IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANTS:** McNally et al.  **GROUP ART UNIT:**2173 (parent case)

**SERIAL NO.:** Continuation of 09/400,413  **EXAMINER:** Cao Nguyen (parent case)

**FILED:** HEREWITH

**FOR:** INFORMATION MANAGEMENT AND SYNCHRONOUS
COMMUNICATIONS SYSTEM WITH MENU GENERATION

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

## PRELIMINARY AMENDMENT

Responsive to the Final Rejection in the Parent Case dated May 22, 2001, Applicants respectfully request reconsideration in view of the amendment and following remarks. No fees are believed due. However, in the event that any fees are necessitated by this response, the Commissioner is hereby authorized to charge our Deposit Account 13-4500, Order No. 3125-4002US1.

## IN THE CLAIMS

Please add new claim 93 as follows.

93.   (new) The information management and synchronous communication system of claim 45 wherein a non-simultaneous protocol is used to acknowledge receipt of the data at the valet parking base station.

## REMARKS

**I.    Status of the Claims**

Claims 1-92 are pending in this application, with claim 93 being added by this Amendment.

Claims identical to claims 1-19, 20-28, and 35-39 were rejected in the parent case under 35 U.S.C. 102(e) as being anticipated by Cupps et al. In the parent case these

claims were identified by numbers 1-19, 31-39, and 50-54 respectively. This Amendment will refer to the claims by their new numbers.

Claims identical to claims 29-34 and 40-41 were rejected in the parent case under 35 U.S.C. 103(a) as being unpatentable over Cupps in view of Behr. In the parent case these claims were identified by numbers 44-49 and 56-57 respectively. This Amendment will refer to the claims by their new numbers.

Of the pending claims for which identical claims were rejected in the parent application, claims 1, 12, 20, 29, 32, and 33 are independent.

## II.    Rejections Under 35 U.S.C. 102(e)

In the parent application the Examiner rejected claims identical to independent claims 1, 12, and 20 under 35 U.S.C. 102(e) as being anticipated by Cupps et al.

With regard to claims identical to independent claims 1, 12, and 20 of the present application, the Examiner argues that at lines 35-65 of column 9 and in figs. 2 and 3a-3f, Cupps discloses information synchronization involving a second or modified menu. However Applicants respectfully disagree.

The first section cited by the examiner, column 9 lines 35-65, fails to disclose information synchronization involving a second or modified menu, nor any other sort of information synchronization. This section instead discloses a customer providing to an online ordering machine registration information, location information, time of day information, and an indication of the type of service sought (e.g., takeout or delivery).

The second section cited by the examiner, Fig. 2, is a system overview showing an online ordering machine component, a client machine component connected to the online ordering machine via a network, and telephone and fax components connected to the online ordering machine via standard telephone lines. Also shown are various elements of the online ordering machine and the client machine. However, nowhere in the figure or its corresponding disclosure is there any indication of synchronization involving a second or

modified menu. More generally, there is no disclosure of information synchronization occurring between any components of the system, nor is there disclosure of any other sort of information synchronization.

The third section cited by the examiner, Figs. 3a-3f, fails to disclose synchronization involving a second or modified menu and instead discloses the "schema" – that is the organization and structure – of the order database 128 (see Cupps, Col. 5 Ln. 21). Nowhere in the figures or in the corresponding disclosure is there even any indication that the order database is involved in any sort of information synchronization. In fact, there is no disclosure of any sort of information synchronization in this section.

Furthermore, the remainder of the Cupps disclosure also fails to disclose synchronization involving a second or modified menu, nor any other sort of information synchronization.

Accordingly, Cupps fails to disclose at least the aspect of independent claim 1 wherein:

> "... data comprising the second menu is <u>synchronized</u>
> between the data storage device connected to the
> central processing unit and at least one other
> computing device ..."
> (emphasis added)

Similarly, Cupps also fails to disclose at least the aspect of independent claim 12 wherein:

> " ... data comprising the modified menu is <u>synchronized</u>
> between the data storage device and at least one other
> computing device..."
> (emphasis added)

Furthermore, Cupps fails to disclose at least the aspect of independent claim 26 wherein:

> " ... <u>synchronizing</u> the data comprising the second menu
> between the storage device and at least one other data
> storage medium, wherein the other data storage medium is
> connected to or is part of a different computing device..."

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(emphasis added)

The disclosure of the present invention explains that according to the claimed synchronization there is, for example:

> " ... fast synchronization between a central database and
> multiple handheld devices, synchronization and
> communication between a Web server and multiple handheld
> devices, a well-defined API that enables third parties such as
> POS companies, affinity program companies and internet
> content providers to fully integrate with computerized
> hospitality applications, real-time communication over the
> internet with direct connections or regular modem dialup
> connections and support for batch processing that can be
> done periodically throughout the day to keep multiple sites in
> synch with the central database."
> (see disclosure, p. 7 ln. 21 – p. 8 ln. 4; emphasis added)

As another example, the disclosure of the present invention notes that according to such synchronization:

> " ... a reservation made online can be automatically
> communicated to the backoffice server and then
> synchronized with all the wireless handheld devices
> wirelessly. Similarly, changes made on any of the wireless
> handheld devices are reflected instantaneously on the
> backoffice server Web pages and the other handheld
> devices."
> (see disclosure, p. 8 ln. 13-16; emphasis added)

In light of the above, Applicants submit that independent claims 1, 12, and 20 are in condition for allowance. As claims 2-11, 13-19, 21-28, 35-39, 49-68, and 84-92 depend therefrom, these claims, for at least the above-identified reasons, are also thought to be allowable.

## III. Rejections Under 35 U.S.C. 103(a)

In the parent application the Examiner rejected claims identical to independent claims 29, 32, and 33 under 35 U.S.C. 102(e) as being unpatentable over Cupps in view of Behr.

As explained above, Cupps fails to disclose any sort of information synchronization. Furthermore, Applicants find no disclosure in Behr of any sort of information synchronization, nor does the Examiner provide any reference to such disclosure in Behr .

Applicants therefore submit that Cups and Behr, alone or in combination, fail to disclose, teach, or suggest at least the aspect of independent claim 29 wherein:

> "... applications or data are synchronized wirelessly between the central database and at least one wireless handheld computing device and wherein the applications program interface and communications control module establish a seamless link between the data in the central database and the data on the wireless handheld computing device.."
> (emphasis added)

Similarly, Cups and Behr, alone or in combination, fail to disclose, teach, or suggest at least the aspect of independent claim 32 wherein:

> " ... hospitality applications or data are synchronized between the central database, at least one wireless computing device and at least one wireless paging or beeper device and wherein messaging to the wireless paging or beeper device is enabled directly from the operator interface of the wireless computing device."
> (emphasis added)

Furthermore, Cups and Behr, alone or in combination, fail to disclose, teach, or suggest at least the aspect of independent claim 33 wherein:

> " ... applications or data are synchronized between the central database and the second storage medium and wherein the applications program interface and communications control module establish a seamless link between the data in

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