references' 'principles of operation' and/or make the references 'unsatisfactory for their intended use'. Applicants further maintain that each of the references, including the Micros reference, 'teach away' from critical aspects of the applicants' invention. The Chase reference specifically disparaged (Para 2, lines 55-65) the concepts of a master database and master menu, which are specific claim limitations of each of the independent claims.

Nevertheless, the focus of this RCE is to respond to the Examiner's rejections and concerns by including yet further claim limitations that distance the claims even farther from the cited references. The claims, as amended, include additional and unique claim elements and

limitations that delineate the fact that the claimed invention was first and uniquely recognized and invented by the applicants and was not envisioned or anticipated by any of the cited prior art references or any combination thereof. In fact, even with all the possible combinations, the additional and new claim limitations still do not exist, nor would they have been obvious.

Applicants' newly added claim limitations are all fully supported in the invention disclosure (as will be confirmed/identified by specific references throughout this response). These new and additional claim limitations further distinguish the invention over the referenced and all other prior art. Applicants' new claim limitations focus on five additional and unique inventive aspects of the claimed invention, all of which clearly distinguish over all the prior art. These are:

1.) 'Communications Systemic Relationship'

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

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

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

5.) 'Preview feature of the generated menu'

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

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

A. Present Claim Amendments

Independent claims 103 and 118 have been amended to more clearly distinguish over the applied prior art, and reflect multiple suggestions made by the Examiner to further distinguish the present invention from the cited references. The amendments add the element of a

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

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

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

interface conversions and including the integration of multiple and different hospitality applications; none of the cited references, and no combination thereof, can do, did do, or anticipated all of the features necessary to make this unique inventive system function.

The additional claim limitation of "Automatic Importation of the data from the POS Database" *(Page 21, Lines 9-12)* emphasizes the applicants' unique recognition that in systems including a POS system, the means to import the existing POS database into the inventive system would be advantageous and that this should include an automatic function to facilitate the real time aspects of the system . The Chase and Kanevsky references are not even related to the Hospitality Marketplace at all, and neither certainly made any mention or even a reference to a POS system of any kind, and as such could not and did not recognize or anticipate the function for 'automatic importation' of something wholly unrelated to these references; for that matter the authors of these references likely did not even know of the existence of such a POS system. In fact Kanevsky's 'Web Page Adaptation System' was solely focused on 'converting' web pages to other web pages and as the examiner already acknowledged, it was not a real time system at all.

While the Micros reference is for an older generation POS system, as the Examiner has recognized, the Micros system also was and is not real time, is non synchronous, and had no recognition whatsoever for any of the unique internet/web aspects of applicants' invention nor for integration of multiple and different hospitality applications since it only worked with itself. Further, as applicants previously pointed out in prior responses, Micros never envisioned 'smart phones' and Micros requires (through 'must' rules) the actual menu configuration to be done manually on/from the mobile devices themselves – after transmission - all of which runs entirely

counter to the applicants' real time invention with the generated menus configured prior to transmissions and thus places further barriers to the combination of Micros with any other references. Only the applicants envisioned the need for and defined the solution for the unique 'POS automatic importation' attribute, which further distinguishes the present invention from Micros, Cupps, Kanevsky, and Chase, which neither separately nor in combination teach or anticipate the system described in these claims.

The addition of the element 'Integration of multiple and different hospitality software applications' (*Page 4, lines 11-22, Page 10, lines 5-19, Figure #9, Abstract, Field of the Invention*) further distinguishes these claims as amended from the cited references and all other prior art. At the time of the applicants' visionary invention, handheld memory, mobile devices, wireless networks, and other key components were in their infancy, smart phones were in their earliest manifestations and 'dial up modems' were the norm for connecting to/with the internet. In sharp contrast, the modern wireless/internet environment depends on high speed internet connections, 3G and 802.11 wireless networks at blazing speeds, and smart phones with functionality, memory and features far beyond what was previously available. As such, the emerging connectivity needs and solutions for the modern hospitality system, uniquely solved by applicants' were not obvious in 1998/1999. Applicants were the first to see these unmet needs and were the first to see the impact that it would have on the hospitality market, and the first to envision and invent the unique functionality and software application required to enable it all to synchronously operate in real time.

Prior to applicants' invention, the various hospitality software applications (e.g. point of sale, reservations, frequency/affinity, ticketing etc) were largely 'stand alone' and not integrated

and synchronized with/between each other, not in 'real time' and certainly not across the vast array of devices, communications media and non standard display outputs uniquely recognized by conceived of and integral to the applicants' breakthrough invention.

