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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,829	04/03/2013	7822816	20351.RX816	6993
22206	7590	09/13/2013	EXAMINER	
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318			DESAI, RACHNA SINGH	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			09/13/2013	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.



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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/012,829.

PATENT NO. 7822816.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Office Action in Ex Parte Reexamination	Control No. 90/012,829	Patent Under Reexamination 7822816	
	Examiner RACHNA DESAI	Art Unit 3992	AIA (First Inventor to File) Status No

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

- a. Responsive to the communication(s) filed on 6/24/2013 by PO and 8/26/2013 by 3PR .
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

b. This action is made FINAL.

c. A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c)**. If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1-14 are subject to reexamination.
- 1b. Claims _____ are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims _____ are patentable and/or confirmed.
4. Claims 1-14 are rejected.
5. Claims _____ are objected to.
6. The drawings, filed on _____ are acceptable.
7. The proposed drawing correction, filed on _____ has been (7a) approved (7b) disapproved.
8. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the certified copies have

- 1 been received.
- 2 not been received.
- 3 been filed in Application No. _____ .
- 4 been filed in reexamination Control No. _____.
- 5 been received by the International Bureau in PCT application No. _____.

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

9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate 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.
10. Other: _____

cc: Requester (if third party requester)

Reexamination

1. The present application is being examined under the pre-AIA first to invent provisions.

2. An Ex Parte Reexamination has been granted for claims 1-14 of U.S. 7,822,816 B2. See Order, mailed April 23, 2013. Patent Owner filed a PO Statement in Response to the Order on 06/24/2013 and the Requester filed a reply to the PO's Statement on 08/26/2013.

References Submitted by Requester

3. The following references have been cited in the proposed rejections by the Requester:

U.S. Patent No. 5,704,029 to Wright ("Wright")

U.S. Patent No. 6,477,373 to Rappaport et al. ("Rappaport")

U.S. Patent No. 6,584,464 to Warthen ("Warthen")

U.S. Patent App. No. 2002/0007303 to Brookler et al. ("Brookler")

European Patent Application EP 0779,759 to Rossmann ("Rossmann")

PCT Published Application WO 99/33390 to Benigno ("Benigno")

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U.S. Patent No. 5,991,771 to Falls et al. ("Falls")

U.S. Patent No. 5,442,786 to Bowen ("Bowen")

Claim Rejections - 35 USC § 103

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

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

Issue 1

5. Claims 1-3 and 5-14 are rejected under 35 U.S.C. 103(a) as being obvious over Rossmann in view of Rappaport (see pages 29-80 of the Request for Reexamination filed 04/03/2013, incorporated by reference).

These rejections on pages 29-80 of the Request for Reexamination filed 04/03/2013 are incorporated by reference.

Issue 2

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being obvious over Rossmann in view of Rappaport and Bowen (see pages 80-85 of the Request for Reexamination filed 04/03/2013, incorporated by reference).

The rejection for claim 4 on pages 80-85 of the Request for Reexamination filed 04/03/2013 are incorporated by reference.

Issue 3

7. Claims 1-14 are rejected under 35 U.S.C. 103 (a) as being obvious over Rossmann in view of Falls (see pages 85-170 of the Request for Reexamination filed 04/03/2013, incorporated by reference).

These rejections on pages 85-170 of the Request for Reexamination filed 04/03/2013 are incorporated by reference.

Issue 4

8. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being obvious over Benigno in view of Falls (see pages 170-277 of the Request for Reexamination 04/03/2013, incorporated by reference).

These rejections on pages 170-277 of the Request for Reexamination filed 04/03/2013 are incorporated by reference.

Issue 5

9. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being obvious over Benigno in view of Rappaport (see pages 277-349 of the Request for Reexamination 04/03/2013, incorporated by reference).

These rejections on pages 277-349 of the Request for Reexamination filed 04/03/2013 are incorporated by reference.

Issue 6

10. Claims 1, 2, 5, 7, 11, and 13-14 are rejected under 35 U.S.C. 103(a) as being obvious over Wright in view of Worthen, Rappaport, and Brookler, (see pages 349-390 of the Request for Reexamination 04/03/2013, incorporated by reference).

These rejections on pages 349-390 of the Request for Reexamination filed 04/03/2013 are incorporated by reference.

Issue 7

11. Claims 12 is rejected under 35 U.S.C. 103(a) as being obvious over Wright in view of Worthen, Rappaport, Brookler, and Rossman (see page 384 of the Request for Reexamination 04/03/2013, incorporated by reference).

The rejection for claim 12 on page 384 of the Request for Reexamination filed 04/03/2013 is incorporated by reference.

Response to Arguments

PO's Response:

Issue 1

PO argues it is noted that the Rossmann reference assumes that a connection to the server will always be available. PO refers to Declaration of John C. Hale Under 37 C.F.R. § 1.132 (hereinafter "Hale Declaration"), paragraph 6. PO argues there is no suggestion or provision in this reference for the method of Rossmann to continue if connectivity is not available.

On the other hand, PO argues the method of the '816 Patent specifically contemplates that connectivity to a central server will not be continuously available (Hale Declaration, paragraph 7). As such, it is intended to be operational within a loosely networked environment as that term is defined in the patent ('816 Patent at Col. 4, Line 16 to Col. 5, Lines 1-5).

PO argues the Rapport Reference teaches a method of maintaining connectivity of mobile terminals (Hale Declaration, paragraph 8). It teaches maintaining connectivity. It does not teach handling interruptions in connectivity (Hale Declaration, paragraph 9).

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PO argues combining the Rossmann Reference and the Rappaport Reference does not yield a method that is robustly intolerant of failures in connectivity as is taught by the '816 Patent. Instead, PO argues a reference that requires connectivity has been paired with a method for maintaining connectivity, which does not yield the method of the '816 Patent (Hale Declaration, paragraph 10).

As such, PO argues Rossmann and Rappaport fail to raise a substantial new question of patentability regarding claims 1-3 and 5-14.

Issue 2

PO argues as was noted previously with respect to Issue 1 that combining Rappaport and Rossmann does not yield a method that is robustly intolerant of failures in connectivity. Further, PO argues supplying the Bowen reference does not change the basic combination. As such, it is believed that these references do not raise a substantial new question of patentability with respect to claim 4.

Issue 3

Regarding Rossmann in view of Falls raising a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. §103(a), PO argues as was stated above, the Rossmann reference assumes a connection to a server will always be available (Hale Declaration, paragraph 6). There is no provision in this reference for the method of Rossmann to continue if connectivity is not available.

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The Falls reference includes a system and method for synchronizing transactions in a disconnectable network. The Falls reference specifically contemplates disconnection between a mobile computer and a network (Hale Declaration, paragraph 14).

PO argues combining the Rossmann reference with the Falls reference will result in an inoperable combination (Hale Declaration, paragraph 15). More particularly, PO argues Rossmann assumes that the server will always be available and that additional decks or cards can be fetched if needed. PO argues combining the Rossmann reference with Falls does not provide a solution when additional decks are needed and there is no connectivity. As such, the combination is inoperable.

In view of the foregoing, Rossmann and Falls do not raise a substantial new question of patentability regarding claims 1-14.

Issue 4

Regarding Benigno in view of Falls raising a substantial new question of patentability under 35 U.S.C. §103(a) for Claims 1-14, PO argues the instance of "tokenizing" said to correspond to Patentee's "tokens" in the subject claims (Hale Declaration, paragraph 17) fails because Benigno's "tokens" are not patentee's tokens. By way of explanation, Patentee clearly indicates that tokens of the '816 Patent are designed to be executed "...on any device, regardless of hardware differences or native operating system differences among the plurality of the devices." '816 Patent at column 4, lines 55-60 (Hale Declaration, paragraph 19).

However, PO argues there is no evidence whatsoever that Benigno's "tokens" have this property. In fact, PO argues the evidence points to the opposite conclusion, i.e., that Benigno's "tokens" are customized to run on a single platform. See, for example, Figure 4 of Benigno and its associated text (p. 46, lines 4-9) which indicates a homogeneous computer network (Hale Declaration, paragraph 20).

PO argues it is improper to conclude that just because Benigno happens to use the same term as patentee that the term is used the same way. In short, PO argues the Examiner has failed to find anything in Benigno that teaches this particular aspect of the instant invention. Thus, Benigno in view of Falls does not raise a substantial new question of patentability with respect to claim 1-14.

Issue 5

PO essentially repeats the same arguments presented above with respect to Issue 4 regarding Issue 5.

Issue 6

PO argues in the Warthen Reference the term "tokenizing" merely means to take a search query which has been entered into a computer program and convert it into a list of words. That is all that the Warthen Reference teaches regarding tokenization. A syntactic structure is derived from the list of words which is in turn reformed into canonical forms by replacing synonyms with a canonical term (Warthen at Col. 5, Lines 45-47). The canonical structure is then matched against a semantic network to obtain

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well-formed questions which are representative of the possible meanings for the initial user query.

In contrast, PO argues Patentee's use of the word "token" is much different than that of Warthen. In Patentee's claims 1, 2, 5-7, and 11-14, a plurality of tokens are transmitted to a remote computing device and then at least a portion of them are executed. Thus, tokens are executed by a remote device to implement the questionnaire. The "token" of Patentee's claims is not a list of words as defined by the Warthen Reference. As such, PO argues the Warthen Reference does not teach tokenizing as is recited in Patentee's specification and claims.

Other Arguments

PO argues the reexamination should not go forward because the parties are in litigation and cites several reasons why reexamination should not proceed (pages 8-10 of response).

Third Party Requester's Response:

Issue 1

Regarding PO's argument that "the method of the '816 Patent specifically contemplates that connectivity to a central server will not be continuously available. As such, it is intended to be operational within a loosely networked environment as that

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term is defined in the patent" Patent Owner Statement at 3. Requester argues this is not an argument for patentability, as it is not required by the claims. Specifically, Requester argues claims 8-14 don't even mention the word "network" much less a "loosely networked environment," so any effort to limit claims 8-14 to a "loosely networked environment, is merely reading limitations from the specification into the claims. Reading limitations into the claims is prohibited by at least MPEP §2111.01. Further, claims 1-7 only require a "network" not a "loosely networked environment". Requester argues the '816 patent states:

With regard to the present invention, the term "loosely networked" is used to describe a networked computer system wherein devices on the network are tolerant of intermittent network connections and, in fact, tolerant of the type of network connection available. In particular, if any communication connection is available between devices wishing to communicate, network transmissions occur normally, in real time. If a network connection is unavailable at that moment, the information is temporarily stored in the device and later transmitted when the connection is restored. Unless otherwise specified, hereinafter the terms "network" or "networked" refer to loosely networked devices. '816 at 4:61-5:5.

Requester notes that the explicit statement in the ' 816 patent that the Patent Owner refers to allows a "loosely networked" connection to be "tolerant of the type of network connection available" including "if any communications connection is available between the devices wishing to communicate, network transmissions occur normally, in real time."

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Accordingly, Requester argues it is irrelevant if the '816 patent "contemplates that connectivity to a central server will not be continuously available" because the reference discloses that when connectivity is continuously available, a connection will exist. Communication will occur and be tolerant of the type of network connection available.

Requester argues the limitations of the claims as well as the explicit definitions provided in the '816 patent, render the Patent Owner's arguments with respect to Issue No. 1 moot.

However, Requester argues should the Office disagree and require that the "loosely networked environment" only operates as argued by Patent Owner in the Patent Owner Statement, the combination of Rossmann and Rapport still teach this limitation. As stated in the Request and accepted by the Office in the Order, "It would have been obvious to combine Rossmann with Rappaport so that when a connection fails, as will predictably happen, the device can reconnect and send the information upon reconnection. This would motivate a person of skill in the art to make the combination since disconnections are a common occurrence and Rappaport teaches a method of reconnection. See Rappaport at Abstract." *Ex parte* Request at 27-28.

Requester argues despite Patent Owner's suggestion to the contrary, the combination of Rappaport with Rossmann teaches a method that is tolerant of intermittent failures of a wireless connection.

Issue 2

Requester argues, as stated with respect to Issue No. 1, above, the claims do not require a method that is "robustly intolerant of failures in connectivity." Instead, the claims recite a "network" (claims 1-7) and "electronic communication" (claims 8-14). Requester argues Rappaport in view of Rossman teaches both a "network" and "electronic communication," and therefore, render the claims obvious. Requester argues Patent Owner has provided no argument to the contrary, and in fact, does not dispute the combination provides the feature of resuming connectivity upon a disconnection event. The claims do not recite multiple disconnection events, only connection, disconnection, followed by reconnection.

Issue 3

For Issue No. 3, Patent Owner raises nearly the same dispute of Issue No. 1, except to further argue that the combination would be "inoperable." Patent Owner Statement at 4. Requester argues Patent Owner's argument is based on an unsupported assertion by their expert, Dr. Hale. Requester argues if the declaration is considered, all that is stated is that the combination is inoperable because "[c]ombining the Rossmann reference with Falls does not provide a solution when additional decks are needed and there is no connectivity." Patent Owner Statement at 4. Requester argues this statement is not related to any aspect of the claim and is tantamount to an admission that Rossman in view of Falls teaches each limitation of the claims. Requester argues Patent Owner presents a hypothetical that the combination is not

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operable in a situation where no connectivity exists, yet additional decks are needed.

Requester argues the claims do not recite the argued "need" for additional decks and the prior art need only disclose that which is claimed.

Requester argues the combination provides for a system that can encounter and recover from failed or terminated connections. Specifically, Requester argues Falls teaches that mobile devices can terminate connections and then reestablish those connections. Falls at 3:16-35, 16:24-29, and 7:16-21. Upon reestablishment of the connection, any requests will be processed and transmitted. *Id.* Accordingly, the combination solves the problem of inevitable connection failure. Requester argues nothing Patent Owner argues changes this fact, and reliance on Dr. Hale's testimony is not warranted by the contents of the declaration. Since the only "evidence" of inoperability is assertion, with no actual factual basis in the record, and Patent Owner has basically admitted that all the elements of the claims are taught by the combination, a rejection is proper in this instance.

Issue 4

Initially, Patent Owner states that the following quote is a definition of "tokenization" as used within the claims:

In a preferred embodiment, a server is loosely networked to a plurality of computers (handheld, laptop, or desktop). Each computer is equipped with an operating system which allows common programming to execute on any device,

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regardless of hardware differences or native operating system differences among the plurality of devices. '816 patent at 4:55-60.

However, Requester argues tokens are not mentioned at all in this paragraph. It is not clear how this is an express definition of tokenizing. Patent Owner also argues that "there is no evidence whatsoever that Benigno's 'tokens' have this property - operable when there exist hardware and operating system differences. Patent Owner Statement at 5 (citing Benigno at FIG. 4 and 46:4-9). Requester fails to see any indication that the system is "customized to run on a single platform" as argued by Patent Owner. Figure 4, the basis of this statement, merely shows generic computers. Patent Owner also cites to Benigno at 46:4-9, which reads:

In step 101, a nurse logs into a client computer 401. In step 102, the nurse, using the client computer 401 (Figure 4) communicates with the server 402, in order to obtain updated pathway instructions, etc., regarding what steps to perform during visit(s) for one or more patient(s). The communication can take place via modern and standard phone lines, via wireless transmission (e.g., cellular, etc.), via the Internet, or via any other communication link.

Requester fails to see any indication that the "tokens" of Benigno are "customized to run on a single platform" in the quoted section.

Finally, Patent Owner argues that "mere coincidence of vocabulary does not raise a substantial new question of patentability." Patent Owner Statement at 5.

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Requester argues Benigno specifically discloses that the questionnaire tokens represent pathway instructions. Requester argues Patent Owner fails to consider the teachings of the references as a whole in reaching its conclusion that the questionnaire features disclosed by the combination do not disclose the tokenizing feature recited in the claims.

Issue 5

The Patent Owner makes that same argument for Issue No. 5 as was made with respect to Issue No. 4. Since there are no new arguments presented by Patent Owner and the arguments are still not persuasive, Requester refers to the rebuttals provided for Issue No. 4.

Issue 6

Patent Owner argues that "in the Warthen Reference the term 'tokenizing' merely means to take a search query which has been entered into a computer program and convert it into a list of words." Patent Owner Statement at 7. Requester argues Patent Owner does not actually make a substantive argument as to the differences between the tokens taught by Warthen versus the tokens recited in the claims. The purported difference argued is that "Patentee' s use of the word 'token' is much different than that of Warthen. In Patentee' s claims ... a plurality of tokens are transmitted to a remote computing device and then at least a portion of them are executed." Patent Owner Statement at 7. Requester argues devoid from this statement is any citation or proof

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that the definition provided by Patent Owner is anything but attorney argument.

Requester argues merely saying that something is different is not sufficient to prevent an obviousness rejection.

Requester argues Warthen teaches that a system can have a "[t]okenizer 150 convert[] the initial user query into a list of words and provides the list to parser 155. One structure for conversion is an augmented transition network. Another approach to tokenizing is to scan the initial user query and group the words into conceptual strings, removing plurals and suffixes." Warthen at 5:28-33.

Requester argues the claims recite "tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire." Specifically, the Warthen tokenizer "converts the user query into a list of words" via an "augmented transition network." So Warthen is converting, *i.e.*, producing, a list of words, *i.e.*, plurality of tokens, that provides a list, *i.e.*, representing said questionnaire, to a parser. This is entirely consistent with what the '816 patent describes for tokens: "As the client enters questions and selects response types, server 24 builds a stack of questions and responses, and assigns indices, or tokens, which point to each question or response." '816 patent at 8:41-43.

Requester argues Patent Owner provides no argument distinguishing the Warthen tokens from the tokens of the claims at issue. Instead, merely saying that tokens are not "a list of words" is not evidence that the tokenizing of the claims is not taught by Warthen.

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Further, Requester argues the Warthen reference is combined with Wright. Wright teaches that a form engine "interprets one field at a time." Wright at Abstract. Requester argues for a question to be interpreted by a form engine, it must be executed, thereby being a "token" as argued by Patent Owner. Importantly, Requester argues Patent Owner "cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." MPEP §2145(IV).

Accordingly, the combination of Wright in view of Rappaport, Warthen, Brookler, and Rossmann render claims 1, 2, 5-7, and 11-14 of the '816 patent obvious.

Other Arguments

Regarding PO's arguments that the reexamination should not go forward because the parties are in litigation, Requester disagrees and argues the Office must proceed with special dispatch (pages 7-8 of the Requester's Response).

Examiner's Response:

Issue 1

Regarding PO and Declarant arguments that Rossmann assumes a connection to the server is always available and Rappaport teaches a method of maintaining

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connectivity and the combination does not yield a method that is robustly intolerant of failures in connectivity, Examiner disagrees.

Initially, the claims do not require a method be "robustly intolerant of failures in connectivity". The claims merely require establishing a network connection, terminating a network connection and reestablishing a network connection.

Regarding PO's argument that "the method of the '816 Patent specifically contemplates that connectivity to a central server will not be continuously available. As such, it is intended to be operational within a loosely networked environment as that term is defined in the patent" Patent Owner Statement at 3. A "loosely networked environment," is also not required by the claims.

Further column 4, line 61-column 5, line 5 of the '816 patent states "With regard to the present invention, the term "loosely networked" is used to describe a networked computer system wherein devices on the network are tolerant of intermittent network connections and, in fact, tolerant of the type of network connection available. In particular, **if any communication connection is available between devices wishing to communicate, network transmissions occur normally, in real time.** If a network connection is unavailable at that moment, the information is temporarily stored in the device and later transmitted when the connection is restored. Unless otherwise specified, hereinafter the terms "network" or "networked" refer to loosely networked devices." This section allows a "loosely networked" connection to be "tolerant of the type of network connection available" including "if any communications connection is available between the devices wishing to communicate, network transmissions occur

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normally, in real time." Accordingly, the reference discloses that when connectivity is continuously available, a connection will exist. Communication will occur and be tolerant of the type of network connection available.

Further, the combination of Rossmann and Rappaport still teach this limitation even as argued by the PO. As stated in the Request, "It would have been obvious to combine Rossmann with Rappaport so that when a connection fails, as will predictably happen, the device can reconnect and send the information upon reconnection. This would motivate a person of skill in the art to make the combination since disconnections are a common occurrence and Rappaport teaches a method of reconnection. *See* Rappaport at Abstract." *Ex parte* Request at 27-28. The combination of Rappaport with Rossmann teaches a method that is tolerant of intermittent failures of a wireless connection. As to PO's argument that Rappaport only teaches maintaining connectivity, Examiner disagrees. *See* column 7, lines 44-63 and column 2, lines 44-58.

Issue 2

The claimed method does not recite a method that is "robustly intolerant of failures in connectivity." Instead, the claims recite a "network" (claims 1-7) and "electronic communication" (claims 8-14). Rappaport in view of Rossmann teaches both a "network" and "electronic communication," and therefore, render the claims obvious. The combination provides the feature of resuming connectivity upon a disconnection event. The claims do not recite multiple disconnection events, only connection, disconnection, followed by reconnection.

Issue 3

For Issue No. 3, Patent Owner and Declarant raise nearly the same dispute of Issue No. 1, except to further argue that the combination would be "inoperable." Regarding the argument that the combination is inoperable because "combining the Rossmann reference with Falls does not provide a solution when additional decks are needed and there is no connectivity", Examiner notes this statement is not related to any aspect of the claim. The claims do not recite the argued "need" for additional decks.

The combination provides for a system that can encounter and recover from failed or terminated connections. Specifically, Falls teaches that mobile devices can terminate connections and then reestablish those connections. Falls at 3:16-35, 16:24-29, and 7:16-21. Upon reestablishment of the connection, any requests will be processed and transmitted. *Id.* Accordingly, the combination solves the problem of inevitable connection failure and does not change the principle operation of the primary reference or render the reference inoperable for its intended purpose.

Issue 4 and Issue 5

Patent Owner and Declarant argue Benigno's tokens are not patentee's tokens. Patent Owner states that the following quote is a definition of "tokenization" as used within the claims:

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In a preferred embodiment, a server is loosely networked to a plurality of computers (handheld, laptop, or desktop). Each computer is equipped with an operating system which allows common programming to execute on any device, regardless of hardware differences or native operating system differences among the plurality of devices. '816 patent at 4:55-60.

Tokens are not mentioned in this paragraph. This is not an express definition of tokenizing. Patent Owner also argues that "there is no evidence whatsoever that Benigno's 'tokens' have this property - operable when there exist hardware and operating system differences. Patent Owner Statement at 5 (citing Benigno at FIG. 4 and 46:4-9). Examiner does not find that Benigno's system is "customized to run on a single platform" as argued by Patent Owner. Figure 4, the basis of this statement, shows generic computers. Regarding PO's citation to Benigno at 46:4-9, Examiner does not see any indication that the "tokens" of Benigno are "customized to run on a single platform".

Finally, Regarding PO's argument that "mere coincidence of vocabulary does not raise a substantial new question of patentability." Examiner notes Benigno specifically discloses that the questionnaire tokens represent pathway instructions.

The Patent Owner makes that same argument for Issue No. 5 as was made with respect to Issue No. 4. Since there are no new arguments presented by Patent Owner and the arguments are still not persuasive, Examiner refers to the rebuttals provided directly above.

Issue 6

Patent Owner argues that "in the Warthen Reference the term 'tokenizing' merely means to take a search query which has been entered into a computer program and convert it into a list of words." PO argues "Patentee' s use of the word 'token' is much different than that of Warthen. PO argues in Patentee' s claims ... a plurality of tokens are transmitted to a remote computing device and then at least a portion of them are executed."

Examiner disagrees.

Warthen teaches that a system can have a "[t]okenizer 150 convert[] the initial user query into a list of words and provides the list to parser 155. One structure for conversion is an augmented transition network. Another approach to tokenizing is to scan the initial user query and group the words into conceptual strings, removing plurals and suffixes." Warthen at 5:28-33.

The claims recite "tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire." Specifically, the Warthen tokenizer "converts the user query into a list of words" via an "augmented transition network." So Warthen is converting, *i.e.*, producing, a list of words, *i.e.*, plurality of tokens, that provides a list, *i.e.*, representing said questionnaire, to a parser. This is entirely consistent with what the '816 patent describes for tokens: "As the client enters questions and selects

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response types, server 24 builds a stack of questions and responses, and assigns indices, or tokens, which point to each question or response." '816 patent at 8:41-43.

Further, Warthen is combined with Wright in addition to other references. Wright teaches that a form engine "interprets one field at a time." Wright at Abstract. For a question to be interpreted by a form engine, it must be executed, thereby being a "token" as argued by Patent Owner.

Other Arguments

Regarding PO's arguments that the reexamination should not go forward because the parties are in litigation, Examiner notes 35 USC 305 requires all reexamination proceedings under this section, including any appeal to the Board of Patent Appeals and Interferences, will be conducted with special dispatch within the Office. Any cases involved in litigation, whether they are reexamination proceedings or reissue applications, will have priority over all other cases. See MPEP 2261. 35 U.S.C. 302 permits a request for *ex parte* reexamination to be filed "at any time." Requests for *ex parte* reexamination are frequently filed where the patent for which reexamination is requested is involved in concurrent litigation. Accordingly, reexamination will proceed.

Conclusion

Submissions

12. In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced.

Notification of Concurrent Proceedings

13. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 7,822,816 B2, throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Extension of Time

Art Unit: 3992

14. Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

15. All correspondence relating to this *ex parte* reexamination proceeding should be directed:

By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at:

<https://efs.uspto.gov/efile/myportal/efs-registered>

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned"

Art Unit: 3992

(i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication should be directed to the Central Reexamination Unit at telephone number 571-272-7705.


/Rachna S Desai/
Primary Examiner
Central Reexamination Unit – Art Unit 3992

Conferees:

/JDC/

/Alexander J Kosowski/


Supervisory Patent Examiner, Art Unit 3992

Reexamination 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
	Certificate Date	Certificate Number

Requester Correspondence Address:	<input type="checkbox"/> Patent Owner	<input checked="" type="checkbox"/> Third Party
NDQ SPECIAL REEXAM GROUP 1000 LOUISIANA STREET FIFTY-THIRD FLOOR HOUSTON, TX 77002		


LITIGATION REVIEW <input checked="" type="checkbox"/>	/RSD/ (examiner initials)	04/19/2013 (date)
Case Name		Director Initials
6:13cv207		
6:13cv206		
6:13cv205		
6:13cv204		
6:13cv202		
6:13cv201		
6:13cv199		
6:13cv198		
6:13cv203		
6:13cv980		

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Reexamination 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
	Certificate Date	Certificate Number


LITIGATION REVIEW <input checked="" type="checkbox"/>	/RSD/ (examiner initials)	04/19/2013 (date)
Case Name		Director Initials
6:13cv979		
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6:13cv977		
6:13cv976		
6:13cv975		
6:13cv917		
6:13cv916		
6:13cv915		
6:13cv744		
6:13cv743		
6:13cv418		
6:13cv417		
6:12cv416		
6:12cv389		
6:12cv388		

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Reexamination 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
	Certificate Date	Certificate Number

LITIGATION REVIEW <input checked="" type="checkbox"/>	/RSD/ (examiner initials)	04/19/2013 (date)
Case Name	Director Initials	
6:12cv387		
6:12cv385		
6:12cv384		
6:12cv193		
6:12cv194		
6:12cv91		
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6:12cv76		
6:12cv74		
6:12cv44		
6:12cv45		
6:12cv46		
6:12cv47		
6:12cv48		
6:11cv685		


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Reexamination 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
	Certificate Date	Certificate Number

LITIGATION REVIEW <input checked="" type="checkbox"/>	/RSD/ (examiner initials)	04/19/2013 (date)
Case Name	Director Initials	
6:11cv686		
6:11cv688		
6:11cv689		
6:11cv690		
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6:11cv691		
6:11cv694		
6:11cv692		
6:11cv687		
6:11cv523		
6:11cv490		
6:11cv287		
6:11cv194		
6:11cv101		


COPENDING OFFICE PROCEEDINGS

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Reexamination 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
	Certificate Date	Certificate Number

TYPE OF PROCEEDING	NUMBER

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Search Notes 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
	Examiner RACHNA DESAI	Art Unit 3992

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
Reviewed Patented File's Prosecution History	04/16/2013	RSD

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted today via the Office electronic filing system (EFS-Web) in accordance with 37 CFR §1.6 (a)(4).

