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ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101			CAMPBELL, SHANNON S	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KEITH R. MCNALLY

Appeal 2012-001503
Application 11/190,633¹
Technology Center 3600

Before MURRIEL E. CRAWFORD, MICHAEL C. ASTORINO, and
BART A. GERSTENBLITH, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 77–85, 89, 91, 92, and 97–107. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We REVERSE.

¹ Appellant identifies Ameranth, Inc. as the real party in interest. Br. 1.

Claim 77 is illustrative:

77. An information management and real time synchronous communications system for use with wireless handheld computing devices and the internet comprising:

a. a master database containing at least one hospitality application (s) and associated data,

b. application software enabled to configure hospitality data for display on the 'non pc standard' display sized screen of at least one wireless handheld computing device in which the at least one hospitality application is stored,

c. at least one Web server enabled by application software to interface with at least one hospitality application and its associated data,

d. application software enabled to configure hospitality data for display on at least one web page,

e. an applications programming software interface,
and

f. a real time application software communications control module with a systemic communications relationship comprising:

- A communications controller
- A communications set up
- A web Hub
- A wireless Hub
- Linked Databases

wherein the system is enabled to perform an automated communications conversion via application software involving the data associated with the at least one hospitality application,

wherein the system is enabled via application software to synchronize the at least one hospitality application(s) and its associated data with the data in a second and different hospitality application in real time between the master database, the at least one Web server, the at least one wireless computing device and the at least one web page,

wherein the communications control module is enabled via application software to act as an interface between the at least one hospitality application (s) and any applicable communications protocol.

Appellant appeals the following rejections:

A. Claims 77–79, 91, 92, 97–101, and 106 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,069,228 B1, issued June 27, 2006, (hereinafter “Rose”) in view of U.S. Patent No. 6,415,138 B2, issued July 2, 2002, (hereinafter “Sirola”) further in view of U.S. Patent No. 6,356,543 B2, issued Mar. 12, 2002, (hereinafter “Hall”).

B. Claims 80–85 and 89 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose in view of Sirola in further view of U.S. Patent No. 5,991,739, issued Nov. 23, 1999, (hereinafter “Cupps”) or U.S. Patent No. 6,594,347 B1, issued July 15, 2003, (hereinafter “Calder”) or U.S. Patent No. 6,366,650 B1, issued Apr. 2, 2002, (hereinafter “Rhie”).

C. Claims 102–105 and 107 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose in view of Sirola in further view of Cupps.

ISSUE

Did the Examiner err in rejecting the claims because the Examiner has not established that the cited references disclose “application software enabled to configure hospitality data for display on the ‘non pc standard’ display sized screen of at least one wireless handheld computing device,” as recited in claims 77?

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