Thus, applicants' visionary recognition of this need for and their inventive solution to enable the integration of and the linking together of the application databases, messaging and user displays of these previously disparate hospitality applications are yet another unique aspect of the applicants invention not present in any of the prior art references, nor solvable without the unique aspects of the applicants invention of a common, linked system– all not present in any of the prior art.

'Special functionality from the generated handheld GUI interfaces', (*Page 8, lines 19-23, Page 9 , Lines 1-6, Page 22, Lines 8-9, Figure # 7, Abstract*). Only the applicants recognized the unique functionality possible through the inclusion of voice recognition and handwriting recognition technology for operator/customer input from the mobile devices and also recognized that with the generated menu unique to the target wireless device - that the selection and the tracking and linking of individual customers with individual orders could be input directly from the configured and generated handheld GUI screen and monitored to ensure that the precise order gets to the individual guest or customer. Further, the Kanevsky and Chase references had nothing to do with payment processing, and the Micros reference and very limited HHT did not allow all of the payment processing attributes in the amended claims to be completed and accomplished from the wireless devices - as applicants' invention envisioned and allows.

'Preview feature of the generated menu': (*Page 19, lines 1-8, 15-23, Page 20, Lines 1-5)* The Examiner acknowledged that this feature did/does not exist in any of the prior art references,

yet believed that it would be 'obvious' to have included it. Applicants respectfully disagree that this special inventive aspect was/is 'obvious', especially from any association with/from Kanevsky, which taught only 'web pages' to 'web pages' conversion and applied numerous unique conversion approaches, which had nothing to do with leveraging the master database information and which in fact, yielded web page display outputs with incomplete data displays/information that make the Kanevsky approach inappropriate and entirely unworkable for the precision of the hospitality field of operations. 'Close' or 'most' etc (were/are allowed in the Kanevsky reference) through their 'semantic interpretations and Finite State Automata, 'web page conversions' which depended in part of 'estimates' and 'guesstimates' including hospitality irrelevant factors such as how many times a web link had been 'clicked on'. (*Kanevsky para 2 lines 45-68 and para 3, lines 1-24*) The teachings of Kanevsky are not compatible with, nor do they anticipate, a modern, real time, master database driven, hospitality system including e.g. ordering specific items prepared specific ways for specific customers at specific tables in real time and the associated , payment processing, database interfaces, and maintaining customer satisfaction in the hospitality field.

Applicants uniquely envisioned the need for (at least in the initial testing set up and configuration) the operator to select and enter the display parameters of the target wireless handheld computing devices to visualize how the configured handheld menu looked and operated through the applicants inventive 'preview' function, and also includes the 'manual' set up functionality features to allow for configuration changes in the event that the appearance of or the operations from the wireless handheld computing device interface was inappropriate or non optimal. Only through a preview and testing function such as this and only leveraging the master

menu/database, and with the wireless configuration to be done at the central computing node and prior to transmission (and not on/from the wireless devices themselves) could the entirety of the inventive hospitality operations be practical, especially in the interconnected real-time hospitality market of dozens of different smart phones, devices, and wireless links and media.

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

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

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

The dependent claims are believed to be allowable on the same bases as independent claims 103, 118 and 122 as discussed above. Applicants also assert that various of the dependent claims are independently patentable, as amended, by virtue of the additional limitations incorporated therein and with explanations on how they further distinguish in the proceeding section detailing the five major new inventive claim limitation thrusts.

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

When a patent application presents evidence relating to secondary considerations, such evidence must always be considered in the determination of obviousness or non-obviousness. *In*

re Sernaker, 702 F.2d 989, 996, 217 USPQ 1 (Fed. Cir. 1983). "Indeed, evidence of secondary considerations may often be the most probative and cogent evidence in the record. It may often establish that an invention appearing to have been obvious in light of the prior art was not." *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1538, 218 USPQ 981 (Fed. Cir. 1983). "Since at least *Graham v. John Deere Co.*, . . . the commercial success of a patented invention is clearly important. That evidence is 'secondary' in time does not mean that it is secondary in importance." *Truswal Systems Corp. v. Hydro-Air Engineering Inc.*, 813 F.2d 1207, 1212, 2 USPQ 2d 1034 (Fed. Cir. 1987).

The May 12, 2010 Supplemental Declaration of Keith R. McNally, submitted herewith, along with the Supplemental Declaration of Mr. McNally dated Aug 19, 2009, provide a plethora of substantial evidence of non-obviousness that should be carefully and thoroughly considered by the Examiner.