Date: August 26, 2013

Signature: /Andrea S. Beck/
Andrea S. Beck

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Payne, David J.

Patent No.: 7,822,816

Control No: 90/012,829

Filed: April 3, 2013

For: SYSTEM AND METHOD FOR
DATA MANAGEMENT

Examiner: Rachina, Desai

Group Art Unit: 3992

Confirmation No.: 6993

Attorney Docket No. 20351.RX816

Mail Stop *Inter Partes* Reexamination
ATTN: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**THIRD PARTY REQUESTER'S RESPONSE TO THE PATENT OWNER STATEMENT
OF JUNE 24, 2013 PURSUANT TO 37 C.F.R. § 1.535**

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INTRODUCTION

On April 03, 2013, Third Party Requester, GEICO, (hereinafter “Requester”) submitted an *ex parte* reexamination request, (“Request”) against U.S. Patent No. 7,822,816 (“the ‘816 patent”). The Office issued an Order Granting Reexamination (“Order”) on April 23, 2013. Patent Owner filed a Patent Owner Statement on June 24, 2013 responding to the Order (“POS”). Initially, Requester will address how the Patent Owner Statement is improper and should not be considered. Then, Requester will address each argument put forward by the Patent Owner to expressly rebut each contention made by Patent Owner.

I. Patent Owner’s Statement as filed on June 24, 2013 fails to present any ground for which Office should grant relief

37 C.F.R. 1.530(c) provides:

Any statement filed by the patent owner shall clearly point out why the subject matter as claimed is not anticipated or rendered obvious by the prior art patents or printed publications, either alone or in any reasonable combinations.

Patent Owner ignores section 1.530(c). First, Patent owner argues that Requester’s arguments “fail to raise a substantial new question of patentability regarding” the claims Requested. *See* POS at 3-7. Second, Patent Owner urges that the present reexamination should be stayed since the parties are in litigation. POS at 8-10. Because Patent Owner does not “clearly point out why the subject matter as claimed is not anticipated or rendered obvious,” the Office should issue an Office Action rejecting each claim of the ‘816 patent.

II. Declaration of Dr. Hale

Patent Owner relies upon a declaration by Dr. Hale in support of its Patent Owner Statement. The declaration, however, lacks probative evidentiary value. For example, the declaration is devoid of any statement about whether Dr. Hale has an interest in this reexamination proceeding. Further, Dr. Hale provides no indication of the relationship he has with Patent Owner. It is not clear if he is a current employee, a hired expert, or has some working relationship with Patent Owner. Further, Dr. Hale provides no indication of his compensation or if his compensation is contingent upon him reaching the conclusion contained within the declaration.

On a more substantive level, Dr. Hale provides no actual argument with respect to the references. The declaration contains assertion after assertion, without any explanation as to why,

in his opinion, a person of ordinary skill in the art would reach the conclusion in his declaration. In a further shortcoming, Dr. Hale provides no indication of what he considers a person of ordinary skill in the art and there is no indication that he is providing an opinion as to what a person of ordinary skill in the art at the time of the filing understood. Instead, it appears to be just his opinion, which has no bearing on the present proceeding.

As an example of the bald assertions contained in the declaration, Dr. Hale states “[c]ombining the Rossmann Reference with the Rappaport Reference does not yield a method that is robustly tolerant of failures in connectivity. Instead, a reference that requires connectivity has been paired with a method for maintaining connectivity. [Paragraph break removed.] Thus, the combination does not teach the method of the ‘816 patent.” Hale Declaration at 10-11. However, this is a mere conclusion devoid of any evidentiary underpinnings. Dr. Hale does not dispute that one reference discloses the use a constant connection. Dr. Hale also does not dispute that it is known that systems requiring network connection connections are subject to inevitable signal failures. Dr. Hale, however, merely reaches the conclusion that a constant connection system would somehow not benefit from a connectivity feature improvement that provides interactivity in a constant connection environment, and also that can recover when there is a break in connection. Dr. Hale simply reaches the opposite conclusion for no other reason than to dispute the proposed combination, from his own personal perspective, and not from the perspective of a person of ordinary skill in the art.

Further, it is Requester’s understanding that Dr. Hale is allegedly an expert in computer science related fields, so his opinion as to legal implications of the combination, that is if the combination renders the “method of the ‘816 patent” obvious, is of no moment. Technical experts have no expertise in legal matters, and their opinion on legal matters should be given no weight. Further to this point, Dr. Hale is apparently not aware that the analysis should focus only on the claim language, not on the “method of the ‘816,” whatever that entails.

Accordingly, the expert declaration of Dr. Hale is biased, devoid of any analysis or evidentiary underpinnings, and engages in topics that are outside his area of expertise. The entirety of the declaration should be given no weight and any reliance on it would be misplaced.

III. Responses to Patent Owner Statement

A. Response to the introduction

Patent Owner initially argues that “Requestor has failed to submit references that raise a substantial new question of patentability affecting the claims of the ‘816 patent, and/or in view of the ongoing litigation between the parties.” Patent Owner Statement at 1-2. Patent Owner is not able to “reverse” or “stay” the reexamination proceeding by complaining that the Office should not have issued an Order. The only argument available to the Patent Owner is that the references do not render the claims of the patent obvious. However, Patent Owner does not argue that the art is deficient in any way. Further to this point, as will be explained herein below, the references do in fact teach each and every limitation of the claims, and a non-final Office Action should issue rejecting all claims as obvious over the art of record.

B. Response to "Issue No. 1"

Patent Owner argues that “the method of the ‘816 Patent specifically contemplates that connectivity to a central server will not be continuously available. ... As such, it is intended to be operational within a loosely networked environment as that term is defined in the patent....” Patent Owner Statement at 3. This is not an argument for patentability, as it is not required by the claims. Specifically, claims 8-14 don’t even mention the word “network” much less a “loosely networked environment,” so any effort to limit claims 8-14 to a “loosely networked environment, is merely reading limitations from the specification into the claims. Reading limitations into the claims is prohibited by at least MPEP §2111.01. Further, claims 1-7 only require a “network” not a “loosely networked environment”. The ‘816 patent states:

With regard to the present invention, the term "loosely networked" is used to describe a networked computer system wherein devices on the network are tolerant of intermittent network connections and, in fact, tolerant of the type of network connection available. In particular, if any communication connection is available between devices wishing to communicate, network transmissions occur normally, in real time. If a network connection is unavailable at that moment, the information is temporarily stored in the device and later transmitted when the connection is restored. Unless otherwise specified, hereinafter the terms "network" or "networked" refer to loosely networked devices.

‘816 at 4:61-5:5. Requester notes that the explicit statement in the ‘816 patent that the Patent Owner refers to allows a “loosely networked” connection to be “tolerant of the type of network connection available” including “if any communications connection is available between the devices wishing to communicate, network transmissions occur normally, in real time.”

Accordingly, it is irrelevant if the '816 patent "contemplates that connectivity to a central server will not be continuously available" because the reference discloses that when connectivity is continuously available, a connection will exist. Communication will occur and be tolerant of the type of network connection available.

The limitations of the claims as well as the explicit definitions provided in the '816 patent, render the Patent Owner's arguments with respect to Issue No. 1 moot.

However, should the Office disagree and require that the "loosely networked environment" only operates as argued by Patent Owner in the Patent Owner Statement, the combination of Rossmann and Rappaport still teach this limitation. As stated in the Request and accepted by the Office in the Order, "It would have been obvious to combine Rossmann with Rappaport so that when a connection fails, as will predictably happen, the device can reconnect and send the information upon reconnection. This would motivate a person of skill in the art to make the combination since disconnections are a common occurrence and Rappaport teaches a method of reconnection. *See Rappaport at Abstract.*" *Ex parte* Request at 27-28. Accordingly, despite Patent Owner's suggestion to the contrary, the combination of Rappaport with Rossmann teaches a method that is tolerant of intermittent failures of a wireless connection.

C. Response to "Issue No. 2"

Patent Owner argues that "combining Rappaport and Rossmann does not yield a method that is robustly intolerant of failures in connectivity." Patent Owner Statement at 4. However, as stated with respect to Issue No. 1, above, the claims do not require a method that is "robustly intolerant of failures in connectivity." Instead, the claims recite a "network" (claims 1-7) and "electronic communication" (claims 8-14). Rappaport in view of Rossmann teaches both a "network" and "electronic communication," and therefore, render the claims obvious. Patent Owner has provided no argument to the contrary, and in fact, does not dispute the combination provides the feature of resuming connectivity upon a disconnection event. The claims do not recite multiple disconnection events, only connection, disconnection, followed by reconnection.

D. Response to "Issue No. 3"

For Issue No. 3, Patent Owner raises nearly the same dispute of Issue No. 1, except to further argue that the combination would be "inoperable." Patent Owner Statement at 4. Patent Owner's argument is based on an unsupported assertion by their expert, Dr. Hale. As discussed above in Section II, Dr. Hale's declaration should be given no weight. Even if the declaration is

considered, all that is stated is that the combination is inoperable because “[c]ombining the Rossmann reference with Falls does not provide a solution when additional decks are needed and there is no connectivity.” Patent Owner Statement at 4. This statement is not related to any aspect of the claim and is tantamount to an admission that Rossman in view of Falls teaches each limitation of the claims. Patent Owner presents a hypothetical that the combination is not operable in a situation where no connectivity exists, yet additional decks are needed. The claims do not recite the argued “need” for additional decks. The prior art need only disclose that which is claimed.

The combination provides for a system that can encounter and recover from failed or terminated connections. Specifically, Falls teaches that mobile devices can terminate connections and then reestablish those connections. Falls at 3:16-35, 16:24-29, and 7:16-21. Upon reestablishment of the connection, any requests will be processed and transmitted. *Id.* Accordingly, the combination solves the problem of inevitable connection failure. Nothing Patent Owner argues changes this fact, and reliance on Dr. Hale’s testimony is not warranted by the contents of the declaration. Since the only “evidence” of inoperability is assertion, with no actual factual basis in the record, and Patent Owner has basically admitted that all the elements of the claims are taught by the combination, a rejection is proper in this instance.

E. Response to "Issue No. 4"

Initially, Patent Owner states that the following quote is a definition of “tokenization” as used within the claims:

In a preferred embodiment, a server is loosely networked to a plurality of computers (handheld, laptop, or desktop). Each computer is equipped with an operating system which allows common programming to execute on any device, regardless of hardware differences or native operating system differences among the plurality of devices.

‘816 patent at 4:55-60. However, tokens are not mentioned at all in this paragraph. It is not clear how this is an express definition of tokenizing.

Patent Owner also argues that “there is no evidence whatsoever that Benigno’s ‘tokens’ have this property – operable when there exist hardware and operating system differences. Patent Owner Statement at 5 (citing Benigno at FIG. 4 and 46:4-9). Requester fails to see any indication that the system is “customized to run on a single platform” as argued by Patent Owner. Figure 4,

the basis of this statement, merely shows generic computers. Patent Owner also cites to Benigno at 46:4-9, which reads:

In step 101, a nurse logs into a client computer 401. In step 102, the nurse, using the client computer 401 (Figure 4) communicates with the server 402, in order to obtain updated pathway instructions, etc., regarding what steps to perform during visit(s) for one or more patient(s). The communication can take place via modern and standard phone lines, via wireless transmission (e.g., cellular, etc.), via the Internet, or via any other communication link.

Requester fails to see any indication that the “tokens” of Benigno are “customized to run on a single platform” in the quoted section.

Finally, Patent Owner argues that “mere coincidence of vocabulary does not raise a substantial new question of patentability.” Patent Owner Statement at 5. Benigno specifically discloses that the questionnaire tokens represent pathway instructions. Patent Owner fails to consider the teachings of the references as a whole in reaching its conclusion that the questionnaire features disclosed by the combination do not disclose the tokenizing feature recited in the claims.

F. Response to "Issue No. 5"

The Patent Owner makes that same argument for Issue No. 5 as was made with respect to Issue No. 4. Since there are no new arguments presented by Patent Owner and the arguments are still not persuasive, Requester refers to the rebuttals provided for Issue No. 4.

G. Response to "Issue No. 6"

Patent Owner argues that “in the Warthen Reference the term ‘tokenizing’ merely means to take a search query which has been entered into a computer program and convert it into a list of words.” Patent Owner Statement at 7. Unfortunately, Patent Owner does not actually make a substantive argument as to the differences between the tokens taught by Warthen versus the tokens recited in the claims. The purported difference argued is that “Patentee’s use of the word ‘token’ is much different than that of Warthen. In Patentee’s claims ... a plurality of tokens are transmitted to a remote computing device and then at least a portion of them are executed.” Patent Owner Statement at 7. Devoid from this statement is any citation or proof that the definition provided by Patent Owner is anything but attorney argument. Merely saying that something is different is not sufficient to prevent an obviousness rejection.

Warthen teaches that a system can have a “[t]okenizer 150 convert[] the initial user query into a list of words and provides the list to parser 155. One structure for conversion is an

augmented transition network. Another approach to tokenizing is to scan the initial user query and group the words into conceptual strings, removing plurals and suffixes.” Warthen at 5:28-33. The claims recite “tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire.” Specifically, the Warthen tokenizer “converts the user query into a list of words” via an “augmented transition network.” So Warthen is converting, *i.e.*, producing, a list of words, *i.e.*, plurality of tokens, that provides a list, *i.e.*, representing said questionnaire, to a parser. This is entirely consistent with what the ‘816 patent describes for tokens: “As the client enters questions and selects response types, server 24 builds a stack of questions and responses, and assigns indices, or tokens, which point to each question or response.” ‘816 patent at 8:41-43.

Patent Owner provides no argument distinguishing the Warthen tokens from the tokens of the claims at issue. Instead, merely saying that tokens are not “a list of words” is not evidence that the tokenizing of the claims is not taught by Warthen.

Further, the Warthen reference is combined with Wright. Wright teaches that a form engine “interprets one field at a time.” Wright at Abstract. For a question to be interpreted by a form engine, it must be executed, thereby being a “token” as argued by Patent Owner. Importantly, Patent Owner “cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.” MPEP §2145(IV).

Accordingly, the combination of Wright in view of Rappaport, Warthen, Brookler, and Rossmann render claims 1, 2, 5-7, and 11-14 of the '816 patent obvious.

H. Response to "THIS REEXAMINATION SHOULD NOT GO FORWARD BECAUSE THE PARTIES ARE IN LITIGATION"

Patent Owner complains that Requester is the only defendant who filed a reexamination request and that the reexamination request should have been filed sooner. Patent Owner Statement at 8. Patent Owner is referred to 35 U.S.C. 302 which states “Any person at any time may file a request for reexamination by the Office of any claim of a patent on the basis of any prior art cited under the provision of section 301 of this title.” The Office has a duty to accept any filing that complies with the rules, as there is no restriction on who may file an *ex parte* reexamination or when a party may file an *ex parte* reexamination. The Patent Owner’s comments to the contrary are irrelevant.

Finally, Patent Owner asks the Office for “a stay of this reexamination proceeding.” Patent Owner Statement at 8. Patent Owner identifies no authority for this extraordinary request. Requester maintains that, rather than a stay, what is required is for the Office to proceed with “special dispatch” as required by 35 U.S.C § 305. Further, in conformance with MPEP § 2261, it is requested that this case be given “priority over all other cases” so as to bring the issues related to the patentability of the claims of the ‘816 patent to conclusion as soon as possible.

IV. CONCLUSION

For reasons stated above, the Office should maintain the adopted rejections proposed in the Request for reexamination.

Please charge any necessary fees to the Novak Druce and Quigg deposit account no. 14-1437.

Respectfully submitted,

/Jay J. Guiliano/
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted today via the Office electronic filing system (EFS-Web) in accordance with 37 CFR §1.6 (a)(4).

Date: August 26, 2013

Signature: /Andrea S. Beck/

Printed Name: Andrea S. Beck

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re *Ex Parte* Reexamination of:

Inventors: Payne, David J.

Patent No.: 7,822,816

Filed: April 3, 2013

For: SYSTEM AND METHOD FOR DATA
MANAGEMENT

Control No.: 90/012,829

Confirmation No.: 6993

Art Unit: 3992

Examiner: Rachna Singh Desai

Attorney Docket No.: 20351.RX816

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this **THIRD PARTY REQUESTER'S RESPONSE TO THE PATENT OWNER STATEMENT OF JUNE 24, 2013 PURSUANT TO 37 C.F.R. § 1.535** , together with all exhibits and attachments and supporting documentation, has been served via U.S. First Class Mail on August 26, 2013, upon the following:

Fellers Snider Blankenship
Bailey & Tippens
The Kennedy Building
321 South Boston, Suite 800
Tulsa, OK 74103-3318

/Andrea S. Beck/
Andrea S. Beck

Electronic Acknowledgement Receipt

EFS ID:	16691485
Application Number:	90012829
International Application Number:	
Confirmation Number:	6993
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	7822816
Customer Number:	22206
Filer:	Tracy Wesley Druce/Andrea Beck
Filer Authorized By:	Tracy Wesley Druce
Attorney Docket Number:	20351.RX816
Receipt Date:	26-AUG-2013
Filing Date:	03-APR-2013
Time Stamp:	21:06:21
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		TPR_Response_to_PO_Stateme nt.pdf	73370 <small>f6d1bbc11bfc74012ccc35542780dbd4d5e39 6d3d</small>	yes	11

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Reexam Timely Requester's Reply to an Owner's Statement		1	10
Reexam Certificate of Service		11	11

Warnings:

Information:

Total Files Size (in bytes):	73370
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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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re the Patent of: J. DAVID PAYNE U.S. PATENT NO. 7,822,816</p> <p>Application No.: 90/012,829</p> <p>Filed: 04/03/2013</p> <p>Title: SYSTEM AND METHOD FOR DATA MANAGEMENT</p> <p>Attorney Docket No.: 46897/13-147</p>	<p>Confirmation No.: 6993</p> <p>Art Unit: 3992</p> <p>Examiner: RACHINA DESAI</p>
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MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PATENT OWNER'S STATEMENT IN OPPOSITION TO ORDER GRANTING
REEXAMINATION OF U.S. PATENT NO. 7,822,816**

MacroSolve, Inc. ("Patentee", hereinafter), the owner of the entire interest in U.S. Patent No. 7,822,816 (the "'816 Patent" hereinafter) hereby tenders its Statement in Response to the Order Granting Reexamination mailed April 23, 2013 ("Order", hereinafter) of the above-identified patent. The requestors of the instant *ex parte* Reexamination, i.e., GEICO Corporation, GEICO Casualty Company, GEICO General Insurance Company, GEICO Indemnity Company, and Government Employees Insurance Company (collectively, "Requestor") and Patentee have been involved in litigation in the U.S. District Court for the Eastern District of Texas for over one year.¹

By way of summary, Patentee believes that the granting of reexamination is inappropriate in this case in view of the fact that Requestor has failed to submit references that raise a

¹ *Macrosolve, Inc. v. GEICO Insurance Agency*, Case No. 6:12-CD-74, US District Court for the Eastern District of Texas.

substantial new question of patentability affecting the claims of the '816 patent, and/or in view of the ongoing litigation between the parties.

As such, Patent Owner hereby requests that the Order be reversed or, in the alternative, that the instant reexamination be stayed pending the outcome of the patent infringement trial identified above, or, that a decision on reexamination be held in abeyance at least until an order from the trial court is entered with respect to the Requestor's motion to stay those proceedings.

I. REQUESTOR HAS FAILED TO SHOW THERE IS A SUBSTANTIAL NEW QUESTION OF PATENTABILITY

Requestor has identified eight references that are said to raise a substantial new question of patentability:

U.S. Patent No. 5,704,029 to Wright ("Wright");

U.S. Patent No. 6,477,373 to Rappaport et al. ("Rappaport");

U.S. Patent No. 6,584,464 to Warthen ("Warthen");

U.S. Patent Application Publication No. 2002/0007303 to Brookler et al. ("Brookler");

European Patent Application EP 0779,759 to Rossmann ("Rossmann");

PCT Published Application WO 99/33390 to Benigno ("Benigno");

U.S. Patent No. 5,991,771 to Falls et al. ("Falls"); and

U.S. Patent No. 5,442,786 to Bowen ("Bowen").

These references form the basis for six issues raised by the Requestor and considered by the Examiner. Each such issue will be considered separately below.

A. Issue No. 1:

The Requestor alleges that Rossmann in view of Rappaport raises a substantial new question of patentability regarding claims 1-3 and 5-14 under 35 U.S.C. §103(a) ORDER at page 3.

In reply, it is noted that the Rossmann reference assumes that a connection to the server will always be available. See Declaration of John C. Hale Under 37 C.F.R. §1.132 (hereinafter "Hale Declaration") attached hereto as Exhibit 1, paragraph 6. There is no suggestion or provision in this reference for the method of Rossmann to continue if connectivity is not available.

On the other hand, the method of the '816 Patent specifically contemplates that connectivity to a central server will not be continuously available (Hale Declaration, paragraph 7). As such, it is intended to be operational within a loosely networked environment as that term is defined in the patent ('816 Patent at Col. 4, Line 16 to Col. 5, Lines 1-5).

The Rappaport Reference teaches a method of maintaining connectivity of mobile terminals (Hale Declaration, paragraph 8). It teaches maintaining connectivity. It does not teach handling interruptions in connectivity (Hale Declaration, paragraph 9).

Combining the Rossmann Reference and the Rappaport Reference does not yield a method that is robustly intolerant of failures in connectivity as is taught by the '816 Patent. Instead, a reference that requires connectivity has been paired with a method for maintaining connectivity, which does not yield the method of the '816 Patent (Hale Declaration, paragraph 10).

As such, Rossmann and Rappaport fail to raise a substantial new question of patentability regarding claims 1-3 and 5-14.

B. Issue No. 2:

The Requestor alleges that Rossmann in view of Rappaport and Bowen raises a substantial new question of patentability regarding dependent claim 4 under 35 U.S.C. §103(a).
ORDER at page 2.

In reply, as was noted previously and incorporated herein by reference, combining Rappaport and Rossmann does not yield a method that is robustly intolerant of failures in connectivity. Further, supplying the Bowen reference does not change the basic combination. As such, it is believed that these references do not raise a substantial new question of patentability with respect to claim 4.

C. Issue No. 3:

The Requestor alleges that Rossmann in view of Falls raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. §103(a).

In reply, and as was stated above, the Rossmann reference assumes a connection to a server will always be available (Hale Declaration, paragraph 6). There is no provision in this reference for the method of Rossmann to continue if connectivity is not available.

The Falls reference includes a system and method for synchronizing transactions in a disconnectable network. The Falls reference specifically contemplates disconnection between a mobile computer and a network (Hale Declaration, paragraph 14).

Combining the Rossmann reference with the Falls reference will result in an inoperable combination (Hale Declaration, paragraph 15). More particularly, Rossmann assumes that the server will always be available and that additional decks or cards can be fetched if needed. Combining the Rossmann reference with Falls does not provide a solution when additional decks are needed and there is no connectivity. As such, the combination is inoperable.

In view of the foregoing, Rossmann and Falls do not raise a substantial new question of patentability regarding claims 1-14.

D. Issue No. 4:

The Requestor alleges Benigno in view of Falls raises a substantial new question of patentability under 35 U.S.C. §103(a) regarding Claims 1-14. The Examiner opines that, among others, that Benigno teaches that "...individual questions are 'tokenized representations' that are communicated between the server and the mobile device via wireless network connections." ORDER at p. 16. This instance of "tokenizing" is said to correspond to Patentee's "tokens" in the subject claims (Hale Declaration, paragraph 17).

In reply, this argument fails because Benigno's "tokens" are not patentee's tokens.

By way of explanation, Patentee clearly indicates that tokens of the '816 Patent are designed to be executed "...on any device, regardless of hardware differences or native operating system differences among the plurality of the devices." '816 Patent at column 4, lines 55-60 (Hale Declaration, paragraph 19).

However, there is no evidence whatsoever that Benigno's "tokens" have this property. In fact, the evidence points to the opposite conclusion, i.e., that Benigno's "tokens" are customized to run on a single platform. *See*, for example, Figure 4 of Benigno and its associated text (p. 46, lines 4-9) which indicates a homogeneous computer network (Hale Declaration, paragraph 20).

It is improper to conclude that just because Benigno happens to use the same term as patentee that the term is used the same way. A mere coincidence of vocabulary does not raise a substantial new question of patentability. Given a correct reading of this reference there is no new issue of patentability.

In short, the Examiner has failed to find anything in Benigno that teaches this particular aspect of the instant invention. Thus, Benigno in view of Falls does not raise a substantial new question of patentability with respect to claim 1-14.

E. Issue No. 5:

The Requestor alleges Benigno in view of Rappaport raises a substantial new question of patentability under 35 U.S.C. §103(a) regarding Claims 1-4. The Examiner opines, among others, that Benigno teaches that "...individual questions are 'tokenized representations' that are communicated between the server and the mobile device via wireless network connections." ORDER at p. 16. This instance of "tokenizing" is said to correspond to patentee's "tokens" in the subject claims.

In reply, this argument fails because Benigno's "tokens" are not patentee's tokens.

By way of explanation, patentee clearly indicates that tokens of the '816 patent are designed to be executed "...on any device, regardless of hardware differences or native operating system differences among the plurality of the devices." '816 Patent at column 4, lines 55-60. (Hale Declaration, paragraph 19).

However, there is no evidence whatsoever that Benigno's "tokens" have this property. In fact, the evidence points to the opposite conclusion, i.e., that Benigno's "tokens" are customized to run on a single platform. *See*, for example, Figure 4 of Benigno and its associated text (p. 46, lines 4-9) which indicates a homogeneous computer network (Hale Declaration, paragraph 20).

It is improper to conclude that just because Benigno happens to use the same term as patentee that the term is used the same way. A mere coincidence of vocabulary does not raise a substantial new question of patentability. Given a correct reading of this reference there is no new issue of patentability.

In short, the Examiner has failed to find anything in Benigno that teaches this particular aspect of the instant invention and, thus, the Examiner has failed to demonstrate a substantial new question of patentability with respect to claims 1-14 in view of these references.

F. Issue No. 6:

The Requestor alleges Wright in view of Warthen, Rappaport, Brookler, and Rossmann raises a substantial new question of patentability regarding claims 1, 2, 5-7, and 11-14 under 35 U.S.C. §103(a).

In reply, it is apparent that the Examiner relies on the Warthen Reference to provide "tokens" for use with the combination. However, in the Warthen Reference the term "tokenizing" merely means to take a search query which has been entered into a computer program and convert it into a list of words. That is all that the Warthen Reference teaches regarding tokenization. A syntactic structure is derived from the list of words which is in turn reformed into canonical forms by replacing synonyms with a canonical term (Warthen at Col. 5, Lines 45-47). The canonical structure is then matched against a semantic network to obtain well-formed questions which are representative of the possible meanings for the initial user query.

In contrast, Patentee's use of the word "token" is much different than that of Warthen. In Patentee's claims 1, 2, 5-7, and 11-14, a plurality of tokens are transmitted to a remote computing device and then at least a portion of them are executed. Thus, tokens are executed by a remote device to implement the questionnaire. The "token" of Patentee's claims is not a list of words as defined by the Warthen Reference. As such, the Warthen Reference does not teach tokenizing as is recited in Patentee's specification and claims.

As a consequence, the combination relied upon fails to teach a critical aspect of Patentee's claimed invention and similarly fails to raise a substantial new question of patentability.

II. THIS REEXAMINATION SHOULD NOT GO FORWARD BECAUSE THE PARTIES ARE IN LITIGATION

Since March of 2011, fifty-two cases have been filed in the U.S. District Court for the Eastern District of Texas alleging infringement of the '816 Patent. Thirty-seven cases have been resolved and 15 remain pending. Requestor is a defendant in one of the 15 remaining cases. Reexamination has not been requested by any of the other defendants.

Requestor waited a full year after the infringement lawsuit was filed before requesting reexamination. Requestor has since filed a Motion to Stay the litigation pending the outcome of this reexamination. A copy of Patentee's Response (hereinafter "Response") to Requestor's Motion to Stay is attached hereto as Exhibit 2.

When the present request for reexamination was finally made by Requestor, it was for *ex parte* reexamination, rather than *inter partes* reexamination, a choice that was made with the obvious hopes of delaying the lawsuit as much as possible. Additionally, Requestor knew that an *ex parte* reexamination would not have the same estoppel effect as an *inter partes* reexamination, which would have precluded Requestor from making the same invalidity arguments in both the court and before the PTO (Response, page 1). Given Requestor's delay in filing its request for reexamination and given Requestor's strategic choice of an *ex parte* reexamination, a stay of this reexamination is especially warranted.