The technology of the present application was first introduced by Ameranth at the Food Service Technology Show in November 1998. Supplemental Declaration of Keith R. McNally, dated May 12, 2010 ("2010 Supp. Dec."), ¶ 2. The complete working prototype of the present invention was demonstrated at that show. Supplemental Declaration of Keith R. McNally, dated August 19, 2009 ("2009 Supp. Dec."), ¶ 4. "Real time communication", an essential element of the claimed invention, was central to the inventive concept and shown in brochures distributed at both the November 1998 show and at the May 1999 National Restaurant Show. 2009 Supp. Dec. ¶ 4-5.

Symbol Technologies, a leader in mobile handheld devices, recognized the uniqueness of Ameranth's invention and accordingly partnered with Ameranth starting in December 1998, with

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

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

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

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

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

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

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

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

leading press and publications, provide conclusive evidence that Ameranth's synchronous "menu generation" invention was entirely new, non-obvious and an unanticipated breakthrough.

CONCLUSION

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

Dated: May 24, 2010

Respectfully submitted,

/s/ Michael D. Fabiano

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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 21St Century Communications technology innovations (first introduced at the 1998 Food Service Technology show held in Atlanta, Georgia from November 14- 16, 1998 and then steadily

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

restaurants.

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

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

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

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

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

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

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

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

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

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

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

deploy in all Holiday Inn and Holiday Inn Express hotels) and the hardware partners that Ameranth integrated into a coordinated overall solution to meet the total system deployment requirements.

21. Exhibit 12 is a summary of Ameranth's presentation of its 'E-Menu' technology solution to the Food Service Technology Show (FSTEC) attendees in Orlando, FL from October 24-27, 2004. Ameranth was selected to present its solution as a leading example of wireless technology innovation and this report summary confirmed that 'This breakthrough solution is the first in the world to totally integrate and link digital communications over the internet, hotel intranet and 802.112 wireless'"

22. Exhibit 13 is an August 10, 2004 press release of Ameranth's wireless success with The Cheesecake Factory Restaurant chain - with the President of the Cheescake Factory stating that 'Ameranth has been a great partner on this project'.

23. I respectfully request that the Examiner consider this Supplemental Declaration and the initial 1.132 submission evidence together - as conclusive rebuttal evidence of nonobviousness and that the presently pending claims as amended be allowed.

24. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: May 12, 2010

Keith R. McNally

EXHIBIT 1

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

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

OVERVIEW

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

SITUATION

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

SOLUTION

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

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

CONTINUED ON BACK

AMERANTH®
WIRELESS AT WORK

INDUSTRY

Hospitality / Restaurant

CUSTOMER PROFILE

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

SITUATION

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

SOLUTION

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

MICROSOFT SOFTWARE USED

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

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

FOR MORE INFORMATION

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

- Microsoft Pocket PC Enterprise Page
  www.microsoft.com/mobile/enterprise/default.asp
- Ameranth
  www.ameranth.com
- JTECH
  www.jtech.com
- Red Lobster
  www.redlobster.com
- Symbol
  www.symbol.com

Microsoft

POCKET PCS, HOSTALERT HELP FILL TABLES IN PEAK PERIODS

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

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

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

DELIVERING PERSONALIZED SERVICE

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

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

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

MAKING OPERATIONS MORE PROFITABLE

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

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

EXHIBIT 2

AMERANTH®
WIRELESS AT WORK™
NEWS

FOR IMMEDIATE RELEASE

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

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

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

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

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

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

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

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

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

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

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

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EXHIBIT 3

AMERANTH WIRELESS AT WORK

NEWS

FOR IMMEDIATE RELEASE

Contact: Tammie Caton Gomez, Marketing Mgr
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Ameranth Wireless™ Announces Major Aloha POS Upgrade

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

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

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

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

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

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

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

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

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

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

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

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

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

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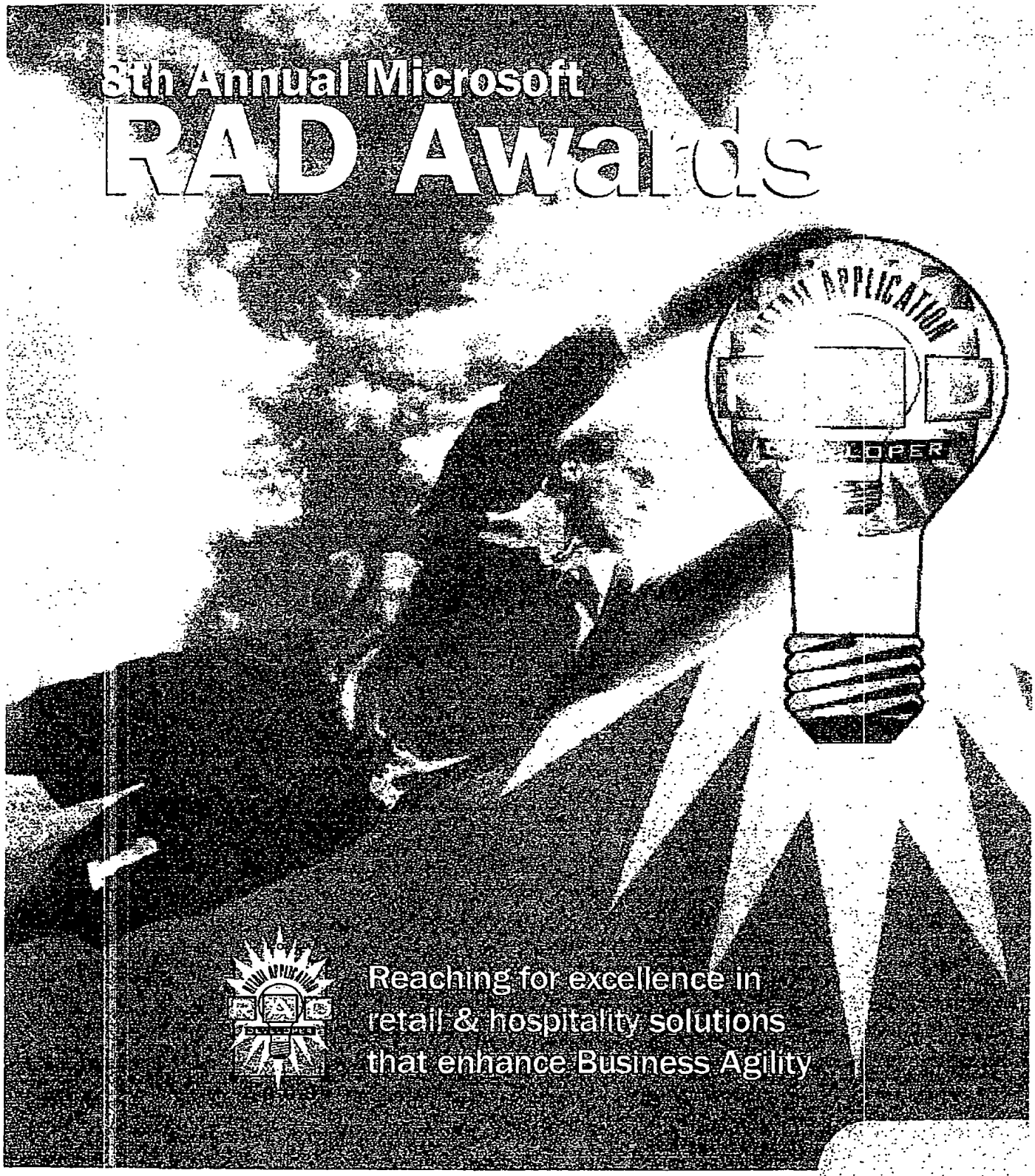
EXHIBIT 4



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AMERANTH
WIRELESS AT WORK

Ameranth Wireless
San Diego, CA

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

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

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

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

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

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

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

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

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

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

EXHIBIT 5

AMERANTH® WIRELESS AT WORK™

NEWS

FOR IMMEDIATE RELEASE

Contact: Tammie Caton Gomez, Marketing
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Darden Selects Ameranth Wireless™ as its Wireless Strategic Partner

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

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

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

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

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

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

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

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EXHIBIT 6

symbol

For Immediate Release

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

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

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

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

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

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

create a win-win situation for both customers and establishments – as a nascent one with plenty of growth potential."

"We are pleased that Symbol and Ameranth have selected Microsoft Windows Mobile 2003 for their rollouts," said Tom Litchford, director of retail systems at Microsoft. "We will provide both Symbol and Ameranth our full support on these projects and work closely with them in leading the way in hospitality wireless technology solutions."

"We believe we have the ideal technology solutions for the hospitality market, built on our core competencies of Wi-Fi wireless networking, data capture and ruggedized handheld computers," said Harry B. Lerner, vice president and general manager, Symbol PDA Business Unit. "The Symbol 8800 enterprise PDA is the perfect tool for customer service and small site enterprises."

The NBA City Restaurant in Orlando, Fla., has also implemented a mobility solution using Symbol Wi-Fi wireless networking technology and Symbol 8800 enterprise PDAs equipped with cutting-edge software from Ameranth to increase the efficiency of table turnover. Using this mobility solution, restaurant staff can immediately communicate table status from any point in the multi-story restaurant to the host stand, and alert staff equipped with pagers to take action.

"The biggest advantage of using this system is the ability to streamline operations, freeing up the hostesses and servers to spend more time greeting guests, answering questions and taking care of customer needs," said Alberto Accion, chief financial officer for NBA City.