A. Initiating Reexamination Would Unduly Prejudice Patentee

First, Requestor waiting more than a year after the lawsuit was filed, and more than seven months after its final invalidity contentions were due, to make its reexamination request. Requestor's delay in seeking reexamination compounds the prejudicial delay that would result from reexamination (Response, page 3).

Second, Requestor chose to ask for *ex parte* reexamination, even though it could have asked for a much faster *inter partes* review. The most recent statistics from the PTO show that on average, an *ex parte* reexamination petition takes 25.4 months to process from the filing to issuance of a certificate, without accounting for any appeals. In contrast, by law, a final determination by the Board for *inter partes* review must be conclude much sooner. See 35 U.S.C. §316(a)(11) (setting forth a one year period, extendable by no more than six months only for good cause) (Response, pages 3-4).

B. The Case Is Ready For Trial

To date, the parties have exchanged infringement and invalidity contentions, additional disclosures, written discovery, and are on the eve of claim construction. The parties have briefed and the Court has reviewed and denied Requestor's motion to dismiss due to unpatentable subject matter. Requestor's motion to transfer has been fully briefed. Requestor took a third party deposition related to tis on-sale defense. The claim construction hearing is set for September 26, 2013 (Response, page 6).

Finally, all of the references that are before the Patent Office in this reexamination are also before the trial judge. The dates for Markman hearing and trial have been set. Discovery has been exchanged and depositions taken (Response, page 7). The case is ripe for trial.

Requestor has moved for a stay in the litigation and Patentee has opposed. The judge has not yet ruled but Patentee expects the stay to be denied.

In view of the foregoing:

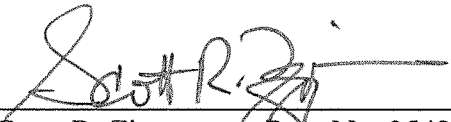
- Patentee requests that the instant Order for Reexamination be withdrawn so that the litigation may proceed; or, in the alternative,

- That the reexamination be suspended pending the ruling of the trial court with respect to Requestor's motion to stay the proceedings, and if the trial court denies Requestor's stay, that this reexamination be dismissed.

It makes little sense for the Patent Office to undertake reexamination when a trial court is considering the same prior art. As such, Patentee hereby requests withdrawal and/or stay of the instant reexamination.

Respectfully submitted,

June 24, 2013
Date



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Customer No. 22206

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent of: J. DAVID PAYNE U.S. PATENT NO. 7,822,816	Confirmation No.: 6993
Application No.: 90/012,829	Art Unit: 3992
Filed: 04/03/2013	Examiner: RACHINA DESAI
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	
Attorney Docket No.: 46897/13-147	

**PATENT OWNER'S STATEMENT IN OPPOSITION TO ORDER GRANTING
REEXAMINATION OF U.S. PATENT NO. 7,822,816**

APPENDIX 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent of: J. DAVID PAYNE U.S PATENT NO. 7,822,816	Confirmation No.: 6993
Application No.: 90/012,829	Art Unit: 3992
Filed: 04/03/2013	Examiner: RACHINA DESAI
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	
Attorney Docket No.: 46897/13-147	

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

DECLARATION OF JOHN C. HALE, PH.D
UNDER 37 C.F.R. §1.132

Sir:

1. I have been retained by counsel for Macrosolve, Inc., as the owner of U.S. Patent No. 7,822,816 (the "816 Patent), to offer expert testimony with respect to the Request for Reexamination regarding the '816 Patent and the references cited by the Requestor, specifically including the six issues set forth in the Order for Reexam dated April 23, 2013.

2. My Curium Vitae documenting the details of my professional experience, publications and related information is attached hereto as Exhibit "A" and incorporated herein. In summary, I am a tenured professor and the Tandy Endowed Chair in Bioinformatics and Computational Biology of the Tandy School of Computer Science at the University of Tulsa, Tulsa, Oklahoma. Also, I am an inventor with respect to an issued U.S. Patent and a pending application. Based upon my education, training and experience, I am familiar with the

technology which is the subject of the '816 Patent, the cited references and general U.S. Patent Office practice and procedures.

3. I have reviewed the '816 Patent and each of the patent references asserted by Requestor as set forth in the April 23 Order.

ISSUES NO. 1, 2, AND 6:

4. I have reviewed European Patent Application EP 0779,759 to Alain Rossmann (hereinafter the "Rossmann Reference").

5. I have also reviewed United States Patent No. 6,477,373 to Stephen S. Rappaport (hereinafter the "Rappaport Reference").

6. The Rossmann Reference assumes that a connection to the server will always be available. There is no provision in this reference for the method of Rossmann to continue if connectivity is not available.

7. The method of the '816 Patent specifically contemplates that connectivity to a central server will not be continuously available.

8. The Rappaport Reference teaches a method of maintaining connectivity of mobile terminals.

9. The Rappaport Reference teaches maintaining connectivity, it does not teach handling discontinuities in connectivity.

10. Combining the Rossmann Reference with the Rappaport Reference does not yield a method that is robustly tolerant of failures in connectivity. Instead, a reference that requires connectivity has been paired with a method for maintaining connectivity.

11. Thus, the combination does not teach the method of the '816 Patent.

ISSUE NO. 3:

12. As stated above, the Rossmann Reference assumes that a connection to the server will always be available. There is no provision in this reference for the method of Rossmann to continue if connectivity is not available.

13. I have reviewed U.S. Patent No. 5,991,771 to Patrick T. Falls et al. (hereinafter the "Falls Reference").

14. The Falls Reference includes a system and method for synchronizing transactions in a disconnectable network. The Falls Reference specifically contemplates disconnection between a mobile computer and a network.

15. Combining the method of the Rossmann Reference, which assumes that a connection to the server will always be available, with the Falls Reference, which teaches disconnection, will result in an inoperable combination.

ISSUES NO. 4 AND 5:

16. I have reviewed PCT Published Application WO 99/33390 to Benedict Benigno et al. (hereinafter the "Benigno Reference").

17. In the Order for Reexamination, the Examiner indicates, among others, that the Benigno Reference teaches, "...individual questions are 'tokenized representations' that are communicated between the server and the mobile device via wireless network connections." ORDER at p. 16. This instance of "tokenizing" is said to correspond to patentee's "tokens" in the '816 Patent claims.

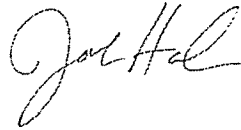
18. It is my opinion that the Order for Reexamination has misinterpreted the teachings of the Benigno Reference.

19. By way of explanation, the '816 Patent reads that tokens of the '816 Patent are designed to be executed "...on any device, regardless of hardware differences or native operating system differences among the plurality of the devices." '816 Patent at column 4, lines 55-60.

20. However, there is no description in the Benigno Reference that "tokens" have this property. In fact, the evidence points to the opposite conclusion, i.e., that Benigno's "tokens" are customized to run on a single platform. *See*, for example, Figure 4 of the Benigno Reference and its associated text (p. 46, lines 4-9) which indicates a homogeneous computer network.

I hereby declare that all statements made herein of my own knowledge are true and that all statements were 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.

Respectfully Submitted,



John C. Hale

Dated: June 24, 2013

Electronic Acknowledgement Receipt

EFS ID:	16140667
Application Number:	90012829
International Application Number:	
Confirmation Number:	6993
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	7822816
Customer Number:	22206
Filer:	Scott R. Zingerman/Stacy Jenkins
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	20351.RX816
Receipt Date:	24-JUN-2013
Filing Date:	03-APR-2013
Time Stamp:	23:13:21
Application Type:	Reexam (Patent Owner)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Reexam Timely Patent Owner's Stmtnt in Resp to Order	Patentee-Statement-in-Opposition-to-Order-Granting-Reexamination.pdf	543400 <small>4d2e63739b0c05cf0152267d82548835d10c2303</small>	no	10

Warnings:

Information:

RPX-1003, p.64

2	Reexam - Affidavit/Decl/Exhibit Filed by 3rd Party	Appendix-1-Declaration-of-JohnHale.pdf	198598	no	5
			4d5aa333591a0a66952a32784b4a18d59ca c736e		

Warnings:

Information:

3	Reexam Notice of Court Action	Appendix-2-ResponsetoDefendantMotionforStay.pdf	2005588	no	35
			6e0ba0384ccf526998109c9e400ae9db3f7f 5b96		

Warnings:

Information:

Total Files Size (in bytes):			2747586		
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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.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,829	04/03/2013	7822816	20351.RX816	6993
22206	7590	04/23/2013	EXAMINER	
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318			DESAI, RACHNA SINGH	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			04/23/2013	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.



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

NDQ SPECIAL REEXAM GROUP
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON, TX 77002

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/012,829.

PATENT NO. 7822816.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/012,829	Patent Under Reexamination 7822816
	Examiner RACHNA DESAI	Art Unit 3992

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

The request for *ex parte* reexamination filed 03 April 2013 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO/SB/08, c) Other: _____

1. The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) by Treasury check or,
b) by credit to Deposit Account No. _____, or
c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

/Rachna S Desai/ Primary Examiner, Art Unit 3992		
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cc:Requester (if third party requester)

DECISION GRANTING EX PARTE REEXAMINATION

Decision on Request

1. A substantial new question of patentability affecting claims 1-14 of US Patent 7,822,816 B2 to Payne (hereafter "Payne") is raised by the third party request for ex parte reexamination.

References Cited in the Request

U.S. Patent No. 5,704,029 to Wright ("Wright")

U.S. Patent No. 6,477,373 to Rappaport et al. ("Rappaport")

U.S. Patent No. 6,584,464 to Warthen ("Warthen")

U.S. Patent App. No. 2002/0007303 to Brookler et al. ("Brookler")

European Patent Application EP 0779,759 to Rossmann ("Rossmann")

PCT Published Application WO 99/33390 to Benigno ("Benigno")

U.S. Patent No. 5,991,771 to Falls et al. ("Falls")

U.S. Patent No. 5,442,786 to Bowen ("Bowen")

Issues Raised by Request

Issue 1

The Requester alleges Rossmann in view of Rappaport raises a substantial new question of patentability regarding claims 1-3 and 5-14 under 35 U.S.C. 103(a).

Rossmann was published on June 18, 1997 which predates the filing date of the Payne patent. Rossmann is new art that has not been previously considered.

Rappaport was published on November 5, 2002 and filed on August 10, 2000 which predates the filing date of the Payne patent. Rappaport is new art that has not been previously considered.

Issue 2

The Requester alleges Rossmann in view of Rappaport and Bowen raises a substantial new question of patentability regarding claim 4 under 35 U.S.C. 103(a).

Rossmann was published on June 18, 1997 which predates the filing date of the Payne patent. Rossmann is new art that has not been previously considered.

Rappaport was published on November 5, 2002 and filed on August 10, 2000 which predates the filing date of the Payne patent. Rappaport is new art that has not been previously considered.

Bowen was published on August 15, 1995 which predates the filing date of the Payne patent. Bowen is new art that has not been previously considered.

Art Unit: 3992

Issue 3

The Requester alleges Rossmann in view of Falls raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Rossmann was published on June 18, 1997 which predates the filing date of the Payne patent. Rossmann is new art that has not been previously considered.

Falls was published on November 23, 1999 which predates the filing date of the Payne patent. Falls is new art that has not been previously considered.

Issue 4

The Requester alleges Benigno in view of Falls raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Benigno was published on July 8, 1999 which predates the filing date of the Payne patent. Benigno is new art that has not been previously considered.

Falls was published on November 23, 1999 which predates the filing date of the Payne patent. Falls is new art that has not been previously considered.

Issue 5

The Requester alleges Benigno in view of Rappaport raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Benigno was published on July 8, 1999 which predates the filing date of the Payne patent. Benigno is new art that has not been previously considered.

Art Unit: 3992

Rappaport was published on November 5, 2002 and filed on August 10, 2000 which predates the filing date of the Payne patent. Rappaport is new art that has not been previously considered.

Issue 6

The Requester alleges Wright in view of Warthen, Rappaport, Brookler and Rossmann raises a substantial new question of patentability regarding claims 1, 2, 5-7, and 11-14 under 35 U.S.C. 103(a).

Wright was published on December 30, 1997 which predates the filing date of the Payne patent. Wright is new prior art that has not been previously considered.

Warthen was published on January 24, 2003 and filed on March 19, 1999 which predates the filing date of the Payne patent. Warthen is new prior art that has not been previously considered.

Rappaport was published on November 5, 2002 and filed on August 10, 2000 which predates the filing date of the Payne patent. Rappaport is new art that has not been previously considered.

Brookler was published on January 17, 2002 and filed on April 30, 2001 which predates the filing date of the Payne patent. Brookler is old art that is being presented in a new light.

Rossmann was published on June 18, 1997 which predates the filing date of the Payne patent. Rossmann is new art that has not been previously considered.

The Payne Patent

2. The Payne Patent is generally directed to a method of managing data including creating and tokenizing a questionnaire; thereby producing a plurality of tokens representing the questionnaire. The plurality of tokens are transmitted to a remote computing device which executes a portion of the plurality of tokens representing the questionnaire at the remote computing device to collect a response from a user. A portion of the response from the user is then transmitted from the user to the server where it is stored.

Pertinent Prosecution History

3. Claims 1-14 are the current claims in the Payne Patent which issued October 26, 2010 from application 10/643,516 filed on August 19, 2003 which claims priority to provisional application 60/404,491 which was filed on August 19, 2002.

The Payne Patent was originally filed with claims 1-11.

Examiner issued a non-final office action on 08/10/2006 in which claims 1 and 5 were rejected under 35 U.S.C. 102(e) as being anticipated by Lew, US 2004/0210472. Claim 7 was rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski, US 2003/0198934. Claims 2-4, 6, and 9-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Sendowski. Claim 8 was rejected under 35 U.S.C. 103(a) over Sendowski in view of Joao, US 2001/0056374.

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A non-compliant amendment was filed on 02/12/2007 to which a notice of non-compliant amendment was mailed on 04/30/2007.

On 05/08/2007, Applicant filed a response with amendments to claim 1. On 5/22/2007, the Examiner issued a final rejection. Claim 7 was rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski, US 2003/0198934. Claims 1, 5, and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Porter, US 6,163,811. Claims 2-4, 6, and 10-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Porter and further in view of Sendowski. Claim 8 was rejected under 35 U.S.C. 103(a) over Sendowski in view of Joao, US 2001/0056374.

On 09/24/2007, Applicant filed request for continued examination with a response and an amendment amending claims 1 and 9 and adding new claims 12-16. On 10/30/2007, Examiner issued a non-final rejection in which claims 7 and 13 were rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski, US 2003/0198934. Claims 1, 5, 9, 12, and 15-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Porter, US 6,163,811. Claims 2-4, 6, and 10-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Porter and further in view of Sendowski. Claim 8 was rejected under 35 U.S.C. 103(a) over Sendowski in view of Joao, US 2001/0056374.

On 4/30/2008, Applicant filed a response and amendment amending claims 7 and 9. Examiner issued a non-final rejection on 09/04/2008. Claim 7 was rejected under 35 U.S.C. 102(e) as being anticipated by Peters et al., US 5,842,195. Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Joao.

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Claims 13-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Porter, US 6,163,811. Claims 1 and 3-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Porter. Claims 2 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Porter and Brookler et al., US 2002/0007303. Claims 6 and 9-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brookler in view of Gresham, US 2002/0160773. Claims 15-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brookler in view of Gresham in view of Porter.

Applicant filed a response with amendments on 02/04/2009. Claims 1, 2, 6-7, 9-11 were amended, claims 12-16 were cancelled, and claims 17-21 were added. Examiner issued a final rejection on 06/01/2009. Claims 1, 3-4, 7, 9-11, 17-19, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer, US 2002/0143610. Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer and Brookler et al. Claims 6 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer and Gresham. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer and Joao.

On 05/03/2010, Applicant filed a request for continued examination with a response and amendments. Claims 1, 7, 9, and 21 were amended, claims 5 and 12-16 were cancelled, and claims 22-24 were added.

On 09/07/2010, the Examiner issued a Notice of Allowance allowing claims 1-4, 5, 9-11, and 17-22. Claims 7-8 and 23-24 were cancelled. As the reasons for

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allowance, Examiner stated, “*The cited prior arts fail to disclose or suggest transmitting said plurality of tokens to a remote computing device via said first wireless modem or wireless LAN network connection, terminating said first wireless modem or wireless LAN network connection with said remote computing device, after said first wireless modem or wireless LAN network connection is terminated, executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user, establishing a second wireless modem or wireless LAN network connection between said remote computing device and a server, after said second wireless modem or wireless LAN network connection is established, transmitting at least a portion of said response from the user to said server via said second wireless modem or wireless LAN network connection in conjunction with all other limitations in the claim.*”

Substantial New Question

4. In view of the prosecution history, it is considered that the evaluation of a prior art reference (or combination of references) that teaches or suggests *transmitting said plurality of tokens to a remote computing device via said first wireless modem or wireless LAN network connection, terminating said first wireless modem or wireless LAN network connection with said remote computing device, after said first wireless modem or wireless LAN network connection is terminated, executing at least a*

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portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user, establishing a second wireless modem or wireless LAN network connection between said remote computing device and a server, after said second wireless modem or wireless LAN network connection is established, transmitting at least a portion of said response from the user to said server via said second wireless modem or wireless LAN network connection, would raise a substantial new question of patentability.

Detailed Analysis

Issue 1

The Requester alleges Rossmann in view of Rappaport raises a substantial new question of patentability regarding claims 1-3 and 5-14 under 35 U.S.C. 103(a).

Rossmann teaches a card deck wherein each of the cards is a single operation and can be communicated to a computer from a server and from a computer to a server through any known two-way data communication network. Rossmann p. 6, lines 31-37, p. 15, lines 8-12, p. 14, lines 35-38, p. 26, lines 5-6, and p. 28, lines 39-41.

Rossmann discloses on page 9, lines 4-8 and figure 2A that an initial card deck is transmitted to a cell phone including an introductory display card and a choice card. Each data type is compressed to facilitate optimal transfer over the two way

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communication network. For example, Rossmann discloses the verbs in the telephone interaction description language are compressed using a binary tokenization and graphics are compressed using run length limited compression and text is compressed. See page 14, lines 55-58. The instructions in the telephone interaction description language and in the terminal interaction language are grouped into a deck and a card. See page 15, lines 2-7.

Further, since each of the cards in the card deck can be transmitted through a single operation, the connection is effectively established and terminated with each transmission. See p. 6, lines 31-37, p. 15, lines 8-12, p. 14, lines 35-38, p. 26, lines 5-6, and p. 28, lines 39-41.

After the user response data is processed at the mobile device, the cards are then transmitted to a server for collection and processing. Rossmann p. 9, lines 15-18; p. 11, line 43 -p. 12, line 2, and p. 15, lines 23-27.

Rappaport teaches that the number of channels available for cellular sessions is limited, and data transfers can be interrupted (i.e., terminated) to allow for real-time communication. Rappaport at 7:44-63. Furthermore, Rappaport teaches that the data can be processed while the data connection is not in use, because the mobile device continues to function "undisturbed by link failures" and "in a manner that is transparent to end users." Rappaport at 2:44-58. Accordingly, the mobile devices can continue to process data in a transparent manner, as if the data connection is still available, in anticipation of reestablishing the connection.

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Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Rossmann in view of Rappaport as important in deciding patentability of at least claims 1-3 and 5-14.

Issue 2

The Requester alleges Rossmann in view of Rappaport and Bowen raises a substantial new question of patentability regarding dependent claim 4 under 35 U.S.C. 103(a).

As it has been determined with respect to Issue 1 that Rossmann in view of Rappaport raises a substantial new question of patentability with respect to independent claim 1, it is agreed that Rossmann in view of Rappaport and Bowen raises an SNQ with respect to dependent claim 4 for the same reasons explained under "Issue 1" above. Further, Bowen teaches that it was well known in the art to develop questionnaires based on "hierarchical data tree[s]" where "the system first creates a vertical leg of the data tree, before creating horizontal branches" Bowen at Abstract.

Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Rossmann in view of Rappaport and Bowen as important in deciding patentability of at least claim 4.

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Issue 3

The Requester alleges Rossmann in view of Falls raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Rossmann teaches a card deck wherein each of the cards is a single operation and can be communicated to a computer from a server and from a computer to a server through any known two-way data communication network. Rossmann p. 6, lines 31-37, p. 15, lines 8-12, p. 14, lines 35-38, p. 26, lines 5-6, and p. 28, lines 39-41.

Rossmann discloses on page 9, lines 4-8 and figure 2A that an initial card deck is transmitted to a cell phone including an introductory display card and a choice card. Each data type is compressed to facilitate optimal transfer over the two way communication network. For example, Rossmann discloses the verbs in the telephone interaction description language are compressed using a binary tokenization and graphics are compressed using run length limited compression and text is compressed. See page 14, lines 55-58. The instructions in the telephone interaction description language and in the terminal interaction language are grouped into a deck and a card. See page 15, lines 2-7.

Further, since each of the cards in the card deck can be transmitted through a single operation, the connection is effectively established and terminated with each transmission. See p. 6, lines 31-37, p. 15, lines 8-12, p. 14, lines 35-38, p. 26, lines 5-6, and p. 28, lines 39-41.

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After the user response data is processed at the mobile device, the cards are then transmitted to a server for collection and processing. Rossmann p. 9, lines 15-18; p. 11, line 43 -p. 12, line 2, and p. 15, lines 23-27.

Falls teaches that even though the system is disconnected from the network communications, a "virtual network" will allow the mobile device to continue normal operations. Falls at Abstract and 3:16-35. The questionnaire can then be synchronized upon reestablishing the network connection. Falls at Abstract and 3:16-35. Further, Falls teaches that the mobile devices can be disconnectable from the server, and that the cards transmitted can be synchronized after a disconnection occurs. Falls at Abstract, 3:16-35, 5:21-31, and 35:47-63.

Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Rossmann in view of Falls as important in deciding patentability of at least claims 1-14.

Issue 4

The Requester alleges Benigno in view of Falls raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Benigno teaches a questionnaire based on creating a standard of care for treatment of patients that keeps nurses and doctors in constant communication. Benigno at 46:4-9 and 22-24. The nurse is able to answer questions in the

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questionnaire and based on the responses provided by the patient, the information is updated in the server and subsequent questions are asked. Benigno at 12:17-31. This also allows for individual questions to be used throughout multiple questionnaires, thereby increasing efficiency of the questionnaire database. *Id.* The individual questions are "tokenized representations" that are communicated between the server and the mobile device via wireless network connections. Benigno at 19:10-24, 13:1-10, and 46:4-9. The mobile device can be disconnected from the network communications due to losing the connection as is inevitable in wireless communication or due to the nurse closing the connection. Benigno at 46:4-24 and FIG.1A. Further, as shown in FIG. 1B, the modem of the system dials at the beginning of each communication step 102, 105, and 110. Dialing each time is only necessary if the modem is disconnected. The nurse can continue to input data into the questionnaire, even though the system is disconnected from the network communications. Benigno at 46:16-28. The questionnaire is then stored. Benigno at 23:10.

Falls teaches that even though the system is disconnected from the network communications, a "virtual network" will allow the mobile device to continue normal operations. Falls at Abstract and 3:16-35. The questionnaire can then be synchronized upon reestablishing the network connection. Falls at Abstract and 3:16-35. Further, Falls teaches that the mobile devices can be disconnectable from the server, and that the cards transmitted can be synchronized after a disconnection occurs. Falls at Abstract, 3:16-35, 5:21-31, and 35:47-63.

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Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Benigno in view of Falls as important in deciding patentability of at least claims 1-14.

Issue 5

The Requester alleges Benigno in view of Rappaport raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Benigno teaches a questionnaire based on creating a standard of care for treatment of patients that keeps nurses and doctors in constant communication. Benigno at 46:4-9 and 22-24. The nurse is able to answer questions in the questionnaire and based on the responses provided by the patient, the information is updated in the server and subsequent questions are asked. Benigno at 12:17-31. This also allows for individual questions to be used throughout multiple questionnaires, thereby increasing efficiency of the questionnaire database. *Id.* The individual questions are "tokenized representations" that are communicated between the server and the mobile device via wireless network connections. Benigno at 19:10-24, 13:1-10, and 46:4-9. The mobile device can be disconnected from the network communications due to losing the connection as is inevitable in wireless communication or due to the nurse closing the connection. Benigno at 46:4-24 and FIG.1A. Further, as shown in FIG. 1B, the modem of the system dials at the beginning of each communication step 102, 105, and 110. Dialing each time is only necessary if the modem is disconnected. The nurse

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can continue to input data into the questionnaire, even though the system is disconnected from the network communications. Benigno at 46:16-28. The questionnaire is then stored. Benigno at 23:10.

Rappaport teaches that the number of channels available for cellular sessions is limited, and data transfers can be interrupted (i.e., terminated) to allow for real-time communication. Rappaport at 7:44-63. Furthermore, Rappaport teaches that the data can be processed while the data connection is not in use, because the mobile device continues to function "undisturbed by link failures" and "in a manner that is transparent to end users." Rappaport at 2:44-58. Accordingly, the mobile devices can continue to process data in a transparent manner, as if the data connection is still available, in anticipation of reestablishing the connection.

Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Benigno in view of Rappaport as important in deciding patentability of at least claims 1-14.

Issue 6

The Requester alleges Wright in view of Warthen, Rappaport, Brookler and Rossman raises a substantial new question of patentability regarding claims 1, 2, 5-7, and 11-14 under 35 U.S.C. 103(a).

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Wright and Warthen teach a system that creates a questionnaire and tokenizes that data of that questionnaire. Wright at ABSTRACT and 13:38-67; Warthen at ABSTRACT and 2:1-11.

Rappaport teaches that the number of channels available for cellular sessions is limited, and data transfers can be interrupted (i.e., terminated) to allow for real-time communication. Rappaport at 7:44-63. Furthermore, Rappaport teaches that the data can be processed while the data connection is not in use, because the mobile device continues to function "undisturbed by link failures" and "in a manner that is transparent to end users." Rappaport at 2:44-58. Accordingly, the mobile devices can continue to process data in a transparent manner, as if the data connection is still available, in anticipation of reestablishing the connection.

Brookler teaches that the tokenized data can be transmitted using multiple network connections, and processed at the server. See paragraph [0033] and figure 1.

Rossmann teaches a report can be printed. See page 11, lines 4-8.

Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Wright in view of Warthen, Rappaport, Brookler and Rossmann as important in deciding patentability of at least claims 1, 2, 5-7, and 11-14.

Conclusion

Extensions of Time

6. Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Amendment in Reexamination Proceedings

7. Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR § 1.52(a) and (b), and must contain any fees required by 37 CFR § 1.20(c). See MPEP § 2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Submissions

8. If the patent owner fails to file a timely and appropriate response to any Office action or any written statement of an interview required under 37 CFR § 1.560(b), the

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ex parte reexamination proceeding will be terminated, and the Director will proceed to issue a certificate under 37 CFR §1.570 in accordance with the last Office action.

Service of Papers

9. After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550(f).

Notification of Concurrent Proceedings

10. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 7,822,816 B2 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Correspondence

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11. All correspondence relating to this ex parte reexamination proceeding should be directed:

By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at:

<https://efs.uspto.gov/efile/myportal/efs-registered>

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication should be directed to the Central Reexamination Unit at telephone number 571-272-7705.

Application/Control Number: 90/012,829

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/Rachna S Desai/

Primary Examiner

Central Reexamination Unit – Art Unit 3992


Conferees:

/Adam L Basehoar/

Primary Examiner, Art Unit 3992

/Alexander J Kosowski/

Supervisory Patent Examiner, Art Unit 3992

Search Notes 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
	Examiner RACHNA DESAI	Art Unit 3992

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
Reviewed Patented File's Prosecution History	04/16/2013	RSD

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		2013-04-03
	First Named Inventor	7,822,816	
	Art Unit		
	Examiner Name		
	Attorney Docket Number		20351.RX816

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	5704029		1997-12-30	Gerald V. Wright, Jr.	
	2	6477373	B1	2002-11-05	Rappaport et al.	
	3	6584464	B1	2003-06-24	David Warthen	
	4	5991771		1999-11-23	Falls et al.	
	5	5442786		1995-08-15	Robert E. Bowen	

If you wish to add additional U.S. Patent citation information please click the Add button. Add

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	1	20020007303	A1	2002-01-17	Brookler et al.	

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		
Filing Date		2013-04-03
First Named Inventor	7,822,816	
Art Unit		
Examiner Name		
Attorney Docket Number		20351.RX816

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	0779759	EP	A2	1997-06-18	Alain Rossmann		<input type="checkbox"/>
	2	99/33390	WO		1999-07-08	Benigno		<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature	/Rachna Desai/	Date Considered	04/19/2013
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.


¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

Reexamination 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
	Certificate Date	Certificate Number

Requester Correspondence Address:	<input type="checkbox"/> Patent Owner	<input checked="" type="checkbox"/> Third Party
NDQ SPECIAL REEXAM GROUP 1000 LOUISIANA STREET FIFTY-THIRD FLOOR HOUSTON, TX 77002		


LITIGATION REVIEW <input checked="" type="checkbox"/>	/RSD/ (examiner initials)	04/19/2013 (date)
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6:13cv206		
6:13cv205		
6:13cv204		
6:13cv202		
6:13cv201		
6:13cv199		
6:13cv198		
6:13cv203		
6:13cv980		

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Reexamination 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
	Certificate Date	Certificate Number


LITIGATION REVIEW <input checked="" type="checkbox"/>	/RSD/ (examiner initials)	04/19/2013 (date)
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6:13cv744		
6:13cv743		
6:13cv418		
6:13cv417		
6:12cv416		
6:12cv389		
6:12cv388		

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Reexamination 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
	Certificate Date	Certificate Number

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6:12cv48		
6:11cv685		


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Reexamination 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
	Certificate Date	Certificate Number

LITIGATION REVIEW <input checked="" type="checkbox"/>	/RSD/ (examiner initials)	04/19/2013 (date)
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6:11cv194		
6:11cv101		

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Reexamination 	Application/Control No. 90012829	Applicant(s)/Patent Under Reexamination 7822816
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,829	04/03/2013	7822816	20351.RX816	6993
22206	7590	04/23/2013	EXAMINER	
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318			DESAI, RACHNA SINGH	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			04/23/2013	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.



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United States Patents and Trademark Office
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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS
NDQ SPECIAL REEXAM GROUP
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON, TX 77002

Date:

MAILED

APR 22 2013

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. : 90012829
PATENT NO. : 7822816
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Ex Parte Reexamination Interview Summary – Pilot Program for Waiver of Patent Owner's Statement	Control No.	Patent For Which Reexamination is Requested
	90/012,829 Examiner Rachna Desai	7,822,816 Art Unit

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

All participants (USPTO official and patent owner):

- (1) Alicia Kelley-Collier CRU Paralegal (3)
(2) Scott Zingerman 35,422 (4)

Date of Telephonic Interview: April 18, 2013.

The USPTO official requested waiver of the patent owner's statement pursuant to the pilot program for waiver of patent owner's statement in *ex parte* reexamination proceedings.*

- The patent owner **agreed** to waive its right to file a patent owner's statement under 35 U.S.C. 304 in the event reexamination is ordered for the above-identified patent.
- The patent owner **did not agree** to waive its right to file a patent owner's statement under 35 U.S.C. 304 at this time.

The patent owner is not required to file a written statement of this telephone communication under 37 CFR 1.560(b) or otherwise. However, any disagreement as to this interview summary must be brought to the immediate attention of the USPTO, and no later than one month from the mailing date of this interview summary. Extensions of time are governed by 37 CFR 1.550(c).

*For more information regarding this pilot program, see *Pilot Program for Waiver of Patent Owner's Statement in Ex Parte Reexamination Proceedings*, 75 Fed. Reg. 47269 (August 5, 2010), available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

USPTO personnel were unable to reach the patent owner.

The patent owner may contact the USPTO personnel at the telephone number provided below if the patent owner decides to waive the right to file a patent owner's statement under 35 U.S.C. 304.

/A. Kelley-Collier/ (571) 272-6059
Signature and telephone number of the USPTO official who contacted or attempted to contact the patent owner.

cc: Requester (if third party requester)

Litigation Search Report CRU 3999

Reexam Control No. 90/012,829

To: Rachna Desai
Location: CRU
Art Unit: 3992
Date: 4/17/13
Case Serial Number: 90/012,829

From: Alicia Kelley-Collier
Location: CRU 3999
MDE 5A74
Phone: (571) 272-6059

alicia.kelley@uspto.gov

Search Notes

U.S. Patent No.: **7,822,816**

- 1) I performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.
- 2) I performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.
- 3) I performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.
- 4) I performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.
- 5) I performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.

Litigation found for this patent:

6:13cv207	Open	6:12cv416	Open	6:11cv691	Closed
6:13cv206	Open	6:12cv389	Closed	6:11cv693	Closed
6:13cv205	Open	6:12cv388	Closed	6:11cv694	Closed
6:13cv204	Open	6:12cv387	Open	6:11cv692	Closed
6:13cv202	Open	6:12cv385	Open	6:11cv687	Closed
6:13cv201	Open	6:12cv384	Closed	6:11cv523	Closed
6:13cv200	Open	6:12cv193	Closed	6:11cv490	Closed
6:13cv199	Open	6:12cv194	Closed	6:11cv287	Open 4/17/13 Motion to Stay Reexam
6:13cv198	Open	6:12cv91	Closed	6:11cv194	Closed
6:13cv203	Open	6:12cv92	Closed	6:11cv101	Closed
6:12cv980	Open				
6:12cv979	Closed	6:12cv76	Closed		
6:12cv978	Closed	6:12cv74	Open		
6:12cv977	Open	6:12cv44	Closed		
6:12cv976	Open	6:12cv45	Closed		
6:12cv975	Closed	6:12cv46	Open		
6:12cv917	Closed	6:12cv47	Closed		
6:12cv916	Open	6:12cv48	Closed		
6:12cv915	Closed	6:11cv685	Open		
6:12cv744	Open	6:11cv686	Closed		
6:12cv743	Closed	6:11cv688	Closed		
6:12cv418	Closed	6:11cv689	Closed		
6:12cv417	Closed	6:11cv690	Closed		

Westlaw Delivery Summary Report for KELLEY-COLLIER,A

Date/Time of Request:	Wednesday, April 17, 2013 11:20 Central
Client Identifier:	7822816
Database:	KEYCITE-HIST
Citation Text:	US PAT 7822816
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Documents:	1
Images:	0

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KEYCITE

© US PAT 7822816 SYSTEM AND METHOD FOR DATA MANAGEMENT, Assignee: Macrosolve, Inc.
(Oct 26, 2010)

History**Direct History**

=> 1 **SYSTEM AND METHOD FOR DATA MANAGEMENT**, US PAT 7822816, 2010 WL
4199807 (U.S. PTO Utility Oct 26, 2010)

Patent Family

- 2 DATA MANAGING METHOD, INVOLVES TOKENIZING QUESTIONNAIRE TO PRODUCE NUMBER OF TOKENS REPRESENTING QUESTIONNAIRE, AND EXECUTING PORTION OF TOKENS REPRESENTING QUESTIONNAIRE TO COLLECT RESPONSE FROM USER, Derwent World Patents Legal 2004-213761
- 3 DATA MANAGEMENT METHOD, INVOLVES EXECUTING PORTION OF TOKENS REPRESENTING QUESTIONNAIRE AT REMOTE COMPUTING DEVICE TO COLLECT RESPONSE FROM USER, Derwent World Patents Legal 2011-B80477

Assignments

- 4 Action: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Number of Pages: 003, (DATE RECORDED: Aug 19, 2003)

Patent Status Files

- .. Patent Suit(See LitAlert Entries),
- .. Patent Suit(See LitAlert Entries),
- .. Patent Suit(See LitAlert Entries),
- .. Patent Suit(See LitAlert Entries),
- .. Patent Suit(See LitAlert Entries),
- .. Patent Suit(See LitAlert Entries),
- .. Patent Suit(See LitAlert Entries),
- .. Patent Suit(See LitAlert Entries),
- .. Patent Suit(See LitAlert Entries),
- .. Patent Suit(See LitAlert Entries),
- .. Patent Suit(See LitAlert Entries),

Docket Summaries

- 16 MACROSOLVE, INC. v. RUELALA, INC. ET AL, (E.D.TEX. Feb 26, 2013) (NO. 6:13CV00206), (35 USC 271 PATENT INFRINGEMENT)
- 17 MACROSOLVE, INC. v. STAPLES, INC. ET AL, (E.D.TEX. Feb 26, 2013) (NO. 6:13CV00207), (35 USC 271 PATENT INFRINGEMENT)
- 18 MACROSOLVE, INC. v. PANDORA MEDIA, INC, (E.D.TEX. Feb 26, 2013) (NO. 6:13CV00205), (35 USC 271 PATENT INFRINGEMENT)
- 19 MACROSOLVE, INC. v. NORDSTROM, INC. ET AL, (E.D.TEX. Feb 26, 2013) (NO. 6:13CV00204), (35 USC 271 PATENT INFRINGEMENT)
- 20 MACROSOLVE, INC. v. GILT GROUPE HOLDINGS, INC. ET AL, (E.D.TEX. Feb 25, 2013) (NO. 6:13CV00201), (35 USC 271 PATENT INFRINGEMENT)
- 21 MACROSOLVE, INC. v. GAMESTOP CORP. ET AL, (E.D.TEX. Feb 25, 2013) (NO. 6:13CV00200), (35 USC 271 PATENT INFRINGEMENT)
- 22 MACROSOLVE, INC. v. FANDANGO, INC. ET AL, (E.D.TEX. Feb 25, 2013) (NO. 6:13CV00199), (35 USC 271 PATENT INFRINGEMENT)
- 23 MACROSOLVE, INC. v. COSTCO WHOLESALE CORPORATION, (E.D.TEX. Feb 25, 2013) (NO. 6:13CV00198), (35 USC 271 PATENT INFRINGEMENT)
- 24 MACROSOLVE, INC. v. KOHL'S DEPARTMENT STORES, INC. ET AL, (E.D.TEX. Feb 25, 2013) (NO. 6:13CV00202), (35 USC 271 PATENT INFRINGEMENT)
- 25 MACROSOLVE, INC. v. THE KROGER CO, (E.D.TEX. Feb 25, 2013) (NO. 6:13CV00203), (35 USC 271 PATENT INFRINGEMENT)
- 26 MACROSOLVE, INC. v. HOME DEPOT U.S.A., INC, (E.D.TEX. Dec 21, 2012) (NO. 6:12CV00976), (35 USC 271 PATENT INFRINGEMENT)
- 27 MACROSOLVE, INC. v. WALGREEN CO, (E.D.TEX. Dec 21, 2012) (NO. 6:12CV00975), (35 USC 271 PATENT INFRINGEMENT)
- 28 MACROSOLVE, INC. v. DOLLAR THRIFTY AUTOMOTIVE GROUP, INC. ET AL, (E.D.TEX. Dec 21, 2012) (NO. 6:12CV00979), (35 USC 271 PATENT INFRINGEMENT)
- 29 MACROSOLVE, INC. v. SKYMALL, INC, (E.D.TEX. Dec 21, 2012) (NO. 6:12CV00977), (35 USC 271 PATENT INFRINGEMENT)
- 30 MACROSOLVE, INC. v. SUPERSHUTTLE INTERNATIONAL CORP, (E.D.TEX. Dec 21, 2012) (NO. 6:12CV00978), (35 USC 271 PATENT INFRINGEMENT)
- 31 MACROSOLVE, INC. v. CVS PHARMACY, INC, (E.D.TEX. Dec 21, 2012) (NO. 6:12CV00980), (35 USC 271 PATENT INFRINGEMENT)
- 32 MACROSOLVE, INC. v. SEARS HOLDINGS MANAGEMENT CORPORATION ET AL, (E.D.TEX. Dec 04, 2012) (NO. 6:12CV00916), (35 USC 271 PATENT INFRINGEMENT)
- 33 MACROSOLVE, INC. v. BED BATH & BEYOND, INC, (E.D.TEX. Dec 04, 2012) (NO. 6:12CV00915), (35 USC 271 PATENT INFRINGEMENT)
- 34 MACROSOLVE, INC. v. STARWOOD HOTELS & RESORTS WORLDWIDE, INC, (E.D.TEX. Dec 04, 2012) (NO. 6:12CV00917), (35 USC 271 PATENT INFRINGEMENT)
- 35 MACROSOLVE, INC. v. AMERICAN EXPRESS COMPANY, (E.D.TEX. Oct 05, 2012) (NO. 6:12CV00743), (35 USC 271)
- 36 MACROSOLVE, INC. v. REDBOX AUTOMATED RETAIL, LLC, (E.D.TEX. Oct 05, 2012)

- (NO. 6:12CV00744), (35 USC 271)
- 37 MACROSOLVE, INC. v. TARGET CORPORATION, (E.D.TEX. Jun 26, 2012) (NO. 6:12CV00418), (35 USC 271)
- 38 MACROSOLVE, INC. v. LQ MANAGEMENT L.L.C, (E.D.TEX. Jun 26, 2012) (NO. 6:12CV00417), (35 USC 271)
- 39 MACROSOLVE, INC. v. FAREPORTAL, INC, (E.D.TEX. Jun 26, 2012) (NO. 6:12CV00416), (35 USC 271)
- 40 MACROSOLVE, INC. v. JETBLUE AIRWAYS CORPORATION, (E.D.TEX. Jun 19, 2012) (NO. 6:12CV00387), (35 USC 271 PATENT INFRINGEMENT)
- 41 MACROSOLVE, INC. v. CUMULUS MEDIA, INC, (E.D.TEX. Jun 19, 2012) (NO. 6:12CV00389), (35 USC 271 PATENT INFRINGEMENT)
- 42 MACROSOLVE, INC. v. KAYAK SOFTWARE CORPORATION, (E.D.TEX. Jun 19, 2012) (NO. 6:12CV00388), (35 USC 271 PATENT INFRINGEMENT)
- 43 MACROSOLVE, INC. v. JPMORGAN CHASE & CO. ET AL, (E.D.TEX. Jun 18, 2012) (NO. 6:12CV00384), (35 USC 271)
- 44 MACROSOLVE, INC. v. LINKEDIN CORPORATION, (E.D.TEX. Jun 18, 2012) (NO. 6:12CV00385), (35 USC 271)
- 45 MACROSOLVE, INC. v. BANK OF AMERICA CORPORATION ET AL, (E.D.TEX. Mar 23, 2012) (NO. 6:12CV00193), (35 USC 271 PATENT INFRINGEMENT)
- 46 MACROSOLVE, INC. v. MOVIE TICKETS.COM, INC, (E.D.TEX. Mar 23, 2012) (NO. 6:12CV00194), (35 USC 271 PATENT INFRINGEMENT)
- 47 MACROSOLVE, INC. v. INTER-CONTINENTAL HOTELS CORPORATION ET AL, (E.D.TEX. Feb 27, 2012) (NO. 6:12CV00092), (35 USC 271 PATENT INFRINGEMENT)
- 48 MACROSOLVE, INC. v. AOL INC, (E.D.TEX. Feb 27, 2012) (NO. 6:12CV00091), (35 USC 271 PATENT INFRINGEMENT)
- 49 MACROSOLVE, INC. v. MARRIOTT INTERNATIONAL, INC, (E.D.TEX. Feb 17, 2012) (NO. 6:12CV00076), (35 USC 271 PATENT INFRINGEMENT)
- 50 MACROSOLVE, INC. v. GEICO INSURANCE AGENCY, INC. ET AL, (E.D.TEX. Feb 17, 2012) (NO. 6:12CV00074), (35 USC 271 PATENT INFRINGEMENT)
- 51 MACROSOLVE, INC. v. YELP! null INC, (E.D.TEX. Jan 30, 2012) (NO. 6:12CV00048), (35 USC 271)
- 52 MACROSOLVE, INC. v. WAL-MART STORES, INC, (E.D.TEX. Jan 30, 2012) (NO. 6:12CV00047), (35 USC 271)
- 53 MACROSOLVE, INC. v. NEWEGG, (E.D.TEX. Jan 30, 2012) (NO. 6:12CV00046), (35 USC 271)
- 54 MACROSOLVE, INC. v. HYATT CORPORATION, (E.D.TEX. Jan 30, 2012) (NO. 6:12CV00045), (35 USC 271)
- 55 MACROSOLVE, INC. v. HIPMUNK, INC, (E.D.TEX. Dec 21, 2011) (NO. 6:11CV00689), (35 USC 271)
- 56 MACROSOLVE, INC. v. UNITED AIR LINES, INC, (E.D.TEX. Dec 21, 2011) (NO. 6:11CV00694), (35 USC 271)

- 57 MACROSOLVE, INC. v. TRAVELOCITY.COM LP, (E.D.TEX. Dec 21, 2011) (NO. 6:11CV00693), (35 USC 271)
- 58 MACROSOLVE, INC. v. THE HERTZ CORPORATION, (E.D.TEX. Dec 21, 2011) (NO. 6:11CV00688), (35 USC 271)
- 59 MACROSOLVE, INC. v. SOUTHWEST AIRLINES CO, (E.D.TEX. Dec 21, 2011) (NO. 6:11CV00692), (35 USC 271)
- 60 MACROSOLVE, INC. v. CONTINENTAL AIRLINES, INC, (E.D.TEX. Dec 21, 2011) (NO. 6:11CV00687), (35 USC 271)
- 61 MACROSOLVE, INC. v. AMERICAN AIRLINES, INC, (E.D.TEX. Dec 21, 2011) (NO. 6:11CV00685), (35 USC 271)
- 62 MACROSOLVE, INC. v. HOTELS.COM, L.P, (E.D.TEX. Dec 21, 2011) (NO. 6:11CV00690), (35 USC 271)
- 63 MACROSOLVE, INC. v. AVIS RENT A CAR SYSTEM, LLC, (E.D.TEX. Dec 21, 2011) (NO. 6:11CV00686), (35 USC 271)
- 64 MACROSOLVE, INC. v. PRICELINE.COM INCORPORATED, (E.D.TEX. Dec 21, 2011) (NO. 6:11CV00691), (35 USC 271)
- 65 MACROSOLVE, INC. v. WHOOP, INC, (E.D.TEX. Oct 03, 2011) (NO. 6:11CV00523), (35 USC 271 PATENT INFRINGEMENT)
- 66 MACROSOLVE, INC. v. AT&T INC. ET AL, (E.D.TEX. Sep 15, 2011) (NO. 6:11CV00490), (35 USC 271)
- 67 MACROSOLVE, INC. v. ANTENNA SOFTWARE, INC. ET AL, (E.D.TEX. Jun 06, 2011) (NO. 6:11CV00287), (35 USC 271 PATENT INFRINGEMENT)
- 68 MACROSOLVE, INC. v. CANVAS SOLUTIONS, INC. ET AL, (E.D.TEX. Apr 18, 2011) (NO. 6:11CV00194), (35 USC 271 PATENT INFRINGEMENT)
- 69 MACROSOLVE, INC. v. BRAZOS TECHNOLOGY CORPORATION ET AL, (E.D.TEX. Mar 04, 2011) (NO. 6:11CV00101), (35 USC 271)

Litigation Alert

- 70 Derwent LitAlert P2012-26-60 (Jun 19, 2012) Action Taken: CAUSE - 35 USC 271 - COMPLAINT FOR PATENT INFRINGEMENT
- 71 Derwent LitAlert P2012-26-61 (Jun 19, 2012) Action Taken: CAUSE - 35 USC 271 - COMPLAINT FOR PATENT INFRINGEMENT
- 72 Derwent LitAlert P2012-26-62 (Jun 19, 2012) Action Taken: CAUSE - 35 USC 271 - COMPLAINT FOR PATENT INFRINGEMENT
- 73 Derwent LitAlert P2012-25-28 (Jun 18, 2012) Action Taken: CAUSE - 35 USC 271 - COMPLAINT FOR PATENT INFRINGEMENT
- 74 Derwent LitAlert P2012-25-29 (Jun 18, 2012) Action Taken: CAUSE - 35 USC 271 - COMPLAINT FOR PATENT INFRINGEMENT
- 75 Derwent LitAlert P2012-13-162 (Mar 23, 2012) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 76 Derwent LitAlert P2012-13-163 (Mar 23, 2012) Action Taken: cause - 35 USC 271 - complaint

- for patent infringement
- 77 Derwent LitAlert P2012-09-98 (Feb 27, 2012) Action Taken: cause - 35 USC 271 - complaint for PATENT INFRINGEMENT
- 78 Derwent LitAlert P2012-09-99 (Feb 27, 2012) Action Taken: cause - 35 USC 271 - complaint for PATENT INFRINGEMENT
- 79 Derwent LitAlert P2012-08-41 (Feb 17, 2012) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 80 Derwent LitAlert P2012-08-42 (Feb 17, 2012) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 81 Derwent LitAlert P2012-05-74 (Jan 30, 2012) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 82 Derwent LitAlert P2012-05-83 (Jan 30, 2012) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 83 Derwent LitAlert P2012-05-84 (Jan 30, 2012) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 84 Derwent LitAlert P2012-05-85 (Jan 30, 2012) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 85 Derwent LitAlert P2012-05-86 (Jan 30, 2012) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 86 Derwent LitAlert P2012-26-01 (Jan 30, 2012) Action Taken: COMPLAINT
- 87 Derwent LitAlert P2012-26-06 (Jan 30, 2012) Action Taken: COMPLAINT
- 88 Derwent LitAlert P2012-26-07 (Jan 30, 2012) Action Taken: COMPLAINT
- 89 Derwent LitAlert P2012-26-08 (Jan 30, 2012) Action Taken: COMPLAINT
- 90 Derwent LitAlert P2012-01-22 (Dec 21, 2011) Action Taken: CAUSE - 35 USC 271 - COMPLAINT FOR PATENT INFRINGEMENT
- 91 Derwent LitAlert P2012-01-23 (Dec 21, 2011) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 92 Derwent LitAlert P2012-01-24 (Dec 21, 2011) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 93 Derwent LitAlert P2012-01-25 (Dec 21, 2011) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 94 Derwent LitAlert P2012-01-26 (Dec 21, 2011) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 95 Derwent LitAlert P2012-01-27 (Dec 21, 2011) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 96 Derwent LitAlert P2012-01-28 (Dec 21, 2011) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 97 Derwent LitAlert P2012-01-29 (Dec 21, 2011) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 98 Derwent LitAlert P2012-01-30 (Dec 21, 2011) Action Taken: cause - 35 USC 271 - complaint for

patent infringement

- 99 Derwent LitAlert P2012-01-31 (Dec 21, 2011) Action Taken: cause - 35 USC 271 - complaint for patent infringement
- 100 Derwent LitAlert P2011-40-60 (Oct 03, 2011) Action Taken: cause - 35 USC 271 - complaint for PATENT INFRINGEMENT
- 101 Derwent LitAlert P2011-38-21 (Sep 15, 2011) Action Taken: CAUSE - 35 USC 271 - COMPLAINT FOR PATENT INFRINGEMENT
- 102 Derwent LitAlert P2011-24-31 (Jun 06, 2011) Action Taken: cause - 35 USC 271 - complaint for PATENT INFRINGEMENT
- 103 Derwent LitAlert P2011-21-35 (Apr 18, 2011) Action Taken: cause - 35 USC 271 - complaint for PATENT INFRINGEMENT
- 104 Derwent LitAlert P2011-10-40 (Mar 04, 2011) Action Taken: cause - 35 USC 271 - complaint for patent infringement

Prior Art (Coverage Begins 1976)

- © 105 APPARATUS AND METHOD FOR PROVIDING COMPENSATION FOR ADVERTISEMENT VIEWING AND/OR PARTICIPATION AND/OR FOR SURVEY PARTICIPATION, US PAT APP 20010056374 (U.S. PTO Application 2001)
- © 106 BRANCHING SCRIPT ENGINE, US PAT APP 20030198934 (U.S. PTO Application 2003)
- © 107 COMMUNICATIONS SYSTEMS FOR AIRCRAFT INCLUDING WIRELESS SYSTEMS, US PAT APP 20020160773 Assignee: Tenzing Communications, Inc., (U.S. PTO Application 2002)
- © 108 COMPUTER VOTING SYSTEM WHICH PREVENTS RECOUNT DISPUTES, US PAT APP 20020143610 (U.S. PTO Application 2002)
- © 109 METHOD AND APPARATUS FOR PREPARATION OF A DATABASE DOCUMENT IN A LOCAL PROCESSING APPARATUS AND LOADING OF THE DATABASE DOCUMENT WITH DATA FROM REMOTE SOURCES, US PAT 5842195 Assignee: Dolphin Software Pty Ltd, (U.S. PTO Utility 1998)
- © 110 METHOD AND SYSTEM FOR GENERATING AND DEPLOYING A MARKET RESEARCH TOOL, US PAT APP 20030126010 (U.S. PTO Application 2003)
- © 111 METHOD FOR MAPPING, TRANSLATING, AND DYNAMICALLY RECONCILING DATA BETWEEN DISPARATE COMPUTER PLATFORMS, US PAT 5666553 Assignee: Puma Technology, Inc., (U.S. PTO Utility 1997)
- © 112 MOBILE SURVEYS AND POLLING, US PAT 7310350 Assignee: Oracle International Corporation, (U.S. PTO Utility 2007)
- © 113 MULTI-WAY INTERACTIVE EMAIL PERFORMING FUNCTIONS OF NETWORKS AND THE WEB, US PAT APP 20020107931 Assignee: ServZone.Com, Inc., (U.S. PTO Application 2002)
- © 114 SYNCHRONIZATION OF DATABASES USING FILTERS, US PAT 6212529 Assignee: Puma Technology, Inc., (U.S. PTO Utility 2001)
- © 115 SYNCHRONIZATION OF DATABASES WITH DATE RANGE, US PAT 6141664 Assignee: Puma Technology, Inc., (U.S. PTO Utility 2000)

- © 116 SYNCHRONIZATION OF DISPARATE DATABASES, US PAT 5684990Assignee: Puma Technology, Inc., (U.S. PTO Utility 1997)
- © 117 SYNCHRONIZATION OF RECURRING RECORDS IN INCOMPATIBLE DATABASES, US PAT 5943676Assignee: Puma Technology, Inc., (U.S. PTO Utility 1999)
- © 118 SYNCHRONIZING DATABASES, US PAT 6405218Assignee: Pumatech, Inc., (U.S. PTO Utility 2002)
- © 119 SYSTEM AND METHOD FOR THE ACCURATE COLLECTION OF END-USER OPINION DATA FOR APPLICATIONS ON A WIRELESS NETWORK, US PAT APP 20050009465 (U.S. PTO Application 2005)
- © 120 SYSTEM AND METHOD FOR CONDUCTING A REAL- TIME SURVEY, US PAT APP 20040210472 (U.S. PTO Application 2004)
- © 121 SYSTEM AND METHOD FOR SEARCHING, FINDING AND CONTACTING DATES ON THE INTERNET IN INSTANT MESSAGING NETWORKS AND/OR IN OTHER METHODS THAT ENABLE IMMEDIATE FINDING AND CREATING IMMEDIATE CONTACT, US PAT APP 20030093405 (U.S. PTO Application 2003)
- © 122 SYSTEM FOR AND METHOD OF COLLECTING AND POPULATING A DATABASE WITH PHYSICIAN/PATIENT DATA FOR PROCESSING TO IMPROVE PRACTICE QUALITY AND HEALTHCARE DELIVERY, US PAT 6151581Assignee: PulseGroup Inc., (U.S. PTO Utility 2000)
- © 123 SYSTEM FOR CONDUCTING ELECTRONIC SURVEYS, US PAT APP 20020007303 (U.S. PTO Application 2002)
- © 124 SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR CUSTOMIZING CHANNELS, CONTENT, AND DATA FOR MOBILE DEVICES, US PAT 6421717Assignee: AvantGo, Inc., (U.S. PTO Utility 2002)
- © 125 TOKEN BASED SOURCE FILE COMPRESSION/DECOMPRESSION AND ITS APPLICATION, US PAT 6163811Assignee: Wildseed, Limited, (U.S. PTO Utility 2000)
- © 126 VIRTUAL HUMAN INTERFACE FOR CONDUCTING SURVEYS, US PAT 6826540Assignee: Virtual Personalities, Inc., (U.S. PTO Utility 2004)
- © 127 WEB BASED VOTING TRACKING AND REPORTING SYSTEM, US PAT APP 20040117244 (U.S. PTO Application 2004)

643516 (10) 7822816 October 26, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

7822816

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October 26, 2010

System and method for data management

REEXAM-LITIGATE:

NOTICE OF LITIGATION

MacRosolve, Inc v. Brazos Technology Corporation et al, Filed March 4, 2011, D.C. E.D. Texas, Doc. No. 6:11cv101

NOTICE OF LITIGATION

MacRosolve, Inc v. Canvas Solutions, Inc et al, Filed April 18, 2011, D.C. E.D. Texas, Doc. No. 6:11cv194

NOTICE OF LITIGATION

MacRosolve, Inc v. Antenna Software, Inc et al, Filed June 6, 2011, D.C. E.D. Texas, Doc. No. 6:11cv287

NOTICE OF LITIGATION

MacRosolve, Inc v. AT&T Inc et al, Filed September 15, 2011, D.C. E.D. Texas, Doc. No. 6:11cv490

NOTICE OF LITIGATION

MacRosolve, Inc v. Whoop, Inc, Filed October 3, 2011, D.C. E.D. Texas, Doc. No. 6:11cv523

NOTICE OF LITIGATION

MacRosolve, Inc v. American Airlines, Inc, Filed December 21, 2011, D.C. E.D. Texas, Doc. No. 6:11cv685

NOTICE OF LITIGATION

MacRosolve, Inc v. Avis Rent A Car System, LLC, Filed December 21, 2011, D.C. E.D. Texas, Doc. No. 6:11cv686

NOTICE OF LITIGATION

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NOTICE OF LITIGATION

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NOTICE OF LITIGATION

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APPL-NO: 643516 (10)

FILED-DATE: August 19, 2003

GRANTED-DATE: October 26, 2010

PRIORITY: August 19, 2003 - 10643516, United States of America (US)

ASSIGNEE-PRE-ISSUE:

August 19, 2003 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., MACROSOLVE, INC., 5800 EAST SKELLY DRIVE, TULSA, OKLAHOMA, UNITED STATES OF AMERICA (US), 74135, Reel and Frame Number: 014416/0844

ASSIGNEE-AT-ISSUE:

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LEGAL-REP: Fellers, Snider, Blankenship, Bailey & Tippens, P.C.