"Because we have an expansive two-story restaurant, trying to tell someone downstairs that a table is open upstairs was often frustrating," explained Brianna Oppelt, host supervisor, NBA City. "Now, with the Symbol mobile computers, it's all automatic."

In addition to the deployment at this NBA City restaurant, the Symbol/Ameranth mobility solution is also being used at NBA stadiums in Chicago, Denver, Miami,

April 19, 2010

Toronto and Los Angeles to speed up the ordering process in the luxury suites, where customers expect quick and accurate service.

Designed especially for mobile workers who require immediate access to information at the point of activity, the Symbol PPT 8800 packs the power of advanced data capture and wireless communications in a slim but ruggedized PDA-format device. Loaded with Microsoft® Windows Mobile 2003 software for Pocket PCs, the Symbol device offers increased mobility-centric features while still being small and lightweight enough to be carried unobtrusively in a pocket or on the hip.

About Symbol Technologies, Inc.
Symbol Technologies, Inc. delivers enterprise mobility solutions that enable anywhere, anytime data and voice communication designed to increase productivity, reduce costs and realize competitive advantage. Symbol systems and services integrate rugged mobile computing, advanced data capture, wireless networking and mobility software for the world's leading retailers, transportation and logistics companies and manufacturers as well as government agencies and providers of healthcare, hospitality and security. More information is available at www.symbol.com.

About Ameranth Wireless, Inc.

Ameranth Wireless is a leading provider of wireless system software to the hospitality and health care markets. Headquartered in San Diego, California, Ameranth's wireless system software gives functionality to RF-enabled Microsoft, Pocket PC handheld computers—moving the point of activity from fixed terminals to where it belongs, by the customer's side. Ameranth's 21st Century Restaurant®, is set to become the industry standard for mobile wireless ordering and payment processing in restaurants worldwide. For more information about Ameranth Wireless, visit www.ameranth.com.

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EXHIBIT 7

Food Industry

0 Comments

Darden selects integrator for wireless POS

Nation's Restaurant News, Dec 8, 2003

ORLANDO, FLA. -- Darden Restaurants Inc. named Ameranth Wireless Inc. its wireless systems integration services provider, following the joint development by two companies of new technology for Darden's fledgling Seasons 52 concept.

Ameranth helped Darden develop handheld computer devices using Symbol Technologies hardware, the Windows-based PocketPC operating system from Microsoft Corp. and Aloha Technologies' POS software. The devices support wireless, tableside order entry, payment processing and nutrition information retrieval, Ameranth sources said. The devices also have food preparation tracking and waiting-list management capabilities, they said.

Darden's senior director of restaurant systems, Jim Pylant, said his company chose San Diego-based Ameranth as its "standard wireless integrator" because the two companies have "worked very closely" since mid-2000. In total Orlando-based Darden operates more than 1,200 Red Lobster, Olive Garden, Bahama Breeze, Smokey Bones BBQ Sports Bar and Seasons 52 outlets in North America.

EXHIBIT 8

'May I Take Your Order, Wirelessly?' ; When the seasons 52 restaurant opened earlier this year, it turned to Wi-Fi technology to beef up the all-important server-to-guest relationship.

By Panettieri, Joseph C
Publication: eWeek
Date: Monday, December 8 2003

When the seasons 52 restaurant opened earlier this year, it turned to Wi-Fi technology to beef up the all-important server-to- guest relationship.

Specifically, the Orlando, Fla., restaurant was ready to go with a wireless network and handhelds that let waiters and waitresses record orders and close checks

table-side

"In the hospitality business, we know that computers can never replace server-to-guest interaction," said Rick Cardenas, director of IT for Seasons 52. "However, the handhelds increase the time our servers spend with our guests table-side and help us provide outstanding service in our restaurant."

But Seasons 52, operated by Darden Restaurants Inc., had help cooking up its wireless strategy.

Ameranth Wireless, of San Diego, for instance, is Darden's standard wireless point-of-sale partner. Darden operates more than 1,280 restaurants (including the Red Lobster and Olive Garden chains), employs 122,000 people and serves more than 5 million meals a week.

"While we provided some of the key pieces of the Seasons 52 solution, we met the overall challenge through the power of our best- of-breed strategic partners," said Keith McNally, CEO of Ameranth Wireless.

Key partners on the project included point-of-sale software developer Aloha Technologies Inc., handheld provider Symbol Technologies Inc., wireless ink-jet printer maker TransAct Technologies Inc. and on-premises paging specialist JTech Communications Inc.

The resulting system is functional and flexible. And for good reason: Seasons 52 is test-marketing a rotating weekly menu with seasonal food prepared in a variety of ways. Waiters and waitresses who can't keep track of the menu need merely reach for their Pocket PCs.