PUB-TYPE: October 26, 2010 - Patent with a pre-grant publication (B2)

PUB-COUNTRY: United States of America (US)

LEGAL-STATUS:

August 19, 2003 - ASSIGNMENT

FILING-LANG: English (EN) (ENG)

PUB-LANG: English (EN) (ENG)

REL-DATA:

Provisional Application Ser. No. 60404491, August 19, 2002, PENDING
Prior Publication 20040034684, February 19, 2004, Patent Application Publication (A1)

US-MAIN-CL: 709#206

US-ADDL-CL: 709#203, 709#224

CL: 709

SEARCH-FLD: 709#203, 709#223, 709#224

IPC-MAIN-CL: [8] G06F 015# 173 (20060101) Advanced Inventive 20101026 (A F I B H US)

IPC-ADDL-CL: [8] G06Q 030# 00 (20120101) Advanced Inventive 20111231 (A I R M EF)

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ASST-EXMR: Tran, Nghi V

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CORE TERMS: computer, handheld, user, network, questionnaire, server, interface, software, operating system, networked, provider, timer, wireless, desktop, shopper, loosely, token, collected, remote, equipped, stored, automatically, transmitted, programming, gathering, database, medical service, transmission, processor, compiled

ENGLISH-ABST:

A method for the management of data collected from a remote computing device including the steps of: creating a questionnaire; transmitting the questionnaire to a remote computer; executing the questionnaire in the remote computer to prompt a user for responses to questions of the questionnaire; transmitting the responses to a sever via a network; making the responses available on the Web. Preferably, computers used in connection with the inventive method are loosely networked in that network connections between computers are not always available and, when a connection is not available, data is stored at a node of the network and transmitted at the earliest time when a connection is available. In one preferred embodiment, the inventive method is used to collect survey data and to make the responses to the survey available to a client in virtually real time over the Internet.

NO-OF-CLAIMS: 14

EXMPL-CLAIM: 1

NO-OF-FIGURES: 6

NO-DRWG-PP: 6

PARENT-PAT-INFO:

CROSS REFERENCE TO RELATED APPLICATION

[0001] This application claims the benefit of U.S. Provisional Application No. 60/404,491 filed Aug. 19, 2002.

SUMMARY:

BACKGROUND OF THE INVENTION

[0002] 1. Field of the Invention

[0003] The present invention relates to a system of computing devices for the collection and management of information. More particularly, but not by way of limitation, the present invention relates to a system for collecting and managing information including a plurality of computer devices loosely networked to a server and an operating system for a computer which provides a number of features favorable for use in the inventive system.

[0004] 2. Background of the invention

[0005] Virtually all business software applications involve the collection of information in some form or another. Where information is gathered away from the convenience of a desktop, workers have traditionally entered the information on paper forms. This data is then entered into a computer in a second step. This extra step leads to delays and inaccuracies which are costly and, more importantly, unnecessary.

[0006] Handheld computers are well known in the art. In fact such computers are presently available from numerous manufacturers offering a vast assortment of operating systems and hardware configurations. While such devices come in a host of variations, generally handheld computers include an LCD display, a method for gathering manual input, storage, and a variety of machine interfaces, i.e., an IR link, a USB port, a serial port, etc.

[0007] As with their desktop, and laptop counterparts, a handheld computer will also include an operating system which provides an operator interface, file management, and standardized I/O, as well as facilitating the running of application programs. Thus far, handheld operating systems mimic those of desktop and laptop systems, despite the fact that handheld devices are typically used in a different manner and have radically different resources.

[0008] As with other types of computers, handheld computers suffer from compatibility issues, especially in the operation of application programs. Generally speaking, software programs must typically be tailored to a specific family of processors and to a specific operating system. Most applications are developed in a high level language and then compiled for a specific target processor. As different manufacturers select different processors, an application written for one family of processors must be recompiled to execute in a processor of a different family. Even when two manufacturers select compatible processors, if they chose different operating systems, applications written for one device will probably not run correctly on the other device. Since the operating system provides access to the various hardware resources and manages the file system, it is almost unfathomable that the operating systems of independent authors would be compatible, unless one specifically set out to copy the other. Thus, particular applications tend to grow up around a particular family of devices which share an operating system and, unfortunately, the application may not be available for non-compatible devices.

[0009] Another issue which is common to all computers is the transferability of stored information, specifically, the ability to move files from machine-to-machine. While most handheld computers include an infrared port for communicating with other infrared devices, including other handhelds, files transferred in such a manner may not be usable by software on the receiving device. This is especially true of information formatted for a particular application such as a word processor, spread sheet program, data base manager, or the like.

[0010] To overcome the necessity of compiling a program for a particular machine, an application may be written in an interpreted language, or a language which can be compiled to produce an intermediate language (i.e., a language that falls somewhere between source code and object code) such as i-code or tokens. In such a scheme, each device is provided with a run-time package which can execute the compiled i-code or tokens, the runtime package having been written for that particular device, thus, only the run-time package needs to be modified in order to port a program to a new computing environment. Once the run-time package is installed, any application authored in the language and which has been compiled to i-code will run on the target device. Unfortunately, such languages typically lack effective optimization and generally do not provide a broad range of support for hardware resources. Regardless of the language selected, whether compiled, interpreted, or whatever, software coding requires at least a nominal degree of programming skill to create the application program.

[0011] Perhaps because handheld computers are not as evolved as their desktop counterparts, or because it is typically cumbersome to enter information, or maybe due to the lack of a true front-runner in operating systems, handheld computers have not inspired the full range of software products available for larger computers. The result has been a rather limited selection of retail software applications for handheld devices as compared with their desktop counterparts, such software is aimed primarily at organizational tools, e-mail, and games. However, at the other end of the spectrum, custom programs tailored for a specific customer, handheld computers are gaining momentum in replacing manual forms which are often filled-out in remote areas, away from a desktop, i.e. manufacturing inventory, quality inspections, delivery systems, and the like. One reason for the increasing movement toward the use of handheld computers for data gathering tasks is that they can be easily transported to the source of the data and have the information directly entered into them, thereby eliminating the potentially error-prone step of manual data entry of information on previously completed paper forms. Eliminating the extra step additionally saves unnecessary labor, and allows the data to be entered in a more timely fashion.

[0012] Due to their incredible portability, handhelds are particularly well suited to this type of data gathering, despite an obvious lack of software infrastructure in this area. The present trend is for a business to commission the authoring of a custom program aimed at a particular need. While the cost of such an application is usually high, the accuracy of the information, the timeliness of the information, and the accessibility of the information are likely worth the cost. In fact, while such systems may seem cost prohibitive to develop, in many cases the actual cost on a per-data-entry basis may prove to be relatively small, especially in light of the timeliness and accuracy associated with real time data collection.

[0013] To develop software for a handheld computer, a custom program is typically developed and tested on a larger system. When the developer is satisfied with the program, it is compiled for a particular target device and transferred to handheld devices through a communication link. If users are using more than one type of device, the same program must be tested and compiled for each type of device. If a change is required, the developer must make the change on the development system and re-transfer the entire program to each target device.

[0014] In a typical data gathering application, information is entered into custom designed forms on the handheld computer. Eventually, the data entered in the handheld finds its way to a database, which is typically located on a server which is accessible to those needing the information or from which it may be accessed by other programs such as accounting systems, materials management programs, etc. Present day servers are well suited to the task of information management and generally provide broad access to and searchability to collected data.

[0015] One problem area in such systems becomes apparent when the data is transferred from the handheld to the server. While it would seem that wireless interfaces and handhelds were made for each other, the marriage of the two is not without its own set of problems. Wireless interfaces fall into

a number of different categories. At one extreme is the infrared ("IR") port often found on handheld devices. The range of this type of interface is usually limited to a few feet and typically supports transfer rates of 115 kbaud, or less.

[0016] Another method for wireless communication is via a wireless local area network or "WLAN." A typical example of a WLAN is that defined by the IEEE 802.11 standard. When a handheld computer is equipped with a WLAN interface, the device can communicate with other computers also equipped with a WLAN interface, or even computers networked to a WLAN equipped computer by a wired network. Typically, WLAN interfaces provide a range of several hundred feet. As long as a handheld is within the range of another WLAN equipped computer, the network connection is continuous. Wireless local area networks sport data rates from a few thousand bits per second up to at least 52 million bits per second, depending on the particular standard employed.

[0017] Yet another known wireless interface for handheld computers is a CDPD interface, CDMA interface, GSM interface, or similar wireless interface or modem. While there are some variations, these systems are often built around a cellular phone network and provide coverage similar to that of a cellular phone, typically national, or even international, coverage. Such interfaces will experience the same gaps in service as can be expected with a cell phone. While such systems provide an exceptionally wide area of coverage, they typically do so at limited bandwidth, e.g. 19.2 kbaud.

[0018] Of course handheld devices are not limited to wireless communications. Typically such devices can be connected to another computer through a universal serial bus ("USB") connection, an RS-232 connection, an Ethernet connection on a properly equipped device, or similar hardwired connection. While these interfaces range from moderately paced to the extremely fast, they are exceptionally reliable, at least while the connection is in place. Unfortunately, few environments are well suited to tethering a handheld to allow a continuous wired connection.

[0019] It can be seen that perhaps the greatest drawback to using a handheld for data gathering as part of a larger system are the limitations of the data link: 1) it is unlikely that the data link will always be available; and 2) the bandwidth of most of the practical wireless options is restrictive. Presently there are two methods for dealing with the problem of data link availability. In one scheme, data is transmitted as it is collected. The advantage of such a scheme is that the database is updated in real time and represents current data. The disadvantages are, for all practical purposes, the scheme is limited to systems using a wireless interface and when the wireless link is not operational, generally data cannot be entered.

[0020] Alternatively, entered data can be stored locally on the handheld and transmitted in a batch process when a link is established. The advantage of this system is that it is tolerant of gaps in the communication link and works well with wired transfers of data. Unfortunately, data is not delivered in real time and the data base may be somewhat stale, depending on the length of time between the collection of data and the presence of the link.

[0021] The issue of bandwidth may be problematic on several fronts. If programs are updated periodically, the entire program must be sent and the time to reload may be objectionable. In the opposite direction, if large amounts of data are collected, it may be time consuming to send the data collected from the handheld to the server, particularly when performed in a batch fashion.

[0022] It is thus an object of the present invention to provide an operating system for a handheld computer which will allow a program to execute on any handheld computer.

[0023] It is a further object of the present invention to provide an operating system for a handheld computer wherein programming changes will only necessitate incremental transfers of program instructions.

[0024] It is still a further object of the present invention to provide an operating system for a handheld computer wherein files may be transferred among devices without a translation or conversion.

[0025] It is yet a further object of the present invention to provide an operating system for a handheld computer wherein programming steps and data are tokenized to reduce the load on a communication channel of finite bandwidth.

[0026] It is yet a further object of the present invention to provide a system of networked computers in which modifications to a computer program for a remote computer are sent in real time to the remote computer and are implemented immediately and seamlessly without the requirement of user installation.

SUMMARY OF THE INVENTION

[0027] The present invention provides a system and method for the management of information which solves the problems and alleviates the needs discussed above. In its broadest sense, the present invention is a method designed to accomplish the following:

- -
 - -
 - 1) Allow any computer(s) (desktops, laptops, handhelds, portables, etc.) to be used to capture information;
 - -
 - 2) Transfer the information to a data center (via file transfer methods such as a network, to include, but not necessarily, Internet based) in a form that the data center can recognize;
 - -
 - 3) Allow another computer(s) to access the information and download it from the data center in a format that can be readily used regardless of the format in which the original information was gathered.

[0031] In a preferred embodiment, a server is loosely networked to a plurality of computers (handheld, laptop, or desktop). Each computer is equipped with an operating system which allows common programming to execute on any device, regardless of hardware differences or native operating system differences among the plurality of devices.

[0032] With regard to the present invention, the term "loosely networked" is used to describe a networked computer system wherein devices on the network are tolerant of intermittent network connections and, in fact, tolerant of the type of network connection available. In particular, if any communication connection is available between devices wishing to communicate, network transmissions occur normally, in real time. If a network connection is unavailable at that moment, the information is temporarily stored in the device and later transmitted when the connection is restored. Unless otherwise specified, hereinafter the terms "network" or "networked" refer to loosely networked devices.

[0033] Thus, the operating system may be thought of as device indifferent and communication channel indifferent. In the preferred embodiment, any computer can execute any program developed for the inventive system and will communicate with other members of the system through any communication method the device can find available.

[0034] The operating system provided in each computer device allows the use of a common instruction set in any such device, regardless of compatibility issues between the devices, wherein "instruction set" is used herein to mean the commands, tokens, etc., that are recognized by the operating system as valid instructions. Unlike conventional computer programs, the operating system employed in the inventive system allows incremental changes to the program without the need to reload the entire program. Additionally, a programming change made at a central office will automatically propagate to loosely networked computers dispersed throughout the field.

[0035] In one aspect of the invention, branching logic depending on the programs are created for

handheld or other computer devices by simply entering questions and providing response specification, in the form of a questionnaire, for the end-user. Thus, no particular programming skill is required to generate programs for data gathering. As will be appreciated by those familiar with data collection, data can be collected by posing a series of questions, or otherwise prompting for specific input from the user, as in the manner used with paper forms. A number of useful subsystems, which may already be present in the handheld device, or easily added later, may be utilized so that at least some of the information which is responsive to the designed questionnaire may be collected automatically rather than entered manually, e.g., time and date, position information if the device includes a GPS receiver, etc.

[0036] In another aspect of the present invention, the program and user responses are coded in such a fashion as to substantially reduce the bandwidth requirements of the network connection. Since many of the networking options for handheld devices provide limited bandwidth, best use may be made of the available throughput by coding, or tokenizing, program information and responses.

[0037] In practice, a program is created by entering a series of prompts and providing direction for how the system is to respond to particular responses. This process of data gathering may then be performed by a person having no programming skill whatsoever. The program may then be sent to all, or selected, computer devices on the network. Those devices having a connection may immediately be updated. Those devices in which a network connection is temporarily not available will be updated when the connection is next restored.

[0038] The user of the computer device is then prompted for specific input. As the user enters data, if the network connection is available, the information is immediately sent to the server. If the network connection is unavailable, the information is stored locally in the handheld device and sent upon restoration of the network connection. At the server, the information is typically processed upon receipt such that users of the data have real time, or virtually real time, information available.

[0039] In another aspect of the invention, the inventive system may be provided to end users according to an application service provider ("ASP") business method. ASPs are an emerging trend in the computer software industry. Traditionally, a company seeking a software solution would either acquire a preprogrammed package which suits its needs or commission the programming of custom software. In many instances preprogrammed software is unavailable or requires too many compromises to be attractive. In either case, the software is purchased and, invariably, represents a large capital expense to the company. Once purchased, modifications, evolutionary upgrades, changing management practices, and the like, result in additional expenses to keep the software up-to-date.

[0040] In contrast an ASP typically provides software on a pay-as-you-go basis. An ASP typically provides custom, or semi-custom software to companies. Each user is billed for the time it uses the software. The advantages to the end user are obvious. There is no crippling up-front expense, modifications and upgrades are the responsibility of the ASP, if the software does not perform satisfactorily the customer simply walks away and never incurs large expenses. On the ASP side, the software vendor enjoys recurring income and the ability to adapt the same software model to numerous customers. While differing slightly from the traditional ASP model, the present invention is particularly well suited to a per-transaction billing model.

[0041] With regard to the current system, an ASP can provide a web site which allows users to build an application on line, possibly without incurring any expense. Once the customer is satisfied with the program, it can automatically be deployed to designated computer devices within the system. When a user provides input, the computer device can find a direct network connection to the ASP or, more likely, find an Internet connection and report the data to the ASP via the Internet connection. Once received at the ASP, the data can be processed and is available for viewing or use by the client virtually instantly via the Internet. Thus, data entered at any location may be viewed by the client in real time, worldwide.

[0042] Further objects, features, and advantages of the present invention will be apparent to those skilled in the art upon examining the accompanying drawings and upon reading the following description of the preferred embodiments.

DRWDESC:

BRIEF DESCRIPTION OF THE DRAWINGS

[0043] FIG. 1 provides a diagram of the inventive system.

[0044] FIG. 2 provides a diagram of the inventive system as used for form creation.

[0045] FIG. 3 provides a diagram of the inventive system as used for information collection and review.

[0046] FIG. 4 depicts a sequence of tasks for collecting data through the use of prior art systems.

[0047] FIG. 5 depicts the tasks of FIG. 4 utilizing the inventive system.

[0048] FIG. 6 is a work flow diagram of an embodiment utilizing the inventive system.

DETDESC:

DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0049] Before explaining the present invention in detail, it is important to understand that the invention is not limited in its application to the details of the construction illustrated and the steps described herein. The invention is capable of other embodiments and of being practiced or carried out in a variety of ways. It is to be understood that the phraseology and terminology employed herein is for the purpose of description and not of limitation.

[0050] Referring now to the drawings, wherein like reference numerals indicate the same parts throughout the several views, a diagram of the inventive system is shown in FIG. 1. Typically, the system for data management **10** includes: at least one server **24** preferably having an Internet connection **26**; a plurality of handheld computers **28-32** operated remotely from server **24**, each handheld **28-32** including a network connection **34-38**, respectively, for loosely networking handhelds **28-32** to server **24**; and a computer **22** connected to the Internet for providing administration of the system and for reviewing data collected by the system.

[0051] Server **24** is shown preferably connected to the Internet **26** and loosely networked to handheld computers **28-32** through connections **34-38**, respectively. As will be apparent to those skilled in the art, network connection **26** could instead be local area network or a private wide area network. Similarly, connections **34-38** may be any one of a number of optional connections which ultimately connect a remote device to server **24**. By way of example and not limitation, connection **34** could be a simple dial up connection through a conventional telephone line to connect handheld **28** directly to server **24**. At the same time, connection **36** could be an infrared (IR) connection between handheld **30** and a desktop computer (not shown) which in turn, is connected to server **24** via the Internet. Connection **38** could be a wireless modem, i.e., a CDPD interface, a CDMA interface, a GSM interface, an analog cellular modem, or the like, which either establishes a direct connection with server **24** or establishes an Internet connection to reach server **24** via the Internet. Other options would include a wireless LAN connection, a direct RS-232 connection, a docking station connected to a desktop computer, etc. It should be noted that, regardless of the type of connection, handhelds **28-32** are ultimately connectable to server **24** in a loosely networked fashion.

[0052] It should be noted that handheld computers **28-32** need not be the same type, or even compatible devices. As a part of the inventive system each remote device, preferably a handheld computer, is provided with an operating instruction system ("OIS") which overlays its native operating system. Once equipped with the OIS, a remote device can be programmed according to methods described hereinafter. Any program developed under the inventive system will run on any handheld computer equipped with the OIS and files on one such handheld will transfer freely to any other handheld or any computer connected to the inventive system.

[0053] As noted above, with regard to the present invention, the term "loosely networked" is used to describe a networked computer system wherein devices on the network are tolerant of intermittent network connections. In particular, if any communication connection is available between devices wishing to communicate, network transmissions occur normally, in real time. If a network connection is unavailable, the information is temporarily stored in the device and later transmitted when the connection is restored. Unless otherwise specified, hereinafter the terms "network" or "networked" refer to loosely networked devices.

[0054] It should also be noted that the inventive system is indifferent as to the particular type of communication channel used for connections 34-36. Thus, by way of example and not limitation, while connection 36 might today be an IR link to a desktop computer which accesses server 24 via the Internet, tomorrow, handheld 30 might establish a connection 36 with server 24 via a CDPD interface. The particular link selected will be the first available link.

[0055] The inventive system may be thought of as taking on two distinct modes of operation. First, as shown in FIG. 2, the system provides an administrative function. From any computer 22 connected to the Internet 26, a client can access server 24 to administer the inventive system. Administration involves tasks such as form creation, management, and validation; user setup, and management of system security.

[0056] In terms of the present invention, handheld computers are favored for their portability and their usefulness in gathering data from the field, whether the field is a stockroom for a manufacturing facility, a production floor, a delivery site for a product, etc. More generally, field locations are typically areas where people work without the convenience of a desktop.

[0057] According to the preferred arrangement, data may be gathered by prompting the user via the handheld 28 with a series of questions or statements, each of which calls for a response. This series of questions or statements will have been constructed on computer 22 and reduced to tokenized form for transmission to the handheld 28. For purposes of the instant disclosure, the series of questions/statements will collectively be referred to as a questionnaire. As will be discussed in greater detail below, the questionnaire is actually designed to include internal branching logic which is implemented by the OIS. Hence, with regard to the present invention, the terms "program" and "form" are used interchangeably with questionnaire.

[0058] An important aspect of the invention is the ease with which a client can create a form and distribute the form to the appropriate handheld devices in the field. Continuing with FIG. 2, typically a client uses a computer 22 having access to the Internet 26 to communicate with server 24. As part of the administrative function provided by system 10, computer 22 provides a web-based interface which allows a client to create a questionnaire. As a first step, preferably, the client selects a type of question from a list of standard question types. This list would include alternatives for the way the question is posed to the user, for example visual or vocal, and the type of answer to expect, whether yes/no, multiple choice, narrative, numerical, etc.

[0059] As the client creates a list of questions, symbols from a tool bar may be used to control conditional branching based on the user's response. As the client enters questions and selects response types, server 24 builds a stack of questions and responses, and assigns indices, or tokens, which point to each question or response. Each token preferably corresponds to a logical, mathematical, or branching operation and is preferably selected and made a part of the questionnaire through a graphical user interface. By this mechanism, a user is able to create a series of questions, the precise nature of which is dependent on the user's responses. For example, the questionnaire designer might desire to create a form that asks the user different questions; depending on whether the user was male or female. In order to do this, the designer would enter the questions ("Are you a man or woman?"); select a response (a "pop up" list of two entries male and female); select a token (branch if "male"); assign that token to this question; and, specify an "end" location for the "branch" (i.e., the first question asked of "males").

[0060] When the questionnaire 40 is complete, server 24 sends the stack of questions and defined responses to the appropriate handheld devices, as represented by handheld 28, via the loosely networked connection 34. In addition, server 24 sends the operating logic for that questionnaire,

which is simply a list of tokens which point to the questions and responses to each question as well as tokens for program control or math operations. As will be apparent to those skilled in the art, if a question or response is repeated within the questionnaire, only a pointer need be repeated in the program list, not the entire question.

[0061] According to another preferred arrangement, there is provided a system, substantially as defined above, wherein the questionnaire which is transmitted to the handheld can be incrementally updated on each networked handheld **28**, rather than resending the entire questionnaire. For example, if a question is modified or replaced, the new question and a new list are the only information which need to be transmitted to the handheld device **28**. This incremental update capability dramatically reduces the quantity of computer instructions required to update a form. It should be noted that, if connection **34** is present, the program update will take place virtually at the same time the client finishes questionnaire **40** at computer **22**. If the network connection is unavailable, the update will happen automatically as soon as the connection **34** is restored.

[0062] Turning next to FIG. 3, in a preferred embodiment the user will initiate the execution of the questionnaire according to instructions previously provided to him or her. For example, the user might be instructed to initiate the questionnaire as soon as he or she pulls into the drive-in lane of a take-out eatery. This would be the case if the questionnaire were designed to collect information regarding service at that establishment. In such an event, the questionnaire might contain questions related to service time, cleanliness, friendliness of the employees, etc., all of which would potentially be of interest to the owner/client. The user will preferably respond to each question in turn, the questions being presented according to the logic defined by the client and built into the questionnaire. In some instances, the text of the question might instruct the user to perform acts and/or wait until a certain event happens before responding (e.g., "Pull up to the take-out window. How long was it before you received your order?") The user's responses to the items in the questionnaire are stored within the handheld **28** as they are collected. In some cases, the questionnaire logic might allow the user to skip questions and (optionally) return to them later. Additionally, the questionnaire designer might include a token that initiates a final review of the data collected from the user in this instance to make certain that all "required" questions, (which have preferably been so designated by marking them with the appropriate token) have been answered. Failure by the user to respond to a required question will result in the OIS prompting the user again for a response.

[0063] Several options are available for the transmission of responses from handheld **28** to server **24**. First, regardless of the availability of connection **34**, responses may be stored locally at handheld **28** until the form is fully completed and then sent as a batch to server **24**. This transfer may optionally occur automatically, or upon direction of the user as specified by the client during the creation of the form. If the link is not available at the time of completion of the form, transmission will be automatically delayed until connection **34** is restored.

[0064] Alternatively, selected responses, or all responses, may be configured to transmit immediately upon entry, assuming of course that connection **34** is available. This option is particularly important where the user of handheld **28** has entered information which might be indicative of a problem with a process or indicate an emergency. Again, if connection **34** is unavailable, immediate transmissions will also be delayed until a connection is available.

[0065] As data from a handheld is received at server **24** it is processed, as necessary, and placed in a database where it can be accessed via the Internet **26**. A client can then use a computer **22** with Internet access to review or use the data from virtually anywhere in the world.

[0066] Turning next to FIG. 4, wherein a prior art system built around paper forms is shown, in the past, a paper form had to be created, printed, and delivered to a user of the form. Armed with the form, the user had to complete the assigned task and complete the form reflecting observations made during the task. If the user delayed in filling out the form, these observations were subject to the inaccuracies associated with human memory. A completed form was then typically delivered to yet another person for data entry before the information was finally available to others in the company. As will be appreciated by those familiar with such operations, whether a result of unreadable forms or a result of human error at data entry, this step is responsible for a significant level of errors.

[0067] Turning next to FIG. 5, in contrast to prior systems, with the present system, a form may be

entered on-line, the form is automatically sent to the handheld computer of the user, usually within seconds, the user enters data directly at the location of the user's assigned task, eliminating memory errors, and made available to others in the organization in virtually a real time fashion. Thus, not only is the data almost instantly available, at least two sources of error, the memory of the user and data entry, have been eliminated.

[0068] An example of where the inventive system is particularly useful is in the area of mystery shoppers. Many restaurant chains and retail chain stores employ mystery shoppers to patronize one of the chain's establishments and report on the experience. In the area of fast food, a mystery shopper might, for example, use the drive through window to purchase a breakfast sandwich and a cup of coffee.