In addition, make sure to read these articles:

Seven Firms Staff Before Closing
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Companies When Swamped in Frappuccino
A Chocolate Chip Cookie Can Change Your Life
Plethora Of Fine-Dining Establishments Surging Into The Market
Olive Garden to open at Northpointe

- Small business catalyst: Val Johnson relishes Orlando's supportive spirit.

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EXHIBIT 9

SMALLBIZ
Information Center
Leadership
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Technology
Today's Tip

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NEWS
ANALYSIS

Wireless Finds a Welcome in Hospitality

Keith McNally's Emenu technology is his latest bid to speed service, and gain efficiencies, in the restaurant and hotel industries

It's not quite *Star Trek*, where food can be made to materialize just by talking into a machine. But restaurant guests at a new Holiday Inn in Duluth, Ga., can now place their meal orders electronically. The so-called Emenu -- really a tablet PC connected wirelessly to a computer in the hotel -- provides photos and nutritional info on menu items. Customers can tally the calories, carbs, and price of their meals before they order, then zap the request to the kitchen. The Emenu also translates that data into Spanish and into euros.

The fun doesn't stop there. While waiting for the food, diners can log onto the Web using the Emenu, play games, get the latest on hotel events, or order a taxi. Guests traveling with laptops can do all of the above with their own machines via the hotel's free Wi-Fi network, at the restaurant or from anywhere else in the hotel.

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including their rooms.

It's all part, says Keith McNally, founder and CEO of Ameranth Wireless, which created the Emenu, of a coming explosion in technology use in the hospitality industry. "This is kind of the classic American dream," McNally says. "I quit my safe job, mortgaged the house. I've put my whole life into this."

GRUNTS AND WAITERS. McNally, 49, has taken an unusual route to high-tech entrepreneurship. A West Point grad, he served as an artillery officer for five years. After leaving the Army, he spent 17 years at Litton Industries, now a part of Northrop Grumman (NOC), helping develop the handheld wireless devices the military now uses to guide artillery batteries and smart bombs.

"Before that, artillery units still performed the way they did in Napoleon's day, with grease pencils and pins on maps." McNally says. He saw an unlikely similarity between restaurant work and the military. Both, he notes, involve a lot of young people, working in high-stress environments that include a lot of movement.

Ameranth's first product helped automate the hostess station, which McNally calls the "command post of most restaurants." Now, assistant hostesses at Red Lobster, a unit of Darden Restaurants (DRI), and Outback Steakhouse (OSI) wander the restaurants looking for customers that are leaving their tables. The employees type the table location into a wireless device that sends the info to the hostess station. There, additional software finds the next customers in line and automatically pages them to let them know a table is ready.

"WIRELESS WENCHES." Another Ameranth product allows food servers to send orders wirelessly to the kitchen, sometimes allowing the drinks to arrive before the guests have finished ordering. That technology is being used now at six basketball arenas, the Opryland theme park, the new Queen Elizabeth II cruise ship, and a couple of Medieval Times restaurants, where the servers have been nicknamed "Wireless Wenches."

McNally's sales pitch comes down to money. Some 75% of a restaurant's business is done in just 15% of its operating hours. So turning tables quickly during the high-traffic period is critical. Ameranth also offers something to food servers, who through faster ordering can work six tables at a time instead of four. "Her income just went up 50%," he says.

San Diego-based Ameranth is privately held, and McNally declines to release revenues. He says he has raised more than $10 million in venture capital, including investments by Microsoft (MSFT) and Symbol Technologies (SBL), the leader in bar-code scanners. His biggest competition is Columbia (Md.)-based Micros Systems (MCRS), at $400 million a year, a comparative giant in software for the hospitality industry.

A FIRST STEP. To make sure he doesn't end up getting his lunch eaten, McNally has sought to partner with other leaders in hospitality technology. Radiant Systems (RADS), a big player in point-of-sale tracking systems, sells McNally's hostess software. InfoGenesis, which sells its technology to cruise ships and sports stadiums, is a partner in the systems for food servers.

Mark Snyder, who runs Holiday Inns in North America for the chain's parent company InterContinental Hotels Group (IHG), also sees the Emenu as the start of something big. "This is the first time technology like this is being used to increase a hotel's productivity," he says. "Eventually, we'll be able to integrate operations systems wirelessly -- from reservations to supply-chain management." That bucket of ice could be just a mouse click away

By Christopher Palmeri in Los Angeles

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EXHIBIT 10

AMERANTH®
WIRELESS AT WORK™
NEWS

FOR IMMEDIATE RELEASE

Contact: Cary Gruer, VP Marketing
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Ameranth Wireless™ announces 21CR Wireless POS "Roll Out" with Medieval Times Dinner & Tournament

Success and rapid ROI at the initial site in Buena Park, CA leads Medieval Times to expand to all of its U.S. locations.