[0069] Prior to the trip to the restaurant, an employee of the client restaurant develops a questionnaire and enters it on the web site of the ASP that is providing the mystery shopper support service. In this case, the restaurant is interested in the waiting time of their patrons, the service provided to their patrons, and the quality of the food served. A questionnaire is designed to elicit such information from the shopper/user. The results of the mystery shopper's experience will be compared to quality standards established for the entire chain and used to rate the franchisee/owner of particular restaurants.

[0070] As the mystery shopper enters the parking lot, the shopper will be prompted to enter a store number or location. If the handheld computer is equipped with a GPS receiver, this information could be entered automatically. Of course the time and date from the computer's real time clock are preferably recorded in the form. As the shopper reaches the end of the drive through line, she starts a timer on the hand held computer, preferably by "tapping" on the face of the handheld in the appropriate region of the screen. When the speaker is reached, the first timer is stopped and a second timer is started.

[0071] If the shopper is asked to wait before ordering, a second timer is started and a third timer is started. Upon a request for her order, the mystery shopper stops the previous timers and yet a fourth timer is started. She orders her breakfast sandwich and coffee and pulls forward in line. While sitting in line, the handheld computer asks if the speaker could be clearly understood, if the menu was in good shape, and if the area around the menu appeared neat and clean.

[0072] Upon reaching the window, the shopper presses a button which stops the fourth timer and starts a fifth timer. As her money is taken, the fifth timer is stopped and yet a sixth timer is started. She pays with a twenty dollar bill and, upon receiving her change, notes the accuracy of her change, whether the person at the window is pleasant, stops the sixth timer and starts a seventh timer.

[0073] Upon receiving her food the seventh timer is stopped and she pulls into a parking place to sample the food and measure the temperature of the coffee with a temperature probe attached to her handheld computer. After entering her impression of the sandwich, the computer asks a few questions about the number of cars in the parking lot and the general appearance of the store.

[0074] As the shopper enters the last response, the CDPD modem attached to her handheld contacts the ASP and delivers the collected data which is forwarded to a database where it is accessible by the staff of the restaurant chain, only seconds after the shopper has taken her first bite of the sandwich.

[0075] Note that the user's interaction with the handheld in the previous example was all defined by logic that the client has incorporated into the questionnaire when it was designed. The text of the directions to the user (e.g., "Pull up to the drive-in window.") has been designed into the questionnaire. Additionally, preferably there will be tokens that represent "timers" which are designed to make it easy for the user to enter elapsed time information in response to a question (e.g., the user might be asked to tap the screen a first time to start the timer running and a second time to stop it, with the elapsed time being automatically calculated and stored as a response to a client question). Clearly, a goal of the instant system is to provide a client with the tools necessary to quickly and easily construct a complex questionnaire which presents the user with questions which are adaptively selected according to the wishes of the designer.

[0076] A second example of where the inventive system is particularly useful is the area of transfer by

a medical service provider of a patient's medical information to an insurance company following treatment. In this example, data is exchanged between computers (handhelds, desktops, laptops, etc.) at different locations in a secure manner without providing an outside party access to the secure internal computer network of the medical service provider (MSP). The medical service provider is preferably a hospital, however, it is understood that this term could include clinics, minor emergency centers, physician's offices or any such provider of medical care/treatment.

[0077] Modern medical service providers are continually striving to develop methods of transferring medical records and data to insurance companies for rapid claims processing which requires the minimum of manual forms generation, handling, processing, and data entry. Moreover, pressure, both publicly and legislatively, is being applied to the healthcare industry as a whole to protect the privacy of this data including confidential patient information. As a result, transmission of medical information in secure, generally encrypted formats is required. However, such methods of data transfer require a high level of coordination between the medical service providers and the insurance companies, both of which are reluctant to allow the other, and especially third parties, access to their databases and network hardware necessary to achieve these levels of coordination.

[0078] The present system can be employed to manage the data flow in a manner that provides secure data transfer between parties without the necessity of either party allowing outside access to its respective data storage systems. In this embodiment, the medical service provider can use the system to design or update the medical forms as described above or contract with the ASP to develop and update such forms.

[0079] Referring to FIG. 6, a system diagram is shown depicting medical services provider 120 (MSP), ASP 130 and insurance companies 140, 142, and 144. As stated, the medical forms can be designed and/or updated seamlessly by the MSP or ASP as shown in 122. The computers of MSP would be equipped with the inventive OIS thereon to allow forms design, branching logic, and cryptic data transfer at 122. Once the medical form is designed, medical information can be entered onto the form (s) in the system following treatment by the MSP. Once entered, the data is converted to tokenized form by the OIS for encrypted transfer to the ASP 130 according to step 124. In this way, a patient's medical data is continuously, seamlessly and securely transferred between MSP 120 and ASP 130.

[0080] Once the ASP 130 receives the tokenized data from MSP 120 pursuant to transfer 124, the data is stored in a standard database or a database customized for each insurance company within ASP 130. In a preferred arrangement, the ASP will then alert one or more of the relevant insurance providers 140, 142, and/or 144 that data is present and available for immediate retrieval from the database of ASP 130. In the alternative, the system could be embodied such that insurance providers 140, 142, and 144 would periodically query ASP 130 on a set time interval regarding the presence of information.

[0081] At the time insurance providers 140, 142, and/or 144 are aware that data is present and available from ASP 130, the insurance provider can access the ASP via a global computer network such as the Internet for retrieval of such information. Typically, access to information maintained by ASP 130 is restricted by password or other similar security measures. Insurance provider 140, 142, and/or 144 can then download data from ASP 130 which is either encrypted in a standard format or in a format which is customized for the insurance provider (and may also be encrypted). The download step is depicted by arrows 132, 134, and 136, respectively.

[0082] In this embodiment, the customer of ASP 130, typically MSP 120, would be billed for the transaction or by the volume of data transmitted.

[0083] Accordingly, a secure method of transfer of medical information between MSP 130 and insurance providers 140, 142, and/or 144 is defined using the method and apparatus of the present invention.

[0084] By way of example and not limitations, various preferred embodiments of the instant invention will include a number of desirable features or traits such as: 128-bit CerticomT end-to-end wireless security; ability of the administrator to clean erroneous data; all data and administrative transactions on one or more secure servers; form question responses are time stamped; centralized online repository of all form responses; the complete form is available for review or update on the Web;

context-sensitive help; from the customer's perspective, the system is scalable and flexible; users, questionnaires, and responses manageable as groups; data exportation to CSV, XLS, XML, as well as any other format or external application; ability to define multiple form administrators; forms deployable wirelessly over the Internet; error checking for dropped connection in a loosely networked environment; a provider of the service can offer secondary services such as form design consulting services; partially completed forms can be saved and restarted; OIS allows data to be gathered in virtually any form factor, i.e. web, handheld, phone, laptop, and the like; the client can inspect individual responses from a form; multiple forms can be made available on same device; online data report generation and publishing from gathered responses; optional authentication of users; responses can be subjected to bounding and validation logic; real-time accessibility to form responses from an Internet connected desktop; responses retrievable or accessible anywhere in the world via a provider's web site; robust question branching logic; unlimited administrative control of the user, e.g. a user can be prevented from completing a form more than once; administrative hierarchy allowing some administrators to view other administrators' data, if allowed; web based service eliminates the need for client installation; archival of old forms and responses; user interfaces brandable with corporate identity; ability to clone, or modify, existing forms into a new form; ability to create summary reports with informative charts; customizable reports can be designed to meet clients' specific needs; definable start and stop dates for forms allow control of a time frame over which data can be gathered; ability to include pictures in questions; responses from various forms can be merged into a common report; phone call completion of forms; administrators can be provided with predefined question and form libraries; responses can be reviewed prior to submitting; print form responses from the remote computer; administrative control of questionnaire aesthetics; software developers kit can be provided by the service provider; language controls available during question development, i.e. spell check, thesaurus, translation of multi-language forms, extended character sets, etc.; various events can be triggered from within a form; and reports can be viewed on the remote computer.

[0085] Thus, the present invention is well adapted to carry out the objects and attain the ends and advantages mentioned above as well as those inherent therein. While presently preferred embodiments have been described for purposes of this disclosure, numerous changes and modifications will be apparent to those skilled in the art. Such changes and modifications are encompassed within the spirit of this invention.

ENGLISH CLAIMS:

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What is claimed is:

1. A method for managing data including the steps of:

- -
 - (a) creating a questionnaire comprising a series of questions;
- -
 - (b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;
- -
 - (c) establishing a first wireless modem or wireless LAN network connection with a remote computing device;
- -
 - (d) transmitting said plurality of tokens to a remote computing device via said first wireless modem or wireless LAN network connection;
- -
 - (e) terminating said first wireless modem or wireless LAN network connection with said remote computing device;
- -

(f) after said first wireless modem or wireless LAN network connection is terminated, executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user;

• -

(g) establishing a second wireless modem or wireless LAN network connection between said remote computing device and a server;

• -

(h) after said second wireless modem or wireless LAN network connection is established, transmitting at least a portion of said response from the user to said server via said second wireless modem or wireless LAN network connection; and

• -

(i) storing said transmitted response at said server.

2. The method for managing data of claim 1 further comprising the step of:

• -

(j) translating said response to a format recognizable by a particular computer program; and

• -

(k) accessing the translated response from a computer executing said particular computer program.

3. The method for managing data of claim 1 wherein step (a) includes the substeps of:

• -

(a) creating a questionnaire by:

○ -

(i) entering a series of questions into a questionnaire design computer program;

○ -

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and

○ -

(iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions.

4. The method for managing data of claim 1 wherein step (b) includes the substeps of:

• -

(b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by:

○ -

(i) assigning at least one token to each question of said series of questions;

- -
- (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and
- -
- (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch.

5. A method for modifying a questionnaire used in data management according to the method of claim 1 including the steps of:

- -
- (a) making at least one incremental change to a portion of the questionnaire;
- -
- (b) tokenizing said at least one incremental change to said questionnaire;
- -
- (c) transmitting at least a portion of said tokens resulting from step (b) to a remote loosely networked computing device, said transmitted tokens comprising less than the entire tokenized questionnaire; and,
- -
- (d) incorporating said transmitted tokens into said questionnaire at said loosely networked remote computing device, thereby modifying said questionnaire.

6. A method for managing data according to claim 1, wherein said first wireless modem or wireless LAN network connection and said second wireless modem or wireless LAN network connection are a same wireless modem or wireless LAN network connection.

7. The method of claim 1 further including performing at least the steps (c)-(k) for at least two different remote computing device types using the same tokens.

8. A method for managing data transfers between computers including the steps of:

- -
- (a) creating a questionnaire at a first site in a first computer;
- -
- (b) tokenizing said questionnaire, thereby producing a tokenized questionnaire;
- -
- (c) bringing a remote computer into electronic communication with said first computer;
- -
- (d) transmitting said tokenized questionnaire to said remote computer;
- -
- (e) removing said remote computer from electronic communication with said first computer;
- -
- (f) within said remote computer, using said transmitted tokenized questionnaire to obtain at least one user response;

- -
- (g) storing said at least one user response within said remote computer;
- -
- (h) modifying said questionnaire with incremental changes at a second computer located at a second site;
- -
- (i) placing said remote computer into electrical communication with said second computer;
- -
- (j) transmitting said incremental changes from said second computer to said remote computer;
- -
- (k) modifying said transmitted tokenized questionnaire in said remote computer with said incremental changes, thereby creating a modified tokenized questionnaire;
- -
- (l) removing said remote computer from electronic communication with said second computer;
- -
- (m) within said remote computer, using said modified tokenized questionnaire to obtain at least one additional user response;
- -
- (n) placing said remote computer into electronic communication with a server;
- -
- (o) transmitting said at least one user response to said server;
- -
- (p) transmitting said at least one additional user response to said server;
- -
- (q) storing said transmitted at least one user response and said at least one additional user response at said server;
- -
- (r) preparing a report using any of said at least one user response and said at least one additional user response; and,
- -
- (s) displaying at least a portion of said report on a visually perceptible medium;
- -
- (t) performing at least steps (d)-(p) using at least two different remote computing device types using the same tokens.

9. The method for managing data transfers between computers according to claim 8 wherein said first computer and said second computer are a same computer.

10. The method for managing data transfers between computers according to claim 9 wherein said server and said first computer are said same computer.

11. A method for collecting survey data from a user comprising the steps of:

- -

- (a) creating a questionnaire comprising a series of questions;
- -
- (b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;
- -
- (c) storing said plurality of tokens on a computer readable medium on a first computer;
- -
- (d) placing a handheld remote computing device into electronic communication with said first computer;
- -
- (e) transmitting said plurality of tokens to said handheld remote computing device;
- -
- (f) taking said handheld remote computing device out of electronic communication with said first computer;
- -
- (g) after said handheld remote computing device has been taken out of electronic communication with said first computer,
 - -
 - (g1) executing at least a portion of said plurality of tokens representing said questionnaire on said handheld remote computing device to collect a response from a user, and,
 - -
 - (g2) storing within said remote computing device said response from the user;
- -
- (h) placing said handheld remote computing device into electronic communication with a second computer;
- -
- (i) transmitting at least a portion of said response stored within said handheld remote computing device to said second computer; and,
- -
- (j) forming a visually perceptible report from any of said at least a portion of said response so transmitted.

12. A method for collecting survey data from a user according to claim 11, wherein step (j) comprises the step of printing a report from any of said response to transmitted.

13. A method for collecting survey data from a user according to claim 11, wherein said first computer and said second computer are a same computer.

14. A method for modifying a questionnaire used in data management according to the method of claim 11, further comprising the steps of:

- -
- (k) making at least one incremental change to a portion of said questionnaire;
- -

(l) tokenizing said at least one incremental change to said questionnaire;


• -

(m) transmitting at least a portion of said tokens resulting from step (k) to said remote handheld computing device, said transmitted tokens comprising less than the entire tokenized questionnaire; and,

• -

(n) incorporating said transmitted tokens into said questionnaire at said remote computing device, thereby incrementally changing said questionnaire.

SYS-LOAD-DATE: March 6, 2013

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Terms: **patno=7822816**


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1. MacroSolve Files Patent Infringement Suits Against Yelp and Newegg; Brings Total Number of Complaints Filed to 52 as Company Defends Its Key Intellectual Property in Mobile App Space, Marketwire, February 15, 2012 Wednesday 4:00 AM GMT, , 489 words, TULSA, OK; Feb 15, 2012
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Terms: **7822816** or **7,822,816**

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MACROSOLVE, INC., Plaintiff, vs. LINKEDIN CORPORATION, Defendant.

No. 6:12cv385 MHS-JDL

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, TYLER DIVISION

2013 U.S. Dist. LEXIS 28311

February 5, 2013, Decided

February 5, 2013, Filed

SUBSEQUENT HISTORY: Motion denied by MacroSolve, Inc. v. LinkedIn Corp., 2013 U.S. Dist. LEXIS 27229 (E.D. Tex., Feb. 27, 2013)

COUNSEL: [* 1] For James Knowles, Mediator: James W Knowles, Knowles Mediations, Tyler, TX.

For MacroSolve, Inc., Plaintiff: Califf Teal Cooper, Kris Yue Teng, Larry Dean Thompson, Jr, Zachariah Harrington, Matthew J Antonelli, Antonelli, Harrington & Thompson LLP, Houston, TX; Daymon Jeffrey Rambin, Elizabeth L DeRieux, Sidney Calvin Capshaw, III, Capshaw DeRieux LLP, Gladewater, TX.

For LinkedIn Corporation, Defendant, Counter Claimant: David E Finkelson, LEAD ATTORNEY, Derek H Swanson, McGuire Woods - Richmond, Richmond, VA; Deron R Dacus, Shannon Marie Dacus, The Dacus Firm, PC, Tyler, TX.

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For Fareportal, Inc., Consolidated Civil Action 6:12cv416, Consol Defendant: Burton S Ehrlich, PRO HAC VICE, Ladas & Parry LLP, Chicago, IL; Debra Elaine Gunter, Yarbrough Wilcox, PLLC, Tyler, TX; Herbert A Yarbrough, III, Attorney at Law, Tyler, TX.

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For MacroSolve, Inc., Counter Defendant: Califf Teal Cooper, Kris Yue Teng, Larry Dean Thompson, Jr, Zachariah Harrington, Matthew J Antonelli, Antonelli, Harrington & Thompson LLP, Houston, TX.

JUDGES: JOHN D. LOVE, UNITED STATES MAGISTRATE JUDGE.

OPINION BY: JOHN D. LOVE

OPINION

JURY DEMANDED

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Before the Court is Defendant LinkedIn Corporation's ("LinkedIn") Motions to Dismiss For Failure to State a Claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Doc. Nos. 12, 22) ("MOTIONS"). The matters have been fully briefed. (Doc. Nos. 16, 17, 20, 26, 30, 34). For the reasons stated herein, the Court **RECOMMENDS DENYING** the Motions.

Plaintiff Macrosolve, Inc. ("Macrosolve") filed its original complaint on June 16, 2012 alleging infringement of U.S. Patent No. 7,822,816 ("the '816 patent"). (Doc. No. 1) ("COMPLAINT"). On August 24, 2012, LinkedIn filed its first motion to dismiss Macrosolve's original complaint pursuant to FED.R.CIV.P. 12(b)(6) (Doc. No. 12). Then, [* 3] on September 26, 2012, Macrosolve filed an Amended Complaint with LinkedIn's consent. (Doc. No. 19) ("AMENDED COMPLAINT"). Subsequently, on October 15, 2012, LinkedIn filed the instant motion to dismiss any/all direct infringement claims asserted in Macrosolve's amended complaint pursuant to FED.R.CIV.P. 12(b)(6). (Doc. No. 22).

As an initial matter, the Court **RECOMMENDS DENYING** LinkedIn's first motion to dismiss Macrosolve's original complaint pursuant to FED.R.CIV.P. 12(b)(6) (Doc. No. 12) as moot, as Macrosolve has since amended its complaint. (Doc. No. 19).

Regarding LinkedIn's second motion to dismiss (Doc. No. 22), LinkedIn brings its motion to dismiss for "failure to state a claim upon which relief can be granted" before the Court on the basis that "the alleged patented methods cannot be performed solely by LinkedIn." (Doc. No. 22, at 1). As such, the entire premise for LinkedIn's motion to dismiss pursuant to 12(b)(6) is flawed. LinkedIn does not attack the sufficiency of the pleading, nor does it (nor can it) allege that a claim of infringement could not serve as a basis for relief. Rather, LinkedIn's entire argument for dismissal is based on the premise that it is impossible [* 4] for LinkedIn to infringe the '816 Patent because each claimed method requires performance by two actors. (Doc. No. 22, at 3).¹ Whether LinkedIn can or cannot perform the alleged claimed methods of the '816 Patent is a question of infringement not suited for a 12(b)(6) inquiry. Such a determination is not one that could be resolved on the pleadings. Therefore, the Court **RECOMMENDS DENYING** LinkedIn's Motion to Dismiss.

FOOTNOTES

¹ As it stands in its pleadings, Macrosolve has alleged in its amended complaint that LinkedIn directly infringes the '816 Patent through its own use of its mobile applications. AMENDED COMPLAINT at 3. Accordingly, Macrosolve does allege that LinkedIn performs all of the claimed methods on its own. For 12(b)(6) purposes, the Court takes the facts alleged as true. See *EPCO Carbon Dioxide Prods. Inc. v. JP Morgan Chase Bank*, 467 F.3d 466, 467 (5th Cir. 2006) ("the allegations in the complaint must be liberally construed in favor of the plaintiff, and all facts pleaded in the complaint must be taken as true.") Whether those facts can or cannot be established is a dispute that cannot be resolved on the pleadings.

CONCLUSION


For all the foregoing reasons, the Court **RECOMMENDS** [* 5] that LinkedIn's Motions be **DENIED**. Within fourteen (14) days after receipt of the Magistrate Judge's Report, any party may serve and file written objections to the findings and recommendations contained in the Report. A party's failure to file written objections to the findings, conclusions and recommendations contained in this Report within fourteen (14) days after being served with a copy shall bar that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996).

SIGNED this 19th day of December, 2011. So ORDERED and SIGNED this 5th day of February, 2013.

/s/ John D. Love

JOHN D. LOVE

UNITED STATES MAGISTRATE JUDGE







Courts and Administrative Materials 

Terms: 7822816 or 7,822,816

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:13cv207

Macrosolve, Inc. v. Staples, Inc. et al

This case was retrieved from the court on Saturday, April 13, 2013

Date Filed: 02/26/2013	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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<i>Date</i>	<i>#</i>	<i>Proceeding Text</i>	<i>Source</i>
02/26/2013	1	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0540-4016202.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet)(Cooper, Califf) (Entered: 02/26/2013)	
02/26/2013	2	NOTICE by MacroSolve, Inc. of Related Cases (Cooper, Califf) (Entered: 02/26/2013)	
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02/26/2013	4	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 02/26/2013)	
02/26/2013	5	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 02/26/2013)	
02/26/2013	6	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 02/26/2013)	
02/27/2013	7	SUMMONS Issued as to Staples Contract & Commercial, Inc., Staples, Inc. and emailed to pltf for service. (Attachments: # 1 Summons(es))(klb) (Entered: 02/27/2013)	
02/27/2013		Judge Michael H. Schneider and Magistrate Judge John D. Love added. (mjc,) (Entered: 02/27/2013)	
02/27/2013	8	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 02/27/2013)	
02/27/2013	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/27/2013)	
03/07/2013	10	SUMMONS Returned Executed by MacroSolve, Inc.. Staples Contract & Commercial, Inc. served on 2/27/2013, answer due 3/20/2013. (klb) (Entered: 03/07/2013)	
03/07/2013	11	SUMMONS Returned Executed by MacroSolve, Inc.. Staples, Inc. served on 2/27/2013, answer due 3/20/2013. (klb) (Entered: 03/07/2013)	

03/20/2013 12 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Staples, Inc..(Abrahamsen, Robert) (Entered: 03/20/2013)

03/20/2013 13 *** FILED IN ERROR. INCORRECT DOCUMENT. DISREGARD.*** Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Staples Contract & Commercial, Inc..(Abrahamsen, Robert) Modified on 3/20/2013 (gsg). (Entered: 03/20/2013)

03/20/2013 14 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Staples Contract & Commercial, Inc..(Abrahamsen, Robert) (Entered: 03/20/2013)

03/20/2013 Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Staples Contract & Commercial, Inc. to 4/19/2013. 30 Days Granted for Deadline Extension.(klb) (Entered: 04/02/2013)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:13cv206

Macrosolve, Inc. v. Ruelala, Inc. et al

This case was retrieved from the court on Saturday, April 13, 2013

Date Filed: 02/26/2013	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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<i>Date</i>	<i>#</i>	<i>Proceeding Text</i>	<i>Source</i>
02/26/2013	1	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0540-4016197.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet)(Cooper, Califf) (Entered: 02/26/2013)	
02/26/2013	2	NOTICE by MacroSolve, Inc. of Related Cases (Cooper, Califf) (Entered: 02/26/2013)	
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02/26/2013	5	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 02/26/2013)	
02/26/2013	6	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 02/26/2013)	
02/27/2013	7	SUMMONS Issued as to Retail Convergence.com, LP, RueLaLa, Inc. and emailed to pltf for service. (Attachments: # 1 Summons(es))(klb) (Entered: 02/27/2013)	
02/27/2013		Judge Michael H. Schneider and Magistrate Judge John D. Love added. (mjc,) (Entered: 02/27/2013)	
02/27/2013	8	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 02/27/2013)	
02/27/2013	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/27/2013)	
03/07/2013	10	SUMMONS Returned Executed by MacroSolve, Inc.. Retail Convergence.com, LP served on 2/27/2013, answer due 3/20/2013. (klb) (Entered: 03/07/2013)	
03/07/2013	11	SUMMONS Returned Executed by MacroSolve, Inc.. RueLaLa, Inc. served on 2/27/2013, answer due 3/20/2013. (klb) (Entered: 03/07/2013)	

- 03/19/2013 12 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re RueLaLa, Inc..(Vincent, Lance) (Entered: 03/19/2013)
- 03/19/2013 13 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Retail Convergence.com, LP.(Vincent, Lance) (Entered: 03/19/2013)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:13cv205

Macrosolve, Inc. v. Pandora Media, Inc.