May 12, 2004, San Diego— Medieval Times Dinner & Tournament has procured Ameranth Wireless 21CR Handheld Wireless POS system for all seven of its locations nationwide. This innovative solution was developed in partnership with Aloha POS and San Diego Cash Register- operating on Symbol PPT 8800 enterprise PDAs with Microsoft Windows Mobile™ 2003, Symbol Wi-Fi wireless networking technology and Ameranth 21st Century Restaurant™ software.

Medieval Times Dinner & Tournament provides an exciting evening of quality, family entertainment based upon the glory of the Middle Ages. Guests experience spectacular pageantry, dramatic horsemanship, breathtaking swordplay, falconry, sorcery and romance, while feasting on a four-course banquet served in true medieval, pre-silverware fashion. The experience culminates in an authentic jousting tournament between six brave knights of the realm. Medieval Times is a 70,000 square foot facility featuring the Grand Ceremonial Arena with seating up to 1,100 people. Medieval Times Dinner & Tournament castles are located in Toronto, Canada and throughout the country and are famous for jousting contests and a medieval atmosphere. U.S. sites include Buena Park, CA, Dallas, TX, Kissimmee, FL, Baltimore, MD, Schaumburg, IL, Myrtle Beach, SC and Lyndhurst, NJ.

Previously, they deployed a vast number of serving staff-who would have to walk considerable distances from where the customers were seated to manually place the actual customer orders, then wait for the orders and beverages to be prepared before returning to the customer. With the deployment of Ameranth's 21CR system, the handheld equipped servers (who Medieval Times affectionately refers to as "wireless wenches") now take orders from where customers are actually seated and instantly transmit that information to the service bar. This allows orders to be completed much more quickly, so the server can spend more time with the customer.

Richard Dunn, Vice President of Merchandising for Medieval Times, has confirmed that simply by serving just one more round of drinks each night, this system is providing a very rapid return on investment. "The significant revenue increases are not the only benefits," Dunn noted. "Increased customer satisfaction is a very key element as well."

" We are honored to have the opportunity to partner with Medieval Times and leverage the power of our strategic partners, Microsoft, Symbol, Aloha and SDCR to deliver a breakthrough solution for them. " said Keith McNally, CEO of Ameranth Wireless. "The rapid ROI from wireless ordering-that has now been proven with them will accelerate the adoption of wireless handhelds with many other restaurant customers".

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About Ameranth Wireless, Inc.

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

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EXHIBIT 11

AMERANTH WIRELESS AT WORK

NEWS

FOR IMMEDIATE RELEASE

Contact: Cary Gruer, VP Marketing
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Powerful Technology Alliance Forms to Deliver Breakthrough "E-Menu" Wireless/Web Solution for Holiday Inn Hotels & Resorts

Success of first Holiday Inn test site near Atlanta leads Intercontinental Hotels Group to expand installation into ten additional Holiday Inn properties this summer

June 22, 2004 (Dallas) - Ameranth Wireless, with the support of a powerful technology alliance has partnered with InterContinental Hotels Group (IHG) ,owner of the Holiday Inn Brand, to turn the vision of a Wi-Fi, Internet-enabled dynamic, paperless menu into an operational reality for IHG's Holiday Inn brand. This 21St Century Hotel™ "E-Menu" system, which automates guest services from the concierge to the restaurant table, was achieved through the cooperation of technology industry leaders and their commitment to continue to expand and grow the initial platform and features. Ameranth Wireless, the project integrator, aligned with Microsoft, Intel, Dell, and Motion Computing to assemble the total system solution for InterContinental Hotels Group and Holiday Inn. This breakthrough solution is the first in the world to totally integrate and link digital communications over the Internet, hotel Intranet, and 802.11 wireless, with on premise JTECH staff paging, cell phones, and fixed and wireless printers – all operating on state-of-the-art Microsoft and Intel technology platforms to deliver an unprecedented guest experience. Ameranth and IHG began testing customer feedback to the E-Menu system in January 2004 with the opening of the first "next-generation" Holiday Inn prototype hotel in Duluth, Ga., north of Atlanta. After an initial success at the Duluth site, ten additional Holiday Inn properties will be equipped with the E-Menu system by the end of July. Dell is providing the entire hardware suite of Tablet PCs, Dell Poweredge Servers, Dell Printers and Dell Axims as well as total system support.

Ameranth's 21St Century Hotel™ E-Menu system, operating on 802.11 wireless networks, the Internet and the hotels Intranet, allows guests to use Motion Computing Tablet PCs to browse

the real-time menu items, customize orders and even place orders directly into the kitchen from E-Menu equipped tables in the restaurants or order room service directly from their laptops within their hotel rooms.

Available in both English and Spanish and normal and large-sized text, the tablet allows diners to search for the information that is most important to them, from electronic images and a complete nutritional breakdown of each menu item to tax and gratuity calculations in multiple currencies. The wireless system also facilitates room service – guests can access the menu from their own laptop computers via the hotel's Wi-Fi or Internet service. After placing their meal order, the E-Menu system also empowers guests to check driving directions, receive news and weather for their hometowns or destinations, make reservations for other events and even revise their travel plans and print their airline boarding passes.

"No single company could create InterContinental Hotels Group's operational vision and then deliver the marketing strategy for Holiday Inn," stated Keith McNally, CEO of Ameranth Wireless. "We needed to leverage and maximize the power of our strategic industry partners and are very appreciative of the exceptional response and support from Microsoft, Intel, Dell, and Motion Computing."

"Holiday Inn is credited with pioneering the modern hotel industry more than 50 years ago, and today we're continuing that legacy of innovation with this industry-first "E-Menu" system," said Mark Snyder, senior vice president, brand management, Holiday Inn Hotels and Resorts, the Americas. "Eventually, we will be able to integrate operations systems wirelessly – from reservations to supply chain management – all while providing our guests with a great hotel experience."

"Innovative hotel brands like Holiday Inn are delivering the next generation hotel experience with technology and solutions designed around open standards," said Jon Stine, worldwide retail – consumer packaged goods manager, Intel. "With Intel® Xeon™ processor-based servers that analyze and manage information in real time, to tablets and PDA's powered by Intel® Centrino™ mobile technology and Intel® XScale® technology, guests get a more personalized experience. We are excited to be working with world-class companies like InterContinental Hotels Group, Dell, Microsoft, Ameranth and Motion Computing to design solutions that are transforming the future of hospitality."

" InterContinental Hotels Group's deployment of an E-Menu system solution based on the Microsoft .NET Framework is an excellent example of how technology innovations will change the rules of engagement with customers and a guest's hotel experience," said Brian Scott, general manager for the Retail & Hospitality Industry Solutions Group at Microsoft. "We applaud InterContinental Hotels Group for recognizing the business benefits of working with companies that support industry standards and the integration advantages of Web services and Microsoft .NET, all of which will enable its E-Menu expansion needs in the future."

"InterContinental Hotels Group clearly recognizes the advantages of standards-based products and services which allows them to affordably implement, integrate and manage computer systems across multiple locations at low costs," said Tim Mattox, VP of Retail for Dell, Inc. "We are excited to be collaborating with Ameranth, Motion Computing, Microsoft, and Intel to deliver InterContinental Hotels Group comprehensive solutions. "

"Motion Computing's lightweight, clipboard-sized tablet PCs enable people to use computers in new ways and places, so we are a good fit for Holiday Inn's creative E-Menu concept," stated Ralph Spagnola, Motion's vice president of sales. "We are pleased that InterContinental Hotels Group and Ameranth selected our tablet PCs as the best of all available options in the market."

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About InterContinental Hotels Group
InterContinental Hotels Group PLC of the United Kingdom [LON:IHG, NYSE:IHG (ADRs)] is the world's most global hotel company and the largest by number of rooms. InterContinental Hotels Group owns, manages, leases or franchises, through various subsidiaries, more than 3,500 hotels and 535,000 guest rooms in nearly 100 countries and territories around the world (www.ichotelsgroup.com). The Group owns a portfolio of well recognized and respected hotel brands including InterContinental® Hotels & Resorts, Crowne Plaza® Hotels & Resorts, Holiday Inn ® Hotels and Resorts, Holiday Inn Express®, Staybridge Suites®, Candlewood Suites®, and Hotel Indigo™, and also has a controlling interest in Britvic, the second largest soft drinks manufacturer in the UK. InterContinental Hotels Group offers information and reservations capability on the Internet - www.intercontinental.com for InterContinental Hotels & Resorts, www.crowneplaza.com for Crowne Plaza Hotels & Resorts, www.holiday-inn.com for Holiday Inn hotels, www.hiexpress.com for Holiday Inn Express hotels, www.staybridge.com for Staybridge Suites by Holiday Inn hotels, and www.candlewoodsuites.com for Candlewood Suites, and for the Group's rewards

program, www.priorityclub.com. For the latest news from InterContinental Hotels Group, visit our online Press Office at www.pressoffice.ihgplc.com.

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