This case was retrieved from the court on Saturday, April 13, 2013

Date Filed: 02/26/2013	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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<i>Date</i>	<i>#</i>	<i>Proceeding Text</i>	<i>Source</i>
02/26/2013	1	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0540-4016195.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet)(Cooper, Califf) (Entered: 02/26/2013)	
02/26/2013	2	NOTICE by MacroSolve, Inc. of Related Cases (Cooper, Califf) (Entered: 02/26/2013)	
02/26/2013	3	NOTICE of Attorney Appearance by Matthew J Antonelli on behalf of MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/26/2013)	
02/26/2013	4	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 02/26/2013)	
02/26/2013	5	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 02/26/2013)	
02/26/2013	6	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 02/26/2013)	
02/27/2013	7	SUMMONS Issued as to Pandora Media, Inc. and emailed to pltf for service. (klb) (Entered: 02/27/2013)	
02/27/2013		Judge Michael H. Schneider and Magistrate Judge John D. Love added. (mjc,) (Entered: 02/27/2013)	
02/27/2013	8	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 02/27/2013)	
02/27/2013	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/27/2013)	
03/12/2013	10	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Pandora Media, Inc.(Sacksteder, Michael) (Entered: 03/12/2013)	
03/12/2013		Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Pandora Media, Inc. to 4/22/2013. 30 Days Granted for Deadline Extension.(klb) (Entered: 03/14/2013)	
03/25/2013	11	SUMMONS Returned Executed by MacroSolve, Inc. Pandora Media, Inc. served on 2/28/2013, answer due 4/22/2013. (mjc,) (Entered: 03/25/2013)	

US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:13cv204

Macrosolve, Inc. v. Nordstrom, Inc. et al

This case was retrieved from the court on Saturday, April 13, 2013

Date Filed: 02/26/2013	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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<i>Date</i>	<i>#</i>	<i>Proceeding Text</i>	<i>Source</i>
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02/27/2013		Judge Michael H. Schneider and Magistrate Judge John D. Love added. (mjc,) (Entered: 02/27/2013)	
02/27/2013	8	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 02/27/2013)	
02/27/2013	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/27/2013)	
03/11/2013	10	*** DEFICIENT FILING. SEE ENTRY 11 FOR CORRECTED FILING.*** Unopposed MOTION for Extension of Time to File Answer /Respond to Plaintiff's Complaint by HauteLook, Inc., Nordstrom, Inc.. (Attachments: # 1 Text of Proposed Order)(Wilcox, Melvin) Modified on 3/12/2013 (gsg). (Entered: 03/11/2013)	

03/12/2013	11	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to the Complaint by HauteLook, Inc., Nordstrom, Inc.. (Attachments: # 1 Text of Proposed Order)(Wilcox, Melvin) (Entered: 03/12/2013)	
03/12/2013		NOTICE of Deficiency regarding the Unopposed Motion, entry 10 submitted. No certificate of conference. Correction should be made by See entry 11 for corrected filing. (gsg) (Entered: 03/12/2013)	
03/13/2013	12	ORDER granting 11 Motion for Extension of Time to Answer. Defendants shall have to 4-20-2013, to Answer or Otherwise Respond to Plaintiff's Complaint. Signed by Magistrate Judge John D. Love on 03/13/13. cc:attys 3-13-13 (mll,) (Entered: 03/13/2013)	
03/25/2013	13	SUMMONS Returned Executed by MacroSolve, Inc. HauteLook, Inc. served on 2/28/2013, answer due 3/21/2013. (mjc,) (Entered: 03/25/2013)	
03/25/2013	14	SUMMONS Returned Executed by MacroSolve, Inc. Nordstrom, Inc. served on 2/28/2013, answer due 3/21/2013. (mjc,) (Entered: 03/25/2013)	
04/15/2013	15	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to Plaintiff's Complaint by HauteLook, Inc., Nordstrom, Inc.. (Attachments: # 1 Text of Proposed Order)(Wilcox, Melvin) (Entered: 04/15/2013)	Events < br> since last < br> full&nbsupdate
04/16/2013	16	ORDER granting 15 Motion for Extension of Time to Answer. Defendants have up to 5-06-2013, to Answer or Otherwise Respond to Plaintiff's Complaint. Signed by Magistrate Judge John D. Love on 04/16/13. (mll,) (Entered: 04/16/2013)	Events < br> since last < br> full&nbsupdate

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:13cv202

Macrosolve, Inc. v. Kohl's Department Stores, Inc. et al

This case was retrieved from the court on Saturday, April 13, 2013

Date Filed: 02/25/2013	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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Date	#	Proceeding Text	Source
02/25/2013	1	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0540-4015115.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet)(Cooper, Califf) (Entered: 02/25/2013)	
02/25/2013	2	NOTICE by MacroSolve, Inc. of Related Cases (Cooper, Califf) (Entered: 02/25/2013)	
02/26/2013	3	NOTICE of Attorney Appearance by Matthew J Antonelli on behalf of MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/26/2013)	
02/26/2013	4	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 02/26/2013)	
02/26/2013	5	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 02/26/2013)	
02/26/2013	6	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 02/26/2013)	
02/27/2013	7	SUMMONS Issued as to Kohl's Corporation, Kohl's Department Stores, Inc. and emailed to pltf for service. (Attachments: # 1 Summons(es))(klb) (Entered: 02/27/2013)	
02/27/2013		Judge Michael H. Schneider and Magistrate Judge John D. Love added. (mjc,) (Entered: 02/27/2013)	
02/27/2013	8	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 02/27/2013)	
02/27/2013	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/27/2013)	
03/07/2013	10	SUMMONS Returned Executed by MacroSolve, Inc.. Kohl's Department Stores, Inc. served on 2/28/2013, answer due 3/21/2013. (klb) (Entered: 03/07/2013)	
03/07/2013	11	SUMMONS Returned Executed by MacroSolve, Inc.. Kohl's Corporation served on 2/28/2013, answer due 3/21/2013. (klb) (Entered: 03/07/2013)	
03/12/2013	12	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re	

Kohl's Corporation, Kohl's Department Stores, Inc..(Jackson, John) (Entered: 03/12/2013)

03/12/2013 Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Kohl's Corporation to 4/22/2013; Kohl's Department Stores, Inc. to 4/22/2013. 32 Days Granted for Deadline Extension.(klb) (Entered: 03/14/2013)

04/12/2013 13 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Kohl's Corporation, Kohl's Department Stores, Inc..(Jackson, John) (Entered: 04/12/2013)

04/16/2013 14 Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to Plaintiffs Original Complaint by Kohl's Corporation, Kohl's Department Stores, Inc.. (Attachments: # 1 Text of Proposed Order)(Jackson, John) (Entered: 04/16/2013)

Events

 since last

 full&nbsupdate

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:13cv201

Macrosolve, Inc. v. Gilt Groupe Holdings, Inc. et al

This case was retrieved from the court on Saturday, April 13, 2013

Date Filed: 02/25/2013	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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Date	#	Proceeding Text	Source
02/25/2013	1	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0540-4015110.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet)(Cooper, Califf) (Entered: 02/25/2013)	
02/25/2013	2	NOTICE by MacroSolve, Inc. of Related Cases (Cooper, Califf) (Entered: 02/25/2013)	
02/26/2013	3	NOTICE of Attorney Appearance by Matthew J Antonelli on behalf of MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/26/2013)	
02/26/2013	4	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 02/26/2013)	
02/26/2013	5	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 02/26/2013)	
02/26/2013	6	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 02/26/2013)	
02/27/2013	7	SUMMONS Issued as to Gilt City, Inc., Gilt Groupe Holdings, Inc., Gilt Groupe, Inc. and emailed to pltf for service. (Attachments: # 1 Summons(es), # 2 Summons(es))(klb) (Entered: 02/27/2013)	
02/27/2013		Judge Michael H. Schneider and Magistrate Judge John D. Love added. (mjc,) (Entered: 02/27/2013)	

02/27/2013	8	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 02/27/2013)	
02/27/2013	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/27/2013)	
03/07/2013	10	SUMMONS Returned Executed by MacroSolve, Inc.. Gilt City, Inc. served on 2/28/2013, answer due 3/21/2013. (klb) (Entered: 03/07/2013)	
03/07/2013	11	SUMMONS Returned Executed by MacroSolve, Inc.. Gilt Groupe Holdings, Inc. served on 2/27/2013, answer due 3/20/2013. (klb) (Entered: 03/07/2013)	
03/07/2013	12	SUMMONS Returned Executed by MacroSolve, Inc.. Gilt Groupe, Inc. served on 2/27/2013, answer due 3/20/2013. (klb) (Entered: 03/07/2013)	
03/15/2013	13	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Gilt City, Inc., Gilt Groupe Holdings, Inc., Gilt Groupe, Inc..(Jackson, John) (Entered: 03/15/2013)	
03/15/2013		Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Gilt City, Inc. to 4/20/2013; Gilt Groupe, Inc. to 4/20/2013; Gilt Groupe Holdings, Inc. to 4/20/2013. 30 Days Granted for Deadline Extension.(klb) (Entered: 03/18/2013)	
04/16/2013	14	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to Plaintiff's Original Complaint by Gilt City, Inc., Gilt Groupe Holdings, Inc., Gilt Groupe, Inc.. (Attachments: # 1 Text of Proposed Order)(Jackson, John) (Entered: 04/16/2013)	Events < br> since plast < br> full nbsp;update

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:13cv200

Macrosolve, Inc. v. Gamestop Corp. et al

This case was retrieved from the court on Saturday, April 13, 2013

Date Filed: 02/25/2013	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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<i>Date</i>	<i>#</i>	<i>Proceeding Text</i>	<i>Source</i>
02/25/2013	1	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0540-4015102.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet)(Cooper, Califf) (Entered: 02/25/2013)	
02/25/2013	2	NOTICE by MacroSolve, Inc. of Related Cases (Cooper, Califf) (Entered: 02/25/2013)	
02/26/2013	3	NOTICE of Attorney Appearance by Matthew J Antonelli on behalf of MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/26/2013)	
02/26/2013	4	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 02/26/2013)	
02/26/2013	5	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 02/26/2013)	
02/26/2013	6	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 02/26/2013)	
02/27/2013	7	SUMMONS Issued as to GameStop Corp., GameStop, Inc. and emailed to pltf for service. (Attachments: # 1 Summons(es))(klb) (Entered: 02/27/2013)	
02/27/2013		Judge Michael H. Schneider and Magistrate Judge John D. Love added. (mjc,) (Entered: 02/27/2013)	
02/27/2013	8	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 02/27/2013)	
02/27/2013	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/27/2013)	
03/20/2013	10	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re GameStop Corp., GameStop, Inc..(Siegel, Todd) (Entered: 03/20/2013)	
03/21/2013	11	Defendant's Unopposed Corrected First Application for Extension of Time to Answer Complaint re GameStop Corp., GameStop, Inc..(Siegel, Todd) (Entered: 03/21/2013)	

03/21/2013 Defendant's Unopposed CORRECTED First Application for Extension of Time to Answer Complaint is GRANTING pursuant to Local Rule CV-12 for GameStop, Inc. to 5/3/2013; GameStop Corp. to 5/3/2013. 43 Days Granted for Deadline Extension.(sm,) (Entered: 03/21/2013)

03/25/2013 12 SUMMONS Returned Executed by MacroSolve, Inc. GameStop Corp. served on 2/28/2013, answer due 5/3/2013. (mjc,) (Entered: 03/25/2013)

03/25/2013 13 SUMMONS Returned Executed by MacroSolve, Inc. GameStop, Inc. served on 2/28/2013, answer due 5/3/2013. (mjc,) (Entered: 03/25/2013)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:13cv199

Macrosolve, Inc. v. Fandango, Inc. et al

This case was retrieved from the court on Saturday, April 13, 2013

Date Filed: 02/25/2013	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

Litigants

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<i>Date</i>	<i>#</i>	<i>Proceeding Text</i>	<i>Source</i>
02/25/2013	1	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0540-4015097.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet)(Cooper, Califf) (Entered: 02/25/2013)	
02/25/2013	2	NOTICE by MacroSolve, Inc. of Related Cases (Cooper, Califf) (Entered: 02/25/2013)	
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02/26/2013	4	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 02/26/2013)	
02/26/2013	5	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 02/26/2013)	
02/26/2013	6	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 02/26/2013)	
02/27/2013	7	SUMMONS Issued as to Fandango LLC, Fandango Marketing, LLC, Fandango Media, LLC, Fandango, Inc. and emailed to pltf for service. (Attachments: # 1 Summons(es), # 2 Summons(es), # 3 Summons(es))(klb) (Entered: 02/27/2013)	
02/27/2013		Judge Michael H. Schneider and Magistrate Judge John D. Love added. (mjc,) (Entered: 02/27/2013)	
02/27/2013	8	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 02/27/2013)	
02/27/2013	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/27/2013)	
03/07/2013	10	SUMMONS Returned Executed by MacroSolve, Inc.. Fandango LLC served on 2/27/2013, answer due 3/20/2013. (klb) (Entered: 03/07/2013)	
03/07/2013	11	SUMMONS Returned Executed by MacroSolve, Inc.. Fandango Marketing, LLC served on 2/27/2013, answer due 3/20/2013. (klb) (Entered: 03/07/2013)	
03/07/2013	12	SUMMONS Returned Executed by MacroSolve, Inc.. Fandango Media, LLC served on 2/27/2013, answer due 3/20/2013. (klb) (Entered: 03/07/2013)	
03/07/2013	13	SUMMONS Returned Executed by MacroSolve, Inc.. Fandango, Inc. served on 2/27/2013, answer due 3/20/2013. (klb) (Entered: 03/07/2013)	
03/20/2013	14	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Fandango LLC.(Zembek, Richard) (Entered: 03/20/2013)	
03/20/2013	15	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Fandango Marketing, LLC.(Zembek, Richard) (Entered: 03/20/2013)	
03/20/2013	16	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Fandango Media, LLC.(Zembek, Richard) (Entered: 03/20/2013)	
03/20/2013	17	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Fandango, Inc..(Zembek, Richard) (Entered: 03/20/2013)	
03/21/2013		Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Fandango Media, LLC to 4/19/2013; Fandango LLC to 4/19/2013; Fandango, Inc. to 4/19/2013; Fandango Marketing, LLC to 4/19/2013. 30 Days Granted for Deadline Extension.(sm,) (Entered: 03/21/2013)	
03/21/2013	18	NOTICE of Attorney Appearance by Dan Duncan Davison on behalf of Fandango LLC, Fandango Marketing, LLC, Fandango Media, LLC, Fandango, Inc. (Davison, Dan) (Entered: 03/21/2013)	
03/21/2013	19	NOTICE of Attorney Appearance by Paul Andrew Dyson on behalf of Fandango LLC, Fandango Marketing, LLC, Fandango Media, LLC, Fandango, Inc. (Dyson, Paul) (Entered: 03/21/2013)	

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 *** THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY ***

US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:13cv198

Macrosolve, Inc. v. Costco Wholesale Corporation

This case was retrieved from the court on Saturday, April 13, 2013

Date Filed: 02/25/2013	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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<i>Date</i>	<i>#</i>	<i>Proceeding Text</i>	<i>Source</i>
02/25/2013	1	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0540-4015072.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet)(Cooper, Califf) (Entered: 02/25/2013)	
02/25/2013	2	NOTICE by MacroSolve, Inc. of Related Cases (Cooper, Califf) (Entered: 02/25/2013)	
02/26/2013	3	NOTICE of Attorney Appearance by Matthew J Antonelli on behalf of MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/26/2013)	
02/26/2013	4	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 02/26/2013)	
02/26/2013	5	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 02/26/2013)	
02/26/2013	6	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 02/26/2013)	
02/27/2013	7	SUMMONS Issued as to Costco Wholesale Corporation and emailed to pltf for service. (klb) (Entered: 02/27/2013)	
02/27/2013		Judge Michael H. Schneider and Magistrate Judge John D. Love added. (mjc,) (Entered: 02/27/2013)	
02/27/2013	8	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 02/27/2013)	
02/27/2013	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/27/2013)	
03/20/2013	10	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Costco Wholesale Corporation.(Zembek, Richard) (Entered: 03/20/2013)	
03/20/2013		Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Costco Wholesale Corporation to 4/20/2013. 30 Days Granted for Deadline Extension.(klb) (Entered: 04/02/2013)	
03/25/2013	11	SUMMONS Returned Executed by MacroSolve, Inc. Costco Wholesale Corporation served on 2/28/2013, answer due 3/21/2013. (mjc,) (Entered: 03/25/2013)	
04/12/2013	12	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Costco Wholesale Corporation.(Zembek, Richard) (Entered: 04/12/2013)	
04/12/2013		Defendant's Unopposed Second Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Costco Wholesale Corporation to 5/5/2013. 15 Days Granted for Deadline Extension.(sm,) (Entered: 04/12/2013)	

US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:13cv203

Macrosolve, Inc. v. The Kroger Co.

This case was retrieved from the court on Monday, February 25, 2013

Date Filed: 02/25/2013	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
6:11cv00101	
6:11cv00101	
6:11cv00101	
6:11cv00101	
6:11cv00101	
6:11cv00194	
6:11cv00101	
6:11cv00194	
Jurisdiction: Federal Question	

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Date	#	Proceeding Text	Source
02/25/2013	1	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0540-4015119.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet)(Cooper, Califf) (Entered: 02/25/2013)	
02/25/2013	2	NOTICE by MacroSolve, Inc. of Related Cases (Cooper, Califf) (Entered: 02/25/2013)	Events since last full&nbsupdate
02/26/2013	3	NOTICE of Attorney Appearance by Matthew J Antonelli on behalf of MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/26/2013)	Events since last full&nbsupdate
02/26/2013	4	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve,	Events

		Inc. (Thompson, Larry) (Entered: 02/26/2013)	< br> since last < br> full&nbsupdate
02/26/2013	5	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 02/26/2013)	Events < br> since last < br> full&nbsupdate
02/26/2013	6	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 02/26/2013)	Events < br> since last < br> full&nbsupdate
02/27/2013	7	SUMMONS Issued as to The Kroger Co. and emailed to pltf for service. (klb) (Entered: 02/27/2013)	Events < br> since last < br> full&nbsupdate
02/27/2013	--	Judge Michael H. Schneider and Magistrate Judge John D. Love added. (mjc,) (Entered: 02/27/2013)	Events < br> since last < br> full&nbsupdate
02/27/2013	8	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 02/27/2013)	Events < br> since last < br> full&nbsupdate
02/27/2013	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 02/27/2013)	Events < br> since last < br> full&nbsupdate
03/07/2013	10	SUMMONS Returned Executed by MacroSolve, Inc.. The Kroger Co. served on 2/28/2013, answer due 3/21/2013. (klb) (Entered: 03/07/2013)	Events < br> since last < br> full&nbsupdate
03/15/2013	11	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re The Kroger Co..(Stubbs, Samuel) (Entered: 03/15/2013)	Events < br> since last < br> full&nbsupdate
03/15/2013	--	Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for The Kroger Co. to 4/22/2013. 30 Days Granted for Deadline Extension.(klb) (Entered: 03/15/2013)	Events < br> since last < br> full&nbsupdate
03/19/2013	12	NOTICE of Attorney Appearance - Pro Hac Vice by Raymond L Sweigart on behalf of The Kroger Co.. Filing fee \$ 100, receipt number 0540-4051256. (Sweigart, Raymond) (Entered: 03/19/2013)	Events < br> since last < br> full&nbsupdate
03/19/2013	13	NOTICE of Attorney Appearance - Pro Hac Vice by Robert Michael Fuhrer on behalf of The Kroger Co.. Filing fee \$ 100, receipt number 0540-4051282. (Fuhrer, Robert) (Entered: 03/19/2013)	Events < br> since last < br> full&nbsupdate

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:12cv980

Macrosolve, Inc. v. Cvs Pharmacy, Inc.

This case was retrieved from the court on Wednesday, April 17, 2013

Date Filed: 12/ 21/ 2012	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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Date	#	Proceeding Text	Source
12/21/2012	1	COMPLAINT against CVS Pharmacy, Inc. (Filing fee \$ 350 receipt number 0540-3928172.), filed by MacroSolve, Inc.. (Attachments: # 1 Exhibit 816 Patent, # 2 Civil Cover Sheet)(Cooper, Califf) (Entered: 12/21/2012)	
12/21/2012		Judge Leonard Davis added. (mll,) (Entered: 12/26/2012)	
01/02/2013	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Cooper, Califf) (Entered: 01/02/2013)	
01/02/2013	3	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Cooper, Califf) (Entered: 01/02/2013)	
01/02/2013	4	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 01/02/2013)	
01/02/2013	5	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 01/02/2013)	
01/02/2013	6	NOTICE of Attorney Appearance by Matthew J Antonelli on behalf of MacroSolve, Inc. (Antonelli, Matthew) (Entered: 01/02/2013)	
01/02/2013	7	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 01/02/2013)	
01/02/2013	8	SUMMONS Issued as to CVS Pharmacy, Inc. and emailed to pltf for service. (klb) (Entered: 01/02/2013)	
01/15/2013	9	Order reassigning this case to United States District Judge Michael H. Schneider per General Order 13-3. Please see Appendix D: Addendum Regarding Cases Assigned to Judge Schneider. Judge Leonard Davis no longer assigned to the case. (tlh,) (Entered: 01/15/2013)	
01/18/2013	10	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re CVS Pharmacy, Inc. (Ainsworth, Charles) (Entered: 01/18/2013)	
01/18/2013		Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for CVS Pharmacy, Inc. to 2/24/2013. 30 Days Granted for Deadline Extension.(klb) (Entered: 01/23/2013)	
01/29/2013	11	SUMMONS Returned Executed by MacroSolve, Inc. CVS Pharmacy, Inc. served on 1/4/2013, answer due 2/24/2013. (mjc,) (Entered: 01/29/2013)	
02/06/2013	12	ORDER REFERRING CASE to Magistrate Judge John D. Love for all pretrial proceedings. Signed by Judge Michael H. Schneider on 02/06/13. cc:attys 2-07-13(mll,) (Entered: 02/07/2013)	
02/15/2013	13	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re CVS Pharmacy, Inc.(Ainsworth, Charles) (Entered: 02/15/2013)	

- 02/15/2013 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for CVS Pharmacy, Inc. to 3/11/2013. 14 Days Granted for Deadline Extension.(klb) (Entered: 02/21/2013)
- 02/26/2013 14 ORDER for Plaintiff to file a notice that the case is ready for scheduling conference. Signed by Magistrate Judge John D. Love on 2/26/2013. (gsg) (Entered: 02/27/2013)
- 03/07/2013 15 Unopposed MOTION for Extension of Time to File Answer re 1 Complaint by CVS Pharmacy, Inc.. (Attachments: # 1 Text of Proposed Order)(Ainsworth, Charles) (Entered: 03/07/2013)
- 03/08/2013 16 ORDER granting 15 Motion for Extension of Time. Defendant CVS Pharmacy Inc shall have to 3-13-2013 to answer or otherwise respond to Plaintiffs' Complaint for Patent Infringement. Signed by Magistrate Judge John D. Love on 03/08/13. cc:attys 3-08-13 (mll,) (Entered: 03/08/2013)
- 03/13/2013 17 Agreed MOTION to Stay Pending Settlement by CVS Pharmacy, Inc.. (Attachments: # 1 Text of Proposed Order)(Ainsworth, Charles) (Entered: 03/13/2013)
- 03/18/2013 18 ORDER granting 17 Motion to Stay. All deadlines are STAYED for 30 days, up to and including 4-12-2013. Parties shall submit closing documents by 4-12-2013. Signed by Magistrate Judge John D. Love on 03/18/13. cc:attys 3-18-13 (mll,) (Entered: 03/18/2013)
- 04/11/2013 19 Agreed MOTION to Stay Deadlines Pending Settlement by CVS Pharmacy, Inc.. (Attachments: # 1 Text of Proposed Order)(Ainsworth, Charles) (Entered: 04/11/2013)
- 04/12/2013 20 ORDER granting 19 Motion to Stay. All Deadlines are STAYED up to and including 4-26-2013. Parties shall submit closing documents no later than 4-26-2013. Signed by Magistrate Judge John D. Love on 04/12/13. (mll,) (Entered: 04/12/2013)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:12cv979

Macrosolve, Inc. v. Dollar Thrifty Automotive Group, Inc. et al

This case was retrieved from the court on Sunday, March 10, 2013

Date Filed: 12/ 21/ 2012	Class Code: CLOSED
Assigned To: Judge Michael H. Schneider	Closed: Yes
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: None	
Jurisdiction: Federal Question	

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Dollar Thrifty Automotive Group, Inc.
Defendant

Dollar Rent-A-Car, Inc.
Defendant

Thrifty, Inc.
Defendant

Date	#	Proceeding Text	Source
12/21/2012	1	COMPLAINT against Dollar Rent-A-Car, Inc., Dollar Thrifty Automotive Group, Inc., Thrifty, Inc. (Filing fee \$ 350 receipt number 0540-3928324.), filed by MacroSolve, Inc.. (Attachments: # 1 Exhibit A [816 Patent], # 2 Civil Cover Sheet)(Cooper, Califf) (Entered: 12/21/2012)	
12/21/2012		Judge Leonard Davis added. (mll,) (Entered: 12/26/2012)	
12/28/2012	2	NOTICE by MacroSolve, Inc. Notice of Dismissal Without Prejudice (Attachments: # 1 Text of Proposed Order)(Cooper, Califf) (Entered: 12/28/2012)	
01/15/2013	3	Order reassigning this case to United States District Judge Michael H. Schneider per General Order 13-3. Please see Appendix D: Addendum Regarding Cases Assigned to Judge Schneider. Judge Leonard Davis no longer assigned to the case. (tlh,) (Entered: 01/15/2013)	
02/06/2013	4	ORDER REFERRING CASE to Magistrate Judge John D. Love for all pretrial proceedings. Signed by Judge Michael H. Schneider on 02/06/13. cc:attys 2-07-13(mll,) (Entered: 02/07/2013)	
02/11/2013	5	ORDER granting 2 Notice of Dismissal filed by MacroSolve, Inc. Signed by Judge Michael H. Schneider on 02/11/13. cc:attys 2-11-13(mll,) (Entered: 02/11/2013)	

02/11/2013 6 FINAL JUDGMENT. The parties shall take nothing and all pending motions are DENIED AS MOOT. All costs are to be borne by the party that incurred them. All claims, counterclaims, and third-party claims in the instant suit are DISMISSED in their entirety. The Clerk of the Court is directed to close this case. Signed by Judge Michael H. Schneider on 02/11/13. cc:attys 2-11-13(mll,) (Entered: 02/11/2013)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:12cv978

Macrosolve, Inc. v. Supershuttle International Corp.

This case was retrieved from the court on Wednesday, April 17, 2013

Date Filed: 12/ 21/ 2012	Class Code: CLOSED
Assigned To: Judge Michael H. Schneider	Closed: Yes
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

Litigants

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<i>Date</i>	<i>#</i>	<i>Proceeding Text</i>	<i>Source</i>
12/21/2012	1	COMPLAINT against SuperShuttle International Corp. (Filing fee \$ 350 receipt number 0540-3928314.), filed by MacroSolve, Inc.. (Attachments: # 1 Exhibit A [816 Patent], # 2 Civil Cover Sheet)(Cooper, Califf) (Entered: 12/21/2012)	
12/21/2012		Judge Leonard Davis added. (mll,) (Entered: 12/26/2012)	
01/02/2013	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Cooper, Califf) (Entered: 01/02/2013)	
01/02/2013	3	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Cooper, Califf) (Entered: 01/02/2013)	
01/02/2013	4	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 01/02/2013)	
01/02/2013	5	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 01/02/2013)	
01/02/2013	6	NOTICE of Attorney Appearance by Matthew J Antonelli on behalf of MacroSolve, Inc. (Antonelli, Matthew) (Entered: 01/02/2013)	
01/02/2013	7	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 01/02/2013)	
01/02/2013	8	SUMMONS Issued as to SuperShuttle International Corp. and emailed to pltf for service. (klb) (Entered: 01/02/2013)	
01/11/2013	9	Return of Service Executed as to SuperShuttle International Corp. on 1/3/2013, by personal service; answer due: 1/24/2013. (mll,) (Entered: 01/14/2013)	
01/15/2013	10	Order reassigning this case to United States District Judge Michael H. Schneider per General Order 13-3. Please see Appendix D: Addendum Regarding Cases Assigned to Judge Schneider.	

Judge Leonard Davis no longer assigned to the case. (tlh,) (Entered: 01/15/2013)

02/06/2013 11 ORDER REFERRING CASE to Magistrate Judge John D. Love for all pretrial proceedings. Signed by Judge Michael H. Schneider on 02/06/13. cc:attys 2-07-13(mll,) (Entered: 02/07/2013)

02/26/2013 12 AMENDED COMPLAINT For Patent Infringement against All Defendants, filed by MacroSolve, Inc.. (Attachments: # 1 Exhibit U.S. Pat. No. 7,822,816)(Cooper, Califf) (Entered: 02/26/2013)

02/26/2013 13 ORDER for Plaintiff to file a notice that the case is ready for scheduling conference. Signed by Magistrate Judge John D. Love on 2/26/2013. (gsg) (Entered: 02/27/2013)

02/28/2013 14 SUMMONS Issued as to SuperShuttle International Corp. and emailed to pltf for service. (Attachments: # 1 Summons(es))(klb) (Entered: 02/28/2013)

03/07/2013 15 SUMMONS Returned Executed by MacroSolve, Inc.. SuperShuttle International Corp. served on 2/28/2013, answer due 3/21/2013. (klb) (Entered: 03/07/2013)

03/21/2013 16 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re SuperShuttle International Corp..(Leach, Sid) (Entered: 03/21/2013)

03/21/2013 17 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Super Shuttle DFW, Inc..(Leach, Sid) (Entered: 03/21/2013)

03/22/2013 Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for SuperShuttle International Corp. to 4/22/2013; Super Shuttle DFW, Inc. to 4/22/2013. 30 Days Granted for Deadline Extension.(sm,) (Entered: 03/22/2013)

03/25/2013 18 SUMMONS Returned Executed by MacroSolve, Inc. Super Shuttle DFW, Inc. served on 2/28/2013, answer due 4/22/2013. (mjc,) (Entered: 03/25/2013)

03/29/2013 19 NOTICE by MacroSolve, Inc. of Dismissal of Defendants With Prejudice (Attachments: # 1 Text of Proposed Order)(Cooper, Califf) (Entered: 03/29/2013)

04/03/2013 20 ORDER OF DISMISSAL OF SUPERSHUTTLE granting 19 Notice filed by MacroSolve, Inc. ORDERED that SSI is dismissed from this action with prejudice. Each party shall bear its own attorneys fees and costs. Signed by Judge Michael H. Schneider on 4/3/2013. (gsg) (Entered: 04/04/2013)

04/03/2013 21 FINAL JUDGMENT. ORDERED that all claims, counterclaims, and third-party claims in the instant suit be DISMISSED. Signed by Judge Michael H. Schneider on 4/3/2013. (gsg) (Entered: 04/04/2013)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:12cv977

Macrosolve, Inc. v. Skymall, Inc.

This case was retrieved from the court on Wednesday, April 17, 2013

Date Filed: 12/ 21/ 2012	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Both
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

Litigants

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<i>Date</i>	<i>#</i>	<i>Proceeding Text</i>	<i>Source</i>
12/21/2012	1	COMPLAINT against SkyMall, Inc. (Filing fee \$ 350 receipt number 0540-3928280.), filed by MacroSolve, Inc.. (Attachments: # 1 Exhibit A [816 Patent], # 2 Civil Cover Sheet)(Cooper, Califf) (Entered: 12/21/2012)	
12/21/2012		Judge Leonard Davis added. (mll,) (Entered: 12/26/2012)	
01/02/2013	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Cooper, Califf) (Entered: 01/02/2013)	
01/02/2013	3	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Cooper, Califf) (Entered: 01/02/2013)	
01/02/2013	4	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 01/02/2013)	
01/02/2013	5	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 01/02/2013)	
01/02/2013	6	NOTICE of Attorney Appearance by Matthew J Antonelli on behalf of MacroSolve, Inc. (Antonelli, Matthew) (Entered: 01/02/2013)	
01/02/2013	7	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 01/02/2013)	
01/02/2013	8	SUMMONS Issued as to SkyMall, Inc. and emailed to pltf for service. (klb) (Entered: 01/02/2013)	
01/11/2013	9	Return of Service Executed as to SkyMall, Inc. on 1/3/2013, by personal service; answer due: 1/24/2013. (mll,) (Entered: 01/14/2013)	
01/15/2013	10	Order reassigning this case to United States District Judge Michael H. Schneider per General Order 13-3. Please see Appendix D: Addendum Regarding Cases Assigned to Judge Schneider. Judge Leonard Davis no longer assigned to the case. (tlh,) (Entered: 01/15/2013)	

- 01/24/2013 11 NOTICE of Attorney Appearance - Pro Hac Vice by Glenn s Bacal on behalf of SkyMall, Inc.. Filing fee \$ 100, receipt number 0540-3968340. (Bacal, Glenn) (Entered: 01/24/2013)
- 01/24/2013 12 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re SkyMall, Inc..(Bacal, Glenn) (Entered: 01/24/2013)
- 01/24/2013 Defendant's Unopposed Yes Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for SkyMall, Inc. to 2/23/2013. 30 Days Granted for Deadline Extension.(klb) (Entered: 01/29/2013)
- 02/06/2013 13 ORDER REFERRING CASE to Magistrate Judge John D. Love for all pretrial proceedings. Signed by Judge Michael H. Schneider on 02/06/13. cc:attys 2-07-13(mll,) (Entered: 02/07/2013)
- 02/25/2013 14 ANSWER to 1 Complaint and Affirmative Defenses by SkyMall, Inc..(Ainsworth, Jennifer) (Entered: 02/25/2013)
- 02/27/2013 15 NOTICE by MacroSolve, Inc. of Readiness for Scheduling Conference (Cooper, Califf) (Entered: 02/27/2013)
- 03/20/2013 16 MOTION to Withdraw as Attorney by SkyMall, Inc.. (Attachments: # 1 Text of Proposed Order) (Bacal, Glenn) (Entered: 03/20/2013)
- 03/21/2013 17 ORDER granting 16 Motion to Withdraw as Attorney. Attorney Glenn s Bacal terminated. Signed by Magistrate Judge John D. Love on 3/21/13. (mjc,) (Entered: 03/21/2013)
- 04/09/2013 18 ORDER TO MEET, REPORT, AND APPEAR. Scheduling/Status Conference set for 5/10/2013 09:30 AM before Magistrate Judge John D. Love. Signed by Magistrate Judge John D. Love on 04/09/13. (mll,) (Entered: 04/09/2013)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:12cv976

Macrosolve, Inc. v. Home Depot U.S.A., Inc.

This case was retrieved from the court on Wednesday, April 17, 2013

Date Filed: 12/ 21/ 2012	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Both
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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Date	#	Proceeding Text	Source
12/21/2012	1	COMPLAINT against Home Depot U.S.A., Inc. (Filing fee \$ 350 receipt number 0540-3928272.), filed by MacroSolve, Inc.. (Attachments: # 1 Exhibit A [816 Patent], # 2 Civil Cover Sheet) (Cooper, Califf) (Entered: 12/21/2012)	
12/21/2012		Judge Leonard Davis added. (mll,) (Entered: 12/26/2012)	
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01/02/2013	3	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Cooper, Califf) (Entered: 01/02/2013)	
01/02/2013	4	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 01/02/2013)	
01/02/2013	5	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 01/02/2013)	
01/02/2013	6	NOTICE of Attorney Appearance by Matthew J Antonelli on behalf of MacroSolve, Inc. (Antonelli, Matthew) (Entered: 01/02/2013)	
01/02/2013	7	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 01/02/2013)	
01/02/2013	8	SUMMONS Issued as to Home Depot U.S.A., Inc. and emailed to pltf for service. (klb) (Entered: 01/02/2013)	
01/11/2013	9	Return of Service Executed as to Home Depot U.S.A., Inc. on 1/3/2013, by personal service; answer due: 1/24/2013. (mll,) (Entered: 01/14/2013)	
01/14/2013	10	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Home Depot U.S.A., Inc. (Johnson, Jeffrey) (Entered: 01/14/2013)	
01/15/2013	11	Order reassigning this case to United States District Judge Michael H. Schneider per General Order 13-3. Please see Appendix D: Addendum Regarding Cases Assigned to Judge Schneider. Judge Leonard Davis no longer assigned to the case. (tlh,) (Entered: 01/15/2013)	

- 01/23/2013 Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Home Depot U.S.A., Inc. to 2/25/2013. 30 Days Granted for Deadline Extension.(klb) (Entered: 01/23/2013)
- 02/06/2013 12 ORDER REFERRING CASE to Magistrate Judge John D. Love for all pretrial proceedings. Signed by Judge Michael H. Schneider on 02/06/13. cc:attys 2-07-13(mll,) (Entered: 02/07/2013)
- 02/25/2013 13 ANSWER to 1 Complaint, COUNTERCLAIM against MacroSolve, Inc. by Home Depot U.S.A., Inc.. (Johnson, Jeffrey) (Entered: 02/25/2013)
- 02/25/2013 14 CORPORATE DISCLOSURE STATEMENT filed by Home Depot U.S.A., Inc. identifying Corporate Parent The Home Depot, Inc. for Home Depot U.S.A., Inc.. (Johnson, Jeffrey) (Entered: 02/25/2013)
- 02/26/2013 15 ANSWER to 13 Answer to Complaint, Counterclaim of Home Depot U.S.A., Inc. by MacroSolve, Inc..(Cooper, Califf) (Entered: 02/26/2013)
- 02/27/2013 16 NOTICE by MacroSolve, Inc. of Readiness for Scheduling Conference (Cooper, Califf) (Entered: 02/27/2013)
- 02/28/2013 17 NOTICE of Attorney Appearance by Nicholas G Papastavros on behalf of Home Depot U.S.A., Inc. (Papastavros, Nicholas) (Entered: 02/28/2013)
- 04/09/2013 18 ORDER TO MEET, REPORT, AND APPEAR. Scheduling/Status Conference set for 5/10/2013 09:30 AM before Magistrate Judge John D. Love. Signed by Magistrate Judge John D. Love on 04/09/13. (mll,) (Entered: 04/09/2013)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:12cv975

Macrosolve, Inc. v. Walgreen Co.

This case was retrieved from the court on Wednesday, April 17, 2013

Date Filed: 12/ 21/ 2012	Class Code: CLOSED
Assigned To: Judge Michael H. Schneider	Closed: Yes
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Both
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: None	
Jurisdiction: Federal Question	

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<i>Date</i>	<i>#</i>	<i>Proceeding Text</i>	<i>Source</i>
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01/02/2013	3	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Cooper, Califf) (Entered: 01/02/2013)	
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01/02/2013	5	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Cooper, Califf) (Entered: 01/02/2013)	
01/02/2013	6	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 01/02/2013)	
01/02/2013	7	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 01/02/2013)	
01/02/2013	8	NOTICE of Attorney Appearance by Matthew J Antonelli on behalf of MacroSolve, Inc. (Antonelli, Matthew) (Entered: 01/02/2013)	
01/02/2013	9	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 01/02/2013)	
01/02/2013	10	SUMMONS Issued as to Walgreen Co. and emailed to pltf for service. (klb) (Entered: 01/02/2013)	
01/11/2013	11	Return of Service Executed as to Walgreen Co. on 1/3/2013, by personal service; answer due: 1/24/2013. (mll,) (Entered: 01/14/2013)	
01/15/2013	12	Order reassigning this case to United States District Judge Michael H. Schneider per General Order 13-3. Please see Appendix D: Addendum Regarding Cases Assigned to Judge Schneider. Judge Leonard Davis no longer assigned to the case. (tlh,) (Entered: 01/15/2013)	
01/18/2013	13	Defendant's Unopposed First Application for Extension of Time to Answer Complaint regarding Walgreen Co.(McSwane, Douglas) (Entered: 01/18/2013)	
01/18/2013		Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Walgreen Co. to 2/25/2013. 30 Days Granted for Deadline Extension.(klb) (Entered: 01/23/2013)	
02/06/2013	14	ORDER REFERRING CASE to Magistrate Judge John D. Love for all pretrial proceedings. Signed by Judge Michael H. Schneider on 02/06/13. cc:attys 2-07-13(mll,) (Entered: 02/07/2013)	
02/18/2013	15	NOTICE of Attorney Appearance by Stephen E Baskin on behalf of Walgreen Co. (Baskin, Stephen) (Entered: 02/18/2013)	
02/18/2013	16	NOTICE of Attorney Appearance by John C Alemanni on behalf of Walgreen Co. (Alemanni, John) (Entered: 02/18/2013)	
02/18/2013	17	NOTICE of Attorney Appearance by Michael T Morlock on behalf of Walgreen Co. (Morlock, Michael) (Entered: 02/18/2013)	
02/22/2013	18	*** FILED IN ERROR. DISREGARD AND SEE ENTRY 19 FOR CORRECTED FILING.*** Walgreen's Unopposed Second Application for Extension of Time to Answer Complaint.(McSwane, Douglas) Modified on 2/22/2013 (gsg). (Entered: 02/22/2013)	
02/22/2013	19	Unopposed MOTION for Extension of Time to File Answer by Walgreen Co.. (Attachments: # 1 Text of Proposed Order)(McSwane, Douglas) (Entered: 02/22/2013)	

- 02/26/2013 20 ORDER granting 19 Motion for Extension of Time to Answer re 1 Complaint. ORDERED that defendant has until March 12, 2013 to answer, move, or otherwise respond to plaintiffs complaint. Signed by Magistrate Judge John D. Love on 2/26/2013. (gsg) (Entered: 02/26/2013)
- 02/26/2013 21 ORDERED that Plaintiff file a notice that the case is ready for scheduling conference. Signed by Magistrate Judge John D. Love on 2/26/2013. (gsg) (Entered: 02/27/2013)
- 03/12/2013 22 ANSWER to 1 Complaint, COUNTERCLAIM against MacroSolve, Inc. by Walgreen Co..(Alemanni, John) (Entered: 03/12/2013)
- 03/15/2013 23 Joint MOTION to Stay All Deadlines by MacroSolve, Inc., Walgreen Co.. (Attachments: # 1 Text of Proposed Order)(Cooper, Califf) (Entered: 03/15/2013)
- 03/18/2013 24 ORDER granting 23 Motion to Stay. All deadlines are stayed to 4-15-2013. Parties are ORDERED to submit closing documents no later than 4-15-2013. Signed by Magistrate Judge John D. Love on 03/18/13. cc:attys 3-18-13 (mll,) (Entered: 03/18/2013)
- 04/04/2013 25 Joint MOTION to Dismiss Walgreen Co. With Prejudice by MacroSolve, Inc., Walgreen Co.. (Attachments: # 1 Text of Proposed Order)(Cooper, Califf) (Entered: 04/04/2013)
- 04/08/2013 26 ORDER granting 25 Motion to Dismiss. All claims and counterclaims made by MacroSolve and Walgreen against each other in this action are dismissed with prejudice. Each party shall bear its own attorneys' fees and costs. Signed by Judge Michael H. Schneider on 04/07/13. cc:attys 4-08-13 (mll,) (Entered: 04/08/2013)
- 04/08/2013 27 FINAL JUDGMENT that parties take nothing and that all pending motions are DENIED AS MOOT. All costs are to be borne by the party that incurred them. All claims, counterclaims, and third-party claims in the instant suit are DISMISSED in their entirety. The Clerk of the Court is directed to close this case. Signed by Judge Michael H. Schneider on 04/07/13. cc:attys 4-08-13(mll,) (Entered: 04/08/2013)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:12cv917

Macrosolve, Inc. v. Starwood Hotels & Resorts Worldwide, Inc.

This case was retrieved from the court on Thursday, February 28, 2013

Date Filed: 12/04/2012	Class Code: CLOSED
Assigned To: Judge Michael H. Schneider	Closed: Yes
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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[Term: 02/25/2013]
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<i>Date</i>	<i>#</i>	<i>Proceeding text</i>	<i>Source</i>
12/04/2012	1	COMPLAINT against Starwood Hotels & Resorts Worldwide, Inc. (Filing fee \$ 350 receipt number 0540-3901108.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet) (Antonelli, Matthew) (Entered: 12/04/2012)	
12/04/2012	2	NOTICE by MacroSolve, Inc. of Related Cases (Antonelli, Matthew) (Entered: 12/04/2012)	
12/04/2012		Judge Leonard Davis added. (mll,) (Entered: 12/05/2012)	
12/05/2012	3	SUMMONS Issued as to Starwood Hotels & Resorts Worldwide, Inc. and emailed to pltf for service. (klb) (Entered: 12/05/2012)	
12/13/2012	4	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 12/13/2012)	
12/13/2012	5	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 12/13/2012)	
12/13/2012	6	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 12/13/2012)	
12/13/2012	7	NOTICE of Attorney Appearance by Califf Teal Cooper on behalf of MacroSolve, Inc. (Cooper, Califf) (Entered: 12/13/2012)	
12/13/2012	8	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 12/13/2012)	
12/13/2012	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 12/13/2012)	
12/19/2012	10	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Starwood Hotels & Resorts Worldwide, Inc. (Johnson, Jeffrey) (Entered: 12/19/2012)	
12/26/2012		Defendant's Unopposed First Application for Extension of Time to Answer Complaint 10 is granted pursuant to Local Rule CV-12 for Starwood Hotels & Resorts Worldwide, Inc. to 1/28/2013. 30 Days Granted for Deadline Extension.(mll,) (Entered: 12/26/2012)	
12/26/2012	11	SUMMONS Returned Executed by MacroSolve, Inc. Starwood Hotels & Resorts Worldwide, Inc. served on 12/6/2012, answer due 1/28/2013. (mjc,) (Entered: 12/27/2012)	
01/15/2013	12	Order reassigning this case to United States District Judge Michael H. Schneider per General Order 13-3. Please see Appendix D: Addendum Regarding Cases Assigned to Judge Schneider. Judge Leonard Davis no longer assigned to the case. (tlh,) (Entered: 01/15/2013)	
01/28/2013	13	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Starwood Hotels & Resorts Worldwide, Inc. (Johnson, Jeffrey) (Entered: 01/28/2013)	

- 01/28/2013 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Starwood Hotels & Resorts Worldwide, Inc. to 2/11/2013. 14 Days Granted for Deadline Extension.(klb) (Entered: 01/29/2013)
- 02/06/2013 14 ORDER REFERRING CASE to Magistrate Judge John D. Love for all pretrial proceedings. Signed by Judge Michael H. Schneider on 02/06/13. cc:attys 2-07-13(mll,) (Entered: 02/07/2013)
- 02/11/2013 15 Unopposed MOTION for Extension of Time to File Answer by Starwood Hotels & Resorts Worldwide, Inc.. (Attachments: # 1 Text of Proposed Order)(Johnson, Jeffrey) (Entered: 02/11/2013)
- 02/13/2013 16 ORDER granting 15 Motion for Extension of Time to Answer re 1 Complaint. Starwood Hotels & Resorts Worldwide, Inc.s deadline to answer Plaintiffs Original Complaint for Patent Infringement (Dkt. 1) is extended until February 25, 2013. Signed by Magistrate Judge John D. Love on 2/13/2013. (gsg) (Entered: 02/13/2013)
- 02/20/2013 17 Joint MOTION to Dismiss Starwood Hotels & Resorts Worldwide, Inc. With Prejudice by MacroSolve, Inc.. (Attachments: # 1 Text of Proposed Order)(Cooper, Califf) (Entered: 02/20/2013)
- 02/25/2013 18 ORDER GRANTING 17 Joint MOTION to Dismiss Starwood Hotels & Resorts Worldwide, Inc. With Prejudice filed by MacroSolve, Inc. All claims and counterclaims made by MacroSolve and Starwood against each other in this action are dismissed with prejudice. Signed by Judge Michael H. Schneider on 2/25/2013. (gsg) (Entered: 02/27/2013)
- 02/25/2013 19 FINAL JUDGMENT. ORDERED, ADJUDGED and DECREED that all claims, counterclaims, and third-party claims in the instant suit be DISMISSED in their entirety. Signed by Judge Michael H. Schneider on 2/25/2013. (gsg) (Entered: 02/27/2013)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:12cv916

Macrosolve, Inc. v. Sears Holdings Management Corporation et al

This case was retrieved from the court on Wednesday, April 17, 2013

Date Filed: 12/04/2012	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Both
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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Date	#	Proceeding Text	Source
12/04/2012	1	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0540-3901075.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet)(Antonelli, Matthew) (Entered: 12/04/2012)	
12/04/2012	2	NOTICE by MacroSolve, Inc. of Related Cases (Antonelli, Matthew) (Entered: 12/04/2012)	
12/04/2012		Judge Leonard Davis added. (mll,) (Entered: 12/05/2012)	
12/05/2012	3	SUMMONS Issued as to Kmart Corporation, Kmart Holding Corporation, Sears Holdings Corporation, Sears Holdings Management Corporation, Sears, Roebuck and Co. and emailed to pltf for service. (Attachments: # 1 Summons(es), # 2 Summons(es), # 3 Summons(es), # 4 Summons(es))(klb) (Entered: 12/05/2012)	
12/13/2012	4	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 12/13/2012)	
12/13/2012	5	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 12/13/2012)	
12/13/2012	6	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc.	

(Harrington, Zachariah) (Entered: 12/13/2012)

12/13/2012 7 NOTICE of Attorney Appearance by Califf Teal Cooper on behalf of MacroSolve, Inc. (Cooper, Califf) (Entered: 12/13/2012)

12/13/2012 8 NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 12/13/2012)

12/13/2012 9 CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 12/13/2012)

12/17/2012 10 Return of Service Executed as to Kmart Corporation on 12/6/2012, by personal service; answer due: 12/27/2012. (mll,) (Entered: 12/17/2012)

12/17/2012 11 Return of Service Executed as to Sears Holdings Corporation on 12/6/2012, by personal service; answer due: 12/27/2012. (mll,) (Entered: 12/17/2012)

12/17/2012 12 Return of Service Executed as to Kmart Holding Corporation on 12/6/2012, by personal service; answer due: 12/27/2012. (mll,) (Entered: 12/17/2012)

12/26/2012 13 Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Kmart Corporation, Kmart Holding Corporation, Sears Holdings Corporation, Sears Holdings Management Corporation, Sears, Roebuck and Co..(Yates, John) (Entered: 12/26/2012)

12/26/2012 14 SUMMONS Returned Executed by MacroSolve, Inc. Sears Holdings Management Corporation served on 12/6/2012, answer due 12/27/2012. (mjc,) (Entered: 12/27/2012)

12/26/2012 15 SUMMONS Returned Executed by MacroSolve, Inc. Sears, Roebuck and Co. served on 12/6/2012, answer due 12/27/2012. (mjc,) (Entered: 12/27/2012)

01/02/2013 Defendant's Unopposed First Application for Extension of Time to Answer Complaint 13 is granted pursuant to Local Rule CV-12 for Kmart Holding Corporation to 1/28/2013; Sears, Roebuck and Co. to 1/28/2013; Sears Holdings Corporation to 1/28/2013; Sears Holdings Management Corporation to 1/28/2013; Kmart Corporation to 1/28/2013. 30 Days Granted for Deadline Extension.(mll,) (Entered: 01/02/2013)

01/15/2013 16 Order reassigning this case to United States District Judge Michael H. Schneider per General Order 13-3. Please see Appendix D: Addendum Regarding Cases Assigned to Judge Schneider. Judge Leonard Davis no longer assigned to the case. (tlh,) (Entered: 01/15/2013)

01/22/2013 17 Defendant's Unopposed Application for Extension of Time to Answer Complaint re Kmart Corporation, Kmart Holding Corporation, Sears Holdings Corporation, Sears Holdings Management Corporation, Sears, Roebuck and Co..(Yates, John) (Entered: 01/22/2013)

01/22/2013 Defendant's Unopposed Second Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Kmart Holding Corporation to 2/3/2013; Sears, Roebuck and Co. to 2/3/2013; Sears Holdings Corporation to 2/3/2013; Sears Holdings Management Corporation to 2/3/2013; Kmart Corporation to 2/3/2013. 15 Days Granted for Deadline Extension.(klb) (Entered: 01/23/2013)

01/31/2013 18 Unopposed MOTION for Extension of Time to File Answer by Kmart Corporation, Kmart Holding Corporation, Sears Holdings Corporation, Sears Holdings Management Corporation, Sears, Roebuck and Co.. (Attachments: # 1 Text of Proposed Order)(Barr, John) (Entered: 01/31/2013)

02/05/2013 19 ORDER granting 18 Motion for Extension of Time to Answer re 18 Unopposed MOTION for Extension of Time to File Answer. Answer is due by 2/22/2013. Signed by Judge Michael H. Schneider on 2/5/13. (mjc,) (Entered: 02/05/2013)

02/05/2013 Set/Reset Deadlines: Kmart Corporation answer due 2/22/2013; Kmart Holding Corporation answer due 2/22/2013; Sears Holdings Corporation answer due 2/22/2013; Sears Holdings Management Corporation answer due 2/22/2013; Sears, Roebuck and Co. answer due 2/22/2013. (mjc,) (Entered: 02/05/2013)

02/06/2013 20 ORDER REFERRING CASE to Magistrate Judge John D. Love for all pretrial proceedings. Signed by Judge Michael H. Schneider on 02/06/13. cc:attys 2-07-13(mll,) (Entered: 02/07/2013)

02/22/2013 21 ANSWER to 1 Complaint by Kmart Corporation, Kmart Holding Corporation, Sears Holdings Corporation, Sears Holdings Management Corporation, Sears, Roebuck and Co..(Barr, John) (Entered: 02/22/2013)

02/22/2013 22 CORPORATE DISCLOSURE STATEMENT filed by Kmart Corporation, Kmart Holding Corporation, Sears Holdings Corporation, Sears Holdings Management Corporation, Sears, Roebuck and Co. (Barr, John) (Entered: 02/22/2013)

02/27/2013 23 NOTICE by MacroSolve, Inc. of Readiness for Scheduling Conference (Cooper, Califf) (Entered: 02/27/2013)

04/09/2013 24 ORDER TO MEET, REPORT, AND APPEAR. Scheduling/Status Conference set for 5/10/2013 09:30 AM before Magistrate Judge John D. Love. Signed by Magistrate Judge John D. Love on 04/09/13. (mll,) (Entered: 04/09/2013)

US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:12cv915

Macrosolve, Inc. v. Bed Bath & Beyond, Inc.

This case was retrieved from the court on Wednesday, April 17, 2013

Date Filed: 12/04/2012	Class Code: CLOSED
Assigned To: Judge Michael H. Schneider	Closed: Yes
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Both
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: None	
Jurisdiction: Federal Question	

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<i>Date</i>	<i>#</i>	<i>Proceeding text</i>	<i>Source</i>
12/04/2012	1	COMPLAINT against Bed Bath & Beyond, Inc. (Filing fee \$ 350 receipt number 0540-3901037.), filed by MacroSolve, Inc.. (Attachments: # 1 Civil Cover Sheet)(Antonelli, Matthew) (Entered: 12/04/2012)	
12/04/2012	2	NOTICE by MacroSolve, Inc. of Related Cases (Antonelli, Matthew) (Entered: 12/04/2012)	
12/04/2012		Judge Leonard Davis added. (mll,) (Entered: 12/05/2012)	
12/05/2012	3	SUMMONS Issued as to Bed Bath & Beyond, Inc. and emailed to pltf for service. (klb) (Entered: 12/05/2012)	
12/13/2012	4	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Antonelli, Matthew) (Entered: 12/13/2012)	
12/13/2012	5	NOTICE of Attorney Appearance by Larry Dean Thompson, Jr on behalf of MacroSolve, Inc. (Thompson, Larry) (Entered: 12/13/2012)	
12/13/2012	6	NOTICE of Attorney Appearance by Zachariah Harrington on behalf of MacroSolve, Inc. (Harrington, Zachariah) (Entered: 12/13/2012)	
12/13/2012	7	NOTICE of Attorney Appearance by Califf Teal Cooper on behalf of MacroSolve, Inc. (Cooper, Califf) (Entered: 12/13/2012)	
12/13/2012	8	NOTICE of Attorney Appearance by Kris Yue Teng on behalf of MacroSolve, Inc. (Teng, Kris) (Entered: 12/13/2012)	
12/13/2012	9	CORPORATE DISCLOSURE STATEMENT filed by MacroSolve, Inc. (Antonelli, Matthew) (Entered: 12/13/2012)	
12/17/2012	10	Return of Service Executed as to Bed Bath & Beyond, Inc. on 12/6/2012, by personal service; answer due: 12/27/2012. (mll,) (Entered: 12/17/2012)	
12/18/2012	11	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Bed Bath & Beyond, Inc..(McNabnay, Neil) (Entered: 12/18/2012)	
12/26/2012		Defendant's Unopposed First Application for Extension of Time to Answer Complaint 11 is granted pursuant to Local Rule CV-12 for Bed Bath & Beyond, Inc. to 1/28/2013. 30 Days Granted for Deadline Extension.(mll,) (Entered: 12/26/2012)	
01/15/2013	12	Order reassigning this case to United States District Judge Michael H. Schneider per General Order 13-3. Please see Appendix D: Addendum Regarding Cases Assigned to Judge Schneider. Judge Leonard Davis no longer assigned to the case. (tlh,) (Entered: 01/15/2013)	
01/28/2013	13	ANSWER to 1 Complaint , Affirmative Defenses, COUNTERCLAIM against MacroSolve, Inc. by Bed Bath & Beyond, Inc..(McNabnay, Neil) (Entered: 01/28/2013)	
01/28/2013	14	CORPORATE DISCLOSURE STATEMENT filed by Bed Bath & Beyond, Inc. (McNabnay, Neil) (Entered: 01/28/2013)	
01/29/2013	15	ANSWER to 13 Answer to Complaint, Counterclaim of Bed Bath & Beyond, Inc. by MacroSolve, Inc..(Cooper, Califf) (Entered: 01/29/2013)	

- 02/06/2013 16 ORDER REFERRING CASE to Magistrate Judge John D. Love for all pretrial proceedings. Signed by Judge Michael H. Schneider on 02/06/13. cc:attys 2-07-13(mll,) (Entered: 02/07/2013)
- 02/27/2013 17 NOTICE by MacroSolve, Inc. of Readiness for Scheduling Conference (Cooper, Califf) (Entered: 02/27/2013)
- 03/19/2013 18 Joint MOTION to Stay All Deadlines by Bed Bath & Beyond, Inc., MacroSolve, Inc.. (Attachments: # 1 Text of Proposed Order)(Cooper, Califf) (Entered: 03/19/2013)
- 03/20/2013 19 ORDER granting 18 Motion to Stay. All deadlines are stayed to 4-19-2013. Parties are ORDERED to submit closing documents no later than 4-19-2013. Signed by Magistrate Judge John D. Love on 03/20/13. cc:attys 3-20-13 (mll,) (Entered: 03/20/2013)
- 04/10/2013 20 Joint MOTION to Dismiss Bed Bath & Beyond, Inc. With Prejudice by Bed Bath & Beyond, Inc., MacroSolve, Inc.. (Attachments: # 1 Text of Proposed Order)(Cooper, Califf) (Entered: 04/10/2013)
- 04/15/2013 21 ORDER granting 20 Motion to Dismiss. All claims and counterclaims made by MacroSolve and Defendant Bed Bath & Beyond Inc against each other in this action are dismissed with prejudice. Each party shall bear its own attorneys' fees and costs. Signed by Judge Michael H. Schneider on 04/15/13. (mll,) (Entered: 04/15/2013)
- 04/15/2013 22 FINAL JUDGMENT that the parties take nothing and that all pending motions are DENIED AS MOOT. All costs are to be borne by the party that incurred them. All claims, counterclaims, and third-party claims in the instant suit are DISMISSED in their entirety. The Clerk of the Court is directed to close this case. Signed by Judge Michael H. Schneider on 04/15/13. (mll,) (Entered: 04/15/2013)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Tyler)

6:12cv744

Macrosolve, Inc. v. Redbox Automated Retail, Llc

This case was retrieved from the court on Saturday, April 06, 2013

Date Filed: 10/05/2012	Class Code: OPEN
Assigned To: Judge Michael H. Schneider	Closed: No
Referred To: Magistrate Judge John D. Love	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Both
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 6:11cv00101	
Jurisdiction: Federal Question	

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